



NOTICE OF AGENDA

PLANNING COMMISSION

[City of Forest Lake – Link to Meeting Livestream](#)

Forest Lake City Center – Council Chambers
Forest Lake, Minnesota

April 10, 2024 – 7:00 PM

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approve the Agenda
5. Consent Agenda Considerations (Action Items)*
 - a) Approve Planning Commission Meeting Minutes from March 27, 2024

*Planning Commission may remove any item from the consent agenda for specific consideration
6. Regular Agenda (Action Items)
 - a) Public Hearing: Zoning Code Text Amendment – Reorganization and Structure
7. Staff Updates
 - a) April 24 PC Meeting Cancelled
8. Adjourn



Planning Commission

Regular Meeting

~ Minutes ~

1408 Lake Street South
Forest Lake, MN 55025
www.ci.forest-lake.mn.us

Dawn Bugge, C.D. Admin Assistant

Wednesday, March 27, 2024

7:00 PM

City Center - Council Chamber

[City of Forest Lake - Livestream and Recorded Meetings](#)

1. Call to Order

The Meeting was called to order at 7:00 p.m.

2. Roll Call

Attendee Name	Title	Status	Arrived
Paul Girard	Commission Chair	Present	
Susan Young	Commission Vice-Chair	Present	
Kevin Miller	Planning Commissioner	Absent	
Don Stehler	Planning Commissioner	Present	
Jeff Larson	Planning Commissioner	Present	
Jesse Wagner	Planning Commissioner	Present	
Tim Stender	Planning Commissioner	Present	

3. Pledge of Allegiance

4. Approve the Agenda

No comments on the Agenda

Motion: Commissioner Stender made a Motion to Approve the Agenda as presented.
Motion seconded by Commissioner Stehler. Motion carried 6-0.

5. Consent Agenda Considerations (Action Items)*

a. Approve Planning Commission Meeting Minutes from March 13, 2024

Motion: Commissioner Girard made a Motion to Remove Consent Agenda Item 5.a.
Motion seconded by Commissioner Young. Motion carried 5-0-1 (Stehler Abstained).

Chair Girard stated the discussion on page five, in the third paragraph, should be changed from “he also explained the concerns to public health with lots that are connected to City utilities,” to “he also explained the concerns to public health with lots that are not connected to City utilities.”

Commissioner Young requested a correction from “she shared septic systems were not appropriate for the area because of the soil and the lakes” to “she stated septic systems were not appropriate for the area because of the soil and the lakes.”

Motion: Commissioner Girard made a Motion to Approve Consent Agenda Item 5.a, as corrected.
Motion seconded by Commissioner Young. Motion carried 5-0-1 (Stehler Abstained).



Planning Commission

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6. Regular Agenda (Action Items)

a. Public Hearing: Westlake Shopping Center Expansion (119, 209, 289 12th Street SW) – Recommendation of Final Planned Unit Development Plan

City Planner Roberts provided a background on the final Planned Unit Development plan for the Westlake Shopping Center Expansion at 12th Street SW. He also provided an overview of the requested parking lot on the commercial site and highlighted the changes to the plans. He read the conditions that need to be met upon approval, noting the Planning Commission previously recommended approval of the preliminary Planned Unit Development plan.

Commissioner Stehler asked about the requirements of the shopping center to meet the impervious surface standards as approved by the City. He questioned if the landscaping and the impervious surface requirements were different issues.

City Planner Roberts responded that this shopping center is 80 percent impervious. The shopping center is removing impervious surfaces to install the parking lot. The City would like the landscaping improvements to be installed to reduce the impervious surface areas as part of the Planned Unit Development approval.

Commissioner Stehler questioned if the sentence regarding impervious surfaces on page thirteen could be removed.

City Planner Roberts answered that the sentence explains the requirements.

Commissioner Stehler stated that the sentence seemed unnecessary but if City staff were comfortable with the sentence, they could keep it in place.

Commissioner Young stated that absent landscaping, the impervious surface will eventually be lost. The landscaping ensures that the impervious area will be maintained.

Commissioner Stehler answered that if other Commissioners were not concerned, the changes were not necessary.

Commissioner Young voiced appreciation for the additional right-of-way to allow for planning for street improvements by the City.

Chair Girard stated that the trash enclosure elevations were mislabeled on page 42 of the report.



Planning Commission

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City Center - Council Chamber

Applicant Brian Holder, 8816 Six Forks Road, Raleigh, North Carolina, thanked the Planning Commission for their support of the project. He stated that the intent is to install all the landscaping as shown on the project plans.

Public Hearing was opened at 7:21 p.m.

No comments.

Public Hearing was closed at 7:22 p.m.

Motion: Commissioner Young made a Motion to Recommend to the City Council approval of the Final Planned Unit Development (PUD) Plan for the Westlake Shopping Center located at 119, 209, and 289 12th Street SW subject to conditions of approval as listed in the staff report. Motion seconded by Commissioner Stender. Motion carried 5-0.

Chair Girard noted that this item will go before the City Council for final action.

7. Staff Updates

Councilmember Roberts thanked Chair Girard for being the Easter Bunny at the recent event. He also reviewed the search process for the City Administrator position.

City Planner Roberts stated the work on Mister Car Wash will be pushed back a few weeks due to the poor weather. The next meeting for the Planning Commission is April 10.

Chair Girard encouraged the Commissioners to watch the video of the Planning Commission meeting from February 28 to understand the proposed zoning code changes.

Commissioner Young explained the zoning codes were combined when the township and City joined together to form the current zoning code the now in use by the City.

Chair Girard requested the presentation regarding zoning code update be sent to the commissioners.

City Planner Roberts explained the zoning code update aims to include more graphics rather than just text.

Commissioner Young questioned the development at the Northeast section of Shadow Creek and the development on 202nd. She did not see information about these developments.

City Planner Roberts responded that the property owner of the section of Shadow Creek might have secured a buyer. There is development planned around the horse stables at the property on 202nd Street.



Planning Commission

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7:00 PM

City Center - Council Chamber

Commissioner Young asked if the City was still planning on opening a yard waste site.

City Planner Roberts responded that residents would use the Hugo yard waste site this year.

8. Adjourn

Motion: Commissioner Stender made a Motion to Adjourn the meeting at 7:34 p.m.

Motion seconded by Commissioner Larson. Motion carried 6-0.



Date: April 10, 2024

To: Chair Girard and Planning Commission Members

From: Abbi Wittman, Community Development Director
Ken Roberts, City Planner

Re: Zoning Code Ordinance Amendment – Public Hearing

Introduction/Background

On February 28, 2024, the Planning Commission heard a presentation from the City's consulting planners from MSA Professional Services Claire Stickler and Kate Eiyndck. In this presentation they shared their findings and suggestions as to how the City could better organize and structure the City's Zoning Code. The goal of the proposed reorganization (the Architecture of the Code) is to make it more user friendly for City staff, Planning Commission members and the general public. The Planning Commission appeared supportive of the proposed reorganization of the Zoning Ordinance with the understanding the current proposed changes did not include any changes to the text of the ordinance.

Discussion

Enclosed is a memo from MSA that summarizes the proposed zoning ordinance text amendment for Chapter 153 of the City Code. The proposed new "architecture" of the Zoning Code reduces the number of Sections from 18 to 6 and significantly reduces the number of subsections in the Zoning Ordinance. The proposed ordinance amendment also reorganizes the sections in the Zoning Code by putting those parts of the Code that people use most frequently near the beginning and those sections that are used less often toward the end of the ordinance.

The proposed Zoning Ordinance Amendment does not have changes to the existing text. It does include, however, a Comprehensive Use Table as proposed Section 153.065. The consultant's memo also includes a table that lists each of the proposed new code section numbers and the previous code section numbers for each part of the Zoning Ordinance.

At the Commission's meeting, MSA staff will present the Planning Commission with an overview of the proposed Zoning Ordinance amendment. The Commission should hear the presentation from MSA about the proposed Zoning Ordinance amendment. After the presentation, the Commission should ask questions of staff and the consulting team about the proposed Zoning Ordinance amendment and conduct the public hearing.

It is the intent of staff that after the City adopts the proposed ordinance amendment creating new architecture for the Zoning Code, the City would proceed with subsequent ordinance amendments that will clean up some of the inconsistencies, redundancies, gaps, etc. in the Zoning Ordinance.

Recommendation

Staff recommends the Planning Commission open the public hearing, take public comment, close the hearing, and discuss the enclosed Zoning Ordinance Amendment. After all discussion has occurred, staff recommends the Commission **move to recommend the City Council adopt the proposed Ordinance Amending Title XV, Land Usage, that repeals and replaces Chapter 153: Zoning Code.**

Attachments:

1. MSA memo dated March 20, 2024
2. Proposed Zoning Code Ordinance Amendment XXX
3. Comprehensive Use Table



To: Forest Lake Planning Commission

CC: Abbi Wittman, Community Development Director
Ken Roberts, City Planner

From: Claire Stickler, MSA Professional Services

Subject: Zoning Code Text Amendment – Structure and Reorganization

Date: March 20, 2024 (For April 10, 2024 PC meeting)

The proposed ordinance amendment for the Forest Lake Zoning Code architecture provides the new layout for Chapter 153 of the City Code. The new architecture reduces the number of sections from 18 to 6 and reduces the 366 subsections to 216. The only amendment to the language of the text is the addition of the Comprehensive Use Table (proposed 153.065). This Section is placed in Zoning District Regulations directly before the district subsections. In this memo staff has provided the new Code Section number and layout on the left side of the chart, and the previous code number is on the right side.

Proposed Full Layout

Previous Code Number

Proposed Full Layout	Previous Code Number
General Provisions	No Change
153.001 Title	" "
153.002 Authority	" "
153.003 Intent	" "
153.004 Relationship to the Comprehensive Plan	" "
153.005 Scope	" "
153.006 Interpretation and application	" "
153.007 Official Zoning Map	" "
153.008 Zoning district boundaries	" "
153.009 Severability	" "
153.010 Definitions	" "
Applications and Procedures	Subsection 2
153.025 Purpose	No Change
153.026 General procedures	" "

153.027 Zoning interpretation	“ “
153.028 Required neighborhood meetings	“ “
153.029 Certificate of compliance	“ “
153.030 Building permit	“ “
153.031 Driveway access approval	“ “
153.032 On-site waste disposal permits	“ “
153.033 Certificate of occupancy	“ “
153.034 Conditional uses	“ “
153.035 Interim uses	“ “
153.036 Variances	“ “
153.037 Zoning ordinance text and map amendments	“ “
153.038 Site plan approval	“ “
Nonconformities	Subsection 3
153.050 Purpose	No Change
153.051 Nonconforming uses	“ “
153.052 Nonconforming lot of record	“ “
153.053 Nonconforming residential structures	“ “
153.054 Nonconforming site and building improvements	“ “
Zoning District Regulations	Subsection 16
153.064 Zoning district regulations	153.315
153.065 Comprehensive Use Table	New - Didn't Exist
153.066 Conservancy (C) District	153.316
153.067 Agriculture (A) District	153.317
153.068 Rural Residential (RR) District	153.318
153.069 Single-Family (SF) Residential District	153.319
153.070 Mixed Single-Family Residential District (MXR-1)	153.320
153.071 Mixed Residential, Single and Two-Family (MXR-2) District	153.321
153.072 Mixed Residential (MXR-3) District	153.322
153.073 Multiple-Family Residential (MF) District	153.323
153.074 Minimum standards for design: applicable to all commercial/business districts (NC, B-1, B-2)	153.324
153.075 [Reserved.]	153.325
153.076 Neighborhood Commercial (NC) District	153.326
153.077 Broadway Business (B-1) District	153.327
153.078 Highway Business (B-2) District	153.328
153.079 Limited Industrial Business (B-3) District	153.329
153.080 Minimum standards for design: applicable to all industrial districts (I, BP) and the B-3 District	153.330
153.081 [Reserved.]	153.331
153.082 Industrial (I) District	153.332
153.083 Business Park (BP) District	153.333
153.084 Downtown Mixed Use (MU-1) District	153.334
153.085 General Mixed Use (MU-2) District	153.335

Overlay Districts	Overlay Districts Subsection 17
153.086 Agricultural Preserve (AP) Overlay District	153.340
153.087 Planned Unit Development (PUD) Overlay District	153.341
153.088 Rural Open Space Housing Cluster Planned Unit Development regulations	153.342
153.089 Shoreland Overlay District	153.343
153.090 Airport Overlay District	153.344
General Standards for Use Regulations	Subsection 5
153.091 Purpose	153.095
153.092 Standards for uses	153.096
General Development Regulations	Subsection 4
153.100 Applicability	153.065
153.101 Individual sewage treatment systems	153.066
153.102 Sloping or erodible building sites	153.067
153.103 Required yards and open spaces	153.068
153.104 Minimum dwelling requirements	153.069
153.105 Usable attic space	153.070
153.106 Code compliance	153.071
153.107 Buildable lot area, net	153.072
153.108 Number of structures	153.073
153.109 Prohibited dwelling units	153.074
153.110 Occupancy of single-family dwelling	153.075
153.111 Traffic control	153.076
153.112 Private roads	153.077
153.113 Maximum height	153.078
153.114 Setbacks along unclassified water bodies	153.079
153.115 Inclusionary housing requirements	153.308 (Additional Requirements)
Off-Street Parking and Loading Regulations	Subsection 7
153.116 Purpose	153.125
153.117 Scope of regulations	153.126
153.118 General provisions	153.127
153.119 Design, construction, and maintenance	153.128
153.120 Parking provisions in residential districts	153.129
153.121 Parking provisions in business districts	153.130
153.122 Parking provisions in industrial districts	153.131
153.123 Parking design requirements in business, commercial, mixed use, and industrial districts	153.132
153.124 Required off-street parking spaces and garages	153.133
153.125 Off-street loading and unloading areas	153.134
153.126 Minimum parking space and aisle dimensions	153.135

Exterior Storage In Residential Districts; Screening and Fence Regulations	Subsection 8
153.127 Exterior storage in residential districts	153.145
153.128 Screening	153.146
153.129 Fence regulations	153.147
Lighting Regulations	Subsection 9
153.130 Lighting regulations	153.185
Detached Accessory Structure Regulations	Subsection 6
153.131 Detached accessory structures in C, A, RR, SF, MXR-1, MXR-2, MXR-3, MU-1, MU-2, and BP Districts	153.110
153.132 Accessory structures in multiple-family developments	153.111
153.133 Accessory structures in business and industrial districts	153.112
Landscaping Regulations	Subsection 11
153.134 Purpose	153.230
153.135 Landscape plan	153.231
153.136 Minimum landscaping requirements	153.232
153.137 Landscape design	153.233
153.138 Building foundation landscaping	153.234
153.139 Selection, installation, and maintenance of landscaping	153.235
153.140 Landscape guarantee	153.236
153.141 Retaining walls	153.237
153.142 Landscaping letter of credit or cash escrow required	153.238
Land Alteration and Grading Regulations	Subsection 13
153.143 Land alteration and grading	153.270
153.144 Permit application, review, and approval procedure	153.271
153.145 Construction site standards	153.272
153.146 Erosion control	153.273
153.147 Sediment control	153.274
153.148 Restoration	153.275
153.149 Public waters	153.276
153.150 Drainage	153.277
153.151 Preservation of natural drainageways/waterways and wetland preservation	153.278
153.152 Preservation of natural drainageways/waterways	153.279
Sign Regulations	Subsection 10
153.162 Signs	153.205
153.163 Changeable electronic copy signs	153.206
153.164 Signs in residential and agricultural districts	153.207
153.165 Wall signs and freestanding signs in all commercial, mixed-use commercial, and industrial zoning districts	153.208
153.166 Billboard signs	153.209
153.167 Temporary signs	153.210

153.168 Sign construction and maintenance	153.211
153.169 Administration, compliance, and enforcement	153.212
Environmental Regulations	Subsection 12
153.180 Purpose	153.250
153.181 Explosives	153.251
153.182 Radiation and electrical interference	153.252
153.183 Noise, odor, air, and water pollution	153.253
153.184 Vibrations	153.254
153.185 Glare or heat	153.255
153.186 Public health	153.256
153.187 Refuse	153.257
153.188 Vacant land	153.258
153.189 Hazardous waste	153.259
153.190 Vehicles	153.260
153.191 Outdoor wood boiler systems	153.261
153.192 Drilling of wells in drinking water supply management area	153.262
153.193 Wetland banks	153.309 (Additional Requirements)
153.194 Sustainability requirements for all business, commercial, industrial, mixed use, non-residential uses in a residential district and the Multi-Family Residential District	153.306 (Additional Requirements)
Woodland Preservation Regulations	Subsection 14
153.196 Purpose	153.295 P
153.197 Definitions	153.296
153.198 Woodland Preservation Plan	153.297
153.199 Permitted tree removals	153.298
153.200 Mitigation procedures	153.299
153.201 Tree replacement provisions	153.300
153.202 Required protective measures	153.301
153.203 Additional protective measures	153.302
Responsibilities, Enforcement, and Appeals	Subsection 18
153.210 General responsibilities of Community Development Department	153.360
153.211 General responsibilities of the City Administrator	153.361
153.212 General responsibilities of the Planning Commission	153.362
153.213 General responsibilities of the City Council	153.363
153.214 Development agreements and financial guarantees	153.364
153.215 Procedures to appeal decisions of the city	153.365
153.216 Violations	153.998

**CITY OF FOREST LAKE
WASHINGTON COUNTY, MINNESOTA
ORDINANCE NO. XXX**

**AN ORDINANCE REPEALING AND REPLACING TITLE XV, LAND USAGE,
CHAPTER 153 ZONING CODE**

THE CITY COUNCIL OF THE CITY OF FOREST LAKE ORDAINS AS FOLLOWS:

Section 1. Repeal and Replace. Title XV, Chapter 153 of the Forest Lake City Code is hereby repealed and replaced as follows:

CHAPTER 153: ZONING CODE

General Provisions

- 153.001 Title
- 153.002 Authority
- 153.003 Intent
- 153.004 Relationship to the Comprehensive Plan
- 153.005 Scope
- 153.006 Interpretation and application
- 153.007 Official Zoning Map
- 153.008 Zoning district boundaries
- 153.009 Severability
- 153.010 Definitions

Applications and Procedures

- 153.025 Purpose
- 153.026 General procedures
- 153.027 Zoning interpretation
- 153.028 Required neighborhood meetings

- 153.029 Certificate of compliance
- 153.030 Building permit
- 153.031 Driveway access approval
- 153.032 On-site waste disposal permits
- 153.033 Certificate of occupancy
- 153.034 Conditional uses
- 153.035 Interim uses
- 153.036 Variances
- 153.037 Zoning ordinance text and map amendments
- 153.038 Site plan approval

Nonconformities

- 153.050 Purpose
- 153.051 Nonconforming uses
- 153.052 Nonconforming lot of record
- 153.053 Nonconforming residential structures
- 153.054 Nonconforming site and building improvements

Zoning District Regulations

- 153.064 Zoning district regulations
- 153.065 Comprehensive Use Table
- 153.066 Conservancy (C) District
- 153.067 Agriculture (A) District
- 153.068 Rural Residential (RR) District
- 153.069 Single-Family (SF) Residential District
- 153.070 Mixed Single-Family Residential District (MXR-1)
- 153.071 Mixed Residential, Single and Two-Family (MXR-2) District
- 153.072 Mixed Residential (MXR-3) District
- 153.073 Multiple-Family Residential (MF) District
- 153.074 Minimum standards for design: applicable to all commercial/business districts (NC, B-1, B-2)

- 153.075 [Reserved.]
- 153.076 Neighborhood Commercial (NC) District
- 153.077 Broadway Business (B-1) District
- 153.078 Highway Business (B-2) District
- 153.079 Limited Industrial Business (B-3) District
- 153.080 Minimum standards for design: applicable to all industrial districts (I, BP) and the B-3 District
- 153.081 [Reserved.]
- 153.082 Industrial (I) District
- 153.083 Business Park (BP) District
- 153.084 Downtown Mixed Use (MU-1) District
- 153.085 General Mixed Use (MU-2) District
- Overlay Districts
- 153.086 Agricultural Preserve (AP) Overlay District
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- 153.088 Rural Open Space Housing Cluster Planned Unit Development regulations
- 153.089 Shoreland Overlay District
- 153.090 Airport Overlay District
- General Standards for Use Regulations
- 153.091 Purpose
- 153.092 Standards for uses
- General Development Regulations
- 153.100 Applicability
- 153.101 Individual sewage treatment systems
- 153.102 Sloping or erodible building sites
- 153.103 Required yards and open spaces
- 153.104 Minimum dwelling requirements
- 153.105 Usable attic space
- 153.106 Code compliance

- 153.107 Buildable lot area, net
- 153.108 Number of structures
- 153.109 Prohibited dwelling units
- 153.110 Occupancy of single-family dwelling
- 153.111 Traffic control
- 153.112 Private roads
- 153.113 Maximum height
- 153.114 Setbacks along unclassified water bodies
- 153.115 Inclusionary housing requirements

Off-Street Parking and Loading Regulations

- 153.116 Purpose
 - 153.117 Scope of regulations
 - 153.118 General provisions
 - 153.119 Design, construction, and maintenance
 - 153.120 Parking provisions in residential districts
 - 153.121 Parking provisions in business districts
 - 153.122 Parking provisions in industrial districts
 - 153.123 Parking design requirements in business, commercial, mixed use, and industrial districts
 - 153.124 Required off-street parking spaces and garages
 - 153.125 Off-street loading and unloading areas
 - 153.126 Minimum parking space and aisle dimensions
- #### Exterior Storage In Residential Districts; Screening and Fence Regulations
- 153.127 Exterior storage in residential districts
 - 153.128 Screening
 - 153.129 Fence regulations
- #### Lighting Regulations
- 153.130 Lighting regulations

Detached Accessory Structure Regulations

153.131 Detached accessory structures in C, A, RR, SF, MXR-1, MXR-2, MXR-3, MU-1, MU-2, and BP Districts

153.132 Accessory structures in multiple-family developments

153.133 Accessory structures in business and industrial districts

Landscaping Regulations

153.134 Purpose

153.135 Landscape plan

153.136 Minimum landscaping requirements

153.137 Landscape design

153.138 Building foundation landscaping

153.139 Selection, installation, and maintenance of landscaping

153.140 Landscape guarantee

153.141 Retaining walls

153.142 Landscaping letter of credit or cash escrow required

Land Alteration and Grading Regulations

153.143 Land alteration and grading

153.144 Permit application, review, and approval procedure

153.145 Construction site standards

153.146 Erosion control

153.147 Sediment control

153.148 Restoration

153.149 Public waters

153.150 Drainage

153.151 Preservation of natural drainageways/waterways and wetland preservation

153.152 Preservation of natural drainageways/waterways

Sign Regulations

153.162 Signs

153.163 Changeable electronic copy signs

153.164 Signs in residential and agricultural districts

153.165 Wall signs and freestanding signs in all commercial, mixed-use commercial, and industrial zoning districts

153.166 Billboard signs

153.167 Temporary signs

153.168 Sign construction and maintenance

153.169 Administration, compliance, and enforcement

Environmental Regulations

153.180 Purpose

153.181 Explosives

153.182 Radiation and electrical interference

153.183 Noise, odor, air, and water pollution

153.184 Vibrations

153.185 Glare or heat

153.186 Public health

153.187 Refuse

153.188 Vacant land

153.189 Hazardous waste

153.190 Vehicles

153.191 Outdoor wood boiler systems

153.192 Drilling of wells in drinking water supply management area

153.193 Wetland banks

153.194 Sustainability requirements for all business, commercial, industrial, mixed use, non-residential uses in a residential district and the Multi-Family Residential District

Woodland Preservation Regulations

153.196 Purpose

153.197 Definitions

153.198 Woodland Preservation Plan

153.199 Permitted tree removals

- 153.200 Mitigation procedures
- 153.201 Tree replacement provisions
- 153.202 Required protective measures
- 153.203 Additional protective measures

Responsibilities, Enforcement, and Appeals

- 153.210 General responsibilities of Community Development Department
- 153.211 General responsibilities of the City Administrator
- 153.212 General responsibilities of the Planning Commission
- 153.213 General responsibilities of the City Council
- 153.214 Development agreements and financial guarantees
- 153.215 Procedures to appeal decisions of the city
- 153.216 Violations

GENERAL PROVISIONS

§ 153.001 TITLE.

This chapter may be known, cited, and referred to as the "Forest Lake Zoning Ordinance," except as referred to herein where it may be known as "this chapter."

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.002 AUTHORITY.

This chapter is enacted pursuant to the authority granted by the Municipal Planning Act, M.S. §§ 462.351 to 462.364, as they may be amended from time to time.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.003 INTENT.

(A) This chapter is enacted to promote the public health, safety, and general welfare of the city and its people through establishment of minimum regulations governing the development and use of property within the city.

(B) The regulations are established for the following reasons:

- (1) Implement the Comprehensive Plan;
 - (2) Promote planned and orderly development and redevelopment in the city;
 - (3) Provide adequate light, air, and convenient access to property;
 - (4) Limit congestion in the public right-of-way;
 - (5) Prevent overcrowding of land and undue concentration of population and structures;
 - (6) Provide for the compatible integration of different land uses and protect from incompatible land uses;
 - (7) Conserve and protect natural resources in accordance with the provisions of this chapter;
 - (8) Facilitate the provision of water, utilities, and sewage disposal systems to property;
 - (9) Protect, to a reasonable extent, the population from fire and other matters affecting public safety;
 - (10) Maintain, to a reasonable extent, property values and the tax base of the city; and
 - (11) Provide for the administration of this chapter and amendments to it, define the powers and duties imposed by this chapter, and prescribe penalties for violation of its provisions.
- (Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.004 RELATIONSHIP TO THE COMPREHENSIVE PLAN.

The administration, enforcement, and amendment of this chapter shall be consistent with the policies contained in the city's adopted Comprehensive Plan. In accordance with Minnesota Statutes, the City Council will not approve any rezoning or other changes in this chapter that are inconsistent with the city's Comprehensive Plan.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.005 SCOPE.

From and after the effective date of this chapter, the use of all land and all buildings erected, altered, enlarged, or relocated, and every use accessory thereto, shall be in conformance with the provisions of this chapter. Any existing use or building, lot, or development which was legally established but is not in conformance with the provisions of this chapter shall be regarded as nonconforming and may continue in existence only for such period of time and under such conditions as stated in this chapter.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.006 INTERPRETATION AND APPLICATION.

(A) The provisions of this chapter shall be minimum requirements. Where the conditions imposed by any provision of this chapter differ from those required by any statute or other ordinance of the city, the regulations that are more restrictive or which impose the higher standard shall prevail.

(B) Except as otherwise provided in this chapter, the following shall apply to a use not provided for within a zoning district:

(1) If a use is not specifically permitted in a zoning district, the use shall be considered prohibited in the zoning district;

(2) The City Council may direct city staff to conduct a study to determine if a particular use complies with the Comprehensive Plan, in which zoning district, if any, the use is most appropriate, and which zoning provisions may apply to the use;

(3) The city or an applicant may initiate an amendment to this chapter to permit the particular use under consideration.

(C) The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction:

(1) The singular number includes the plural, and the plural includes the singular;

(2) The present tense includes the past and future tenses, and the future the present;

(3) The words "will" and "shall" are mandatory and the word "may" is permissive;

(4) The masculine gender includes the feminine and neuter genders;

(5) Words or terms defined in this chapter shall have the meanings assigned to them unless the meaning is clearly contrary to the intent of this chapter.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.007 OFFICIAL ZONING MAP.

(A) The location and boundaries of the zoning districts established by this chapter shall be known and may be referred to as the "Official Zoning Map." The Official Zoning Map and all notations, references, and data shown on it are incorporated by reference into this chapter and shall be as much a part of this chapter as if it were fully described herein.

(B) All property within the city shall have the zoning designation shown on the Official Zoning Map. If there is any discrepancy or inconsistency between the Official Zoning Map and any other map, ordinance, or source that intends to indicate the zoning of property, the Official Zoning Map shall take precedence.

(C) It shall be the responsibility of city staff to maintain the Official Zoning Map and to make changes on the map promptly whenever appropriate.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.008 ZONING DISTRICT BOUNDARIES.

(A) Except for the Shoreland Overlay District, zoning district boundary lines shown on the Official Zoning Map are intended to follow lot lines, the center lines of streets or alleys, the center lines of streets or alleys projected, railroad right-of-way lines, the center of watercourses, or the corporate limits of the city, unless otherwise indicated. In the case of the Shoreland Overlay District, the boundary lines of the districts shall be as stated in the Shoreland Overlay District.

(B) Appeals concerning the exact location of a zoning district boundary line shall be heard by the Forest Lake City Council serving as the Board of Adjustment and Appeals.

(C) Whenever any street, alley, or other public way is vacated by an official action of the city, the zoning district adjoining each side of the street, alley, or public way shall be automatically extended to the center of the vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

(D) All streets, alleys, public ways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property in the most restrictive classification immediately abutting upon the alleys, streets, public ways, or railroad rights-of-way. Where the centerline of a street, alley, public way, or railroad right-of-way serves as a district boundary, the zoning of the areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to the centerline.

(E) All areas within the corporate limits of the city which are under water and which are not shown as included within any zone shall be subject to all regulations of the zone which immediately adjoins the water area. If the water area adjoins 2 or more zones, the boundaries of each zone shall be construed to be extended into the water area in a straight line until they meet the other district at the halfway point and/or to the corporation limits.

(F) For the purpose of adult uses, as specified in the City Adult Use Ordinance, if a building or leased space is intersected by the allowed area boundary, then only that portion of the building or leased space within the allowed area will be permissible for an adult principal use.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.009 SEVERABILITY.

Every section or division of this chapter is declared separable from every other section or division. If any section or division is held to be invalid by competent authority, no other section or division shall be invalidated by the action or decision.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.010 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUTTING. Making direct contact with or immediately bordering.

ACCESSORY APARTMENT. A secondary dwelling unit within an existing owner-occupied single-family dwelling unit for use as a complete independent living facility. A density unit is not attributed to this dwelling unit when calculating density.

ACCESSORY BUILDING. A subordinate building or subordinate structure serving the principal use on the same lot and incidental thereto. **ACCESSORY BUILDINGS** include, but are not limited to, garages, sheds, or other storage buildings or structures but shall not include accessory dwellings.

ACCESSORY STORAGE CONTAINER. A container placed outdoors and used for the storage of goods, materials or merchandise that are used in connection with a lawful principal or accessory use of the lot. The term **ACCESSORY STORAGE CONTAINER** includes but is not limited to, containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars, piggyback containers, and portable moving and storage containers. The term **ACCESSORY STORAGE CONTAINER** does not include a garage, barn, or storage shed accessory to a dwelling, provided the structure is not of a type designed, equipped, or customarily used for over-the-road transport of goods, materials, or merchandise.

ACCESSORY USE. A use incidental or subordinate to the principal use of the same land.

ACCESSORY USE, CONDITIONAL. Uses that are clearly incidental to a principal permitted use or conditional use but which are located in a separate building may be allowed through the approval of a conditional use permit.

AGRICULTURAL BUILDING. A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

AGRICULTURAL BUSINESS. An agricultural business operated year-round on a rural farm (as defined) offering for sale to the general public produce or any derivative thereof grown or raised on the property by the seller.

AGRICULTURAL BUSINESS, SEASONAL. A temporary seasonal business on a commercially zoned property or operated on a rural farm (as defined), offering for sale to the general public produce or any derivative (such as honey, maple syrup) thereof grown or raised locally.

AGRICULTURAL USE. Land whose use is devoted to the production of horticulture and nursery stock, fruit of all kinds, vegetables, forage, grains, bees and apiary products, and raising domestic farm animals. This activity does not need to be the principal source of income.

AIRPORT or HELIPORT. Any land or structure which is used or intended for use for the landing and take-off of aircraft and any appurtenant land or structure used or intended for use for port buildings or other port structures or rights-of-way.

ALLEY. A public right-of-way that affords a secondary means of access to abutting property.

ALTERATION. To change or make different, to remodel or modify.

AMATEUR RADIO ANTENNA. Any equipment or device used exclusively for the purpose of sending and/or receiving electromagnetic signals for amateur radio service communications as defined in 47 C.F.R. 97.3(4), and as used in 47 C.F.R. 97.15(a). An AMATEUR RADIO ANTENNA includes any structure, such as a mast, pole, tower, or any combination thereof, used exclusively for supporting the AMATEUR RADIO ANTENNA.

ANIMAL UNIT. A unit of measure used to compare differences in the production of animal wastes that has a standard as the amount of waste produced on a regular basis by a slaughter steer or heifer.

ANIMALS, DOMESTIC FARM. Cattle, hogs, horses, bees, sheep, goats, chickens, and other animals commonly kept for commercial food producing purposes.

ANIMALS, DOMESTIC PETS. Dogs, cats, birds, and similar animals commonly kept in a residence or structures accessory to a residence.

ANIMALS, NONDOMESTIC PETS. Animals considered wild or exotic, such as bears, lions, wolves, ocelots, and similar animals.

ANTENNA. Any exterior transmitting or receiving device mounted on a tower, monopole, building, or other structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communications signals. ANTENNA does not include a lightning rod.

APPLICANT. The owners, their agent, or representative having interest in land where an application for city review of any permit, use, or development is required by this chapter.

APPRAISED VALUATION. The market value of a structure or lot as determined by the current records of the City Assessor.

AREA, GROSS DEVELOPABLE. Those lands within a development parcel remaining after the deletion of wetlands, all other water bodies, and public road rights-of-way.

ATTIC. Space of a building located directly under a roof that is not directly free and open to the public and is unfinished or finished only to a limited degree to provide for inactive storage and/or mechanical equipment.

ATTORNEY. The City Attorney.

AUTO REDUCTION YARD. A lot or yard where 3 or more unlicensed motor vehicles or the remains thereof are kept for the purpose of dismantling, sale of parts, sale as scrap, storage, or abandonment.

AUTO SALES, LEASING, RENTAL REPAIR, SERVICE, WASH. See MOTOR VEHICLE.

BALLOON PORT, COMMERCIAL. An area of land designated for the take-off, storage, and maintenance of hot air balloons on a commercial basis.

BASEMENT. Any floor level below the first story, as further defined by the adopted Building Code.

BED AND BREAKFAST INN. An owner-occupied private home where accommodations are offered for 1 or more nights to transients.

BOARD OF ADJUSTMENT AND APPEALS. An official city board, prescribed in the Minnesota Planning Act, to hear and act on appeals and variances to the regulations in this chapter or the administration thereof.

BREWERY. A location where malt liquor is produced.

BUFFER. A strip of land intended to create physical separation between potentially incompatible uses of land or environmentally sensitive areas.

BUILDABLE LOT AREA, NET. The space remaining on a lot after the setback requirements, area with a slope of 3:1 or 33% or more, 100-year floodplain, and drainage easements or wetland have been subtracted.

BUILDING. Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal, or property of any kind. When any portion thereof is completely separated from every other part thereof by area separation, each portion of the building shall be deemed as a separate building.

BUILDING CODE. The Minnesota State Building Code.

BUILDING HEIGHT. The vertical distance between the highest adjoining ground level within 5 feet of the building, or 10 feet above the lowest ground level within 5 feet of the building, whichever is lower, and the highest point of a flat or mansard roof, or the average height of the highest gable of a pitched or hipped roof. See §§ 153.064 et seq. for accessory building height requirements. See §§ 153.129 et seq. for fence height requirements.

BUILDING OFFICIAL. The designated authority charged with the administration and enforcement of the State Building Code.

BUILDING PERMIT. A permit required from the responsible governmental agency before any site work, construction, or alteration to structures can be started.

BUILDING SETBACK. See SETBACK.

BUILDING SETBACK LINE, MINIMUM REQUIRED. A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line, delineated wetland or an ordinary high-water mark or line, behind which buildings or structures must be placed.

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

CAR WASH. See MOTOR VEHICLE WASH.

CARPORT. A permanent automobile shelter having 1 or more sides open.

CEMETERY. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbariums, mausoleums, and chapels when operated in conjunction with and within the boundaries of the cemetery.

CERTIFICATE OF COMPLIANCE. A certificate issued by the city documenting that a proposed development will meet all development standards if the project proceeds in accordance with the plans.

CERTIFICATE OF OCCUPANCY. A certificate issued by the Building Official authorizing the use or occupancy of a building or structure.

CERTIFICATE OF SURVEY. A legal document depicting property information that is signed by a registered land surveyor under Minnesota state laws.

CITY. A conglomeration of public officials, Council, commission, and committee as duly elected or appointed.

CITY COUNCIL. The governing body of the City of Forest Lake.

CLUB or LODGE. A non-profit association of persons who are members paying annual dues and where the use of the premises is restricted to members and their guests.

CLUSTER DEVELOPMENT, RURAL. A development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land as accomplished through a Planned Unit Development.

COLUMBARIUM. A structure, room, or other space in a building or structure containing niches for inurnment of cremated remains in a place used, or intended to be used, and dedicated for cemetery purposes.

COMMERCIAL FOOD PRODUCING FARM OPERATIONS. See FARMLAND.

COMMON OPEN SPACE. Land held in common ownership used for natural habitat, pedestrian corridors, and/or recreational purposes that are protected from future development.

COMPREHENSIVE PLAN. The policies, statements, goals, and interrelated plans for private and public land and water use, transportation and community facilities, including recommendations for planned implementation, documented in texts, and maps which constitute the guide for the future development of the city.

CONDITIONAL USE. See USE, CONDITIONAL.

CONDITIONAL USE PERMIT. A permit issued by the City Council in accordance with procedures specified in § 153.034.

CONDOMINIUM. An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building.

CONSERVATION EASEMENT. An interest in real property created in a manner that imposes limitations or affirmative obligations regarding the use of property, including the retention, protection and maintenance of natural resources, open space, and agriculture.

CONSTRUCTION TRAILER. A mobile manufactured trailer that temporarily serves as an office for building construction or property maintenance services.

CONTIGUOUS. Parcels of land that share a common lot line or boundary. Parcels which are separated by a right-of-way, easement, or railroad right-of-way are considered contiguous for the purposes of this chapter.

CONTRACTOR'S YARD. An outdoor storage area used to store or stockpile construction equipment, machinery, or supplies used by the property owner or tenant for off-site construction or similar professions. This does not include the lease, retail, or wholesale sales of construction or home improvement equipment, machinery, or supplies.

CONVENIENCE STORE. See MOTOR VEHICLE CONVENIENCE STORE.

CONVEYANCE. As defined in Minnesota Statutes.

COST OF RENOVATION, REPAIR, OR REPLACEMENT. The fair market value of the materials, labor, and services necessary to accomplish the renovation, repair, or replacement as determined by the Building Official.

CRAWL SPACE. As defined by the Building Code.

CREMATORIUM or CREMATORY. A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

CURB LEVEL. The level of the established curb as measured at the top of curb, in front of a building or structure measured at the center of the front. Where no curb elevation has been established, the City Engineer shall establish the curb elevation.

DAY CARE FACILITIES. Include but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, daytime activity centers, day treatment programs and day services, nursery and preschools, and Montessori schools, as defined by Minnesota Statutes.

DAY CARE FACILITY, LICENSED. Any facility required to be licensed by a governmental agency which, for gain or otherwise, regularly provides 1 or more persons with care, training, supervision, rehabilitation, or development guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home.

DECIBEL. The unit of sound measured on the "A" weighing scale of a sound level meter, set on slow response, the weighing characteristics of which are specified in the "Standards on Sound Level Meters of the USA Standards Institute."

DENSITY. The number of dwelling units permitted per acre of net developable acres of land as regulated by the applicable zoning district.

DENSITY UNITS. The number of individual dwelling units that can be located on a parcel of land as established through the use of a yield plan. For the purpose of this chapter, a multi-family residential dwelling is considered as having as many density units as there are individual dwelling units, regardless of whether those units are attached or detached.

DESIGN MANUAL. A prepared document for the purposes of articulating in written, graphic and pictorial form design requirements of the Zoning Code.

DISPOSAL AREA, ON-SITE SEWAGE TREATMENT. As defined by Washington County Codes.

DREDGING. The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

DRIVE-THRU. Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile occupants is offered regardless of whether service is also provided within a building.

DRIVEWAY ACCESS PERMIT. A permit required from the responsible governmental agency that allows access onto a public road. The permit must be acquired prior to construction and the issuance of a building permit.

DWELLING. A building or 1 or more portions thereof occupied exclusively for human habitation, but not including rooms in hotels, motels, or bed and breakfasts. (Also see DWELLING UNIT.)

(1) **ACCESSORY DWELLING.** A smaller, independent residential dwelling unit constructed on a permanent foundation and located on the same lot as a stand-alone (i.e., detached) single-family dwelling.

(2) **DUPLEX OR TWO-FAMILY DWELLING.** A residential building containing 2 complete dwelling units with separate housekeeping and cooking facilities for each and with both units being under the same ownership.

(3) **MULTIPLE-FAMILY DWELLING.** A residential building containing 8 or more dwelling units with separate housekeeping and cooking facilities for each.

(a) **APARTMENT, MULTIPLE-FAMILY DWELLING.** A room or suite of rooms available for rent which is occupied as a residence by a single-family or group of individuals living together as a single-family unit.

(b) **CONDOMINIUM, MULTI-FAMILY DWELLING.** A form of property ownership that includes individual ownership of a residential dwelling unit within a multi-family building and joint responsibility for maintenance and repairs of the land or other common property.

(c) **COOPERATIVE, MULTIPLE-FAMILY DWELLING.** A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific dwellings unit outright, as in a condominium, but they own shares in the enterprise.

(4) SEASONAL DWELLING. A residential building not capable of year-round occupancy due to non-winterized construction or inadequate nonconforming year-round on-site sewage treatment systems.

(5) SINGLE-FAMILY DWELLING, ATTACHED. A dwelling that is joined to another dwelling by a common wall.

(6) SINGLE-FAMILY DWELLING, DETACHED. A dwelling that is entirely surrounded by open space on the same lot.

(7) TEMPORARY DWELLING, CARE FACILITY. A manufactured home which temporarily serves as a residence for an infirm relative of the occupants residing in the primary single-family residence on the property where the relative requires care by the family.

(8) TEMPORARY DWELLING, DURING CONSTRUCTION. A manufactured home which temporarily serves as a residence for the present or potential occupant while the primary single-family residence is being constructed or reconstructed or altered due to natural catastrophe or fire.

(9) TOWNHOUSE DWELLING, ATTACHED. A single structure consisting of 2 or more dwelling units having the first floor at or near the ground level with no other dwelling units or portions thereof above or below with each dwelling unit connected to each other unit by a single party wall with no openings.

(10) TOWNHOUSE DWELLING, DETACHED. A dwelling that is entirely surrounded by open space and owned by an individual or owned in common by a homeowner's association.

DWELLING UNIT. A residential accommodation including complete kitchen and bathroom facilities, permanently installed, which is arranged, designed, used, or intended for use exclusively as living quarters for 1 family.

EASEMENT. A grant by an owner of land for a specific use by persons other than the owner.

ENGINEER. The City Engineer.

ENVIRONMENTAL IMPACT WORKSHEET, ASSESSMENT or STATEMENT. A document that might be required under Minnesota Statutes or this chapter to determine the environmental effects resulting from a ground disturbance, development, or construction activity.

EQUESTRIAN USES. Those uses commonly associated with the raising, maintaining, and training of horses for riding, racing, or breeding.

ESSENTIAL SERVICES, GOVERNMENTAL USES, BUILDINGS AND STORAGE. An area of land or structures used for public purposes, storage, or maintenance and which is owned or leased by a governmental unit.

ESSENTIAL SERVICES, UTILITY SUBSTATION. A utility use whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity in large-size long-distance transmission lines to small retail quantities in a neighborhood distribution system. These uses include electric substations and telephone switching and relay facilities. Business offices associated with these uses are not included as part of this definition.

EXTERIOR STORAGE. The storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

FACE LIFT. A renovation or restyling of the facade of a building, intended to give an attractive, more up-to-date appearance.

FAMILY. An individual, or 2 or more persons each related by blood, marriage, adoption, or foster care arrangement, living together as a single housekeeping unit, or a group of not more than 6 persons not related maintaining a common household exclusive of servants.

FARM. A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock, or poultry farming. Such farms may include agricultural dwellings and accessory buildings and structures necessary to the operations of the farm.

FARMLAND. Land that is capable of supporting the commercial production of agricultural crops, livestock or livestock products, poultry products, milk or dairy products, or fruit or other horticultural products.

FEEDLOT. A lot or building or combination of lots and buildings intended for the confined breeding, raising, or holding of animals, and specifically designed as a confinement area in which manure may accumulate, or where a concentration of animals is such that a vegetative cover cannot be maintained within the enclosures of open lots used for feeding and rearing of domestic farm animals shall be considered feedlots. Pastures are not considered feedlots.

FENCE. A partition, structure, wall, or gate erected as a dividing marker, visual or physical barrier, or enclosure.

FILL. Any act by which soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, or transported and shall include the conditions resulting thereupon.

FINAL PLAT. A drawing or map of an approved subdivision that meets all requirements of the subdivision regulations.

FITNESS AND HEALTH CENTER. A business that provides recreational services and facilities, usually for the benefit of its membership or the general public, involving aerobic exercises, strength and cardiovascular equipment, indoor or outdoor game courts, swimming pools, running tracks, massage, tanning, hair and other personal services, saunas, steam rooms, showers, lockers and the like that may be used at any time that the operation is open for business.

FLAG LOT. A lot with access provided to the bulk of the lot by means of a narrow corridor.

FLASHING LIGHT. See lighting-related definitions.

FLOODPLAIN. The areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.

FLOOR AREA. The area inside the exterior walls of a building or area. Measurements shall be made from the inside of exterior walls.

FLOOR PLAN, GENERAL. A graphic representation of the anticipated use of the floor area within a building or structure.

FLORIST, COMMERCIAL. A building or premises used primarily for the retail sale of flowers and small plants which may not have been grown or raised on the property and does not include a greenhouse.

FOOTPRINT. The area of the land covered by a building's foundation.

FRONTAGE. The boundary of a lot that abuts a public street or private road.

FULL-SERVICE HOTEL. A building having provision for 10 or more guests in which lodging is provided for compensation, and which is open to transient or permanent guests or both, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge. This type of facility may also include meeting rooms, on-site restaurant and/or bars or other public amenities.

FUNERAL HOME. A building or part thereof used for funeral services. The buildings may contain space and facilities for: embalming and the performance of other services used in preparation of the dead for burial; the storage of caskets, urns, and other related funeral supplies; and the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall not include facilities for cremation.

GARAGE, PRIVATE. A detached accessory building or portion of the principal building, including a carport, which is used primarily for the storing of vehicles, trailers, or trucks.

GARDEN SUPPLY STORE AND NURSERY YARD. A building or premises used primarily for the wholesale and retail sale of trees, shrubs, flowers, other plants, and accessory products, excluding power tools, tractors, decorative rock, tree bark, gravel, and compost. Accessory products are those products that are used in the culture, display, and decoration of lawns, gardens, and indoor plants.

GOLF COURSE. An area of land laid out for golf with a minimum series of 9 holes each, including a tee, fairway, and putting green and often 1 or more natural or artificial hazards.

GOVERNING BODY. The City Council.

GROUND LEVEL VIEW. The view of the building from the furthest point of the width of the right-of-way from the property line(s) that abuts a street.

HAZARDOUS BUILDINGS or HAZARDOUS PROPERTY. Any building or property that, because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.

HAZARDOUS MATERIAL. A chemical or substance, or a mixture of chemicals or substances, which:

(1) Is regulated by the Federal Occupational Safety and Health Administration regulations; or

(2) Is either toxic or highly toxic materials, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, pyrophoric, pressure-generating, a compressed gas, a carcinogen, a teratogen, a mutagen, a reproductive toxic agent, or that otherwise, according to generally accepted documented medical

or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance.

HEALTH/RECREATION FACILITY. An indoor facility that includes uses such as game courts, exercise equipment, locker rooms, jacuzzi and/or sauna, and pro shop.

HIGH POWER TRANSMISSION LINE. A 69 kV or greater electric transmission line with towers a minimum of 75 feet in height.

HISTORIC BUILDING AND STRUCTURE. A structure which has been identified by the Washington County History Network inventory or the State Historic Preservation Office as having public value due to its notable architectural features relating to the cultural heritage of the city.

HOME OCCUPATION. See § 153.092(L).

HOMEOWNER'S ASSOCIATION. A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating, and maintaining the common open space and facilities.

HORSE SHOW. An event where horses not boarded on the subject property are shown to the general public and guests.

HORSE TRAINING FACILITY, COMMERCIAL. A building in which horses not owned by the property owner are kept for commercial use, including boarding, breeding, hire, sale, show, and training.

HORSE TRAINING FACILITY, PRIVATE. A building in which horses owned by the property owner are kept for private use and training.

HOTEL. A building having provision for 10 or more guests in which lodging is provided with or without meals, for compensation, and which is open to transient or permanent guests or both, and which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

IMPERVIOUS SURFACE. The portion of the buildable parcel which has a covering which does not permit water to percolate into the natural soil. IMPERVIOUS SURFACE shall include, but not be limited to, buildings, all driveways and parking areas (whether paved or not), sidewalks, patios, tennis and basketball courts, covered decks, porches, and other structures.

INDIVIDUAL PARCEL. A parcel as a whole as charged on the tax lists or 2 or more contiguous parcels under common ownership on the effective date of this chapter.

INOPERATIVE VEHICLE. A vehicle incapable of movement under its own power.

INTERIM USE. See USE, INTERIM.

JUNK YARD. An area where used, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, gartered, cleaned, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber products, bottles, and lumber. Storage

of the material in conjunction with a permitted manufacturing process when within an enclosed area or building shall not be included.

KENNEL, COMMERCIAL. A business which conducts the selling, boarding, breeding, showing, treating or grooming of domestic animals over 6 months of age.

KENNEL, PRIVATE. An accessory structure kept on premises and owned by a member of the household, which are zoned and occupied for residential purposes and where the keeping of such domestic animals is incidental to the occupancy of the premises for residential purposes.

LAND ALTERATION. The reclaiming of land by depositing, removing, or moving material so as to alter the grade or topography.

LAND CLEARING. The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within any 12-month period. For specific regulations with regard to this definition, please refer to §§ 153.196 et seq. as it relates to woodland preservation.

LANDSCAPING. Planting trees, shrubs, and turf covers such as grasses and shrubs.

LIGHTING-RELATED.

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

(2) **CUTOFF ANGLE.** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.

(3) **CUTOFF TYPE LUMINAIRE.** A luminaire with elements such as shields, reflectors, or refractor panels that direct and cut off the light at a cutoff angle that is less than 90 degrees.

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

- (a) Buildings and structures;
- (b) Recreational areas;
- (c) Parking lot lighting;
- (d) Landscape lighting;
- (e) Billboards and other signs;
- (f) Street lighting;
- (g) Product display area lighting; and
- (h) Building overhangs and open canopies.

(5) **FLASHING LIGHT.** A light source that is not constant in intensity or color at all times while in use.

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

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

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

(9) **SECURITY LIGHTING.** Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.

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

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

(12) **SPILLAGE.** Any reflection, glare, or other artificial light emission onto any adjoining property or right-of-way above a defined maximum illumination.

LIVE ENTERTAINMENT. A public event or private use with the intent of entertaining spectators.

LIVESTOCK. See **ANIMALS, DOMESTIC FARM.**

LIVESTOCK OPERATIONS. A lot or structure or combination of lots and structures intended for the breeding, raising, or holding of 11 or more animal units.

LOADING SPACE. A space accessible from a street, alley, or way, in or outside of a building, for the use of trucks while loading and unloading merchandise or materials.

LOT. A parcel of land designated by metes and bounds, registered land survey, plat, or other means, and which description is either recorded in the Office of the Washington County Recorder or Registrar of Titles or used by the County Treasurer or County Assessor to separate the parcel from other lands for tax purposes. (See **YARD.**)

(1) **AREA OF LOT.** The area of a horizontal plane within the lot lines.

(2) **AREA - MINIMUM PER DWELLING UNIT.** The minimum number of square feet or gross developable area per dwelling unit.

(3) **BUILDABLE LOT.** A lot that meets or exceeds all requirements of this chapter without the necessity of a variance.

(4) **CORNER LOT.** A lot situated at the junction of and abutting 2 or more intersecting streets or public rights-of-way; or a lot at the point of a deflection in alignment of a single street, the interior angle of which does not exceed 135 degrees.

(5) **COVERAGE OF LOT.** That portion of a lot containing an artificial or natural surface through which water cannot penetrate. This definition includes, but is not limited to, driveways, structures, and patios.

(6) **DEPTH OF LOT.** The maximum horizontal distance between the rear lot line and the frontage right-of-way. On a corner lot, the side with the largest frontage is its depth and the side with the lesser frontage is its width.

(7) **INTERIOR LOT.** A lot other than a corner lot including through lots.

(8) **LOT LINE.** A lot line is the property line bounding a lot except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of the public right-of-way shall be the lot line for applying this chapter.

(9) **LINE-LOT RELATED.**

(a) **FRONT LOT LINE.** That boundary of a lot that abuts an existing or dedicated public street or a private road. In the case of a corner lot, it shall be the shortest dimension of the lot abutting the street or road. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the city. In the case of a corner lot in a non-residential area, the lot shall be deemed to have frontage on both streets.

(b) **REAR LOT LINE.** That boundary of a lot that is opposite to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

(c) **SIDE LOT LINE.** Any boundary of a lot that is not a front lot line or a rear lot line.

(10) **NOMINAL LOT.** See **NOMINAL PARCEL.**

(11) **THROUGH LOT.** Any lot other than a corner lot that abuts more than 1 street or street right-of-way. On a through lot, all property lines abutting the street right-of-way shall be considered the front lines.

(12) **WIDTH OF LOT.** The maximum horizontal distance between the side lot lines of a lot measured at the minimum required front setback line.

MAJOR HIGHWAY. Those highways and/or roadways that are classified as principal and minor arterials and collectors in the Comprehensive Plan.

MANUFACTURED HOME. A structure transportable in 1 or more sections which, in the transporting mode, is 8 body feet or more in width, or 40 body feet or more in length, or when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements

and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under Minnesota Statutes. No manufactured dwelling shall be moved into the city that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes.

MANUFACTURING. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of the products.

MANURE. Any solid or liquid containing animal excreta.

MARINA. Either an inland, shoreline, or offshore area for the concentrated mooring of 5 or more watercraft wherein facilities are provided for any or all of the following ancillary services: boat storage, fueling, launching, mechanical repairs, sanitary pumpout, and restaurant services.

MAUSOLEUM. A structure for the entombment of the dead in crypts or vaults in a cemetery.

MEDICAL USES. Those uses concerned with the diagnosis, treatment, and care of human beings.

MICRO DISTILLERY. A distillery located within the city producing premium distilled spirits in total quantity not to exceed 40,000 proof gallons per calendar year.

MICRO WIRELESS FACILITY. A small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11 inches.

MINING. The excavation, removal, storage, or processing of sand, gravel, rock, soil, clay, or other deposits. For the purposes of this chapter, mining shall not include the excavation, removal, or storage of rock, sand, dirt, gravel, clay, or other material for the following purposes:

- (1) Excavation for the foundation, cellar, or basement of some pending construction for which a permit has been issued and which is to be erected immediately following the excavation, removal, or storage;
- (2) On-site construction of approved roads, sewer lines, storm sewers, water mains, or surface water drainage approved by the local unit of government for agriculture or conservation purposes, sod removal, or other public utilities;
- (3) Landscaping purposes on a lot used or to be used as a building site;
- (4) Grading/excavation of less than 1 acre of land in conjunction with improvement of a site for lot development providing that activities will be completed in 1 year;
- (5) The removal of excess materials in accordance with approved plats or highway construction.
- (6) Topsoil removal pursuant to an interim use permit.

MIXED RESIDENTIAL DEVELOPMENT. A development consisting of single-family detached and single-family attached dwelling units.

MOORING. Any containment of tree-floating watercraft that provides a fixed fastening for the craft.

MOTEL. An establishment containing rooming units designed primarily for providing sleeping accommodations for transient lodgers, with rooms having a separate entrance providing direct access to the outside, and providing automobile parking located adjacent to or near sleeping rooms.

MOTOR FREIGHT TERMINAL. See TRANSPORTATION, MOTOR FREIGHT TERMINAL.

MOTOR VEHICLE CONVENIENCE STORE. Premises for self-service motor fuel sales that may include the sale of convenience groceries, fast foods and/or a restaurant, and may offer a car wash.

MOTOR VEHICLE, NEW AUTO DEALERSHIP, LICENSED. Premises for the sale, rental, leasing, and service of motor vehicles, including a building containing such things as a showroom, offices, service area and parts room, and exterior sales lots for displaying new and used vehicles.

MOTOR VEHICLE PART SALES. Retail and wholesale sale of new auto parts, equipment, and supplies to the general public and the automotive industry.

MOTOR VEHICLE REPAIR, MAJOR. General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service, including body frame, or fender straightening or repair; overall painting and upholstering; and/or vehicle steam cleaning.

MOTOR VEHICLE REPAIR, MINOR. Repairs, incidental body and fender work, replacement of parts and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not to include any operation specified under MOTOR VEHICLE REPAIR, MAJOR.

MOTOR VEHICLE SERVICE STATION. A place for the dispensing, sale, or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of motor vehicles.

MOTOR VEHICLE, USED AUTO DEALERSHIP, LICENSED. Premises having an open sales lot for displaying used vehicles and which may include a small structure for conducting sales and a service bay for detailing and minor preparation of vehicles for sale.

MOTOR VEHICLE WASH. Premises having a structure for washing and drying vehicles and adequate outdoor space for staging vehicles into and out of the wash.

MOVING PERMIT. A permit required from the responsible governmental agency prior to the moving of any partially or wholly erected structure from one location to another.

NATURAL DRAINAGE WAY. A depression in the earth's surface, such as ravines, draws, and hollows, which has definable beds and banks capable of conducting surface water runoff from adjacent lands.

NATURAL RESOURCES. The physical values of the land supplied by nature, including, but not limited to, animal life, plant life, soil, rock, minerals, and water.

NEIGHBORHOOD. An area containing a contiguous group of residential lots distinguishable by some identifiable feature or point of reference where people live in close proximity to one another.

NOISE, AMBIENT. The all-encompassing noise associated with a given environment, being either a composite of sounds transmitted by any means from many sources near and far or a single predominate source.

NOMINAL PARCEL. A parcel not reduced by more than 10% of its lot area due to road right-of-way dedication or survey corrections.

NONCONFORMING LOT. A separate parcel or lot of record on the effective date of this chapter, or any amendments thereto, which lot or parcel does not conform to the regulations, including area or dimensional standards contained in this chapter or amendments thereto.

NONCONFORMING STRUCTURE. Any structure lawfully or legally existing on the effective date of this chapter, or any amendment thereto, which does not conform to the regulations, including the dimensional standards, for the district in which it is located after the effective date of this chapter or amendments thereto.

NONCONFORMING USE. Any use lawfully or legally existing on the effective date of this chapter, or any amendment thereto that does not conform to the regulations of the district in which it is located.

NOXIOUS MATTER OR MATERIAL. Material which is capable of causing injury or is in any way harmful to living organisms or is capable of causing detrimental effect upon the physical, economic, or mental health of human beings.

NURSING HOME. A building with facilities for the health evaluation and treatment of patients and residents who are not in need of an acute care facility but who require nursing supervision on an inpatient basis. A nursing home does not include a facility or that part of a facility that is a hospital.

OFFICE. A room, suite of rooms, or a building containing rooms or suites of rooms in which commercial activities, professional services, or occupations are conducted that do not require that goods are stored, produced, sold at retail, or repaired, including, but not limited to, financial institutions, professional offices, governmental offices, insurance offices, real estate offices, utility offices, radio broadcasting, and similar uses.

OFFICIAL CONTROL. Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of the city, or any part thereof, or any detail thereof, and the means of translating into ordinances all or any part of the general objectives of the Comprehensive Plan. The official controls may include, but are not limited to, ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes, and official maps that have been adopted by the city as the Forest Lake Zoning Ordinance.

OFFICIAL MAP. A map adopted in accordance with the provisions of Minnesota Statutes.

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

OPEN SPACE. Land used for agriculture, natural habitat, pedestrian corridors, and/or recreational purposes that is undivided and permanently protected from future development.

OPEN SPACE DESIGN DEVELOPMENT. A pattern of subdivision development that places residential dwelling units into compact groupings while providing a network of dedicated open space.

OPEN STORAGE. See EXTERIOR STORAGE.

OUTDOOR SIDEWALK CAFE. A seasonal expansion of a permitted restaurant, delicatessen, or lunch shop outside on an attached or unattached patio structure, or a freestanding public or private outdoor cafe in conjunction with a promotional event.

OVERLAY DISTRICT. A zoning district shown as an overlay on the Zoning Map. Development within an overlay district is subject to the regulations of both the underlying zoning district and the overlay district.

OWNER. Includes all persons interested in a property as fee simple owner, life estate holder, or encumbrancer.

PARKING SPACE. A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store 1 standard automobile.

PASTURE. Areas where grass or other growing plants are used for grazing, and where the concentration of animals is such that a vegetation cover is maintained during the growing season.

PEDESTRIAN WAY. A public or private right-of-way across or within a block or tract to be used by pedestrians.

PERFORMANCE STANDARDS. The minimum development standards adopted by the city that apply to all lots or uses, in addition to the other specific regulations which apply to the individual lot or use.

PERSON. Any person, corporation, or association, including governmental agencies and political entities.

PERVIOUS SURFACE. Surface materials that admit the passage of water.

PLACE OF WORSHIP. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which is maintained and controlled through ownership by a religious body organized to sustain worship.

PLANNED UNIT DEVELOPMENT. All developments having 2 or more principal uses on a single parcel of land; may include townhomes, multi-use structures, recreational uses, mixed residential and commercial type developments, commercial type developments, and industrial type developments.

PLANNING COMMISSION. The duly appointed planning commission of the city.

PLANT NURSERY, COMMERCIAL. A building or premises used primarily for the retail sale of trees, shrubs, flowers, or other plants which may not have been grown or raised on the property.

PLANT NURSERY, WHOLESALE. A building or premises used primarily for the growing and wholesale sale of trees, shrubs, flowers, and other plants.

PLATTED LAND. Lands with legal descriptions described as lot, block, and plat name.

PRIME FARMLAND. Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops.

PRINCIPAL STRUCTURE OR USE. The primary or predominant use for which a lot and structure, if any located thereon, is conducted or maintained, as contrasted to an accessory use or structure.

PROTECTIVE OR RESTRICTIVE COVENANT. A contract entered into between private parties that constitutes a restriction of the use of a particular parcel of property.

PUBLIC COMPOSTING FACILITY. Any site operated, controlled or contracted by the city for the purpose of providing for the collecting and composting of garden waste, leaves, lawn cuttings, weeds, shrub and tree waste and providing for the disposition of same.

PUBLIC LAND. Land owned and/or operated by a governmental unit, including school districts.

PUBLIC WATERS. All lakes, ponds, swamps, streams, drainageways, flood plains, floodways, natural water courses, underground water resources, and similar features involving, directly or indirectly, the use of water within the community as defined by the Department of Natural Resources.

RECREATION, COMMERCIAL. Land intended to accommodate uses that provide active and passive recreational opportunities on a use and/or membership fee basis. Land designated for commercial recreation use differs from land guided for park and recreation use in that it is privately owned land, rather than being publicly owned.

RECREATION EQUIPMENT. Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding 30 feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures, but not including tree houses, swimming pools, playhouses exceeding 25 square feet in door area, or sheds utilized for storage of equipment.

RECREATION, PUBLIC. Land intended to accommodate uses that provide active and passive recreational opportunities, whether or not on a use and/or membership fee basis. Land designated for public recreation use differs from land guided for commercial recreation use in that it is publicly owned land, rather than being privately owned. Typical uses include tot lots, neighborhood parks, community parks, ball fields, public golf courses, public gardens, greenways and trail corridors, beaches, and community centers.

RECREATION VEHICLE (RV). Any vehicle or structure designed and used for temporary, seasonal human living quarters that meets all the following qualifications: is not used as the permanent residence of the owner or occupant; is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities; or is towed or self-propelled on public streets or highways incidental to the recreation or vacation activities. Examples of the vehicles include van campers, tent camping trailers, self-contained travel trailers, pick-up campers, camping buses, and self-contained and self-propelled truck chassis mounted vehicles providing living accommodations.

RECYCLABLE MATERIALS. Materials that are separated from mixed municipal solid waste for the purpose of recycling. For the purpose of this chapter, these materials are limited to paper, glass, plastics, and metals. Refuse derived fuel (RDF) is not a recyclable material under the provisions of this chapter.

RECYCLING. The process of collecting and preparing recyclable materials and reusing the materials in their original form, or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

RECYCLING CENTER. A facility where recyclable materials are collected, stored, flattened, crushed, or bundled prior to shipment to others who will use those materials to manufacture new products.

REFUSE. Perishable and non-perishable solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.

RESEARCH. Medical, chemical, electrical, metallurgical, or other scientific research and quality control conducted in accordance with the provisions of this chapter.

RESIDENTIAL FACILITY, LICENSED. Any facility required to be licensed by a governmental agency, public or private, which for gain or otherwise regularly provides 1 or more persons with 24 hours per day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home.

RESORT FACILITY. Any structure containing 1 or more dwelling units or separate living quarters or group of structures containing more than 2 dwelling units or separate living quarters designed or intended to serve as seasonal or temporary dwellings on a rental or lease basis for profit with the primary purpose of the structure or structures being recreational in nature. Uses may include a grocery for guests only, fish cleaning house, marine service, campground, boat landing and rental, recreational area and equipment, and similar uses normally associated with a resort operation.

RESTAURANT FAST FOOD. Any restaurant that meets some or all of the following requirements:

- (1) Customarily provides quick service to its customers;
- (2) Offers to its customers a limited, standardized choice of inexpensive food and/or beverages;

(3) Serves its customers from a counter and customarily does not serve its customers at tables by a wait person;

(4) Packages and serves its food and beverages in disposable wrappers, containers, cartons, boxes and/or bags;

(5) Expects customers to dispose of their used food serving and packaging containers in trash, litter, or garbage cans;

(6) Prepares a considerable amount of its food in volume in advance of ordering by customers;

(7) Offers food to customers by way of signs, placards, posters, valances, or boards rather than on menus given to customers.

RESTAURANT, FULL SERVICE. A business establishment whose principal business is the preparing, selling, and serving of unpackaged food to customers seated at counters or tables in a ready-to-consume state.

RETAIL/OFFICE/MULTI-TENANT STRUCTURE. Any grouping of 2 or more principal retail uses, whether on a single lot or on abutting lots under multiple or single ownership.

RETAIL SALES AND SERVICES. Stores and shops selling goods over the counter for use away from the point of purchase or offer services available on the premises. Large items, such as motor vehicles and boats, or exterior sales lots and repair garages, are not included in this category of uses.

RIGHT-OF-WAY, PUBLIC. An area for public use owned and maintained by a government jurisdiction.

RUNWAY. The surface of an airport landing strip.

RUNWAY INSTRUMENT. A runway equipped with air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

SCENIC RESOURCES. That part of the landscape that provides a picturesque view and may contain outstanding recreational, natural, historic, scientific, and manmade values.

SCHOOL. A facility that provides a curriculum of preschool, elementary, secondary, post-secondary, or other instruction, including, but not limited to, licensed daycare facilities, kindergartens, elementary, junior high, high schools, and technical or college instruction.

SCHOOL, HOME. A school within a residential dwelling educating children residing in the residential dwelling.

SCHOOL, SPECIALTY. A facility that provides specialized instruction for dance, music, art, karate, or similar educational activities.

SCREENING. Includes earth mounds, berms, or ground forms, fences and walls, or landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object throughout the year.

SELF-SERVICE STORAGE. A structure or structures containing separate storage spaces of varying sizes that are leased or rented individually.

SEPTIC PERMIT. A permit required from the county for the installation of any new or replacement of on-site sewage disposal system.

SETBACK. The minimum horizontal distance between a structure and street right-of-way, lot line, or other reference point as provided by this chapter. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure.

SHOPPING CENTER. See RETAIL/OFFICE/ MULTI-TENANT STRUCTURE.

SIGN. See §§ 153.162 et seq.

SMALL WIRELESS FACILITIES. A wireless facility that:

(1) Meets both of the following qualifications:

(a) Each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than 6 cubic feet; and

(b) All other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or

(2) A micro wireless facility.

STORY. See adopted Building Code for definition.

STREET. A public vehicular right-of-way which affords a primary means of access to abutting property, except in the case of streets with a high volume of vehicular traffic where access may be restricted and an alternative access may be required.

(1) **ARTERIAL STREET.** A street, as designated in the Comprehensive Plan, which serves or is designed to serve heavy flows of traffic, and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

(2) **COLLECTOR STREET.** A street that serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road and designated as a collector street on the City Comprehensive Plan.

(3) **LOCAL STREET.** A street intended to serve primarily as an access to abutting properties.

(4) **PRIVATE STREET.** A private street that has been approved by the city. The street must support emergency vehicles, and specify that provisions must exist for the ongoing maintenance of the street.

(5) **STREET PAVEMENT.** The wearing or exposed surface of the roadway used by vehicular traffic.

(6) **STREET, PUBLIC.** A street owned and maintained by a government jurisdiction.

(7) **WIDTH OF STREET.** The width of the right-of-way measured at right angles to the centerline of the street.

STRUCTURAL ALTERATION. Any change, other than incidental repairs, which would affect or prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

STRUCTURE. Something built or constructed, the use of which requires a location on the ground or attached to something having a location on the ground, including buildings, advertising signs, billboards, or fences over 5 feet in height, swimming pools, and towers.

STRUCTURE, NONCONFORMING. See **NONCONFORMING STRUCTURE.**

SUBDIVISION. The process of dividing land into 2 or more parcels for the purpose of transfer of ownership, building development, or tax assessment purposes by platting, replatting, registered land survey, conveyance sale, contract for sale, or other means by which a beneficial interest in land is transferred.

SUBDIVISION, MAJOR. All subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of 4 or more lots, or any size subdivision requiring any new street or extension of an existing street and not in conflict with any provisions or portion of the Comprehensive Plan, Official Zoning Map, Zoning Regulations, or these regulations.

SUBDIVISION, MINOR. Any subdivision containing 3 or less lots fronting on an existing street and not involving any new street or road or the extension of municipal facilities or the creation of any public improvements and not adversely affecting the remainder of the parcel or adjoining property and not in conflict with any provisions or portion of the Comprehensive Plan, Official Zoning Map, Zoning Regulations, or these regulations.

TAPROOM. Location where on-sale malt liquor produced by a brewer is available for consumption on the premises of or adjacent to one brewer location owned by the brewer.

TAVERN or BAR. A building with facilities for the serving of beer, liquor, wine, set-ups, and short order foods.

TEMPORARY/SEASONAL SALES. A facility or area for temporary or seasonal sales of goods, wares, or merchandise (see § 153.092(HH)).

TOPSOIL REMOVAL. The excavation and subsequent off-site removal of more than 50 cubic yards of surface soil, usually including the organic layer in which plants have most of their roots. **TOPSOIL REMOVAL** does not include the removal of sand, aggregate, gravel, or mineral deposits.

TOWER. A ground or roof mounted pole; spire; free standing, self-supporting lattice or monopole structure; or combination thereof taller than 35 feet, including but not limited to supporting lines, cables, wires, braces, and masts, intended primarily for the purposes of

mounting an antenna, meteorological device, or similar apparatus above grade. This definition does not include wireless support structures for small wireless facilities governed by M.S. § 237.163 and located in the public right-of-way.

TOWER ACCESSORY STRUCTURE. A structure located at the base of the tower.

APPARATUS. Any equipment mounted on or attached to a new or existing tower, including platforms, antennas, rotors, emergency sirens, lights, and the like.

TRANSPORTATION/MOTOR FREIGHT TERMINAL. A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor or trailer units and other trucks, are parked or stored.

TRANSPORTATION TERMINAL. Taxi, bus, train, and mass transit terminal and related ticketing, passenger waiting, parking, and storage areas.

TRASH ENCLOSURE SERVICE STRUCTURE. A covered or uncovered structure screening and containing trash receptacles and maintenance equipment used on-site.

TRAVEL TRAILER/RV CAMPGROUND/MARINA. An area or premises operated as a commercial enterprise on a seasonal basis and generally providing space for seasonal accommodations for transient occupancy or use by transients occupying camping trailers, self-propelled campers, and tents.

TRUCK STOP. A motor fuel station devoted principally to the needs of tractor-trailer units and trucks, and which may include eating and/or sleeping facilities.

USE. The function for which property can be used.

(1) **ACCESSORY USE.** A use subordinate to and serving the principal use or structure on the same lot and incidental to the principal use. See §§ 153.110 et seq.

(2) **CONDITIONAL USE.** Either a public or private use as listed which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district. After consideration, in each case, of the impact of the use upon neighboring land, and of the public need for the particular use at the particular location, the "conditional use" may or may not be granted by the Council. See § 153.034.

(3) **INTERIM USE.** A temporary use of property until a particular date, until the occurrence of a particular event, or until the use is no longer allowed by zoning regulations.

(4) **NONCONFORMING USE.** See NONCONFORMING USE.

(5) **OPEN SPACE USE.** The use of land without a structure or including a structure incidental to the open space.

(6) **PERMITTED USE.** A use that is or may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations, and performance standards of the district.

(7) **PRINCIPAL USE.** The main use of land or buildings as distinguished from subordinate or accessory uses. A PRINCIPAL USE may be either permitted or conditional.

VARIANCE. A modification or variation of the provisions of this chapter as applied to a specific lot or property, except that modification in the allowable uses in the district in which the property is located shall not be allowed as a variance.

VEGETATION, NATURAL. Plant life which is native to the location, and which would normally grow if the ground were left undisturbed.

VETERINARY. Those uses concerned with the diagnosis, treatment, and medical care of animals, including animal or pet hospitals.

WAREHOUSING. The storage, packing, and crating of materials or equipment within an enclosed building or structure.

WAREHOUSING AND DISTRIBUTION. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

WETLAND.

(1) Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this chapter, WETLANDS must:

- (a) Have a predominance of hydric soils;
- (b) Be inundated or saturated by surface water or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (c) Under normal circumstances, support a prevalence of hydrophytic vegetation.

(2) WETLANDS generally include swamps, marshes, bogs, and similar areas.

WHOLESALE. The selling of goods, equipment, and materials by bulk to another person who in turn sells the same to customers.

WIND ENERGY CONVERSION SYSTEM. One tower with rotors and motors with 1 conversion generator.

WIRELESS SUPPORT STRUCTURE. A new or existing structure located in a public right-of-way designed to support, or capable of supporting, small wireless facilities, as determined by the city.

YARD. The open space on a lot that is not covered by any structure from its lowest ground level to the sky except as expressly permitted in this chapter. A YARD shall extend along a lot line and at right angles to the lot line to a depth or width specified in the zoning regulations for the district in which the lot is located. (See LOT.)

(1) **FRONT YARD.** A yard extending along the full width of the front of the lot between the side lot lines and extending from the abutting front street right-of-way line to a depth required in the zoning regulations for the district in which the lot is located lying between the front line of the lot and the nearest allowable building line.

(2) **REAR YARD.** A yard extending along the full width of the rear of the lot between the side lot lines and extending toward the front lot lines for a depth as specified in the zoning regulations for the district in which the lot is located and lying between the rear line of the lot and the nearest allowable building line.

(3) **REQUIRED YARD.** A yard area which may not be built on or covered by structures because of the dimensional setbacks for the structures within the zoning district.

(4) **SIDE YARD.** A yard between the side line of the lot and the nearest allowable building line. A yard extending along a side lot line between the front and rear yards having a width as specified in the zoning regulations for the district in which the lot is located.

YARD WASTE FACILITY. Any site used for the composting of garden waste, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings generated off-site. Yard wastes generated on-site and used on the same site are not included in this definition.

YIELD PLAN. A subdivision plan, drawn to scale, containing sufficient information showing the maximum number of lots that could be permitted using the performance standards for lots in a conventional subdivision in accordance with this chapter and Comprehensive Plan.

ZONING DISTRICT. An area or areas within the limits of the city in which the regulations and requirements of this chapter are applied uniformly.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010; Am. Ord. 602, passed 11-8-2010; Am. Ord. 607, passed 5-9-2011; Am. Ord. 646, passed 9-14-2015; Am. Ord. 651, passed 3-14-2016; Am. Ord. 663, passed --; Am. Ord. 676, passed 7-9-2018; Am. Ord. 702, passed 2-22-2021; Am. Ord. 719, passed --; Am. Ord. 726, passed 8-28-2023)

APPLICATIONS AND PROCEDURES

§ 153.025 PURPOSE.

This subchapter describes the required applications and procedures for development, redevelopment, and changes in use of property in the city.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.026 GENERAL PROCEDURES.

(A) **Applications.** Applications must be submitted to the city by the property owner or designated agent on forms provided by the city. Within 15 days following the receipt of the application, the city shall determine if the application is complete and notify applicants of an incomplete application. If the application is deemed incomplete, the application shall not be placed on the Planning Commission agenda until the application is made complete.

(B) Fees. Every application shall be accompanied by the required fee as established and modified, from time to time, by the City Council. An application shall be deemed to be incomplete if it is not accompanied by the required fee. The failure to pay such fee when due shall be grounds for refusing to process the application, and for denying or revoking any permit or approval for the subject property. No fees shall be waived, and no fees shall be refunded, except those authorized by the City Council at its sole discretion.

(C) Schedule. Upon receipt of an application that contains all required information, the city shall schedule the matter for review by the Planning Commission. From the date the city receives the application containing all required information, the City Council must approve or deny the application within 60 days. The city may extend the 60-day period by providing written notice of the extension to the applicant before the end of the initial 60 day period. This notification must state the reason for the extension and its anticipated length, which may not exceed an additional 60 days.

(D) Notification. All applications for development proposals requiring a public hearing must be advertised to allow informed participation by all interested parties and to comply with applicable state statutes. The applicant shall be required to post a sign on the subject property prior to all public hearings in accordance with the following provisions:

(1) Location and time period for posting signs. The required posting period shall be no less than 15 consecutive days, but no more than 30 days, prior to the public hearing or site plan review public meeting. The sign shall be posted at a prominent location on the property, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists. Properties with more than 1 street frontage shall be required to post 1 sign visible from each street frontage.

(2) Applicant's responsibility for posting signs. The applicant shall obtain the required sign from the City of Forest Lake. It is the applicant's responsibility to erect the sign on the property and maintain it during the required period.

(3) Failure to post. Failure to post for the required time shall constitute grounds for suspension or discontinuance of the approval process.

(E) Applications that require a public hearing. The following applications require public hearings:

- (1) Zoning text and map amendments;
- (2) Conditional use permits, amendments, and revocations;
- (3) Variances;
- (4) Preliminary plats;
- (5) Minor subdivisions;
- (6) Planned Unit Developments (PUDs);
- (7) Interim use permits, amendments, and revocations; and

(8) Vacations of public right-of-way or drainage easement.

(F) Public examination and copying of applications and other documents. During normal business hours, any person may examine the application and material submitted in support of, or in opposition to, the application, subject to the exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person shall be entitled to copies of the application and related documents. The city shall make copies of such materials for a fee as specified by the city.

(G) Withdrawal of application. An applicant shall have the right to withdraw an application at any time prior to the decision on the application by the city, commission, or board, including the ability to withdraw the application if it has been tabled by a commission or board. There shall be no refund of fees. Requests for withdrawal shall be in writing by the applicant and submitted to the city for record.

(H) Planning Commission and City Council action.

(1) The Planning Commission may recommend such actions or conditions relating to the application as it deems necessary to carry out the intent and purpose of this chapter and the Comprehensive Plan.

(2) The City Council may adopt, modify, or reject any recommendation of the Planning Commission.

(3) The City Council may table a recommendation for further consideration within time periods set by state statute.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010)

§ 153.027 ZONING INTERPRETATION.

(A) Purpose. This interpretation authority is not intended to add or change the essential content of this chapter. The interpretation authority is intended to recognize that the provisions of this chapter, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. Such issues may often be addressed by reference to general circumstances that the specific provision was intended to address.

(B) Initiation. Applications for zoning interpretations may be filed by an owner of any property in the city. In addition, the City Council or the Planning Commission may request that the Community Development Department render an interpretation. All applications for interpretations shall be filed with the city in accordance with § 153.027. No person may request an interpretation for purely academic purposes. The interpretation must be for the purpose of furthering some actual development or active zoning issue.

(C) Procedure. The Community Development Department shall review a request for an interpretation and render the interpretation within 30 business days. The city shall have the ability to request additional information prior to rendering an interpretation.

(D) Authority and execution. The Community Development Department and City Attorney shall review and make final decisions on requests for interpretations. Nothing in this section shall require the Community Development Department or City Attorney to make an interpretation if they are of the opinion that the exposure to liability for the city on account of the interpretation outweighs the benefit to the requestor. Such final interpretations shall be brought before the City Council.

(Ord. 596, passed 2-8-2010)

§ 153.028 REQUIRED NEIGHBORHOOD MEETINGS.

(A) Neighborhood meetings are held for applications for preliminary plats, conditional use permits, Planned Unit Developments, and/or rezoning proposals that are located adjacent to or within a residential zoning district. After the formal application is submitted and accepted as complete for review by the city, but before the request is reviewed by the Planning Commission, the city requires the applicant to hold a neighborhood informational meeting.

(B) The applicant shall schedule the meeting and send out meeting notices to property owners and their tenants within 350 feet of the property proposed for development. This distance is increased to 1,000 feet for sites in the Conservancy, Rural Residential and Agricultural zoning districts. The purpose of this meeting is to provide information about the application and for area property owners to ask questions about the project and the development process before the application is discussed by City Advisory Commissions and the City Council. It is important for citizens to get involved at this state to ensure that concerns are addressed early in the process. Therefore, it is the applicant's responsibility to hold a neighborhood meeting in accordance with the procedure described in the following paragraphs.

(1) The applicant shall send out meeting notices to property owners and their tenants at least 10 days prior to the scheduled meeting date. Meetings shall be scheduled Monday through Thursday evenings starting at 6:30 p.m. and not on a holiday, evening proceeding a holiday, or on Halloween. The applicant shall host the meeting within the City of Forest Lake and present the project for questions and concerns. Verification that the meeting notice was mailed is required before the application will be scheduled on an agenda for review by the Planning Commission.

(2) The meeting shall be held a minimum of 10 days prior to the Planning Commission meeting at which the proposed application will be discussed. At the completion of the meeting the applicant shall submit a list of attendees and minutes of the meeting to the Community Development staff.

(3) Notices and/or invitations to the neighborhood shall be sent to those names and addresses listed on the public hearing notice list as well as Community Development staff, Planning Commission, Parks, Trails, and Lakes Commission, and City Council members.

(4) The Planning Commission liaison from the City Council shall attend all neighborhood meetings as an observer when possible.

(Ord. 596, passed 2-8-2010; Am. Ord. 640, passed 6-8-2015; Am. Ord. 642, passed 6-22-2015)

§ 153.029 CERTIFICATE OF COMPLIANCE.

(A) Purpose. The purpose of the certificate of compliance provisions of this chapter is to administratively authorize and regulate uses in zoning districts that require a certificate of compliance. The certificate of compliance documents that a proposed development will meet all development standards if the project proceeds in accordance with such plans.

(B) Application. Whenever this chapter requires a certificate of compliance as specified for a particular use or within a specific zoning district, a written application shall be filed with the city. The application shall be accompanied by development plans of the proposed use showing such information as may be reasonably required by the city.

(C) Compliance. The use shall conform to the regulations and or conditions specified in this chapter and all other conditions of the certificate of compliance.

(D) Issuance and conditions. If the city determines that the use is in compliance with the requirements contained in this chapter and all other necessary conditions, then the city shall issue the certificate. Standards required by this chapter and all other conditions shall be applied to the issuance of the certificate of compliance and a periodic review of the certificate and proposed use may be required.

(E) Record of certificates of compliance. The city shall maintain a record of all certificates of compliance issued, including information on the use, location, and conditions imposed as part of the permit such as time limits, review dates, and such other information as may be appropriate.

(F) Appeals to denial of certificates of compliance. If the request for a certificate of compliance is denied, if conditions are imposed, or if revoked, the applicant may appeal the decision to the Board of Adjustment and Appeals. The procedures to be followed in presenting the appeal shall be the same as those followed for an appeal of any administrative decision made by the city.

(G) Expiration of certificates of compliance. A certificate of compliance shall expire and be considered null and void 1 year after it has been issued if the use has not been established.

(H) Revocation. A violation of any condition set forth in a certificate of compliance shall be a violation of this chapter. Failure to correct the violation within 30 days of written notice from the city shall terminate the certificate of compliance unless an appeal is filed pursuant to division (F) of this section.

(I) Existing uses. All uses existing at the time of adoption of this chapter that required a certificate of compliance but do not have a certificate of compliance may continue in the same manner of the operation as the use did upon the effective date of this chapter. Any enlargement, structural alteration, or intensification of use shall require a new certificate of compliance as provided for above along with other permits and approvals. The city may impose additional, reasonable conditions for the continuation of the use in accordance with the regulations set forth in this chapter.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.030 BUILDING PERMIT.

(A) No structure, except those which are governed by the provisions relating to a certificate of compliance, hereafter shall be erected or structurally altered until a building permit is issued indicating that the existing or proposed structure and the use of the land comply with this chapter and all pertinent building codes.

(B) All applications for building permits pertaining to the erection or alteration of a structure shall be made to the city on forms furnished by the city.

(C) No site preparation work, including rough grading, driveway construction, footing excavation, tree removal, or other physical changes to the site shall occur prior to city approval.

(D) Building permit shall expire 1 year after issuance. The permit may be renewed any number of times as long as progress is being made by the applicant as required in the Building Code, unless prior arrangements have been made by the city and the applicant.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.031 DRIVEWAY ACCESS APPROVAL.

(A) County. Access drives onto county roads shall require an access permit from the Washington County Public Works Department. This permit shall be issued before issuance of any building permits. The County Engineer shall determine the appropriate location, size, and design of the access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow. A copy of all documentation shall be submitted to the city for record.

(B) State. Access onto any state highway shall require the approval of a permit from the Minnesota Department of Transportation (MnDOT). This permit shall be issued before issuance of any building permits. The state shall determine the appropriate location, size, and design of the access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow. A copy of all documentation shall be submitted to the city for record.

(C) City. Access onto any local city street shall require approval of the City Engineer. The city shall determine the appropriate location, size, and design of the access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow. This approval shall be granted prior to the issuance of any building permits and in writing. A copy of all documentation shall be on file at the city.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.032 ON-SITE WASTE DISPOSAL PERMITS.

(A) In areas without public sewer facilities, no building permit for any use requiring sub-surface sewage treatment and disposal shall be issued until an on-site waste disposal permit has been issued by Washington County.

(B) An on-site waste disposal permit shall be issued only after the applicant furnishes proof that a suitable on-site waste treatment and disposal system can be installed on the site. The system shall conform to all of the requirements of the current subsurface sewage treatment system regulations of Washington County, including percolation tests and borings.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.033 CERTIFICATE OF OCCUPANCY.

(A) It shall be unlawful to use, occupy, or permit the use or occupancy of any building or structure, or portion of a building or structure, constructed, erected, enlarged, altered, converted, or moved onto a lot within the city until a certificate of occupancy has been issued.

(B) A certificate of occupancy shall be issued within 10 business days after the Building Official has determined the building or structure and use are in conformance with all provisions of this chapter and that all conditions for issuance have been met. A record shall be kept of all certificates issued.

(C) A temporary certificate of occupancy may be issued. Conditions may be imposed on the issuance of a temporary certificate of occupancy in order to ensure compliance with this chapter, including posting a bond or other financial security acceptable to the city. Issuance of a temporary certificate shall not alter the rights or obligations of the owner, tenant, or city with respect to full compliance with the requirements of this chapter or other provisions of the City Code.

(D) A certificate of occupancy may be revoked if the building or use is no longer in compliance with this chapter. The city shall have authority to enforce the revocation of the certificate of occupancy by appropriate means. Upon revocation, the building or structure shall not be used for any purposes until the issuance of a new certificate of occupancy.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.034 CONDITIONAL USES.

(A) Purpose. The purpose of a conditional use permit (CUP) is to authorize and regulate uses that are permitted by this chapter if certain conditions, having been designated by this chapter or by the Planning Commission, are met. The use shall comply with all standards of this chapter and any additional conditions, including conditions of operation, location, arrangement, and construction, as may be necessary to protect public health, safety, or welfare.

(B) Application. Application for a CUP shall be made to the city on an official city application form. An application for a CUP shall be accompanied by a fee as established by the City Council. The application shall also include written and graphic materials fully explaining the proposed change, development, or use. The city may require that the applicant submit the following information before the application can be deemed complete:

- (1) Legal description of the subject property;

- (2) Evidence of ownership or an interest in the property;
- (3) General location map;
- (4) Principal land uses within 350 feet of the property;

(5) Certificate of survey, to scale, showing applicable existing and proposed conditions, including property lines and dimensions, building location and setbacks, dimensions of building, curb cuts, driveways, access roads, parking, off-street loading areas, septic system, and well;

(6) Landscape plan drawn to scale showing applicable existing and proposed vegetation and plantings, plant schedule, including information about the plant size, quantity, type and root condition, and groundcover;

- (7) Grading and drainage plan;
- (8) Soil conditions;
- (9) Building floor plans, elevations, and sections;
- (10) Description of type of business or activity and proposed number of employees;
- (11) Other information as may be required by the city.

(C) Notice.

(1) Pursuant to Minnesota Statutes, an application for a CUP shall be approved or denied within 60 days from the date of its official and complete submission. The 60- day review period can be extended an additional 60 days pursuant to M.S. § 15.99, as it may be amended from time to time. If the initial 60-day review period is extended, the city must provide written notice of the extension to the applicant before the end of the initial review period.

(2) Upon receipt of a complete application, as determined by the city and following preliminary staff analysis of the application, the city shall refer the matter to the Planning Commission and establish a time for hearing on the application. Notice of the hearing shall be published in the official newspaper at least 10 days prior to the hearing. Written notification of the hearing shall be mailed at least 10 days prior to the hearing to all owners of land within 350 feet of the boundary of the property in question.

(3) Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this chapter, provided a bona fide attempt to comply with the provisions of this chapter has been made. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be made a part of the record.

(D) Procedure.

(1) The Planning Commission shall consider if the proposed use is consistent with the general purpose and intent of this chapter and the Comprehensive Plan. Its judgment shall be based upon, but not limited to, the following:

(a) The impact of the proposed use on the health, safety, and general welfare of the occupants of the surrounding lands;

- (b) Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands;
 - (c) The effect of the proposed use on public utilities;
 - (d) The effect of the proposed use on property values and scenic views in the surrounding area;
 - (e) The effect of the proposed use on the Comprehensive Plan;
 - (f) The ability of the proposed use to meet the standards of this chapter;
 - (g) The results of a market feasibility study, if requested by the city, when the purpose for which the conditional use is being requested relies on a business market for its success;
 - (h) The effects of the proposed use on ground water, surface water, and air quality; and
 - (i) Whether the proposed use is allowed with a CUP in the zoning district in which it is proposed.
- (2) The Planning Commission and city staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant.
- (3) The applicant or the applicant's representative may appear before the Planning Commission in order to present information and answer questions concerning the proposed request.
- (4) After receiving a report and recommendation from the Community Development Department and holding a public hearing on the application, the Planning Commission shall issue its written final decision granting or denying the application supported by findings of fact. The Planning Commission may approve conditions relating to the request as it deems necessary to carry out the intent and purpose of this chapter.
- (5) In connection with the issuance of CUPs in nonconforming situations, the city may require nonconformities to conform to the regulations contained in the zoning regulations and may impose such additional restrictions or conditions as it deems necessary to protect the public interest. When appropriate, restrictive covenants may be imposed regarding such matters.
- (6) The city may impose and the applicant shall pay costs incurred by the city for monitoring compliance with the conditions of the CUP.
- (E) Certification of taxes paid. Prior to approving an application for a CUP, the applicant shall provide certification to the city that there are no delinquent property taxes, special assessments, interest, or city utility fees due upon the parcel of land to which the CUP application relates.
- (F) Length of conditional use. Any use permitted under the terms of any CUP shall be established and conducted in conformity with the terms of the permit and of any conditions imposed in connection therewith. CUPs shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this chapter shall prevent the City Council from enacting or amending official controls to change the status of conditional uses.

(G) Revocation.

(1) A violation of any condition set forth in a CUP shall be a violation of this chapter, and failure to correct the violation within 30 days of written notice from the city shall terminate the permit.

(2) Revocation shall not occur earlier than 10 city working days from the time the written notice of revocation is served upon the permittee, or, if a hearing is requested, until written notice of the revocation issued by Planning Commission action subsequent to the hearing has been served on the permittee.

(3) Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. The written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis of the revocation, the facts which support the conclusions that a violation or violations have occurred, and a statement that if the permittee desires to appeal, he or she must, within 10 days, exclusive of the day of service, file a request for a hearing with the City Administrator.

(4) The hearing request shall be in writing, stating the grounds for appeal and served personally or by registered or certified mail on the city by midnight of the tenth day following service of the notice of revocation.

(5) Following the receipt of a request for a hearing, the city shall set a time and place for the hearing, which shall be conducted in accordance with the procedures to appeal decisions of the city as set forth in this chapter.

(H) Records of conditional uses. A certified copy of any CUP shall be filed with the Washington County Recorder or Registrar of Titles. The city shall maintain a record of all CUPs issued, including information on the use, location, conditions imposed by the City Council, time limits, review dates, and such other information as may be appropriate. A copy of the filed permit, bearing notation of the filing date, shall be mailed to the applicant.

(I) Amendment. Holders of a CUP may propose amendments to the permit at any time, following the procedures for a new permit set forth in this chapter. No significant changes in the circumstances or the scope of the permitted uses shall be undertaken without approval of those amendments by the Planning Commission. The city shall determine what constitutes significant change. Significant changes include, but are not limited to, hours of operation, number of employees, expansion of structures and/or premises, and operational modifications resulting in increased external activities and traffic, and the like. The Planning Commission may approve significant changes and modifications to CUPs, including the application of additional or revised conditions.

(J) Expiration. Unless the Planning Commission specifically approves a different time when action is officially taken on the request, permits which have been issued under the provisions of this chapter shall expire without further action by the Planning Commission unless the applicant commences the authorized uses within 1 year of the date the CUP is issued, or, unless before the expiration of the 1-year period, the applicant shall apply for an extension thereof by completing and submitting a request for extension. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the CUP. A request for an extension not

exceeding 1 year shall be subject to the review and approval of the city. Should the applicant request a second extension or any extension of time longer than 1 year, it shall be presented to the Planning Commission for a final decision.

(K) Reapplication. No application for a CUP for a particular use on a particular parcel shall be resubmitted for a period of 1 year from the date of the denial of the previous application unless a decision to reconsider the matter is made by a majority vote of the full Planning Commission.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 636, passed 3-24-2014)

§ 153.035 INTERIM USES.

(A) Purpose and intent. The purpose and intent of allowing interim uses is:

(1) To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.

(2) To allow a use that is presently judged acceptable by the city but that with anticipated development or redevelopment will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.

(3) To allow a use which is reflective of anticipated long-range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

(B) Procedures. Uses defined as interim uses which do not presently exist within a respective zoning district shall be processed according to the following standards and procedures.

(1) The applicant(s) shall submit a completed application and all required materials to the city. The Planning Commission and city staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant.

(2) Pursuant to Minnesota Statutes, an application for an interim use shall be approved or denied within 60 days from the date of its official and complete submission. The 60-day review period can be extended an additional 60 days pursuant to M.S. § 15.99, as it may be amended from time to time. If the initial 60-day review period is extended, the city must provide written notice of the extension to the applicant before the end of the initial review period.

(3) Upon receipt of a complete application, as determined by the city and following preliminary staff analysis of the application, the city shall refer the matter to the Planning Commission and establish a time for hearing on the application. Notice of the hearing shall be published in the official newspaper at least ten days prior to the hearing. Written notification of the hearing shall be mailed at least ten days prior to the hearing to all owners of land within 350 feet of the boundary of the property in question.

(4) Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this chapter, provided a bona fide attempt to comply with the

provisions of this chapter has been made. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be made a part of the record.

(5) The Planning Commission shall take public testimony at the public hearing and review the submitted application and recommendation from city staff and make a recommendation to City Council for denial or approval. The recommendation of the Planning Commission shall include all conditions or modifications to the application.

(6) The City Council shall review the submitted application and recommendation from the Planning Commission and city staff and make a final decision. The final decision of the City Council shall include all conditions or modifications to the application. The Planning Commission, in making a recommendation, and the City Council, in acting upon an interim use application, shall consider the following general standards.

(C) General standards. An interim use shall comply with the following:

- (1) Meet the standards of a conditional use permit set forth in § 153.034 of this chapter;
- (2) Conform to the applicable standards of §§ 153.064 through 153.090 and the applicable zoning district standards;
- (3) The use is allowed as an interim use in the respective zoning district;
- (4) The date or event that will terminate the use can be identified with certainty;
- (5) The use will not impose additional unreasonable costs on the public;
- (6) The user agrees to any conditions that the Planning Commission deems appropriate for permission of the use.

(D) Termination. An interim use shall terminate on the happening of any of the following events, whichever occurs first:

- (1) The date stated in the permit;
- (2) Upon violation of conditions under which the permit was issued;
- (3) Upon change in the city's zoning regulations which renders the use nonconforming;
- (4) The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.

(E) Revocation.

(1) A violation of any condition set forth in an Interim Use Permit shall be a violation of this chapter, and failure to correct the violation within 30 days of written notice from the city shall terminate the permit.

(2) Revocation shall not occur earlier than 10 city working days from the time the written notice of revocation is served upon the permittee, or if a hearing is requested, until written notice of the Planning Commission action has been served on the permittee.

(3) Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. The written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis of the revocation, the facts which support the conclusions that a violation or violations have occurred, and a statement that if the permittee desires a hearing to contest the revocation, the permittee must, within 10 days, exclusive of the day of service, file a request for a hearing.

(4) The hearing request shall be in writing, stating the grounds for appeal and served personally or by registered or certified mail on the city by midnight of the tenth day following service of the notice of revocation.

(5) Following the receipt of a request for a hearing, the city shall set a time and place for the hearing which shall be conducted in accordance with the procedures to appeal decisions of the city as set forth in this chapter.

(F) Amendment. Holders of an IUP may propose amendments to the permit at any time following the procedures for a new permit set forth in this chapter. No significant changes in the circumstances or the scope of the permitted uses shall be undertaken without approval of those amendments by the Planning Commission. The city shall determine what constitutes significant change. Significant changes include, but are not limited to, hours of operation, number of employees, expansion of structures and/or premises, and operational modifications resulting in increased external activities and traffic, and the like. The Planning Commission may approve significant changes and modifications to IUPs, including the application of additional or revised conditions.

(G) Expiration. Unless the Planning Commission specifically approves a different time when action is officially taken on the request, permits which have been issued under the provisions of this chapter shall expire without further action by the Planning Commission unless the applicant commences the authorized uses within 1 year of the date the IUP is issued, or, unless before the expiration of the 1-year period, the applicant shall apply for an extension thereof by completing and submitting a request for extension. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the IUP. A request for an extension not exceeding 1 year shall be subject to the review and approval of the city. Should the applicant request a second extension or any extension of time longer than 1 year, it shall be presented to the Planning Commission for a decision.

(H) Reapplication. No application for an IUP for a particular use on a particular parcel shall be resubmitted for a period of 1 year from the date of the denial of the previous application unless a decision to reconsider the matter is made by a majority vote of the full Planning Commission.

(I) Certification of taxes paid. Prior to approving an application for an interim use permit, the applicant shall provide certification to the city that there are no delinquent property taxes, special assessments, interest, or city utility fees due upon the parcel of land to which the interim use permit application relates.

(Ord. 596, passed 2-8-2010; Am. Ord. 636, passed 3-24-2014; Am. Ord. 648, passed 9-28-2015)

§ 153.036 VARIANCES.

(A) Purpose. The purpose of the variance provisions of this chapter is to provide for deviations or variations from the provisions of this chapter in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and when it is demonstrated that such actions would be consistent with the spirit and intent of this chapter and with the Comprehensive Plan. As used in connection with the granting of a variance, PRACTICAL DIFFICULTIES means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning code. Any use that is not allowed under this chapter for property in the zone where the affected person's land is located may not be permitted by a variance.

(B) Application. Application for a variance shall be made to the city on forms provided by the city. An application for a variance shall be accompanied by a fee as set forth in the City Code. The application shall also include written and graphic materials fully explaining the requested variance. The city may require that the applicant submit the following information before the application can be deemed complete:

- (1) A certificate of survey or map of the property that shows all lot lines, existing and proposed structures, driveways and parking areas, significant topographical features, and significant trees;
- (2) Evidence of ownership or an interest in the property and its legal description;
- (3) A written description of the variance request, including an explanation of compliance with the variance criteria set forth in this chapter;
- (4) Building floor plans, elevations, and sections;
- (5) Grading and drainage plan; and
- (6) Other information as may be required by the city.

(C) Notice.

(1) Pursuant to Minnesota Statute, an application for a variance shall be approved or denied within 60 days from the date of its official and complete submission. The 60-day review period can be extended an additional 60 days pursuant to M.S. § 15.99, as it may be amended from time to time. If the initial 60-day review period is extended, the city must provide written notice of the extension to the applicant before the end of the initial review period.

(2) Upon receipt of a complete application, as determined by the city, and following preliminary staff analysis of the application, the city, shall refer the matter to the Planning Commission acting as a board of appeals and adjustments pursuant to M.S. § 362.357, Subd. 6(2) and establish a time for the hearing on the application. At least 10 days before the date of the meeting, a written notice of the meeting shall be published in the official newspaper and mailed to all owners of land within 350 feet of the boundary of the property in question.

(3) Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this chapter, provided a bona fide attempt to comply with the

provisions of this chapter has been made. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be made a part of the record.

(D) Procedure.

(1) The Planning Commission shall not approve a variance application unless it finds failure to grant the variance will result in practical difficulties for the applicant and, as may be applicable, the following practical difficulty criteria shall be considered:

(a) Because of the particular physical surroundings, shape, or topographical conditions unique to the specific parcel of land involved, a practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;

(b) The property owner proposes to use the property in question in a reasonable manner not permitted by this chapter. Economic considerations alone (or desire to increase the value or income potential of the land) shall not constitute practical difficulties if reasonable use of the property exists under the terms of this chapter;

(c) The plight of the landowner is due to circumstances unique to the property not created by the landowner;

(d) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel or land, nor shall it alter the essential character of the locality;

(e) The proposed variance is in keeping with the spirit and intent of this chapter and thus approval of the variance will not:

1. Impair an adequate supply of light and air to adjacent property;
2. Substantially increase the congestion of the public streets;
3. Increase the danger of fire;
4. Endanger the public safety; or
5. Substantially diminish or impair property values within the neighborhood; or
6. Cause drainage issues for an adjacent property.

(2) Inadequate access to direct sunlight for solar energy systems may be considered a practical difficulty. Variances shall be granted for earth sheltered construction, as defined in M.S. § 216C.06, Subd. 14, when in harmony with this chapter.

(3) The city shall have the authority to request additional information from the applicant.

(4) The applicant or the applicant's representative may appear before the Planning Commission to present information and answer questions concerning the request.

(5) The Planning Commission shall issue its final decision granting or denying the request supported by findings of fact.

(6) In granting a variance, the Planning Commission, after considering the recommendations of the city staff, shall impose such conditions as it deems necessary to carry out the purpose of this chapter. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

(E) Expiration. Any variance granted by the city shall run with the land and shall be perpetual. However, if no building permit has been issued or substantial work performed on the project within 1 year of approval, then the variance shall be null and void. The Planning Commission may extend the period for construction upon finding that the interest of the owners of neighboring properties will not be adversely affected by the extension. If the variance is part of an approved site and building plan, extension of the time for construction shall be contingent upon a similar extension of the time for the site and building plan by the Planning Commission as required by this chapter. Once the project is completed as approved, the variance becomes perpetual.

(F) Specific project. A variance shall be valid only for the project for which it was granted. Construction of any project shall be in substantial compliance with the building plans and specifications reviewed and approved by the city.

(G) Certification of taxes paid. Prior to approving an application for a variance, the applicant shall provide certification to the city that there are no delinquent property taxes, special assessments, interest, or city utility fees due upon the parcel of land to which the variance application relates.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 610, passed 9-12-2011; Am. Ord. 636, passed 3-24-2014; Am. Ord. 648, passed 9-28-2015)

§ 153.037 ZONING ORDINANCE TEXT AND MAP AMENDMENTS.

(A) Purpose. This section specifies the procedures for amendments to the text of this chapter or associated Official Zoning Map.

(B) Application.

(1) An amendment to the text of this chapter or a change in the boundaries or designations in the Official Zoning Map may be initiated by a simple majority of the City Council or Planning Commission. Any persons owning property within the city, or their designated agent, may initiate an application to amend the district boundaries or designation on the Official Zoning Map for property in which they have a real estate interest.

(2) A request for an amendment to the text of this chapter or a change in the boundaries or designations in the Official Zoning Map shall be filed with the city on an official application form. The application shall be accompanied by a fee as set forth in a resolution by the City Council. The application shall include detailed written and graphic materials fully explaining the request. The city may require that the applicant submit the following information before the application can be deemed complete:

(a) The name and address of the applicant or applicants;

(b) The legal description of the area proposed to be rezoned, the name and addresses of all the owners of property lying within such area, and a description of the property owned by each;

(c) The present zone classification of the area and the proposed zone classification;

(d) A description of the present use of each separately owned parcel within the area and the intended use of any parcel of land therein;

(e) If determined by the city, a site plan showing the location and extent of the proposed building, parking, loading, access drives, landscaping, and other improvements;

(f) A statement of how the rezoning would fit in with the general zoning pattern of the neighborhood and the zoning plan of the entire city;

(g) A survey showing the property to be rezoned and the present zoning of the surrounding area for at least a distance of 350 feet, including the street pattern of the area, together with an abstractor's certificate with the names and addresses of the owners of the land in each area;

(h) Proof of ownership of the property; and

(i) Such other information as the city may require.

(C) Notice.

(1) Pursuant to Minnesota Statutes, an application for an amendment to the text of this chapter or a change in the boundaries or designations in the Official Zoning Map shall be approved or denied within 60 days from the date of its official and complete submission. The 60-day review period can be extended an additional 60 days pursuant to Minnesota Statute. If the initial 60-day review period is extended, the city must provide written notice of the extension to the applicant before the end of the initial review period.

(2) Upon receipt of a complete application, as determined by the city, and following preliminary staff analysis of the application, the city, when appropriate, shall set a public hearing following proper hearing notification. Notice of the hearing shall be published in the official newspaper at least 10 days prior to the hearing. Written notification of the hearing shall also be mailed at least 10 days prior to the hearing to all owners of land within 350 feet of the boundary of the property in question. This distance is increased to 1,000 feet for sites in the Conservancy, Rural Residential and Agricultural zoning districts.

(3) Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this chapter, provided a bona fide attempt to comply with the provisions of this chapter has been made. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be made a part of the record.

(D) Procedure.

(1) Findings of fact. The Planning Commission recommendation and City Council decision on any zoning amendment, whether text or map amendment, is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and

decision, the Planning Commission and City Council shall consider the following standards, as set forth in division (E).

(2) The Planning Commission and city staff shall have the authority to request additional information from the applicant.

(3) The applicant or the applicant's representative may appear before the Planning Commission in order to present information and answer questions concerning the proposed request.

(4) The Planning Commission shall make findings of fact and make a recommendation on the request. The recommendation shall be in writing and accompanied by the report and recommendation of the city staff.

(5) Upon receiving the report and recommendation of the Planning Commission and the city staff, the city shall schedule the application for consideration by the City Council. The reports and recommendations shall be entered in and made a part of the permanent record of the City Council meeting.

(6) Approval of a request shall require passage by a majority vote of the entire City Council, except an amendment changing a district from residential to commercial or industrial that shall require a 2/3 majority vote.

(E) Standards for zoning amendments.

	Map Amendments	Text Amendments
	Map Amendments	Text Amendments
The existing use and zoning of nearby property.	x	
The extent to which the proposed amendment promotes the public health, safety, comfort, convenience, and general welfare of the city.	x	
The relative gain to the public, as compared to the hardship imposed upon the applicant.	x	x
The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for 1 or more of the uses permitted under the existing zoning classification.	x	
The length of time that the property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located.	x	
The evidence, or lack of evidence, of community need for the use proposed by the applicant.	x	
The consistency of the proposed amendment with the Comprehensive Plan.	x	x

The consistency of the proposed amendment with the intent and general regulations of this chapter.		x
Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.		x
Whether the proposed amendment provides a more workable way to achieve the intent and purposes of this chapter and the Comprehensive Plan.		x
That the proposed amendment will benefit the residents of the city as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups, and the extent to which the proposed use would be in the public interest.	x	x
The extent to which the proposed amendment creates nonconformities.	x	x
The trend of development, if any, in the general area of the property in question.	x	
Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the uses, which would be permitted on the subject property if the amendment were adopted.	x	
The extent to which the proposed amendment is consistent with the overall structure and organization of this chapter.		x
That there is an adequate buffer or transition between potentially incompatible districts.	x	
That the proposed action will not adversely affect property values.	x	

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.038 SITE PLAN APPROVAL.

(A) Purpose. The purpose of this section is to establish a formal site plan review procedure that will assist the city in achieving safe, functional, and attractive development. Site plan review is required for uses, other than the exempted uses below, prior to issuance of a building permit for new construction or additions or changes to a building's exterior and is required in conjunction with an application for a:

- (1) Conditional use permit;

- (2) Plat;
- (3) Residential subdivision;
- (4) Commercial development;
- (5) Variance;
- (6) Rezoning;
- (7) Planned Unit Development;
- (8) Subdivision; and
- (9) Interim use permit.

(B) Exemptions from review. The following uses shall be exempted from the site plan review requirements:

- (1) Agricultural uses in the AP, C, A, and RR Districts;
- (2) Single-family detached and two-family dwellings; and
- (3) Single-family attached dwellings approved by Planned Unit Development and/or subdivision unless otherwise required by the city.

(C) Preliminary review. Prior to developing a final site plan for submission, applicants are encouraged to submit a sketch plan to the city for review and comment. City staff shall have the authority to refer the sketch plan to the Planning Commission and/or City Council for discussion, review, and informal comment. Any opinions, comments, or suggestions offered in this preliminary review shall not constitute a binding decision on the request.

(D) Application. The following data shall be submitted in conjunction with an application for final site plan review. The city may waive some requirements depending on the complexity of the proposal.

(1) Certificate of survey. Shall be drawn to scale of not more than 1-inch equals 50 feet and include the following information:

- (a) The date, north point, map scale, name and address of the applicant, owner, operator, surveyor, engineer and designer, including their license numbers and seals;
- (b) A correct boundary survey and legal description of the subject property;
- (c) Depiction of all existing watercourses, lakes, wetlands, wooded areas, and rock outcrops - see §§ 153.196 et seq. and § 153.089 for woodland and shoreland requirements;
- (d) The location, right-of-way width, dimensions and names of existing or dedicated streets or other public lands, permanent buildings and structures, easements, section and corporate lines within the subject property and within a distance of 100 feet from the property boundaries;
- (e) Descriptions, reference ties, and elevations of all benchmarks;

(f) Location of all monuments existing at the time of the survey and those which the surveyor shall have located at the corners of the subject property;

(g) Reference to and relations of municipal, township, county, or section lines to lines of the subject property by distances, angles, radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs; and

(h) Boundary lines of adjoining property within 100 feet, identifying owners.

(2) Site plan. Shall be drawn to scale of not more than 1-inch equals 50 feet and include the following information:

(a) Boundaries with dimensions and angles and ties to section lines;

(b) Existing buildings on the site and within 100 feet;

(c) Proposed buildings, additions, or demolitions;

(d) Existing and proposed curbs, curb cuts and driveways, curb and driveway cross-sections;

(e) Existing and proposed parking and loading facilities, parking lot cross sections;

(f) Trash and waste storage facilities;

(g) Pedestrian circulation system with cross-section;

(h) Screening (fences, walls, landscaping, and berms) with construction details; and

(i) Tabulation of pertinent site data to aid in evaluating compliance with zoning requirements.

(3) Lighting plan. Shall include the following information:

(a) Location of all exterior lighting;

(b) Illumination pattern and data on lighting fixtures;

(c) Details of lighting fixtures; and

(d) Relationship to lighting on abutting properties.

(4) Grading and drainage plan. Shall include the following information:

(a) Existing and proposed topography;

(b) Existing and proposed drainage facilities;

(c) Delineation of topography of subject property with contour intervals of not more than 2 feet and supplemental of 1 foot in extremely flat areas;

(d) Calculations to determine sizing of pipes, structures, and water storage areas;

(e) Gradients and invert elevations of surface drainage and pipes;

- (f) Erosion control measures; and
 - (g) Drainage easements.
- (5) Utilities plan. Shall include the following information:
- (a) Existing and proposed sanitary sewer and water systems;
 - (b) Elevations, gradients, and sizing of all components; and
 - (c) Utility easements.
- (6) Landscape plan. Shall include the following information:
- (a) Location, size, and species of all proposed plant materials;
 - (b) Location, size, and species of all existing plant materials over 4 inches in diameter at 4.5 feet above ground level measuring a minimum of 6 inches in diameter for all hardwood deciduous trees or a minimum of 12 inches in diameter for all softwood deciduous trees or a minimum of 12 feet in height for all coniferous trees;
 - (c) Plant schedule;
 - (d) Planting details; and
 - (e) Existing plants to be removed.
- (7) Sign plan. Shall include the following information:
- (a) Site plan locating all freestanding signs;
 - (b) Diagrams of sign copy with dimensions and color;
 - (c) Dimensions of all signs, including sign structures and mounting systems;
 - (d) Height of all signs;
 - (e) Sign illumination system; and
 - (f) Structural plans showing materials, fabrication, and mounting system.
- (8) Building plan. Shall include the following information:
- (a) Elevation drawings, sections, or illustrations indicating the architectural treatment of all proposed buildings and structures;
 - (b) Floor plans of all proposed buildings and structures;
 - (c) Type of use, number of employees, users, or occupants expected;
 - (d) Type, location, and treatment of exterior mechanical devices, such as vent exhaust fans, air conditioners, and elevators;
 - (e) Type of exterior building materials;

(f) Exterior colors of all building materials; and

(g) Outline specifications.

(9) Identification of variances. All variances must be clearly shown.

(E) Procedure. Once preliminary review of a sketch plan has been reviewed, the applicant shall submit an application to the city for final site plan review. The final site plan review process shall be as follows:

(1) The applicant(s) shall submit a completed application and all required final site plan review materials to the city.

(2) The city staff shall review the application and forward a report and recommendation, including all conditions, to the Planning Commission.

(3) The Planning Commission shall review the submitted final site plan application and recommendation from city staff and make a final decision, prior to issuance of a building permit for new construction, building additions, or significant changes to a building's exterior. The Planning Commission shall have the authority to make final decisions on final site plan applications within previously approved Planned Unit Developments. The final decision of the Planning Commission shall include all conditions or modifications to the final site plan application.

(4) The Planning Commission may remove, alter, or impose additional conditions to the final site plan application.

(5) The decision of the Planning Commission approving or denying final site plan approval along with its findings shall be formally recorded.

(6) In evaluating its recommendation and approval, the Planning Commission shall take into consideration the following:

(a) Consistency with the City Comprehensive Plan;

(b) Compliance with this chapter;

(c) The preservation of the site in its natural state to the extent practicable by minimizing tree loss, soil removal, and grading;

(d) The harmonious relationships between buildings, open spaces, natural site features, architectural details, and vehicular and pedestrian circulations; and

(e) The protection of adjacent and neighboring properties.

(F) Amendments to approved site plan reviews.

(1) Application. An application for an amendment to an approved site plan shall be submitted to the city. Amendment applications shall include a written description of the proposed change, including the reason for such change, and a notation of the location on the approved site plan.

(2) Determination of type of change. Upon receipt of a complete application and using the following criteria, the Community Development Department shall determine within 15 business days whether the proposed amendment constitutes a minor or major change to an approved site plan. Major changes to an approved site plan shall include, but are not limited to:

- (a) An increase in the gross floor area;
- (b) A change in architectural design and/or materials;
- (c) A change in building location;
- (d) A change in building height;
- (e) A change in the number of dwelling units;
- (f) A reduction in open space or required yards;
- (g) A reduction in the number of parking spaces or an increase of more than 4 parking spaces;
- (h) A change in the number and/or location of accesses to public streets or alleys;
- (i) A change in excess of 5 feet in the location of walkways, vehicle circulation ways, and parking areas;
- (j) A change in the landscape plan that results in a reduction in the net amount of plant material.

(3) Approved site plan major change review procedure.

(a) Once accepted, the Community Development Department shall forward the complete application to the Planning Commission for recommendation to the City Council.

(b) The Planning Commission shall consider amendment applications within 60 days of receipt of a complete application. If, in the Planning Commission's judgment, the application does not contain sufficient information to enable the Commission to properly discharge its responsibilities, the Commission may request additional information from the applicant. The City Council may approve a site plan amendment request by a majority vote of all its members. If the City Council denies the site plan amendment request it must state in writing the reasons for the denial at the time that it denies the request. If a written statement is not adopted at the same time as the denial, it must be adopted at the next meeting following the denial of the request but before the expiration of the time allowed for making the decision. The written statement must be consistent with the reasons stated in the record at the time of denial. The written response of denial or approval with conditions meets the 60-day time limit if the city can document that the response was sent within 60 days of receipt of the complete written application.

(4) Approved site plan review minor change procedure.

(a) The Community Development Department shall approve minor changes to the approved site plans within 15 business days of receipt of the complete application. The 15 business days timeframe shall commence after the determination that the change is a minor change. If the Community Development Department determines the application does not contain

sufficient information, the Community Development Department may request additional information from the applicant. In that event, the 15 business day period shall be suspended pending receipt of all requested information.

(b) The Community Development Department may also, at its discretion, determine that a proposed change to an approved site plan constitutes a major change and, as such, must be submitted to the Planning Commission in accordance with the procedures for a major change.

(c) If the Community Development Department does not approve the minor change, the applicant may appeal the decision to the Planning Commission in accordance with the procedures for a major change.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 636, passed 3-24-2014; Am. Ord. 648, passed 9-28-2015)

NONCONFORMITIES

§ 153.050 PURPOSE.

(A) Within the zoning districts established by this chapter, or amendments that may later be adopted, situations may occur where, as a result of the requirements contained in this chapter, an existing lot, structure, site improvement, or use does not conform to 1 or more of the requirements of this chapter.

(B) It is the intent of this chapter to regulate the nonconforming situations to accomplish the following:

(1) Recognize the existence of uses, dimensional and intensity characteristics of structures, properties, and site features that were lawful when established before the effective date of this chapter, but which no longer meet all of the chapter requirements;

(2) Regulate the enlargement, expansion, intensification, or extension of any nonconformity or any increase in the impact of a nonconformity on adjacent properties; and

(3) Encourage the elimination of nonconforming uses or reduction of their impact on adjacent properties.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.051 NONCONFORMING USES.

A nonconforming use may continue at the size, intensity, and in the manner of operation existing upon the date it became nonconforming subject to the following and as permitted by Minnesota State Statute.

(A) Agricultural and livestock operations. All agricultural, farming, and livestock operations being conducted in compliance with the terms of this chapter shall not be deemed a nonconforming use or a violation of this chapter notwithstanding the fact that there may have been changes in the surrounding character of the area.

(B) There shall be no expansion, enlargement, intensification, replacement, structural change, alteration, or relocation of any use or any site element of any nonconforming land use except to make it conforming or as allowed by Minnesota State Statutes or this chapter;

(C) Except as otherwise provided in this chapter, a nonconforming use may be repaired, replaced, maintained, or improved, but not expanded;

(D) Regulation and expansion of nonconforming uses. The city may impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. Legally established nonconforming uses may be expanded with a Conditional Use Permit as follows: nonconforming uses in residential zoning districts may be expanded with a conditional use permit.

(E) A nonconforming use may not be changed to a different nonconforming use;

(F) When any nonconforming use has been changed to a conforming use, it may not be later changed to a nonconforming use;

(G) A nonconforming use may be changed to lessen the nonconformity, but once lessened, the use may not be changed to increase the nonconformity;

(H) A nonconforming use may not be re-established if discontinued for a continuous period of 1 year from the date of discontinuance. Following the expiration of this time period, only those uses classified as permitted or conditional, if approved by the City Council, may be allowed by this chapter;

(I) Any nonconforming use that requires a license, permit, or other evidence of city approval initially issued lawfully prior to the nonconformity may be conducted in accordance with the terms of the city's approval, provided that the use has not been abandoned for a continuous period of 1 year or more. The license, permit, or other evidence of city approval ceases at the time the nonconformity ceases to exist; and

(J) If a structure housing a nonconforming use is destroyed by fire or other peril to the extent greater than 50% of its market value, and no building permit has been applied for within 180 days of when the property is damaged, then a municipality may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010; Am. Ord. 669, passed 12-4-2017)

§ 153.052 NONCONFORMING LOT OF RECORD.

Any separate lot or parcel that was legally created and is of record with the Washington County Recorder's office but became nonconforming because of the adoption of this chapter may be used for the legal use for which it is zoned subject to the following:

(A) The lot or parcel shall have frontage on an improved public road or on a private road approved by the City Council. The City Council must, by resolution, specify the private road, indicate the private road can support emergency vehicles, and specify that provisions exist for ongoing maintenance of the private road;

(B) A vacant lot or parcel served by public sewer may be used for a permitted use by the provision of the zoning district, provided that all setback and lot coverage requirements can be met;

(C) A vacant lot or parcel not served by public sewer can be used for a permitted use, provided it has at least 1 acre of buildable area and it can be demonstrated that a safe and adequate sewage treatment system can be installed to serve the use and meet required setbacks and lot coverage;

(D) If in the case of 2 or more contiguous lots or parcels of land under single ownership (not located in the Shoreland Overlay Zone) any individual lot or parcel does not meet the minimum requirements of this chapter, the individual lot or parcel shall not be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots so that the combination of lots will equal 1 or more parcels of land meeting the full requirements of this section or the provisions of the zoning district in which the property is located, whichever is more restrictive. In no circumstances will there be approval of any proposal for multiple lot developments based upon lots of record and not conforming with the provisions of the existing zoning district;

(E) Two or more contiguous lots or parcels of land under single ownership located in the Shoreland Overlay Zone may be considered a separate parcel for purposes of sale or development as long as it meets the following requirements:

(1) The lot of record is 66% of the state shoreland dimensional width and size standards in Minnesota Rules Ch. 6120;

(2) The lot of record is connected to a public sewer, if available, or otherwise suitable to have a Type 1 sewer treatment system installed that meets the requirements of Minnesota Rules Ch. 7080 and other local controls;

(3) The lot of record does not exceed 25% impervious surface by area;

(4) Development of the lot would be consistent with an adopted local comprehensive plan.

(F) A conforming lot shall not be reduced in size so that it becomes nonconforming in any respect under the premises of this chapter. A nonconforming lot shall not be reduced in size;

(G) Additions to principal or accessory buildings or structures located on nonconforming lots may be permitted without a variance, provided that any such addition meets all minimum setback

and lot coverage requirements of the zoning district in which it is located and that long term sewage disposal needs can be met;

(H) Nonconforming lots may be combined for tax purposes with a contiguous lot or lots, but may not be re-subdivided into a nonconforming lot even if the division is consistent with the original lot configuration;

(I) A structure destroyed or damaged by any means may be reconstructed on a nonconforming lot within 1 year of the date of the destruction of the original structure, and reasonable progress shall be made in completing the project for this section to be applicable. A building permit must be obtained prior to construction of a new structure, and it shall be constructed in compliance with all other applicable codes and regulations.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.053 NONCONFORMING RESIDENTIAL STRUCTURES.

Any structure existing on the effective date of this chapter which is not in conformity with the regulations contained in this chapter shall be allowed to continue subject to the following:

(A) An existing residential structure of any type meeting a minimum of 60% of the required side yard setback, but not less than 6 feet may be considered conforming. The conforming structure shall meet the required setbacks from the public right-of-way, rear lot line, wetland, lake, sewer treatment system, and well;

(B) Nonconforming structures may not be enlarged or altered in a way that increases their nonconformity unless in compliance with the following:

(1) Expansion or alteration of a structure found to be nonconforming might be permitted, provided the expansion complies with the requirements of this chapter;

(2) Additions to detached single-family and two-family dwellings not meeting the required side yard setback, but not less than 6 feet from the side lot line, may have an addition at the existing side yard setback;

(3) Long-term sewage disposal needs can be met on lots that are not served by public sewer.

(C) Should a structure be destroyed by any means to an extent of more than 50% of its market value at time of destruction, the building may be reconstructed to its original condition provided that a building permit has been applied for within 180 days of the damage or destruction. After 180 days, it shall not be reconstructed except in conformity with the provisions of this chapter;

(D) All construction projects for which a valid building permit was granted before the effective date of this chapter may be completed even if the structure will not meet the newly adopted provisions of this chapter.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.054 NONCONFORMING SITE AND BUILDING IMPROVEMENTS.

(A) Upon any change in occupancy, nonconforming paved parking areas may continue to be used without improvement if the number of parking spaces supplied remains adequate according to the regulations of this chapter, and the surface has not, in the city's judgment, deteriorated so as to be beyond repair. If the parking lot is beyond repair or not paved, then the parking lot surface must be replaced or otherwise brought into conformance with this chapter.

(B) A building permit may be issued for a portion of a multiple occupancy building without bringing the existing site improvements for the entire property into compliance with this chapter if the nonconformity is not increased.

(C) If a multiple occupancy building becomes completely vacant, its site improvements must be brought into compliance with this chapter before any future occupancy.

(D) When expansion of an existing nonconforming site improvement is required, the newly constructed portion of the site improvement must meet all requirements of this chapter.

(E) When an existing building is expanded at or over 50% of the existing square footage or building value (based on latest assessed value), whichever is less, the entire building including the existing facade and new expansion shall meet the building design requirements as determined by this chapter including the Forest Lake design requirements.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

ZONING DISTRICT REGULATIONS

§ 153.064 ZONING DISTRICT REGULATIONS.

(A) General zoning district provisions.

(1) Establishment. In order to classify, regulate, and restrict the location of trade and industry and the location of buildings designated for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards, recreation, and open space within and surrounding the buildings, the city is divided into zoning districts. The use, height, and area regulations shall be uniform in each district. The districts shall be known as:

(a) Residential.

C Conservancy

A Agriculture

RR Rural Residential

SF Single-Family

MXR-1 Mixed Single-Family and Townhouse

MXR-2 Mixed Single and Two-Family

MXR-3 Mixed Residential

MF Multiple-Family

(b) Commercial.

NC Neighborhood Commercial Business

B-1 Broadway Business

B-2 Highway Commercial Business

B-3 Limited Industrial Business

(c) Mixed Use.

MU-1 Downtown Mixed Use

MU-2 General Mixed Use

(d) Industrial.

I Industrial

BP Business Park

(e) Overlay.

AP Agriculture Preserve Overlay District

PUD Planned Unit Development Overlay District

Rural Open Space Housing Cluster Planned Unit

(f) Development Overlay District.

SOD Shoreland Overlay District

AOD Airport Overlay District

(2) Zoning district boundaries. See zoning district boundaries, § 153.008.

(3) Annexations. All territory hereafter annexed to the city which is not shown on the Zoning Map shall automatically upon annexation be classified within a nonconforming district and shall be subject to all regulations, notations, references, and conditions as are applicable to the district until such time that a determination may be made as to the proper district classification for the territory and an amendment can be made to that effect.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.065 COMPREHENSIVE USE TABLE

§ 153.066 CONSERVANCY (C) DISTRICT.

(A) Purpose. The Conservancy (C) District is intended to provide special regulatory protection for those areas that contain valuable natural resources or other similar resources; to foster, preserve, and promote sensitive development; to preserve areas that are not suitable for intensive agricultural production or development due to wetlands, woodlands, steep slopes, scenic views, bedrock formations, and/or other physical features of unique natural and biological characteristics.

(B) Permitted uses. Subject to applicable provisions of this chapter, the following are permitted uses in the C District:

- (1) Agricultural use;
- (2) Dwelling, single-family detached;
- (3) Plant nurseries, wholesale;
- (4) Recreation, public;

(5) Amateur radio antenna (subject to the amateur radio antenna standards in § 153.092(II)(9)).

(C) Accessory uses. Subject to applicable provisions of this chapter, the following accessory uses in the C District are allowed only when it is an accessory to an existing principal permitted use on the same lot. All accessory uses must meet the procedures set forth in and regulated by §§ 153.110 et seq.

- (1) Agriculture business;
- (2) Detached accessory structure;
- (3) Daycare facility, unlicensed - serving 6 or fewer persons;
- (4) Kennel, private - 3 pets or fewer;
- (5) Pasture;
- (6) Residential facility, licensed - serving 6 or fewer persons;

(7) Other uses customarily associated with but subordinate to a permitted use as determined by the city.

(D) Certificate of compliance. Subject to applicable provisions of this chapter, the following are uses in the C District that require approval by a certificate of compliance as set forth in and regulated by § 153.029.

- (1) Principal uses.
 - (a) Agriculture building.
- (2) Accessory uses.

- (a) Accessory apartment within a single-family detached dwelling.
- (b) Agriculture building.
- (c) Daycare facility, licensed - serving 7 to 14 persons.
- (d) Home occupations.
- (e) Horse training facilities, private.
- (f) Kennel, private - more than 3 pets.
- (g) Residential facility, licensed - serving 7 to 10 persons.
- (h) Solar energy systems, either roof or ground-mounted (meeting accessory structure requirements) according to § 153.082 (TT);
- (i) Towers (see § 153.092).

(E) Conditional uses. Subject to applicable provisions of this chapter, the following are conditional uses in the C District (requires a conditional use permit based upon procedures set forth in and regulated by § 153.034.)

(1) Principal uses.

- (a) Essential services, utility substation.
- (b) Towers (see § 153.092).

(2) Accessory uses.

- (a) Bed and breakfast inn.
- (b) Daycare facility, licensed - serving more than 14 persons.
- (c) Feed lots.
- (d) Horse training facilities, commercial.
- (e) Kennel, commercial.
- (f) Residential facility, licensed - serving more than 10 persons.

(3) Similar uses. Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(4) New wireless support structures and small wireless facilities located within the public right-of-way and meeting the requirements of Chapter 98, and subject to the conditions found in § 153.092(PP).

(F) Interim uses. Subject to applicable provisions of this chapter, the following are interim uses in the C District (requires an interim use permit based upon procedures set forth in and regulated by § 153.035).

(1) Dwelling, temporary during construction.

(2) Dwelling, temporary care facility.

(3) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(G) Lot size, setback, and height requirements. The following minimum requirements shall be observed in a C District subject to additional requirements, exceptions, and modifications set forth in this chapter.

(1) Minimum lot requirements.

(a) Lot area: 20 acres.

(b) Lot width: 300 feet at road right-of-way.

(2) Setbacks.

(a) Principal structure.

1. Front yard:

a. Arterials, as designated in the Comprehensive Plan: 75 feet from the right-of-way line or 150 feet from the centerline of the street, whichever is greater;

b. Collector street: 50 feet from the public right-of-way.

c. Local street: 40 feet from the public right-of-way.

d. Existing Private street: 40 feet from edge of road.

2. Side yard: 20 feet.

3. Side street: same as front yard.

4. Rear yard: 50 feet.

(b) Detached accessory structure.

1. Front yard: must meet principal building setbacks; however, if located between the principal structure and a road, a 100-foot setback is required.

2. Side yard: 20 feet.

3. Side street: same as front yard.

4. Rear yard: 50 feet.

(3) Building height. All buildings shall be limited to a maximum height of 35 feet.

(a) Principal structures shall not exceed 3 stories or 35 feet.

(b) Detached accessory structures shall not exceed 2 stories or 25 feet.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010; Am. Ord. 651, passed 3-14-2016; Am. Ord. 676, passed 7-9-2018)

§ 153.067 AGRICULTURE (A) DISTRICT.

(A) Purpose. The Agriculture (A) District is intended to preserve areas for interim or permanent agricultural use; preserve the rural character of outlying areas of the city; to allow a mix of large lot residential development and agriculturally related uses in areas of the city not yet served by public sewer; and to broaden the choice of residential living styles within the city.

(B) Permitted uses. Subject to applicable provisions of this chapter, the following are permitted uses in the A District:

- (1) Agricultural use;
- (2) Dwelling, single-family detached;
- (3) Plant nursery, wholesale;
- (4) Recreation, public;

(5) Amateur radio antenna (subject to the amateur radio antenna standards in § 153.092(II)(9)).

(C) Accessory uses. Subject to applicable provisions of this chapter, the following permitted accessory uses in the A District are allowed only when it is an accessory to an existing principal permitted use on the same lot. All accessory uses must meet the procedures set forth in and regulated by §§ 153.110 et seq.

- (1) Accessory structures;
- (2) Agricultural business;
- (3) Daycare facility, unlicensed - serving 6 or fewer persons;
- (4) Kennel, private - 3 pets or fewer;
- (5) Pasture;
- (6) Residential facility, licensed - serving 6 or fewer persons;
- (7) Accessory dwelling.

(D) Certificate of compliance. Subject to the applicable provision of this chapter, the following are uses in the A District that require approval by a certificate of compliance as set forth in and regulated by § 153.029.

- (1) Principal uses.
 - (a) Agriculture building.

(2) Accessory uses.

- (a) Accessory apartment within a single-family detached dwelling;
- (b) Agriculture building;
- (c) Daycare facility, licensed - serving 7 to 14 persons;
- (d) Home occupations;
- (e) Horse training facilities, private;
- (f) Kennel, private - more than 3 pets;
- (g) Residential facility, licensed - serving 7 to 10 persons;
- (h) Solar energy systems, either roof or ground-mounted (meeting accessory structure requirements) according to § 153.092 (TT);
- (i) Towers (see § 153.092).

(E) Conditional uses. Subject to applicable provisions of this chapter, the following are conditional uses in the A District (requires a conditional use permit based upon procedures set forth in and regulated by § 153.034).

(1) Principal uses.

- (a) Cemetery;
- (b) Essential services, governmental buildings and storage;
- (c) Essential services, utility substation;
- (d) Garden supply store and nursery yard;
- (e) Mining;
- (f) Place of worship;
- (g) Recreation, commercial;
- (i) Tower (see § 153.092);
- (j) Yard waste facility.

(2) Accessory uses.

- (a) Columbarium - accessory to place of worship;
- (b) Bed and breakfast inn;
- (c) Daycare facility, licensed - serving more than 14 persons;
- (d) Feedlot;
- (e) Horse training facilities, commercial;

- (f) Kennel, commercial;
- (g) Residential facility, licensed - serving more than 10 persons;
- (h) Veterinary, large animal.

(3) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(4) New wireless support structures and small wireless facilities located within the public right-of-way and meeting the requirements of Chapter 98, and subject to the conditions found in § 153.092(PP).

(F) Interim uses. Subject to applicable provisions of this chapter, the following are interim uses in the A District (requires an interim use permit based upon procedures set forth in and regulated by § 153.035).

- (1) Dwelling, temporary during construction.
- (2) Dwelling, temporary care facility.

(3) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(G) Lot size, setback, and height requirements. The following minimum requirements shall be observed in an A District subject to additional requirements, exceptions, and modifications set forth in this chapter.

- (1) Minimum lot requirements.

- (a) Lot area:

- 1. 10 acres: (Sections 25, 26, 27, 34, 35, and 36);
- 2. 20 acres: (Sections 28, 31, 32, and 33 - except for parcel geocode 3303221440003, parcel geocode 3303221410004, and parcel geocode 3303221440002);
- 3. See Comprehensive Land Use Plan for additional information regarding information on section location and land use.

- (b) Lot width: 300 feet.

- (2) Setbacks.

- (a) Principal structure.

- 1. Front yard:

- a. Arterial, as designated in the Comprehensive Plan: 75 feet from the right-of-way line or 150 feet from the centerline of the street, whichever is greater;
- b. Collector street: 50 feet from the public right-of-way;
- c. Local street: 40 feet from the public right-of-way;

- d. Existing private street: 40 feet from edge of road.
 - 2. Side yard: 20 feet.
 - 3. Side street: same as front yard.
 - 4. Rear yard: 50 feet.
 - (b) Detached accessory structure.
 - 1. Front yard: must meet principal building setbacks; however, if located between the principal structure and a road, a 100-foot setback is required. See § 153.110 for requirements relating to exterior designs and color.
 - 2. Side yard: 20 feet.
 - 3. Side street: same as front yard.
 - 4. Rear yard: 50 feet.
 - (3) Building height.
 - (a) Principal structure: maximum height of 3 stories or 35 feet.
 - (b) Detached accessory structure: maximum height of 1 story or 20 feet.
- (Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010; Am. Ord. 651, passed 3-14-2016; Am. Ord. 676, passed 7-9-2018; Am. Ord. 719, passed --)

§ 153.068 RURAL RESIDENTIAL (RR) DISTRICT.

(A) Purpose. The Rural Residential (RR) District is intended to provide areas for low density housing in rural areas of the city; to allow a mix of large lot residential development and agriculturally related uses in areas of the city not served by public sewer; and to broaden the choice of residential living styles in the city.

(B) Permitted uses. Subject to applicable provisions of this chapter, the following are permitted uses in the RR District:

- (1) Agricultural use;
- (2) Dwelling, single-family detached;
- (3) Plant nursery, wholesale;
- (4) Recreation, public;
- (5) Amateur radio antenna (subject to the amateur radio antenna standards in § 153.092(II)(9)).

(C) Accessory uses. Subject to applicable provisions of this chapter, the following accessory uses in the RR District are allowed only when it is an accessory to an existing principal permitted use on the same lot. All accessory uses must meet the procedures set forth in and regulated by §§ 153.110 et seq.

- (1) Agricultural business;
- (2) Accessory structures;
- (3) Day care facility, unlicensed - serving 6 or fewer persons;
- (4) Kennel, private - 3 or fewer pets;
- (5) Pasture;
- (6) Residential facility, licensed - serving 6 or fewer persons;

(7) Other uses customarily associated with but subordinate to a permitted use as determined by the city.

(D) Certificate of compliance. Subject to the applicable provision of this chapter, the following are uses in the RR District that require approval by a certificate of compliance as set forth in and regulated by § 153.029.

(1) Principal uses.

(a) Agriculture building.

(2) Accessory uses.

- (a) Accessory apartment within a single-family dwelling;
- (b) Agricultural building;
- (c) Day care facility, licensed - serving 7 to 14 persons;
- (d) Home occupations;
- (e) Horse training facilities, private;
- (f) Kennel, private - more than 3 pets;
- (g) Residential facility, licensed - serving 7 to 10 persons;

(h) Solar energy systems, either roof or ground mounted (meeting accessory structure requirements) according to § 153.092 (TT).

(i) Tower (see § 153.092).

(E) Conditional uses. Subject to applicable provisions of this chapter, the following are conditional uses in the RR District (requires a conditional use permit based upon procedures set forth in and regulated by § 153.034).

(1) Principal uses.

- (a) Cemetery;
- (b) Essential services, governmental buildings and storage;
- (c) Essential services, utility substations;
- (d) Mining;
- (e) Place of worship;
- (f) Recreation, commercial;
- (g) School;
- (h) Yard waste facility.

(2) Accessory uses.

- (a) Bed and breakfast inn;
- (b) Columbarium - accessory to place of worship;
- (c) Day care facility, licensed - serving more than 14 persons;
- (d) Feedlot;
- (e) Garden supply store and nursery yard;
- (f) Horse training facilities, commercial;
- (g) Kennel, commercial;
- (h) Residential facility, licensed - serving more than 10 persons;
- (i) Towers (see § 153.092);
- (j) Accessory structure on adjacent non-riparian lot.

(3) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(4) New wireless support structures and small wireless facilities located within the public right-of-way and meeting the requirements of Chapter 98, and subject to the conditions found in § 153.092(PP).

(F) Interim uses. Subject to applicable provisions of this chapter, the following are interim uses in the RR District (requires an interim use permit based upon procedures set forth in and regulated by § 153.035).

- (1) Dwelling, temporary during construction.
- (2) Dwelling, temporary care facility.

(3) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(G) Lot size, setback, and height requirements. The following minimum requirements shall be observed in an RR District subject to additional requirements, exceptions, and modifications set forth in this chapter.

(1) Minimum lot requirements.

(a) Lot area: 5 acres; except for RR zoned properties located south of Shields Lake, west of Ingersoll Avenue, north of 200th Street and east of Harrow Avenue North all new lot divisions shall be a minimum of 10 acres due to potential of future sewered development within this area.

(b) Lot width: 300 feet.

(2) Setbacks.

(a) Principal structure.

1. Front yard:

a. Arterials, as designated in the Comprehensive Plan: 75 feet from the right-of-way line or 150 feet from the centerline of the street, whichever is greater;

b. Collector street: 50 feet from the public right-of-way;

c. Local street: 40 feet from the public right-of-way;

d. Existing private street: 40 feet from edge of road.

2. Side yard: 20 feet.

3. Side street: same as front yard.

4. Rear yard: 50 feet.

(b) Detached accessory structure.

1. Front yard: must meet principal building setbacks; however, if located between the principal structure and a road, a 100-foot setback is required. See § 153.110 for requirements relating to exterior design and color.

2. Side yard: 20 feet.

3. Side street: same as front yard.

4. Rear yard: 50 feet.

(3) Building height.

(a) Principal structure: maximum height of 3 stories or 35 feet;

(b) Detached accessory structure: maximum height of 1 story or 20 feet.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010; Am. Ord. 651, passed 3-14-2016; Am. Ord. 670, passed 12-4-2017; Am. Ord. 676, passed 7-9-2018)

§ 153.069 SINGLE-FAMILY (SF) RESIDENTIAL DISTRICT.

(A) Purpose. The Single-Family (SF) Residential District is intended to provide permanent areas for low density medium and large lot single-family urban development; to broaden the choice of residential living styles in the city; to establish areas for the development of single-family detached housing in areas of the city within public sewer; and to restrict encroachment of incompatible uses.

(B) Permitted uses. Subject to applicable provisions of this chapter, the following are permitted uses in the SF District:

- (1) Dwelling, single-family detached;
- (2) Recreation, public.

(C) Accessory uses. Subject to applicable provisions of this chapter, the following accessory uses in the SF District are allowed only when it is an accessory to an existing principal permitted use on the same lot. All accessory uses must meet the procedures set forth in and regulated by §§ 153.110 et seq.

- (1) Detached accessory structures;
- (2) Day care facility, unlicensed - serving 6 or fewer persons;
- (3) Kennel, private - 3 pets or fewer;
- (4) Residential facility, licensed - serving 6 or fewer persons;
- (5) Other uses customarily associated with but subordinate to a permitted use as determined by the city;
- (6) Amateur radio antenna (subject to the amateur radio antenna standards in § 153.092(II)(9)).

(D) Certificate of compliance. Subject to applicable provisions of this chapter, the following are uses in the SF District that require approval with a certificate of compliance as set forth in and regulated by § 153.029.

- (1) Accessory uses.
 - (a) Accessory apartment within a single-family dwelling;
 - (b) Day care facility, licensed - serving 7 to 14 persons;
 - (c) Home occupations;
 - (d) Residential facility, licensed - serving 7 to 10 persons.

(e) Solar energy systems, either roof or ground mounted (meeting accessory structure requirements) according to § 153.092 (TT).

(E) Conditional uses. Subject to applicable provisions of this chapter, the following are conditional uses in the SF District (requires a conditional use permit based upon procedures set forth in and regulated by § 153.034).

(1) Principal uses.

- (a) Cemetery.
- (b) Day care facility, licensed - serving more than 14 persons.
- (c) Essential services, governmental buildings and storage.
- (d) Essential services, utility substation.
- (e) Place of worship.
- (f) Recreation, commercial.
- (g) Residential facility, licensed - serving more than 10 persons.
- (h) School.
- (i) Yard waste facility.

(2) Accessory uses.

- (a) Bed and breakfast inn;
- (b) Columbarium - accessory to place of worship;
- (c) Accessory structure on adjacent non-riparian lot.

(3) Similar uses. Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(4) New wireless support structures and small wireless facilities located within the public right-of-way and meeting the requirements of Chapter 98, and subject to the conditions found in § 153.092(PP).

(F) Interim uses. Subject to applicable provisions of this chapter, the following are interim uses in the SF District (requires an interim use permit based upon procedures set forth in and regulated by § 153.035).

- (1) Dwelling, temporary during construction.
- (2) Dwelling, temporary care facility.

(3) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(G) Lot size, setback, and height requirements. The following minimum requirements shall be observed in an SF District subject to additional requirements, exceptions, and modifications set forth in this chapter.

(1) Minimum lot requirements.

(a) Lot area.

1. Without sewer and water: 10 acres;
2. With sewer only: 25,000 square feet;
3. With sewer and water: 15,000 square feet.
4. With sewer and water: 7,500 square feet for a new lot of record, constructed according to affordable housing goals as stated in the Comprehensive Plan and meeting inclusionary housing requirements in § 153.115. Such lot size reduction shall not be permitted within the Shoreland Overlay Zone.

(b) Lot width.

1. Without sewer and water: 300 feet at the public right-of-way;
2. With sewer only: 100 feet at the required front yard setback;
3. With sewer and water: 80 feet at the required front yard setback.
4. With sewer and water: 60 feet at the required front yard setback for a new lot of record, constructed according to affordable housing goals as stated in the Comprehensive Plan and meeting inclusionary housing requirements in § 153.115. Such lot width reduction shall not be permitted within the Shoreland Overlay Zone.

(2) Setbacks.

(a) Principal structure.

1. Front yard:
 - a. Arterials, as designated in the Comprehensive Plan: 75 feet from the right-of-way line or 150 feet from the centerline of the street, whichever is greater;
 - b. Local/collector street: 30 feet from the public right-of-way;
 - c. Private street: 30 feet from the edge of road.
2. Side yard: 10 feet.
3. Side street: 25 feet.
4. Rear yard: 30 feet.

(b) Detached accessory structure.

1. Front yard: 30 feet and cannot be located between the principal structure and the street.
2. Side street: 25 feet and cannot be located between the principal structure and the street.
3. Side yard: 10 feet.
4. Rear yard: 10 feet.

(3) Building height.

(a) Principal structures: shall be limited to a maximum height of 35 feet or 3 stories, whichever is less.

(b) Accessory structures: shall be limited to 1 story with a maximum sidewall height of 10 feet, measured from the floor surface to the underside of the ceiling member.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010; Am. Ord. 651, passed 3-14-2016; Am. Ord. 670, passed 12-4-2017; Am. Ord. 676, passed 7-9-2018)

§ 153.070 MIXED SINGLE-FAMILY RESIDENTIAL DISTRICT (MXR-1).

(A) Purpose. The Mixed Single-Family Residential District (MXR-1) is intended to allow for both single-family detached dwellings and single-family attached dwellings, permitting up to 8 units per building with each unit having a separate entrance, while maintaining a low-medium density. In any given subdivision with city sewer or water services, the mix of detached and attached housing units shall reflect a minimum of 60% detached single-family dwellings and a maximum of 40% single-family attached dwellings. No single-family attached dwellings will be permitted in areas without city sewer and water. A conventional subdivision of traditional single-family housing units is also allowed.

(B) Permitted uses. Subject to applicable provisions of this chapter, the following are permitted uses in the MXR-1 District:

- (1) Dwelling, single-family detached.
- (2) Dwelling, single-family attached - 8 units per building maximum with each unit having a separate entrance.
- (3) Public parks.
- (4) A state licensed residential facility serving 6 or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minn. Rules, parts 9502.3015 to 9502.0445 to serve 14 or fewer children, except a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be permitted pursuant to M.S. § 462.357, subd. 7 as amended.

(C) Accessory uses. Subject to applicable provisions of this chapter, the following accessory uses in the MXR-1 District are allowed only when it is an accessory to an existing principal permitted use on the same lot; all accessory uses must meet the procedures set forth in and regulated by §§ 153.110, et seq.

- (1) Accessory apartment (single-family detached lots only);
- (2) Amateur radio antenna (subject to the amateur radio antenna standards in § 153.092(II)(9));
- (3) Detached accessory structures (detached single-family lots only);
- (4) Home occupations;
- (5) Kennel, private – 3 or fewer pets;
- (6) Solar energy systems, either roof or ground-mounted (meeting accessory structure requirements) according to § 153.092 (TT).

(D) Conditional uses. Subject to applicable provisions of this chapter, the following are conditional uses in the MXR-1 District and require a conditional use permit based upon procedures set forth in and regulated by § 153.034.

- (1) Day care facility, licensed - serving more than 14 persons;
- (2) Essential services, governmental buildings and storage;
- (3) Essential services, utility substation;
- (4) Kennel, private - 3 pets or more;
- (5) Place of worship;
- (6) Recreation, commercial;
- (7) School.
- (8) New wireless support structures and small wireless facilities located within the public right-of-way and meeting the requirements of Ch. 98, and subject to the conditions found in § 153.092(PP).

(E) Interim uses. Subject to applicable provisions of this chapter, the following are interim uses in the MXR-1 District and require an interim use permit based upon procedures set forth in and regulated by § 153.035.

- (1) Towers (see § 153.092).
- (2) Topsoil removal.
- (3) Agricultural uses.

(F) *Minimum lot requirements.*

	With Sewer and Water	Without Sewer or City Water
Lot size		
Dwelling, Single Family Detached	7,500 square feet	10 acres
Dwelling, Single Family Attached	5,000 square feet	N/A
Lot width*		
Dwelling, Single Family Detached	65 feet	300 feet
Dwelling, Single Family Attached	N/A	N/A
*As measured at front yard setback line		

(G) *Minimum setback requirements.*

	<i>Principal Structure, Dwelling</i>	<i>Accessory Structure, Attached</i>	<i>Accessory Structure, Detached</i>
Front Yard			
Arterials	75 feet from right-of-way or 150 feet from centerline, whichever is greater	75 feet from right-of-way or 150 feet from centerline, whichever is greater	75 feet from right-of-way or 150 feet from centerline, whichever is greater
Local/collector	25 feet from right-of-way	30 feet from right-of-way	30 feet*
Private	25 feet from edge of road	30 feet from edge of road	28 feet*
Side yard			
Interior	7.5 feet**	7.5 feet**	10 feet
Exterior	25 feet	25 feet	N/A
Rear yard	30 feet	30 feet	10 feet

*Unless as permitted in an overlay district, detached accessory structure may not be located between the principal structure and the street.

**A minimum of 15 feet must be maintain between two principal structures separated by common area.

(H) Maximum building height.

(1) Principal structures shall be limited to a maximum height of 35 feet or 3 stories, whichever is less.

(2) Detached accessory structures shall be limited to one story with a maximum sidewall height of 10 feet, measured from the floor surface to the underside of the ceiling member.

(Ord. 720, passed --)

§ 153.071 MIXED RESIDENTIAL, SINGLE AND TWO-FAMILY (MXR-2) DISTRICT.

(A) Purpose. The Mixed Residential, Single and Two-Family (MXR-2) District is intended to establish areas for the development of a mixture of single and two-family housing; to restrict encroachment on incompatible uses; to broaden the choice of residential living styles in the city; and to promote quality development.

(B) Permitted uses. Subject to applicable provisions of this chapter, the following are permitted uses in the MXR-2 District:

- (1) Dwelling, single-family detached;
- (2) Dwelling, duplex or two-family;
- (3) Recreation, public.

(C) Accessory uses. Subject to the applicable provisions of this chapter, the following accessory uses in the MXR-2 District are allowed only when it is an accessory to an existing principal permitted use on the same lot. All accessory uses must meet the procedures set forth in and regulated by §§ 153.110 et seq.

- (1) Detached accessory structures (detached single-family only);
- (2) Day care facility, unlicensed - serving 6 or fewer persons;
- (3) Kennel, private - 3 or fewer pets;
- (4) Residential facility, licensed - serving 6 or fewer persons;
- (5) Other uses customarily associated with but subordinate to a permitted use as determined by the city;
- (6) Amateur radio antenna (subject to the amateur radio antenna standards in § 153.092(II)(9)).

(D) Certificate of compliance. Subject to applicable provisions of this chapter, the following are uses in the MXR-2 District that require approval with a certificate of compliance as set forth in and regulated by § 153.029.

(1) Accessory uses.

- (a) Accessory apartment - single-family detached lots only;
- (b) Day care facility, licensed - serving 7 to 14 persons;
- (c) Home occupations;
- (d) Residential facility, licensed - serving 7 to 10 persons;
- (e) Solar energy systems, either roof or ground-mounted (meeting accessory structure requirements) according to § 153.092 (TT).

(E) Conditional uses. Subject to applicable provisions of this chapter, the following are conditional uses in the MXR-2 District (requires a conditional use permit based upon procedures set forth in and regulated by § 153.034).

(1) Principal uses.

- (a) Bed and breakfast inn;
- (b) Essential services, governmental buildings and storage;
- (c) Essential services, utility substation;
- (d) Place of worship;
- (e) School.

(2) Accessory uses.

- (a) Columbarium - accessory to place of worship;
- (b) Day care facility, licensed - serving more than 14 persons;
- (c) Residential facility, licensed - serving more than 10 persons;

(3) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(4) New wireless support structures and small wireless facilities located within the public right-of-way and meeting the requirements of Chapter 98, and subject to the conditions found in § 153.092(PP).

(F) Interim uses. Subject to applicable provisions of this chapter, the following are interim uses in the MXR-2 District (requires an interim use permit based upon procedures set forth in and regulated by § 153.035).

(1) Uses as determined by the Planning Commission and City Council.

(G) Lot size, setback, and height requirements. The following minimum requirements shall be observed in an MXR-2 District subject to additional requirements, exceptions, and modifications set forth in this chapter.

(1) Minimum lot requirements.

(a) Lot area.

1. Dwelling, detached single-family: 12,500 square feet;
2. Dwelling, detached single-family: 7,500 square feet for a new lot of record, constructed according to affordable housing goals as stated in the Comprehensive Plan and meeting inclusionary housing requirements in § 153.115. Such lot reduction shall not be permitted within the Shoreland Overlay Zone.
3. Two-family or duplex dwelling: 16,000 square feet.

(b) Lot width, single-family or two-family.

1. Eighty feet at the required front setback.
2. Sixty feet at the required front yard setback for a new lot of record, constructed according to affordable housing goals as stated in the Comprehensive Plan and meeting inclusionary housing requirements in § 153.115. Such lot reduction shall not be permitted within the Shoreland Overlay Zone.

(2) Setbacks.

(a) Principal structure.

1. Front yard:
 - a. Arterials, as designated in the Comprehensive Plan: 75 feet from the right-of-way line or 150 feet from the centerline of the street, whichever is greater;
 - b. Local/collector street: 30 feet from the public right-of-way;
 - c. Existing private street: 30 feet from edge of road.
2. Side Yard: 10 feet.
3. Side street: 25 feet.
4. Rear yard: 30 feet.

(b) Detached accessory structure.

1. Front yard: 30 feet and cannot be located between the principal structure and the street.
2. Side street: 25 feet and cannot be located between the principal structure and the street.
3. Side yard: 10 feet.

4. Rear yard: 10 feet.

(3) Building height.

(a) Principal structures: shall be limited to a maximum height of 3 stories or 35 feet, whichever is less.

(b) Detached accessory structures: shall be limited to 1 story with a maximum sidewall height of 10 feet, measured from the floor surface to the underside of the ceiling member.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010; Am. Ord. 651, passed 3-14-2016; Am. Ord. 676, passed 7-9-2018)

§ 153.072 MIXED RESIDENTIAL (MXR-3) DISTRICT.

(A) Purpose. The Mixed Residential (MXR-3) District is intended to provide areas offering a variety of housing types, including single-family attached and detached dwellings and multi-family structures to retain the environment and character of less intensive styles of multiple-family residence areas by establishing building and lot area requirements; to broaden the choice of residential living styles in the city; and to promote quality development by following a thorough application, review, and approval process.

(B) Permitted uses. Subject to applicable provisions of this chapter, the following are permitted uses in the MXR-3 District:

(1) Dwelling, single-family detached;

(2) Dwelling, single-family attached - 8 units per building maximum with each unit having a separate entrance;

(3) Recreation, public.

(C) Accessory uses. Subject to applicable provisions of this chapter, the following accessory uses in the MXR-3 District are allowed only when it is an accessory to an existing principal permitted use on the same lot. All accessory uses must meet the procedures set forth in and regulated by §§ 153.110 et seq.

(1) Detached accessory structures (detached single-family and dwelling apartment only);

(2) Day care facility, licensed - serving 6 or fewer persons;

(3) Kennel, private - 3 or fewer pets (single-family detached lots only);

(4) Residential facility, licensed - serving 6 or fewer persons;

(5) Other uses customarily associated with but subordinate to a permitted use, as determined by the city;

(6) Amateur radio antenna (subject to the amateur radio antenna standards in § 153.092(II)(9)).

(D) Certificate of compliance. Subject to the applicable provision of this chapter, the following are uses in the MXR-3 District that require approval with a certificate of compliance as set forth in and regulated by § 153.029.

(1) Accessory uses.

- (a) Accessory apartment (single-family detached dwellings only);
- (b) Day care facility, licensed - serving 7 to 14 persons;
- (c) Home occupations (single-family detached dwellings only);
- (d) Residential facility, licensed - serving 7 to 10 persons;
- (e) Solar energy systems, either roof or ground-mounted (meeting accessory structure requirements) according to § 153.092 (TT).

(E) Conditional uses. Subject to applicable provisions of this chapter, the following are conditional uses in the MXR-3 District (requires a conditional use permit based upon procedures set forth in and regulated by § 153.034).

(1) Principal uses.

- (a) Dwelling, apartment/condominium;
- (b) Essential services, governmental buildings and storage;
- (c) Essential services, utility substation;
- (d) Place of worship;
- (e) School.

(2) Accessory uses.

- (a) Columbarium - accessory to place of worship;
- (b) Day care facility, licensed - serving more than 14 persons;
- (c) Residential facility, licensed - serving more than 10 persons;

(3) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(4) New wireless support structures and small wireless facilities located within the public right-of-way and meeting the requirements of Chapter 98, and subject to the conditions found in § 153.092(PP).

(F) Interim uses. Subject to applicable provisions of this chapter, the following are interim uses in the MXR-3 District (requires an interim use permit based upon procedures set forth in and regulated by § 153.035).

(1) Agricultural uses;

(2) Uses as determined by the Planning Commission and City Council.

(G) Lot size, setback, and height requirements. The following minimum requirements shall be observed in an MXR-3 District subject to additional requirements, exceptions, and modifications as set forth in this chapter.

(1) Minimum lot requirements.

(a) Lot area.

1. Detached single-family: 9,000 square feet;
2. Attached townhouse: 7,500 square feet per unit, or no minimum lot size if common site area owned and maintained by a homeowner's association.
3. Apartment/condominium dwelling: 43,560 square feet or 1 acre;

(b) Lot width.

1. Detached single-family: 60 feet;
2. Multiple-family dwelling: 100 feet.
3. Attached townhouse: no established minimum.

(2) Setbacks.

(a) Principal structure.

1. Front yard:
 - a. Arterials, as designated in the Comprehensive Plan: 75 feet from the right-of-way line or 150 feet from the centerline of the street, whichever is greater;
 - b. Collector street: 30 feet from the public right-of-way;
 - c. Local street: 30 feet from the public right-of-way;
 - d. Existing private street: 30 feet from the back of the curb or edge of pavement;
 - e. Internal: 20 feet between attached or multi-family principal structures separated by common area.
2. Side yard:
 - a. Single-family dwelling: 10 feet (unless abutting a side street 25 feet);
 - b. Attached townhome: 10 feet;
 - c. Multiple-family dwelling: 30 feet.
3. Side street:
 - a. Single-family dwelling: 25 feet;

- b. Attached townhome: 25 feet;
 - c. Multiple-family dwelling: 20 feet.
 - 4. Rear yard: 30 feet.
 - 5. Internal: 20 feet between principal structures.
 - (b) Detached accessory structure.
 - 1. Front yard: 30 feet and cannot be located between the principal structure and the street.
 - 2. Side street: 25 feet and cannot be located between the principal structure and the street.
 - 3. Side yard: 10 feet.
 - 4. Rear yard: 10 feet.
 - (3) Building height.
 - (a) Principal structures: shall be limited to a maximum height of:
 - 1. Single-family detached: 35 feet;
 - 2. Attached townhome: 35 feet or 3 stories, whichever is less;
 - 3. Apartment and condominiums (stacked units): 45 feet or 3 stories, whichever is less.
 - (b) Detached accessory structures: shall be limited to 1 story with a maximum sidewall height of 10 feet measured from the floor surface to the underside of the ceiling member.
- (Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010; Am. Ord. 651, passed 3-14-2016; Am. Ord. 676, passed 7-9-2018; Am. Ord. 694, passed 2-10-2020)

§ 153.073 MULTIPLE-FAMILY RESIDENTIAL (MF) DISTRICT.

(A) Purpose. The Multiple-Family Residential (MF) District is intended to establish areas for the development of multiple dwelling structures with a maximum density of 15 units per net acre; to maintain a residential character in areas with a high density, multiple-family development; to broaden the choice of residential living styles in the city; to set limitations on housing development density; and to promote quality development by following a thorough application, review, and approval process.

(B) Permitted uses. Subject to applicable provisions of this chapter, the following are permitted uses in the MF District:

- (1) Dwelling, multiple-family (apartment, condominium, cooperative);

(2) Dwelling, single-family, existing prior to the date of adoption of this chapter. All setback requirements for principal structures and detached accessory structures shall comply with the standards in the MXR-1 District;

(3) Recreation, public.

(C) Accessory uses. Subject to applicable provisions of this chapter, the following accessory uses in the MF District are allowed only when it is an accessory to an existing principal permitted use on the same lot. All accessory uses must meet the procedures set forth in and regulated by §§ 153.110 et seq.

(1) Detached accessory structure;

(2) Detached accessory structure, existing single-family shall comply with the standards in the MXR-1 District.

(3) Day care facility, licensed - serving 6 or fewer persons in an existing single-family dwelling only;

(4) Residential facility, licensed - serving 6 or fewer persons in an existing single-family dwelling only;

(5) Other uses customarily associated with but subordinate to a permitted use as determined by the city;

(6) Amateur radio antenna (subject to the amateur radio antenna standards in § 153.092(II)(9)).

(D) Certificate of compliance.

(1) Subject to applicable provision of this chapter, the following are uses in the MF District that require approval with a certificate of compliance as set forth in and regulated by § 153.029.

(2) Accessory uses.

(a) Day care facility, licensed - serving 7 to 14 persons in an existing single-family dwelling only;

(b) Home occupations in an existing single-family dwelling only unless otherwise approved by the city and property owner;

(c) Residential facility, licensed - serving 7 to 10 persons in an existing single-family dwelling only;

(d) Solar energy systems, either roof or ground mounted (meeting accessory structure requirements) according to § 153.092 (TT).

(E) Conditional uses. Subject to applicable provisions of this chapter, the following are conditional uses in the MF District (requires a conditional use permit based upon procedures set forth in and regulated by § 153.034).

(1) Principal uses.

- (a) Essential services, governmental buildings and storage;
- (b) Essential services, utility substations;
- (c) Manufactured home park;
- (d) Nursing home.

(2) Accessory uses.

(a) Day care facility, licensed - serving more than 14 persons in an existing single-family home only;

(b) Residential facility, licensed - serving more than 10 persons in an existing single-family home only;

(3) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(F) Interim uses. Subject to applicable provisions of this chapter, the following are interim uses in the MF District (requires an interim use permit based upon procedures set forth in and regulated by § 153.035).

(1) Uses as determined by the Planning Commission and City Council.

(G) Lot size, setback, and height requirements. The following minimum requirements shall be observed in an MF District subject to additional requirements, exceptions, and modifications set forth in this chapter.

(1) Minimum lot requirements.

- (a) Lot area: 43,560 square feet (or 1 acre);
- (b) Lot width: 100 feet.

(2) Setbacks.

(a) Principal structure.

1. Front yard:

a. Arterials as designated in the Comprehensive Plan: 75 feet from the right-of-way line or 150 feet from the centerline of the street, whichever is greater;

b. Collector street: 30 feet from the public right-of-way;

c. Local street: 30 feet from the public right-of-way;

d. Existing private street: 30 feet from the back of curb or edge of pavement.

2. Side yard: 30 feet.

3. Rear yard: 30 feet.
4. Internal: 20 feet between principal structures.

(b) Accessory structure.

1. Front yard: 30 feet and cannot be located between the principal structure and the street.

2. Side yard: 10 feet.

3. Rear yard: 10 feet.

(3) Maximum height.

(a) Principal structure: shall be limited to a maximum height of 4 stories and 45 feet, whichever is less.

(b) Accessory structures: shall be limited to 1 story with a maximum sidewall height of 10 feet, measured from the floor surface to the underside of the ceiling member.

(H) Design standards for Townhome and Multiple-Family Structures.

(1) Design requirements: row style, multi-story (not stacked) or 1 level attached.

(2) Design character. A high quality of building design is an important way to bring larger buildings into a traditional neighborhood scale. In addition, site design, landscaping, and pedestrian amenities will help to create a comfortable, livable district and a shared sense of ownership among residents.

(a) Subdivision requests. Building elevations and floor plans shall be furnished with subdivision requests illustrating exterior building material and colors to demonstrate compliance with this section. 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. The unit lot shall be configured and sized to include decks or porches.

(c) Minimum overhang. In the case of a gable roof, a minimum 12 inch soffit shall be required.

(d) Exterior building finish. The exterior of attached/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, attached/townhome dwelling structures shall comply with the following requirements:

1. A minimum of 25% 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.

2. Except for brick, stucco, and/or natural or artificial stone, no single building facade shall have more than 75% of 1 type of exterior finish.

3. Except for brick, stucco, and/or natural or artificial stone, no townhome dwelling structure shall have more than 60% of all building facades of 1 type of exterior finish.

4. For the purpose of this section and material calculations:

a. The area of the building facade shall not include the area devoted to windows, entrance doors, garage doors, or roof areas.

b. Variations in texture or style (i.e., lap siding versus shake shingle siding) shall be considered as different materials meeting the requirements of this section.

c. Integral colored split face (rock face) concrete block shall not qualify for meeting the brick, stucco, and/or natural or artificial stone material requirements.

d. Multiple unit buildings in proximity to each other shall not look alike in terms of color of siding, accent and roofing materials. The building under consideration will be compared to 2 homes on 2 lots on either side of it and to the 3 homes directly facing it.

e. Outside storage shall be allowed only in designated areas which are screened in accordance with § 153.128 of this chapter and under the ownership of the property owners' association subject to other applicable provisions of this chapter.

(3) Building design and materials, multi-family (stacked).

(a) Design character: The scale of multi-family dwellings makes the buildings highly visible and it is critical to incorporate high quality architecture. All buildings shall be designed to accomplish the goals and policies of the Comprehensive Plan. Building materials shall be attractive in appearance, durable, and of a quality that is both compatible with adjacent structures and consistent with the city's standards for the district in which it is located. All buildings shall be of good aesthetic and architectural quality, as demonstrated by the inclusion of elements such as accent materials, entrance and window treatments, contrasting colors, irregular building shapes and rooflines, or other architectural features in the overall architectural concept.

(b) A minimum of 50% of the combined area of all building facades of a structure shall contain the following permitted major exterior materials: face brick (glazed or unglazed), clay faced tile, and/or stone masonry (granite, limestone, marble, slate, sandstone, or quartzite).

(c) Accent materials may include: finished texture stucco (cement or synthetic), exterior finished wood siding (painted, stained, or weather sealed), exterior finished metal siding (not including sheet metal of any kind), exterior finished vinyl siding or fiber cement siding in lap or panel design (color impregnated or painted). Panel seam lines shall be architecturally integrated into the building design so that they are not visible. Seam lines can either be filled, covered with accent material or some other method to make seam lines invisible. Accenting materials and design shall be included on all facades.

(d) All building and roofing materials shall meet current accepted industry standards and tolerances and shall be subject to review and approval by the city for quality, durability, and aesthetic appeal. The applicant shall submit to the city product samples, color building elevations, and associated drawings which illustrate the construction techniques to be used in the installation of such materials.

(e) If complementary building styles, materials, and color schemes are proposed for a development, the developer shall submit to the city a plan showing the distribution of the styles, materials, and colors throughout the development.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 651, passed 3-14-2016)

§ 153.074 MINIMUM STANDARDS FOR DESIGN: APPLICABLE TO ALL COMMERCIAL/BUSINESS DISTRICTS (NC, B-1, B-2).

To ensure attractive commercial/business development, the following design standards shall apply to all commercial/business development in the Neighborhood Commercial (NC), Broadway Business (B-1), and Highway Business (B-2) Districts.

(A) Visual interest and building materials.

(1) All new building fronts and refacing of existing buildings shall include a minimum of 3 of the following elements:

(a) Architectural detailing, such as cornice, awning, parapet, or columns;

(b) A visually pleasing primary front entrance that, in addition to doors, shall be accented a minimum of 150 square feet around the door entrance for single-occupancy buildings and a minimum of 300 square feet total for the front of multi-tenant buildings (this area shall be counted as 1 element). Entrances shall be clearly articulated and obvious from the street;

(c) A minimum of 30% window coverage on each front that faces a street or similar based on requirements in § 153.194 (E)(1);

(d) Contrasting, yet complementary material colors;

(e) A combination of horizontal and vertical design features;

(f) Irregular building shapes;

(g) Other architectural features in the overall architectural concept.

(2) No wall shall exceed 50 feet in length without at least 1 visual interest element, such as windows, horizontal and vertical facade articulation, contrasting material colors, vertical or horizontal patterns.

(3) Accent materials. Accent materials shall be wrapped around walls visible to public view. Accent material shall consist of materials comparable in grade and quality to the primary exterior material. Such materials may include glass and prefinished decorative metal. Fiber cement may also be used as accent materials for the trim, soffit, and/or fascia.

(4) Major exterior materials of all walls including face brick, stone, glass, stucco, synthetic stucco, fiber cement vertical panel siding, architectural concrete, and precast panels shall be acceptable as the major exterior wall surface when they are incorporated into an overall design of the building. No more than 25% of any exterior wall on a building shall be fiber cement siding, wood, or metal accent material.

(5) Fiber cement seam lines shall be architecturally integrated into the building design so that they are not visible. Seam lines can be filled, covered by other accent material or other method thereby making the seam lines invisible. Color impregnated decorative block shall also be allowed as a major exterior wall material and shall be required to be sealed. All materials shall be color impregnated except for architectural concrete precast panel systems (only within the B-2 District) and fiber cement siding which may be painted.

(6) Restricted exterior materials. Unadorned pre-stressed concrete panels, whether smooth or raked, non-decorative concrete block, sheet metal or unfinished metal, and/or galvanized or unfinished aluminum surfaces (walls or roofs) shall not be used as exterior materials. This restriction shall apply to all principal structures and to all accessory buildings.

(7) Roofs. Roofs which are exposed or an integral part of the building aesthetics shall be constructed only of commercial grade shingles, wood shingles, standing seam metal, slate, tile, or copper. Flat roofs, which are generally parallel with the first floor elevation, are not subject to these material limitations.

(B) Screening.

(1) Rooftop mechanical equipment. The view of all rooftop equipment and related piping, ducting, electrical and mechanical utilities on buildings shall be screened from the ground level view of abutting streets. Screening may include parapet walls, penthouses, or other architecturally integrated elements. Wood fencing or chain link with slats shall not be used for screening. A cross-sectional drawing shall be provided that illustrates the sight lines from the ground level view.

(2) Ground mechanical equipment. Ground mechanical equipment shall be 100% screened from contiguous properties and adjacent streets by opaque landscaping, or a screen wall shall be provided that is compatible with the architectural treatment of the principal structure.

(3) Screening adjoining residential use. Wherever a commercial or non-residential use abuts, or is across the street from an R Residential District, a berm, fence, or screening comprised of compact evergreen trees or hedge or combination thereof, not less than 80% opaque at time of installation and not less than 6 feet in height, except adjacent to a street where it shall be not less than 3 feet and not more than 4 feet in height shall be erected or installed and maintained. The light from automobile headlights and other sources shall be 100% screened whenever it may be directed onto adjacent residential windows. All screening shall comply with § 153.128 of this chapter.

(4) Trash enclosure service structure. All trash, recyclable materials, and trash and recyclable materials handling equipment and compactors shall meet the requirements of § 153.187 and shall be screened from public view. All trash enclosure service structures shall be constructed of the same materials as the principal building.

(C) Pedestrian environment. Pedestrian connections to the surrounding neighborhood shall be incorporated into all commercial development.

(1) Pedestrian amenities shall be included in places where people typically gather, including but not limited to, transit stops, building entrances, street corners, or abutting bike or pedestrian trail connections. These spaces must include at least 2 of the following:

- (a) Patterned materials on walkways (on-site);
- (b) Bicycle racks;
- (c) Trash receptacles (decorative);
- (d) Pedestrian lighting;
- (e) Fountains, sculptures, mobiles, kiosks, or banners;
- (f) Flower boxes or container landscaping.

(2) Sidewalk connections shall be provided to and through the development to existing and planned trails, sidewalks, and adjacent properties, where access exists or reasonable connections are possible. Clear internal pedestrian circulation routes shall be provided on the site.

(D) Parking and vehicular circulation. Parking areas in all commercial districts shall be subject to the following design standards and requirements in § 153.123:

(1) Parking orientation shall minimize visual and noise impacts on adjacent properties.

(2) To the maximum extent feasible, parking shall be located behind or to the side of a building in a landscaped parking area and screened from view from public rights-of-way through landscaping, berms, or low walls. Structured parking, integrated with the building's architectural design, is encouraged.

(3) Parking areas shall be safe and convenient for both the movement of vehicles and customers.

(4) Vehicle circulation on-site shall be clearly organized to facilitate movement into and throughout parking areas.

(5) On corner lots, parking shall not be located on the corner.

(6) Service access areas shall be located in the rear of the property, outside of view from public rights-of-way. Buildings within a development should share services areas to the extent practical.

(7) Circulation and parking for service areas shall be designed to minimize disruption to the flow of vehicular and pedestrian traffic.

(8) Development sites where uses require multiple deliveries shall provide separate customer and service access drives where possible.

(E) Exterior storage. All exterior storage of material and equipment related to, located on, and used by any business shall be stored within a building or screened, as required herein, so as not to be visible from streets, highways, or neighboring property, with the exception of the following:

- (1) Merchandise being displayed for sale or rental;
- (2) Materials and equipment currently being used for construction on the premises;

(3) Merchandise located on service station pump islands and along the front length of the building.

(F) Neighborhood Commercial design standards. In addition to the minimum design standards applicable to all commercial districts, Neighborhood Commercial Districts shall also be subject to the following standards to reflect the character of the Neighborhood Commercial District. The design standards are explained in further detail and illustrated in the Forest Lake Commercial Design Manual.

(1) Building design. New buildings adjacent to existing buildings or residential neighborhoods shall appear to have similar scale and design elements as the neighboring buildings at a residential scale and character. Buildings fronts shall include 3 of the following elements:

- (a) Articulation of facades into house-size segments;
- (b) Residential scale building modules similar to adjacent buildings;
- (c) Similar facade proportions to those on neighboring buildings;
- (d) Residential scale building components such as porches, patios, decks, columns and balconies;
- (e) A roof configuration which reflects traditional residential structures and is pitched such as gable, hip, or shed;
- (f) Display windows a minimum of 6 feet in height shall exist along at least 50% of the linear length of the building front.

(2) Landscape design. Landscaping shall be used to unify, soften, and screen neighborhood commercial projects. Landscaping in the Neighborhood Commercial District shall incorporate the following elements in addition to the requirements in §§ 153.134 through 153.142.

- (a) Incorporate unique and significant existing trees into the landscape design. See § 153.196.
- (b) Use a wide variety of plants in informal arrangements.
- (c) Landscaping shall be arranged and grouped to signify key site locations, such as building and site entrances, walkways, and around monuments.
- (d) Use layering to promote informality with a variety of plants with differing mature heights.
- (e) Use of plants or trees that have seasonal color.

(3) Lighting. In addition to the lighting requirements presented in § 153.130, lighting in the NC District shall be subject to the following regulations:

- (a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas except for parking areas.

- (b) Shoe-box style lighting shall only be permitted in parking areas.
- (c) Decorative lighting appropriate to this district is illustrated in the Commercial Design Manual.
- (d) Lighting fixtures shall be compatible with the architecture of the building.
- (e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.

(4) Signage. In addition to the sign requirements presented in § 153.162, signs in the NC District shall also be subject to the following requirements:

- (a) To reduce visual sign clutter, signage shall be distinct and minimal.
- (b) Monument sign bases shall be constructed of similar materials, style, and color as that of the principal building.
- (c) Signage shall be designed in a manner that is consistent with the requirements of this chapter and as illustrated in the Forest Lake Design Requirement Manual.

(G) Broadway Business (B-1) District design standards. In addition to the minimum design standards applicable to all commercial/business districts, the Broadway Business District shall also be subject to the following standards to reflect the character of the district. The design standards are explained in further detail and illustrated in the Forest Lake Commercial Design Manual.

- (1) Site layout.
 - (a) Orient and consolidate structures to complement existing, adjacent development and to create a coordinated and visually attractive commercial district setting.
 - (b) Site planning shall respect the relationship of the site to existing and proposed buildings and streets.
 - (c) Buildings with frontage on a primary street shall orient front facades to parallel the primary street.
 - (d) Align the building front facade with adjacent buildings to promote visual continuity from the public right-of-way, unless site or use constraints are prohibitive.
 - (e) Buildings shall have a clearly defined primary pedestrian entrance at street level.
 - (f) Parking orientation shall minimize visual and noise impacts on adjacent properties.
 - (g) To the maximum extent feasible, parking shall be located behind or to the side of a building in a landscaped parking area and screened from view from public rights-of-way and adjacent residential districts.
 - (h) On corner lots, parking shall not be located on the corner.

(2) Building design. Bay widths of more than 24 feet shall be designed with architectural detailing to achieve an appearance of bay widths of no more than 24 feet. Building articulation, column spacing, width of window bays, placement of windows, and variation in roof height lines and setback and similar design can be used to achieve this requirement.

(3) Landscaping. In addition to the landscaping requirements presented in §§ 153.134 through 153.142, landscaping in the B-1 District shall also be subject to the following requirements:

(a) Use predominately native materials and well-adapted plant species to create an attractive environment along the edges of each development parcel.

(b) Use landscaping to buffer objectionable views, to break up the apparent size and monotony of parking areas, and to screen service areas and ground mechanical equipment. Parking shall be screened from the public right-of-way through landscaping, berms, or low walls.

(c) Window boxes, hanging flower baskets, and planters shall be used to identify primary entrances.

(4) Lighting. In addition to the lighting requirements presented in § 153.130, lighting in the B-1 District shall be subject to the following regulations:

(a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas except for parking areas.

(b) Shoe-box style lighting shall only be permitted in parking areas.

(c) Decorative lighting appropriate to this district is illustrated in the Forest Lake Design Requirement Manual.

(d) Lighting fixtures shall be compatible with the architecture of the building.

(e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.

(5) Signage. In addition to the sign requirements presented in §§ 153.162 et seq., signs in the B-1 District shall also be subject to the following requirements:

(a) To reduce visual sign clutter, signage shall be distinct and minimal.

(b) Monument sign bases shall be constructed of similar materials, style, and color as that of the principal building.

(c) Signage shall be designed in a manner that is consistent with code requirements and as illustrated in the Forest Lake Design Requirement Manual.

(H) Highway Business (B-2) District design standards. In addition to the minimum design standards applicable to all commercial/business districts, the B-2 District shall also be subject to the following standards to reflect the character of the district. The design standards are explained in further detail and illustrated in the Forest Lake Design Requirement Manual.

(1) Site layout.

(a) Building entries shall face the primary street adjacent to the project and face the parking areas serving the site.

(b) Decorative and/or landscaped cart corrals should be placed throughout the parking lot so that parking spaces are not used to store shopping carts.

(c) Multiple entries to the site should be consolidated.

(d) The majority of parking shall be located in the front and side of the lot. Employee parking and loading shall be in the rear.

(2) Lighting. In addition to the lighting requirements presented in § 153.130, lighting in the B-2 District shall be subject to the following regulations:

(a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas except for parking areas.

(b) Shoe-box style lighting shall only be permitted in parking areas.

(c) Decorative lighting appropriate to this district is illustrated in the Forest Lake Design Requirement Manual.

(d) Lighting fixtures shall be compatible with the architecture of the building.

(e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.

(3) Signage. In addition to the sign requirements presented in §§ 153.162 et seq., signs in the B-2 District shall also be subject to the following requirements:

(a) To reduce visual sign clutter, signage shall be distinct and minimal.

(b) Monument sign bases shall be constructed of similar materials, style, and color as that of the principal building.

(c) Signage shall be designed in a manner that is consistent with code requirements and as illustrated in the Forest Lake Design Requirement Manual.

(I) Limited Industrial (B-3) District design standards. In addition to the minimum design standards applicable to all commercial/business districts, the Limited Industrial Business District shall also be subject to the following standards to reflect the character of the district. The design standards are explained in further detail and illustrated in the Forest Lake Design Requirement Manual.

(1) Site layout.

(a) Building entries shall face the primary street adjacent to the project. An additional entry should face the parking lot.

(b) The majority of parking shall be located on the side of buildings or in front. Employee parking and loading shall be in the rear.

(c) Landscaped cart corrals should be placed throughout the project so that parking spaces are not used to store shopping carts.

(d) Multiple entries to the site should be consolidated.

(2) Lighting. In addition to the lighting requirements presented in § 153.130, lighting in the B-3 District shall be subject to the following regulations:

(a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas except for parking areas.

(b) Shoe-box style lighting shall only be permitted in parking areas.

(c) Decorative lighting appropriate to this district is illustrated in the Forest Lake Design Requirement Manual.

(d) Lighting fixtures shall be compatible with the architecture of the building.

(e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.

(3) Signage. In addition to the sign requirements presented in §§ 153.162 et seq., signs in the B-3 District shall also be subject to the following requirements:

(a) To reduce visual sign clutter, signage shall be distinct and minimal.

(b) Monument sign bases shall be constructed of similar materials, style, and color as that of the principal building.

(c) Signage shall be designed in a manner that is consistent with the code requirements and as illustrated in the Forest Lake Design Requirement Manual.

(J) Compliance.

(1) All new construction shall fully comply with the requirements in § 153.074.

(2) Complete building face lift combined with a building addition shall fully comply with the requirements in § 153.074.

(3) Other existing building and site improvements shall comply with the standards in § 153.054.

(Ord. 596, passed 2-8-2010; Am. Ord. 658, passed 7-25-2016)

§ 153.075 [RESERVED.]

§ 153.076 NEIGHBORHOOD COMMERCIAL (NC) DISTRICT.

(A) Purpose. The purpose of the Neighborhood Commercial (NC) District is to allow single multi-use commercial buildings containing convenience retail and service commercial uses at major intersections on small neighborhood scale sites where public sewer is available and sites

are designated in the City of Forest Lake Comprehensive Plan. The district is intended to accommodate the basic needs of neighborhoods that would not otherwise have convenient access to retail areas in the city.

(B) Design character. The character of this district shall reflect the character of surrounding residential neighborhoods. Building scale, setback, and design should be consistent with existing neighborhoods. Because this district is intended to serve surrounding residential areas, pedestrian connectivity to existing neighborhoods is also important. Design in this district should foster a welcoming pedestrian environment through pedestrian scale buildings, street furniture, and pedestrian and bike facilities.

(C) Permitted uses. Subject to the applicable provisions of this chapter, the following are permitted uses in the NC District:

- (1) Retail sales and service;
- (2) Multi-tenant structures;
- (3) Medical uses;
- (4) Office;
- (5) Restaurant (full service or fast food);
- (6) School, specialty;
- (7) Brewery;
- (8) Micro distillery;
- (9) Taproom.

(D) Accessory uses. Subject to applicable provisions of this chapter, the following accessory uses in the NC District are allowed only when they are accessory to an existing principal permitted use on the same lot. All accessory uses must meet the provisions set forth in and regulated by §§ 153.110 et seq.

- (1) Outdoor seating accessory to a restaurant;
- (2) Trash enclosure service structure;
- (3) Attached smoking facility associated with a principal use;
- (4) Agricultural seasonal sale;
- (5) Roof-mounted solar energy systems (meeting accessory structure requirements) according to § 153.092 (TT);
- (6) Other uses customarily associated with but subordinate to a permitted use as determined by the city;
- (7) Amateur radio antenna (subject to the amateur radio antenna standards in § 153.092(II)(9)).

(E) Conditional uses. Subject to applicable provisions of this chapter, the following are conditional uses in the NC District (requires a conditional use permit based upon procedures set forth in and regulated by § 153.034):

- (1) Day care facility, licensed;
- (2) Essential services, governmental building and storage, and utility substations;
- (3) Motor vehicle, service station;
- (4) Motor vehicle, wash;
- (5) Veterinary;
- (6) Permitted uses with a drive-thru;
- (7) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(F) Interim uses. Subject to applicable provisions of this chapter, the following are interim uses in the NC District (requires an interim use permit based upon procedures set forth in and regulated by § 153.035).

- (1) Uses as determined by the Planning Commission and City Council.

(G) Lot size, setback, and height. The following minimum requirements shall be observed in an NC District subject to additional requirements, exceptions, and modifications set forth in this chapter.

- (1) Minimum lot requirements.
 - (a) Lot area: 43,560 square feet (or 1 acre) for multi-tenant structures;
 - (b) Lot area: 25,000 square feet for freestanding structures;
 - (c) Lot width: 150 feet.
- (2) Setbacks.
 - (a) Principal structure.
 1. Front yard:
 - a. Arterials, as designated on the Comprehensive Plan: 75 feet from the right-of-way line or 150 feet from the centerline of the street, whichever is greater;
 - b. Collector street: 40 feet from the public right-of-way;
 - c. Local street: 30 feet from the public right-of-way.
 2. Side yard: 30 feet.
 3. Rear yard: 30 feet.

4. Building height: all buildings shall be limited to 1 story with a maximum height of 30 feet.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 646, passed 9-14-2015; Am. Ord. 651, passed 3-14-2016)

§ 153.077 BROADWAY BUSINESS (B-1) DISTRICT.

(A) Purpose. The Broadway Business (B-1) District is intended to establish areas for the location and development of professional offices, administrative offices, limited neighborhood and community-oriented retail, and health care services and facilities which are expected to develop with a high level of amenities such as landscaping and architectural controls; to encourage a complex of compatible and mutually supportive health care services and facilities; to allow a transitional reuse of existing buildings until market conditions warrant redevelopment; to enhance redevelopment potential by prohibiting uses that would impede redevelopment; to capitalize on the high volume of traffic and potential customers; to ensure an appropriate physical relationship with the surrounding neighborhood, including acceptable traffic operations on local streets; and to provide a district which is related to and may reasonably adjoin high density or other residential districts.

(B) Design character. Due to the high visibility of this area, the character of this district shall reflect well-designed and attractive businesses. Development in this district shall be unified through building architecture and landscaping. The design character of this district shall also take into account the relationship of the site to surrounding residential areas and the retail area surrounding the interchange at I-35. Development shall be designed to provide for appropriate transitions and connections to surrounding residential areas and to the more dense pedestrian oriented Downtown Mixed Use District and the less dense auto-oriented Highway Business District. Pedestrian connections within this district will be essential.

(C) Permitted uses. Subject to applicable provisions of this chapter, the following are permitted uses in the B-1 District:

- (1) Existing auto repair and service (minor) at the time of adoption of this chapter;
- (2) Medical uses;
- (3) Office;
- (4) Retail/office/multi-tenant structure;
- (5) Retail sales and services;
- (6) School, specialty;
- (7) Restaurant, fast food (no drive-thru);
- (8) Restaurant, full service (no drive-thru);
- (9) Veterinary clinic (with no outdoor kennels);

- (10) Brewery;
- (11) Micro distillery;
- (12) Taproom.

(D) Accessory uses. Subject to applicable provisions of this chapter, the following accessory uses in the B-1 District are allowed only when they are accessory to an existing principal permitted use on the same lot. All accessory uses must meet the provisions set forth herein and regulated by §§ 153.110 et seq.

- (1) Outdoor seating accessory to a restaurant;
- (2) Trash enclosure service structure;
- (3) Attached smoking facility associated with the principal use;
- (4) Agricultural seasonal sale;
- (5) Roof mounted solar energy systems (meeting accessory structure requirements) according to § 153.092 (TT);
- (6) Other uses customarily associated with but subordinate to a permitted use as determined by the city;
- (7) Amateur radio antenna (subject to the amateur radio antenna standards in § 153.092(II)(9)).

(E) Conditional uses. Subject to applicable provisions of this chapter, the following are conditional uses in the B-1 District (requires a conditional use permit based upon procedures set forth in and regulated by § 153.034):

- (1) Club or lodge;
- (2) Day care facility, licensed;
- (3) Funeral home;
- (4) Place of worship and any columbarium constructed in connection therewith;
- (5) Permitted uses with drive-thru facilities;
- (6) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(F) Interim uses. Subject to applicable provisions of this chapter, the following are interim uses in the B-1 District (requires an interim use permit based upon procedures set forth in and regulated by § 153.035).

- (1) Uses as determined by the Planning Commission and City Council.

(G) Lot size, setback, coverage, and height requirements. The following minimum requirements shall be observed in a B-1 District subject to additional requirements, exceptions, and modifications set forth in this chapter.

(1) Minimum lot requirements.

(a) Lot size: 22,500 square feet.

(b) Lot width: 150 feet.

(c) Lot depth: 200 feet, or the depth of the district for lots abutting Broadway.

(2) Setbacks.

(a) Front:

1. Arterials, as designated in the Comprehensive Plan: 20 feet from the public right-of-way;

2. Collector: 20 feet from the public right-of-way;

3. Local: 20 feet from the public right-of-way.

(b) Side: 5 feet (or if abutting a street, 20 feet, or if abutting a residential district, 35 feet).

(c) Rear: 5 feet (if abutting a residential district, 35 feet).

(3) Building height. All buildings shall be limited to 2 stories with a maximum height of 35 feet.

(4) Maximum lot coverage. The total impervious surface shall not exceed 80%.

(Ord. 596, passed 2-8-2010; Am. Ord. 646, passed 9-14-2015; Am. Ord. 651, passed 3-14-2016)

§ 153.078 HIGHWAY BUSINESS (B-2) DISTRICT.

(A) Purpose. The Highway Business (B-2) District is intended to accommodate an adequate supply of businesses and services that primarily serve the community and regional needs; to keep retail and service businesses that are oriented to motorists in close proximity to thoroughfares and access from regional highways in areas that are appropriately designated on the Comprehensive Plan; and to encourage grouping of compatible and mutually supportive business uses and services.

(B) Design character. Design standards within this district are intended to support a high standard of development and design that portrays a positive visual image and minimizes the effects of traffic congestion, noise, odor, and glare from surrounding uses. Given the area's proximity to the interstate and the auto-oriented uses permitted in this district, development will be primarily auto-oriented. However, pedestrian access and safety will still be achieved through design features within the district and to provide connections to surrounding areas. High quality design is required in this area because of its highly visible location.

(C) Permitted uses. Subject to applicable provisions of this chapter, the following are permitted uses in the B-2 District:

- (1) Club or lodge;
- (2) Day care facility, licensed;
- (3) Funeral home;
- (4) Garden supply stores and nursery yards;
- (5) Health/recreation facility;
- (6) Hotel;
- (7) Medical uses;
- (8) Motel;
- (9) Motor vehicle - convenience store, part sales, repair (major), repair (minor), service station, new auto dealership licensed, used auto dealership licensed, wash;
- (10) Office;
- (11) Plant nursery, commercial and wholesale;
- (12) Restaurant - fast food and full service (with or without drive-thru);
- (13) Retail/office/multi-tenant structure;
- (14) Retail sales and services;
- (15) School, specialty;
- (16) Truck stop;
- (17) Wholesale office and showroom;
- (18) Brewery;
- (19) Micro distillery;
- (20) Taproom.

(D) Accessory uses. Subject to applicable provisions of this chapter, the following accessory uses in the B-2 District are allowed only when it is an accessory to an existing principal permitted use on the same lot. All accessory uses must meet the procedures set forth in and regulated by §§ 153.110 et seq.

- (1) Outdoor seating accessory to a restaurant;
- (2) Trash enclosure service structure;
- (3) Attached smoking facility associated with principal use;

(4) Agricultural seasonal sale;

(5) Roof-mounted solar energy systems (meeting accessory structure requirements) according to § 153.092 (TT);

(6) Other uses customarily associated with but subordinate to a permitted use as determined by the city;

(7) Amateur radio antenna (subject to the amateur radio antenna standards in § 153.092(II)(9)).

(E) Conditional uses. Subject to applicable provisions of this chapter, the following are conditional uses in the B-2 District (requires a conditional use permit based upon procedures set forth in and regulated by § 153.034):

(1) Essential services, governmental buildings and storage, utility substations;

(2) Kennel, commercial;

(3) Light manufacturing;

(4) Nursing home;

(5) Open sales lot;

(6) Place of worship and any columbarium constructed in connection therewith;

(7) Recreation, commercial;

(8) School;

(9) Self-service storage;

(10) Veterinary;

(11) Warehousing and distribution;

(12) Towers (see § 153.092);

(13) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(F) Interim uses. Subject to applicable provisions of this chapter, the following are interim uses in the B-2 District (requires an interim use permit based upon procedures set forth in and regulated by § 153.035).

(1) Place of worship leasing space;

(2) School facility leasing space;

(3) Agricultural uses;

(4) Uses as determined by the Planning Commission and City Council.

(G) Lot size, setback, height, and coverage requirements. The following minimum requirements shall be observed in a B-2 District subject to additional requirements, exceptions, and modifications set forth in this chapter.

(1) Minimum lot requirements.

(a) Lot size: 25,000 square feet;

(b) Lot width: 100 feet.

(2) Setbacks.

(a) Front: 40 feet;

(b) Side: No setback is required unless abutting a residential district; a setback of 35 feet shall then be required;

(c) Rear: No setback is required unless abutting a residential district; a setback of 35 feet shall then be required.

(3) Building height. All buildings shall be limited to no more than 3 stories with a maximum building height of 45 feet.

(4) Maximum lot coverage. The total impervious surface shall not exceed 80%.

(Ord. 596, passed 2-8-2010; Am. Ord. 646, passed 9-14-2015; Am. Ord. 651, passed 3-14-2016; Am. Ord. 694, passed 2-10-2020; Am. Ord. 702, passed 2-22-2021)

§ 153.079 LIMITED INDUSTRIAL BUSINESS (B-3) DISTRICT.

(A) Purpose. Limited Industrial Business (B-3) District is to provide a district that supports a mix of industrial and commercial development.

(B) Design character. The overall character of the Limited Industrial Business (B-3) District is intended to have a low impact manufacturing/warehouse character. Industrial uses in this district shall be limited to those that can compatibly exist adjacent to both lower intensity business uses and high intensity manufacturing uses and can have limited amounts of truck traffic in comparison to high intensity industrial districts. Because this district abuts residential neighborhoods, B-3 uses are regulated in height, lot coverage, setbacks, landscaping, loading, and use type, so as to facilitate compatibility between these uses and residential development.

(C) Permitted uses. Subject to applicable provisions of this chapter, the following are permitted uses in the B-3 District:

(1) Club or lodge;

(2) Day care facility, licensed;

(3) Funeral home;

(4) Garden supply stores and nursery yards;

- (5) Health/recreation facility;
- (6) Hotel;
- (7) Medical uses;
- (8) Motel;
- (9) Motor vehicle - convenience store, part sales, repair (major), repair (minor), service station, new auto dealership licensed, used auto dealership licensed, wash;
- (10) Office;
- (11) Plant nursery, commercial and wholesale;
- (12) Restaurant, fast food (with or without drive-thru)
- (13) Restaurant, full service (with or without drive-thru);
- (14) Retail/office/multi-tenant structure;
- (15) Retail sales and services;
- (16) School, specialty;
- (17) Truck stop;
- (18) Wholesale office and showroom;
- (19) Essential services, governmental buildings and storage, utility substations;
- (20) Light manufacturing;
- (21) Open sales lot;
- (22) Recreation, commercial;
- (23) Self-service storage;
- (24) Veterinary;
- (25) Warehousing and distribution;
- (26) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council;
- (27) Brewery;
- (28) Micro distillery;
- (29) Taproom.

(D) Interim uses. Subject to applicable provisions of this chapter, the following are interim uses in the B-3 District (requires an interim use permit based upon procedures set forth in and regulated by § 153.035).

- (1) Place of worship leasing space;
- (2) School facility leasing space;
- (3) Uses as determined by the Planning Commission and City Council.

(E) Accessory uses. Subject to applicable provisions of this chapter, the following accessory uses in the B-3 District are allowed only when it is accessory to an existing principal permitted use on the same lot. All accessory uses must meet the procedures set forth in and regulated by §§ 153.110 et seq.

- (1) Essential services, governmental buildings and storage, utility substations;
- (2) Attached smoking facility associated with principal use;
- (3) Trash enclosure service structure;
- (4) Agricultural seasonal sales;
- (5) Roof-mounted solar energy systems, roof systems (meeting accessory structure requirements) according to § 153.092 (TT);
- (6) Other uses customarily associated with but subordinate to a permitted use as determined by the city;
- (7) Amateur radio antenna (subject to the amateur radio antenna standards in § 153.092(II)(9)).

(F) Conditional uses.

- (1) Place of worship and any columbarium constructed therewith;
- (2) Kennel, commercial;
- (3) School, specialty;
- (4) Towers (see § 153.092);
- (5) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(G) Lot size, setback, height, and coverage requirements. The following minimum requirements shall be observed in a B-3 District subject to additional requirements, exceptions, and modifications set forth in this chapter.

- (1) Minimum lot requirements.
 - (a) Lot size: 25,000 square feet;
 - (b) Lot width: 100 feet.
- (2) Setbacks.
 - (a) Front: 40 feet;

(b) Side: No setback is required unless abutting a residential district; a setback of 35 feet shall then be required;

(c) Rear: No setback is required unless abutting a residential district; a setback of 35 feet shall then be required.

(3) Building height. All buildings shall be limited to a maximum height of 45 feet or 4 stories, whichever is less.

(4) Maximum lot coverage. The total impervious surface shall not exceed 80%.

(Ord. 596, passed 2-8-2010; Am. Ord. 646, passed 9-14-2015; Am. Ord. 651, passed 3-14-2016; Am. Ord. 702, passed 2-22-2021)

§ 153.080 MINIMUM STANDARDS FOR DESIGN: APPLICABLE TO ALL INDUSTRIAL DISTRICTS (I, BP) AND THE B-3 DISTRICT.

To ensure attractive commercial development, the city has a set of industrial design standards applicable to all industrial development and to development in the B-3 Limited Industrial Business District. This is applicable to following districts: Industrial (I), Business Park (BP), and Limited Industrial Business (B-3).

(A) Visual interest and building materials.

(1) All new building fronts and refacing of an existing building, shall include a minimum of 3 of the following elements:

(a) Accent materials;

(b) A visually pleasing front entry that, in addition to doors, shall be accented a minimum of 150 square feet around the door entrance for single-occupancy buildings and a minimum of 300 square feet total for the front of multi-tenant buildings (this area shall be counted as 1 element);

(c) Twenty-five percent window coverage on each front that faces a street;

(d) Contrasting, yet complementary material colors;

(e) A combination of horizontal and vertical design features;

(f) Irregular building shapes; or

(g) Other architectural features in the overall architectural concept.

(2) No wall shall exceed 75 feet in length without at least 1 visual interest element, such as a window, horizontal or vertical facade articulation, contrasting materials colors, or vertical or horizontal patterns.

(3) Accent materials. Accent materials shall be wrapped around walls visible from public view. Accent material shall consist of materials comparable in grade and quality to the primary

exterior material. Such materials may include glass and prefinished decorative metal. Fiber cement trim, soffit, and fascia may be used as accent materials.

(4) Major exterior materials of all walls including face brick, stone, glass, stucco, synthetic stucco, fiber cement vertical panel siding, architectural concrete, and precast panels shall be acceptable as the major exterior wall surface when they are incorporated into an overall design of the building. No more than 25% of any exterior wall on a building shall be fiber cement siding, wood, or metal accent material.

(5) Fiber cement seam lines shall be architecturally integrated into the building design so that they are not visible. Seam lines can be filled, covered by other accent material or other method thereby making the seam lines invisible. Color impregnated decorative block shall also be allowed as a major exterior wall material, and shall be required to be sealed. All materials shall be color impregnated except for allowing architectural concrete precast panel systems (only within the I District) and fiber cement siding to be painted.

(6) Restricted exterior materials. Unadorned pre-stressed concrete panels, whether smooth or raked, non-decorative concrete block, sheet metal, unfinished metal, and/or galvanized or unfinished aluminum surfaces (walls or roofs) shall not be used as exterior materials. This restriction shall apply to all principal structures and to all accessory buildings.

(7) Roofs. Roofs which are exposed or an integral part of the building aesthetics shall be constructed only of commercial grade shingles, wood shingles, standing seam metal, slate, tile, or copper. Flat roofs, which are generally parallel with the first floor elevation, are not subject to these material limitations.

(B) Screening.

(1) Rooftop mechanical equipment. The view of all rooftop equipment and related piping, ducting, electrical and mechanical utilities abutting a street on buildings shall be screened from the ground level view. Screening may include parapet walls, penthouses, or other architecturally integrated elements. Wood fencing or chain link with slats shall not be used for screening. A cross-sectional drawing shall be provided that illustrates the sight lines from the ground level view.

(2) Ground mechanical equipment. Ground mechanical equipment shall be 100% screened from contiguous properties and adjacent streets by opaque landscaping, or a screen wall shall be provided to be compatible with the architectural treatment of the principal structure.

(3) Screening adjoining residential use. Wherever an industrial, commercial, or business park use abuts, or is across the street from a residential district, a berm, fence, or screening comprised of compact evergreen trees or hedge or combination thereof, not less than 80% opaque at time of installation, nor less than 6 feet in height, except adjacent to a street where it shall be not less than 3 feet nor more than 4 feet in height shall be erected or installed and maintained. The light from automobile headlights and other sources shall be 100% screened whenever it may be directed onto adjacent residential window. All screening shall comply with § 153.128 of this chapter.

(4) Trash enclosure service structure. All trash, recyclable materials, and trash and recyclable materials handling equipment and compactors shall be screened from public view. Any trash enclosure shall be constructed of the same materials as the principal building.

(C) Parking and vehicular circulation. Parking areas in all industrial districts shall be subject to the following design standards:

(1) Parking orientation shall minimize visual and noise impacts on adjacent properties.

(2) To the maximum extent feasible, parking shall be located behind or to the side of a building in a landscaped parking area and screened from view from public rights-of-way through landscaping, berms, or low walls.

(3) Structured parking, integrated with the building's architectural design, is encouraged.

(4) Parking areas shall be safe and convenient for both the movement of vehicles and customers.

(5) On corner lots, parking shall not be located on the corner.

(6) Vehicle circulation on-site shall be clearly organized to facilitate movement into and throughout parking areas.

(7) Service access areas shall be located in the rear of the property, outside of view from public rights-of-ways. Buildings within a development should share services areas to the extent practical.

(8) Circulation and parking for service areas shall be designed to minimize disruption to the flow of vehicular and pedestrian traffic.

(9) Development sites where uses require multiple deliveries shall provide separate customer and service access drives where possible.

(D) Exterior storage. All exterior storage of material and equipment related to, located on, and used by any business shall be stored within a building or fully screened, as required herein, so as not to be visible from streets, highways, or neighboring property, except for the following:

(1) Materials and equipment currently being used for construction on the premises;

(E) Loading and service areas. All external loading and service areas accessory to industrial buildings must be completely screened from the ground level view from contiguous residential or commercial properties and adjacent streets, except at access points. Whenever an industrial use abuts a residential district, there shall be no loading docks on any building elevation that is either directly facing or oriented towards a single-family residence.

(F) Industrial District and Limited Industrial Business District design standards. In addition to the minimum design standards applicable to all industrial districts, the Industrial (I) and B-3 Districts shall also be subject to the following standards to reflect the character of the districts. The design standards are explained in further detail and illustrated in the Forest Lake Design Manual.

(1) Site layout. Whenever such developments abut residential districts, their interior road patterns shall be arranged in such a way as to route service vehicle traffic away from residential neighborhoods.

(2) Lighting. In addition to the lighting requirements presented in § 153.130, lighting in the I and B-3 Districts shall be subject to the following regulations:

(a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas except for parking areas.

(b) Shoe-box style lighting shall only be permitted in parking areas.

(c) Decorative poles and fixtures shall be consistent with the Forest Lake Design Requirement Manual.

(d) Lighting fixtures shall be compatible with the architecture of the building.

(e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.

(3) Signage. In addition to the sign requirements presented in §§ 153.162 et seq., signs in the I and B-3 Districts shall also be subject to the following requirements:

(a) To reduce visual sign clutter, signage shall be distinct and minimal.

(b) Monument sign bases shall be constructed of similar materials, style, and color as that of the principal building.

(c) Signage shall be designed in a manner that is consistent with the code requirements and as illustrated in the Forest Lake Design Requirement Manual.

(G) Compliance.

(1) All new construction shall fully comply with the requirements in § 153.074.

(2) Complete building face lift combined with a building addition shall fully comply with the requirements in § 153.074.

(3) Other existing building and site improvements shall comply with the standards in § 153.054.

(H) Business Park design standards. In addition to the minimum design standards applicable to all industrial districts, the Business Park (BP) District shall also be subject to the following standards to reflect the character of the district. The design standards are explained in further detail and illustrated in the Forest Lake Design Requirement Manual.

(1) Site layout.

(a) Orient and consolidate structures to complement existing, adjacent development and to create a coordinated and visually attractive business park setting.

(b) Site planning shall respect the relationship of the site to existing and proposed buildings and streets.

(c) Buildings with frontage on a primary street shall orient front facades to parallel the primary street.

(d) Buildings shall have a clearly defined primary pedestrian entrance at street level.

(e) Where feasible, the development shall be arranged to preserve and integrate natural environmental features into the site design.

(2) Building design.

(a) A minimum of 30% of the ground level facade shall be transparent.

(b) Visual continuity shall be created by designing buildings to exhibit complementary height and massing to adjacent buildings.

(c) Buildings shall be designed in an architectural style and constructed of materials that are compatible, and complementary to surrounding buildings in the Business Park District.

(3) Landscaping. In addition to the landscaping requirements presented in §§ 153.134 through 153.142, landscaping in the BP District shall also be subject to the following requirements:

(a) Use predominately native materials and well-adapted plant species to create an attractive environment along the edges of each development parcel.

(b) Use landscaping to buffer objectionable views and to break up the apparent size and monotony of parking areas.

(c) Landscaping shall be clustered into features areas, such as corners, entryways, buffer zones, and screening rather than distributed thinly throughout the site.

(4) Lighting. In addition to the lighting requirements presented in § 153.130, lighting in the BP District shall be subject to the following regulations:

(a) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas except for parking areas.

(b) Shoe-box style lighting shall only be permitted in parking areas.

(c) Decorative lighting appropriate to this district is illustrated in the Forest Lake Design Requirement Manual.

(d) Lighting fixtures shall be compatible with the architecture of the building.

(e) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.

(5) Signage. In addition to the sign requirements presented in §§ 153.162 et seq., signs in the BP District shall also be subject to the following requirements:

(a) To reduce visual sign clutter, signage shall be distinct and minimal.

(b) Monument sign bases shall be constructed of similar materials, style, and color as that of the principal building.

(c) Signage shall be designed in a manner that is consistent with code requirements and as illustrated in the Forest Lake Design Requirement Manual.

(Am. Ord. 596, passed 2-8-2010; Am. Ord. 658, passed 7-25-2016)

§ 153.081 [RESERVED.]

§ 153.082 INDUSTRIAL (I) DISTRICT.

(A) Purpose. The Industrial (I) District is intended to provide an area where industrial, business service, and office uses may locate to provide a range of employment opportunities; to attract new development that will present a positive image to the community; and to provide locations with traffic management capabilities that can adequately handle the traffic generated within the district without disrupting traffic flows on nearby thoroughfares.

(B) Design character. The overall design character of the Industrial (I) District is to present the least amount of impact on adjacent, less intensive land uses and to display a positive community image. Given the area's proximity to the interstate and heavy industrial activity and truck traffic in these areas, development will be primarily auto-oriented. High quality design is required in this area because of its highly visible location.

(C) Permitted uses. Subject to applicable provisions of this chapter, the following are permitted uses in the I District:

- (1) Industrial condominium/multi-tenant structure;
- (2) Manufacturing;
- (3) Medical;
- (4) Office;
- (5) Public airport and related facilities;
- (6) Public compost facility;
- (7) Recreation-public;
- (8) Research and technology center;
- (9) Warehousing and distribution;
- (10) Wholesaling.

(D) Accessory uses. Subject to applicable provisions of this chapter, the following accessory uses in the I District are allowed only when it is accessory to an existing principal permitted use on the same lot. All accessory uses must meet the procedures set forth in and regulated by §§ 153.110 et seq.

- (1) Trash enclosure service structure;
- (2) Attached smoking facility associated with principal use;
- (3) Roof-mounted solar energy systems (meeting accessory structure requirements) according to § 153.092 (TT);
- (4) Amateur radio antenna (subject to the amateur radio antenna standards in § 153.092(II)(9)).

(E) Conditional uses. Subject to applicable provisions of this chapter, the following are conditional uses in the I District (requires a conditional use permit based upon procedures set forth in and regulated by § 153.034):

- (1) Detached accessory structure;
- (2) Essential services, governmental buildings and storage, utility substations;
- (3) Kennel, commercial;
- (4) Recreation, commercial;
- (5) Recycling center;
- (6) Transportation/motor freight terminal;
- (7) Towers (see § 153.092);
- (8) Contractor's yard in accordance with the performance standards listed in § 153.092(SS).

(F) Interim uses. Subject to applicable provisions of this chapter, the following are interim uses in the I District (requires an interim use permit based upon procedures set forth in and regulated by § 153.035).

- (1) Place of worship leasing space;
- (2) School facility leasing space.

(G) Lot size, setback, and height requirements. The following minimum requirements shall be observed in an I (Industrial) District subject to additional requirements, exceptions, and modifications set forth in this chapter.

- (1) Minimum lot requirements.

	<i>With sewer and water</i>	<i>Without sewer or city water</i>
Lot size:		
1 acre	1 acre	10 acres

Lot width*	150 feet	300 feet
* As measured at front yard setback line		

(2) Minimum setback requirements.

	Principal structure	Accessory structure, detached
Front yard:		
Arterial street	75 feet from right-of-way or 150 feet from centerline, whichever is greater	75 feet from right-of-way or 150 feet from centerline, whichever is greater
Local/collect or street	30 feet from the public right-of-way	30 feet
Side yard:		
Interior	10 feet	10 feet
Abutting a side street	20 feet	30 feet
Abutting a residential district	35 feet	35 feet
Rear yard:	20 feet	20 feet
When abutting a residential district	60 feet	60 feet

(3) Building height. All buildings shall be limited to a maximum height of 45 feet except for those properties in the Airport Overlay Zone.

(H) Airport Requirements. Properties within the Airport Overlay District shall comply with the requirements in § 153.090. Additional standards may be enforced by the Airport Commission for building design.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 602, passed 11-8-2010; Am. Ord. 651, passed 3-14-2016; Am. Ord. 726, passed 8-28-2023)

§ 153.083 BUSINESS PARK (BP) DISTRICT.

(A) Purpose. The purpose of the Business Park (BP) District is to:

(1) Reserve larger areas for multi-use buildings, offices, wholesale showrooms, light manufacturing, research and development, training, limited retail uses, and uses accessory to conducting business within a coordinated, well-defined campus environment;

(2) Protect business from incompatible and unrelated land uses intruding into the work environment;

(3) Create an area to provide opportunities for higher technology business and other industries that may benefit from the accommodation of both office and light industrial uses on-site with internal and external amenities to benefit employees;

(4) Provide for accessible business park opportunities near major highways and future transit corridors;

(5) Preserve and utilize natural environmental features for office sites that are located next to or overlook public open space and trail uses, woodlands, and wetlands.

(B) Design character. Development in this district shall establish and maintain high standards of site design, spatial relationships, proportions, building architecture, and landscape design that will create a high quality environment attractive to major employers. The design character of this district will be characterized by a high level of design, site amenities such as trails or open space, storm water management, and other modern techniques used to create a high-end office and industrial park.

(C) Permitted uses. Subject to the applicable provisions of this chapter, the following are permitted uses in the BP District:

(1) Offices;

(2) Agricultural uses and operation as allowed in the AG Zoning District, in existence as of January 1, 2009;

(3) Cafeterias not open to the general public;

(4) Coffee shops, cafeterias, medical facilities, and athletic/fitness facilities if located within the principal structure;

(5) Government offices/facilities;

(6) Technical, vocational, business and college/university satellite facilities/schools;

(7) Travel agencies;

(8) Research and development;

(9) Data processing;

(10) Wholesale showroom;

(11) Warehousing used in conjunction with offices or manufacturing facilities;

(12) Retail sales, incidental to manufacturing of products produced on the site not to exceed 25% of the gross square footage of the first floor;

(13) Telecommuting center;

(14) Commercial printing;

(15) Manufacturing;

(16) Higher technology business uses including, but not limited to: the manufacturing, or assembly, of medical devices and equipment, telecommunications equipment, pharmaceuticals, computer or electronic products and software, aeronautical equipment or components;

(17) Public utilities and essential government services;

(18) Recreation, public;

(19) Medical facility within principal building;

(20) Athletic/fitness facility within principal building;

(21) Other uses similar to those permitted in this section as determined by the Planning Commission and the City Council;

(22) Brewery;

(23) Micro distillery;

(24) Taproom.

(D) Accessory uses. Subject to applicable provisions of this chapter, the following accessory uses in the BP District are allowed only when they are accessory to an existing principal permitted use on the same lot. All accessory uses must meet the procedures set forth in and regulated by § 153.110 of this chapter.

(1) Exterior employee break areas;

(2) Bicycle and public or private transit shelters;

(3) Trash enclosure service structure;

(4) Information kiosks;

(5) Gate security detached building;

(6) Commercial overnight delivery drop box;

(7) Attached smoking facility associated with principal use;

(8) Solar energy systems, either roof or ground-mounted (meeting accessory structure requirements) according to § 153.092 (TT);

(9) Other uses customarily associated with but subordinate to a permitted use as determined by the city;

(10) Amateur radio antenna (subject to the amateur radio antenna standards in § 153.092(II)(9)).

(E) Conditional uses. Subject to applicable provisions of this chapter, the following are conditional uses in the BP District (requires a conditional use permit based upon procedures set forth in and regulated by § 153.034 of this chapter).

- (1) Restaurant, fast food (no drive-thru);
- (2) Restaurant, full service (no drive-thru);
- (3) Day care, freestanding;
- (4) Health and fitness centers, freestanding;
- (5) Financial institutions and banks with drive-thru facilities;
- (6) Health care facilities;
- (7) Park and ride lots and transit hubs;
- (8) Full service hotels;
- (9) Radio and tv studios, sound stages, multi-media, post production studio and support facilities and equipment;
- (10) Towers (see § 153.092);
- (11) Outdoor storage tanks and equipment for products that are used in conjunction with the primary use;
- (12) Other uses similar to those permitted in this section as determined by the Planning Commission and the City Council.

(F) Interim uses. Subject to applicable provisions of this chapter, the following are interim uses in the BP District (requires an interim use permit based upon procedures set forth in and regulated by § 153.035).

- (1) Place of worship leasing space.
- (2) School facility leasing space.
- (3) Uses as determined by the Planning Commission and City Council.

(G) Lot size, setback height, and coverage requirements. The following minimum requirements shall be observed in a BP District subject to additional requirements, exceptions, and modifications set forth in this chapter.

- (1) Minimum lot requirements.

- (a) Lot size: 1 acre.
- (b) Lot width: 150 feet.
- (c) Front:

- 1. Arterials, as designated in the Comprehensive Plan: 75 feet from the right-of-way line or 150 feet from the centerline of the street, whichever is greater;

- 2. Collector: 30 feet from the public right-of-way;

3. Local: 30 feet from the public right-of-way.

(d) Side:

1. Ten feet;
2. Abutting a street: 20 feet;
3. Abutting a residential district: 35 feet.

(e) Rear: 20 feet (or if abutting a residential district, 60 feet).

(2) Building height: maximum height is 6 stories or 65 feet.

(3) Maximum impervious: 65%.

(H) Expansion of legally established nonconforming residential uses. Legally established nonconforming single family and duplex residential uses may be expanded with a building permit. Such permitted expansions shall include the construction of detached accessory structures which shall comply with the applicable procedures and performance standards for detached accessory structures in this section.

(Ord. 596, passed 2-8-2010; Am. Ord. 646, passed 9-14-2015; Am. Ord. 651, passed 3-14-2016; Am. Ord. 669, passed 12-4-2017)

§ 153.084 DOWNTOWN MIXED USE (MU-1) DISTRICT.

(A) Purpose. The purpose of the Downtown Mixed Use District is to establish a strong identity for downtown Forest Lake and provide for high density, compact mixed use development. The intent of the city is to preserve and enhance the downtown appearance with storefronts adjacent to the sidewalks and parking in the rear or side of the buildings. The city desires to encourage urban living options by allowing a full range of mixed uses within the downtown.

(B) Design character. This district is characterized by a mix of older commercial and residential buildings and newer high density housing and retail buildings. New development in this district shall create a unifying identity and transition between different uses through high quality design, pedestrian amenities, compact development, and connections to public spaces.

(C) Permitted uses. Subject to the applicable provisions of this chapter, the following are permitted in the Downtown Mixed Use District.

- (1) Bank (no drive-thru);
- (2) Club or lodge;
- (3) Dwelling, multiple-family (apartment, condominium, cooperative, townhouse) when located above the street level floor; at a minimum density of 10 units and a maximum density of 15 units per acre;
- (4) Museums/art galleries;

- (5) Offices, public parking facilities and structures;
- (6) Public studios or performance theaters;
- (7) Recreation, public;
- (8) Restaurant, full service (no drive-thru);
- (9) Retail/office/multi-tenant structure;
- (10) Retail sales and services;
- (11) School, specialty;
- (12) Tavern or bar;
- (13) Brewery;
- (14) Micro distillery;
- (15) Taproom;
- (16) Medical uses.

(D) Accessory uses. Subject to applicable provisions of this chapter, the following permitted accessory uses in the Downtown Mixed Use District are allowed only when it is accessory to an existing principal permitted use on the same lot. All accessory uses must meet the procedures set forth in and regulated by §§ 153.110 et seq.

- (1) Outdoor seating accessory to a restaurant;
- (2) Trash enclosure service structure;
- (3) Attached smoking facility associated with a principal use;
- (4) Structured parking (private);
- (5) Roof-mounted solar energy systems (meeting accessory structure requirements) according to § 153.092 (TT);
- (6) Public open space plaza, square or related uses;
- (7) Other uses customarily associated with but subordinate to a permitted use as determined by the city;
- (8) Amateur radio antenna (subject to the amateur radio antenna standards in § 153.092(II)(9)).

(E) Conditional uses.

- (1) Bed and breakfast inn;

(2) Drive-thru facilities for permitted uses, if provisions for vehicle stacking, vehicle maneuvering, outdoor speaker devices, and other related matters can be shown to be in keeping with the intent and character of the MU-1 District and compatible with surrounding uses;

(3) Dwelling, multiple-family, row house style townhome;

(4) Funeral home;

(5) Hotel;

(6) Marina, public/private;

(7) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(F) Lot size, setback, site design and height requirements. The following minimum requirements shall be observed in the MU-1 District subject to additional requirements, exceptions, and modifications set forth in this chapter.

(1) Minimum lot requirements.

(a) Lot size: No minimum.

(b) Lot width: No minimum.

(2) Setbacks. No setbacks are required unless adjacent to a residential district, where the setback shall be a minimum of 35 feet. Buildings shall be set at the property line to create a traditional downtown environment; however, exception can be made to provide for courtyards, outside seating, or larger entry ways as provided in division (H) below.

(3) Site design.

(a) Building frontage.

1. At least 65% of the street frontage of any lot shall be occupied by building facades at the property line. In addition, on corner lots, a minimum of the first 50 feet of the lot frontage on either side of a street intersection must be occupied by buildings set at the property line. Parking or other space open to the sky is not allowed within this first 50 feet.

2. On lots with more than 1 street frontage (corners), the building shall be located to meet the 65% street frontage requirement on both streets.

3. The building frontage requirement may be met either with an enclosed building or an arcade constructed with a permanent roof of the same materials as the remainder of the building.

4. At least the first and second floor must meet the building frontage requirement. Arcades at street level and terracing of building facades above the second floor are encouraged.

5. Wherever a surface parking area faces a street frontage, such frontage shall be screened with a decorative wall, railing, hedge, or a combination of these elements to a minimum height of 2-1/2 feet and a maximum height of 3-1/2 feet above the level of the parking lot at the build to line.

(b) Drive-thru or drive-in lanes are not allowed within the build-to-line or in front of any building; but must be located to the side or rear of a building.

(c) To provide linkages to parking and the lakefront, all businesses shall provide a primary entrance at both the front and the rear of the building.

(d) Rear facing windows and doors shall be provided on all structures to promote use of off-street parking lots and create connections to the Hardwood Creek Trail and the lakefront.

(4) Building height. The minimum building height shall be 25 feet or 2 stories while the maximum building height on all buildings shall be 45 feet or 4 stories.

(G) Parking requirements. Parking for residential units in the MU-1 District shall be provided underground and shall be calculated as required under § 153.125. The residential parking spaces shall be specifically reserved for the use of residents and visitors only, separate from any commercial, office or other uses on-site or nearby and shall not be counted as part of any shared parking or joint parking arrangement.

(H) Building design requirements. To maintain the character of the downtown area, the MU-1 District is subject to the following standards to reflect the character of the district. The design standards are explained in further detail and illustrated in the Forest Lake Design Requirements Manual.

(1) All new building fronts and 100% refacing of existing buildings shall include a minimum of 4 of the following elements:

- (a) Architectural detailing, such as cornice, awning, parapet, or columns;
- (b) A minimum of 30% window coverage on each front that faces a street;
- (c) Contrasting, yet complementary material colors;
- (d) A combination of horizontal and vertical design features;
- (e) Irregular building shapes;
- (f) Horizontal offsets of at least 4 feet in depth;
- (g) Vertical offsets in the roofline of at least 4 feet;
- (h) Fenestration at the first floor level which is recessed horizontally at least 1 foot into the facade;
- (i) Using remaining 35% street frontage (if available based on building design) provide a variation in setback at a minimum of 5 feet to provide open plaza, seating area or expanded building entry;
- (j) Other architectural features in the overall architectural concept.

(2) Visual interest and building design.

(a) Buildings may be designed in a variety of styles but must relate to surrounding buildings and the overall downtown character.

(b) Architectural styles, materials, color, and detailing should be used to provide continuity of design elements.

(c) Building massing, scale, and height will be varied within a block.

(d) Bay widths of more than 24 feet shall be designed with architectural detailing to achieve an appearance of bay widths of no more than 24 feet. Building jogs, column spacing, width of window bays, placement of windows and variation in roof height lines, and setback and similar design can be used to achieve this requirement.

(e) Buildings shall be finished in acceptable tones and colors, such as dark earth tones and muted colors. Brighter colors shall be used sparingly only for trim and details.

(f) Multi-story buildings shall have the ground floor distinguished from the upper floors (used to identify separate tenants) by having 1 or more of the following:

1. Awning;
2. Trellis;
3. Arcade;
4. Window lintels;
5. Intermediate cornice line;
6. Brick detailing such as quoins or corbels.

(g) Building fronts. Building fronts shall include a minimum of 2 of the following elements:

1. Recessed entries;
2. Canopies;
3. Window boxes;
4. Narrow (4 feet or less) windows;
5. Recessed or projected windows and transoms.

(h) Building roofs. Acceptable building roof designs include flat, pitched, or curved. Buildings shall include a variety of roof lines within a block. Mansard roofs and mansard style roofs are not permitted except for mansard styled cornices. Building roofs shall incorporate a minimum of 1 of the following elements:

1. Parapets or cornices;
2. Varying building heights;
3. Sloped roofs where the historical character of the original building dictates.

(i) Residential uses on first floors. Whenever residential uses are included on the first floor of a building, the first floor elevations shall be a minimum of 2 feet 6 inches above the

sidewalk elevations immediately adjacent to the front of the residential unit to ensure the residential unit is raised from the public space. In addition, each first floor unit must have an individual private entrance at the street level with private courtyard enclosure.

(3) Accent materials. Accent materials shall be wrapped around walls visible from public view. Where a mixed use building is visible from a public road all elevations shall be architecturally treated. Accent material shall consist of materials comparable in grade and quality to the primary exterior material. Such materials may include glass, prefabricated decorative metal, and fiber cement trim, soffit, and fascia.

(a) Major exterior materials of all walls including face brick, stone, glass, stucco, synthetic stucco, fiber cement vertical panel siding, architectural concrete, and precast panels shall be acceptable as the major exterior wall surface when they are incorporated into an overall design of the building. Major materials must cover at least 60% of the exterior. Brick shall not be painted.

(b) Fiber cement seam lines shall be architecturally integrated into the building design so that they are not visible. Seam lines can be filled, covered by other accent material or other method thereby making the seam lines invisible. Color impregnated decorative block shall also be allowed as a major exterior wall material and shall be required to be sealed. All materials shall be color impregnated except that architectural concrete precast panel systems and fiber cement siding may be painted.

(c) Restricted exterior materials. Unadorned pre-stressed concrete panels, whether smooth or raked, non-decorative concrete block, sheet metal, unfinished metal, and/or galvanized or unfinished aluminum surfaces (walls or roofs) shall not be used as exterior materials. This restriction shall apply to all principal structures and to all accessory buildings except those accessory buildings not visible from any property line. No more than 25% of any exterior wall on a building shall be fiber cement siding, wood, or metal accent material.

(I) Screening.

(1) Rooftop mechanical. The view of all rooftop equipment and related piping, ducting, electrical and mechanical utilities abutting a street on buildings shall be screened from the ground level view. Screening may include parapet walls, penthouses, or other architecturally integrated elements. Wood fencing or chain link with slats shall not be used for screening. A cross-sectional drawing shall be provided that illustrates the sight lines from the ground level view.

(2) Screening adjoining residential use. Wherever a Mixed Use (MU) District abuts, or is across the street from an Residential (R) District, a berm, fence, or screening consisting of compact evergreen trees or hedge or a combination thereof, not less than 80% opaque at time of installation, nor less than 6 feet in height, except adjacent to a street where it shall be not less than 3 feet nor more than 4 feet in height shall be erected or installed and maintained. All screening shall comply with § 153.128 of this chapter.

(3) Screening adjoining non-residential parking and driveways. Any off-street parking area for business, industrial, or other non-residential use containing more than 6 parking spaces shall be screened as required herein.

(4) Trash enclosure service structure. All trash enclosures or other accessory structures shall be constructed of the same materials and colors as the principal building.

(J) Exterior storage. All exterior storage of material and equipment related to, located on, and used by any business or other non-residential use shall be stored within a building or fully screened, as required herein, so as not to be visible from streets, highways, or neighboring property, except for the following:

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

(K) Landscape design. All landscaping shall comply with § 153.134 et seq. of this chapter. Plant materials shall be used to enhance and delineate the existing downtown environment, to enhance the pedestrian environment, and to improve the connection between Lake Street and the lakefront.

(1) Plant materials used shall demonstrate an adaptability to urban conditions, including salt spray, storm water runoff, and reflected pavement glare and heat.

(2) Plant materials shall be free of hazards such as thorns, fruit, or nuts that may pose safety or maintenance concerns for this pedestrian-oriented environment.

(3) Plant materials shall be located so that no impacts occur to overhead or underground utilities, traffic flow and internal circulation, and emergency and maintenance access.

(4) Planting areas should be located and designed to avoid visual interference with public signage and private commercial communication.

(5) Plant materials shall be arranged to provide focal points on the site, and concentrated to signify key site locations such as the primary building entrance, site entrance, around signage and along pedestrian walkways.

(L) Pedestrian environment. Pedestrian connections to the surrounding neighborhood shall be incorporated into Downtown Mixed Use Development.

(1) Pedestrian amenities shall be included in places where people typically gather, including but not limited to, transit stops, building entrances, street corners and abutting bike, or pedestrian trail connections. These spaces must include at least 2 of the following:

- (a) Patterned materials on walkways;
- (b) Benches;
- (c) Decorative trash receptacles;
- (d) Drinking fountains;
- (e) Pedestrian lighting;
- (f) Fountains, sculptures, mobiles, or kiosks;
- (g) Street trees, flower boxes, or container landscaping.

(M) Parking. Parking lots and driveways, including alleys, shall be developed with alternative paving materials, colors, or textures to create a sense of separateness from the public street and encourage slower speeds.

(N) Lighting. In addition to the lighting requirements presented in § 153.130, lighting in the Downtown Mixed Use District shall be used to increase visibility, security, and aesthetic appeal of nighttime landscapes. Light fixtures will be used to unify the downtown area.

(1) Lighting fixtures shall be compatible with the architecture of the building.

(2) Shoe-box style lighting shall only be permitted in parking areas (private).

(3) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.

(O) Signage. In addition to the signage requirements presented in §§ 153.162 et seq., signage in the Downtown Mixed Use District shall:

(1) Be distinct and minimal to reduce visual sign clutter;

(2) Be designed in a manner that is consistent with other signage in the district to reflect a unified district character.

(P) Compliance.

(1) All new construction shall fully comply with the requirements in § 153.074.

(2) Complete building face lift combined with a building addition shall fully comply with the requirements in § 153.074.

(3) Other existing building and site improvements shall comply with the standards in § 153.054.

(Q) Expansion of legally established nonconforming residential uses. Legally established nonconforming single family and duplex residential uses may be expanded with a building permit. Such permitted expansions shall include the construction of detached accessory structures which shall comply with the applicable procedures and performance standards for detached accessory structures in this section.

(Ord. 596, passed 2-8-2010; Am. Ord. 646, passed 9-14-2015; Am. Ord. 651, passed 3-14-2016; Am. Ord. 669, passed 12-4-2017; Am. Ord. 698, passed 11-9-2020)

§ 153.085 GENERAL MIXED USE (MU-2) DISTRICT.

(A) Purpose. The purpose of the General Mixed Use (MU-2) District is to provide an area for compact, walkable, mixed use development along key community corridors and to support high quality development and site flexibility due to the unique site conditions in these areas. The mixture of land uses within the district is essential to establishing the level of vitality and intensity needed to support retail and service uses. A combination of retail, office, service, and residential uses are encouraged although not required. Buildings may also be entirely residential.

The mix of uses can occur vertically and horizontally. The placement of building and the relationship of the building, parking, landscaping, and pedestrian spaces is essential to creating the pedestrian-friendly environment envisioned for the MU-2 District. The standards in this section are reinforced within the Design Manual through pictures and graphics representing the intent of this section.

(B) Design character. The character of the General Mixed Use District shall reflect high quality design due to the high visibility of these areas. Although development in this mixed use district will be more auto-oriented in design than the traditional Downtown Mixed Use District, pedestrian connections and amenities will still be required to provide connections to existing and future planned trails and to provide for safe pedestrian circulation within the site. Landscaping, signage, and architectural details shall be used to unify sites within each of the General Mixed Use areas in Forest Lake.

(C) Permitted uses. Subject to applicable provisions of this chapter, the following are permitted in the General Mixed Use District:

- (1) Bank (without drive-thru);
- (2) Club or lodge;
- (3) Dwelling, multiple-family (apartment, condominium, cooperative, townhouse) at a minimum density of 10 and maximum of 15 units per acre;
- (4) Dwelling, multiple-family, row house style townhomes;
- (5) Essential services, government buildings;
- (6) Existing auto sales, new and used as of the date of the adoption of this chapter;
- (7) Existing minor auto repair as of the date of the adoption of this chapter and according to the standards set forth in § 153.074;
- (8) Hotel;
- (9) Health recreation facility;
- (10) Medical uses;
- (11) Museums/art galleries;
- (12) Movie theatres;
- (13) Offices;
- (14) Restaurants, full service;
- (15) Restaurants, fast food;
- (16) Retail/office/multi-tenant structure;
- (17) Retail sales and services;

- (18) Tavern or bar;
- (19) Brewery;
- (20) Micro distillery;
- (21) Taproom;
- (22) Motor vehicle part sales.

(D) Accessory uses. Subject to the applicable provisions of this chapter, the following permitted accessory uses in the General Mixed Use District are allowed only when it is an accessory to an existing principal permitted use on the same lot. All accessory uses must meet the procedures set forth in and regulated by §§ 153.110 et seq.

- (1) Outdoor seating accessory to a restaurant;
- (2) Public open space plaza, square or other related uses;
- (3) Trash enclosure service structure;
- (4) Attached smoking facility associated with a principal use;
- (5) Structured parking;

(6) Other uses customarily associated with but subordinate to a permitted use as determined by the Planning Commission and City Council;

(7) Amateur radio antenna (subject to the amateur radio antenna standards in § 153.092(II)(9)).

(8) On-site removal and installation of minor motor vehicle parts, including batteries, exterior vehicle lights, and windshield wiper blades, and other similarly minor installations that:

- (a) Are incidental to a retail sale;
- (b) Are not time intensive;
- (c) Do not cause obnoxious noise or odor; and
- (d) Do not require lifting any part of the vehicle or removing doors or fenders.

(E) Conditional uses. Subject to the applicable provision of this chapter, the following are conditional uses in the General Mixed Use District (requires a conditional use permit based upon procedures set forth in and regulated by § 153.034 of this chapter).

- (1) Place of worship;

(2) Drive-thru lanes for permitted uses if provisions for vehicle stacking, vehicle maneuvering, outdoor speaker devices, appearance and lighting of outdoor menu boards, and other related matters can be shown to be in keeping with the intent and character of the MU-2 District and compatible with surrounding uses;

- (3) Motor fuel stations;

(4) Schools, specialty;

(5) School;

(6) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(F) Interim uses. Subject to the applicable provisions of this chapter, the following are interim uses in the General

Mixed Use District (requires an interim use permit based upon procedures set forth and regulated by § 153.035 of this chapter).

(1) Place of worship in leased premises.

(2) Other uses as determined by the Planning Commission and City Council.

(G) Lot size, setback, site design, and height requirements.

(1) Minimum lot size requirements. The following minimum requirements shall be observed in the MU-2 District subject to additional requirements, exceptions, and modifications set forth in this chapter.

(a) Minimum lot requirements:

1. Lot size: 25,000 square feet.

2. Lot width: 150 feet.

(b) Setbacks:

1. Front: 20 feet from public roadways and 30 feet from Highway 61.

2. Side: No setback is required unless abutting a residential district; a setback of 35 feet shall then be required.

3. Rear: No setback is required unless abutting a residential district; a setback of 35 feet shall then be required.

(H) Site design.

(1) Orient and consolidate structures to complement existing, adjacent development to create a coordinated and visually attractive mixed use setting.

(2) Site planning shall respect the relationship of the site to the existing and proposed buildings and streets and major roadways including Highway 61.

(3) Buildings with frontage on a primary street shall orient front facades parallel to the primary street.

(4) Align the building front facade with adjacent buildings to promote visual continuity from the public right-of-way, unless site or use constraints are prohibitive.

(5) Buildings shall have a clearly defined primary pedestrian entrance at street level.

(6) Wherever a surface parking area faces a street frontage, such frontage shall be screened with a decorative wall, railing, hedge, or a combination of these elements to a minimum height of 2-1/2 feet and a maximum height of 3-1/2 feet above the level of the parking lot at the build to line.

(7) Drive-thru or drive-in lanes are not allowed within the front of any buildings. They must be located to the side or rear of a building.

(8) Maximum impervious coverage. The total lot coverage shall not exceed 80% impervious.

(I) Building height.

(1) Maximum height on all buildings shall be 45 feet or 4 stories.

(2) Where multiple buildings are proposed on a single site the buildings shall be designed with varying heights while meeting the following minimum standards:

(a) Buildings at the front setback line along Highway 61 shall have a minimum height of 15 feet for 60% of the building length with a maximum height of 25 feet. Buildings set back from Highway 61 (not meeting the minimum front yard setback to Highway 61) shall have a minimum height of 25 feet for 60% of the building length in order to provide visibility.

(J) Parking requirements.

(1) Parking for residential units in the MU-2 District shall be provided underground and shall be calculated as required under § 153.123. The residential parking spaces shall be specifically reserved for the use of residents and visitors only, separate from any commercial, office or other uses on-site or nearby and shall not be counted as part of any shared parking or joint parking arrangement.

(2) Parking for non-residential uses in the MU-2 District shall be calculated under §§ 153.116 through 153.123. Shared parking arrangements as provided in § 153.121 are encouraged provided that such shared parking is fully connected between sites for automobiles and pedestrians.

(K) Building design requirements. To maintain the character of the downtown area the MU-2 District is subject to the following standards to reflect the character of the district. The design standards are explained in further detail and illustrated in the Forest Lake Design Requirements Manual.

(1) All new building fronts (single-story or multi-story) and 100% refacing of existing buildings, shall include a minimum of 4 of the following elements:

(a) Architectural detailing, such as cornice, awning, parapet, or columns;

(b) A visually pleasing primary front entrance that, in addition to doors, shall be accented a minimum of 150 square feet around the door entrance for single-occupancy buildings and a minimum of 300 square feet total for the front of multi-tenant buildings (this area shall be counted as 1 element). Entrances shall be clearly articulated and obvious from the street;

- (c) A minimum of 30% window coverage on each front that faces a street;
- (d) Contrasting, yet complementary material colors;
- (e) A combination of horizontal and vertical design features;
- (f) Irregular building shapes;
- (g) Horizontal offsets of at least 4 feet in depth;
- (h) Vertical offsets in the roofline of at least 4 feet;
- (i) Fenestration at the first floor level which is recessed horizontally at least 1 foot into the facade;
- (j) Other architectural features in the overall architectural concept.

(2) Multi-story buildings shall have the ground floor distinguished from the upper floors by having 1 or more of the following:

- (a) Awning;
- (b) Trellis;
- (c) Arcade;
- (d) Window lintels;
- (e) Intermediate cornice line;
- (f) Brick detailing such as quoins or corbels.

(3) Residential uses on first floors. Whenever residential uses are included on the first floor of a building the first floor elevation shall be a minimum of 2 feet 6 inches above the sidewalk elevations immediately adjacent to the front of the residential unit to ensure the residential unit is raised from the public space. In addition, each first floor unit must have an individual private entrance at the street level with private courtyard enclosure.

(4) Any exterior building wall adjacent to or visible from a public street, public open space or abutting property may not exceed 50 feet in length without significant visual relief consisting of 1 of the following:

- (a) The facade shall be divided architecturally by means of significantly different materials or textures;
- (b) Horizontal offsets of at least 4 feet in depth;
- (c) Vertical offsets in the roofline of at least 4 feet; or
- (d) Fenestration at the first floor level that is recessed horizontally at least 1 foot into the facade.

(5) Accent materials. Accent materials shall be wrapped around walls visible from public view. Where a mixed use building is visible from a public road all elevations shall be architecturally treated. Accent material shall consist of materials comparable in grade and quality to the primary exterior material. Such materials may include glass, prefinished decorative metal, and fiber cement trim within soffit and fascia areas.

(6) Major exterior materials of all walls including face brick, stone, glass, stucco, synthetic stucco, fiber cement vertical panel siding, architectural concrete, and precast panels shall be acceptable as the major exterior wall surface when they are incorporated into an overall design of the building. Major materials must cover at least 60% of the exterior.

(7) Fiber cement seam lines shall be architecturally integrated into the building design so that they are not visible. Seam lines can be filled, covered by other accent material or other method thereby making the seam lines invisible. Color impregnated decorative block shall also be allowed as a major exterior wall material and shall be required to be sealed. All materials shall be color impregnated except for architectural concrete precast panel systems and fiber cement siding which may be painted.

(8) Restricted exterior materials. Unadorned pre-stressed concrete panels, whether smooth or raked, non-decorative concrete block, sheet metal, unfinished metal, and/or galvanized and unfinished aluminum surfaces (walls or roofs) shall not be used as exterior materials. This restriction shall apply to all principal structures and to all accessory buildings except those accessory buildings not visible from any property line. No more than 25% of any exterior wall on a building shall be fiber cement siding, wood, or metal accent material.

(9) Building roofs. Mansard or mansard style roofs are not permitted except for mansard style cornices. Acceptable designs include flat, pitched, or curved. Building roof styling shall incorporate a minimum of 1 of the following elements:

- (a) Parapets or cornices;
- (b) Varying building height and variety of roof lines (while meeting requirements in division (D)).

(L) Screening.

(1) Rooftop mechanical equipment. The view of all rooftop equipment and related piping, ducting, electrical and mechanical utilities abutting a street on buildings shall be screened from the ground level view. Screening may include parapet walls, penthouses, or other architecturally integrated elements. Wood fencing or chain link with slats shall not be used for screening. A cross-sectional drawing shall be provided that illustrates the sight lines from the ground level view.

(2) Screening adjoining residential use. Wherever a Mixed Use (MU) District abuts, or is across the street from an Residential (R) District, a berm, fence, or screening consisting of compact evergreen trees or hedge or a combination thereof, not less than 80% opaque at time of installation, nor less than 6 feet in height, except adjacent to a street where it shall be not less than 3 feet nor more than 4 feet in height shall be erected or installed and maintained. All screening shall comply with § 153.128 of this chapter.

(3) Ground mechanical equipment. Ground mechanical equipment shall be 100% screened from contiguous properties and adjacent streets by opaque landscaping or screen wall compatible with the architectural treatment of the principal structure.

(4) Trash enclosure service structure. All exterior trash enclosures or other accessory structures shall be constructed of the same materials and colors as the principal building.

(M) Exterior storage. All exterior storage of material and equipment related to, located on, and used by any business or other non-residential use shall be stored within a building or fully screened so as not to be visible from streets, highways, or neighboring property, with the exception of the following:

- (1) Merchandise being displayed for sale or rental as of the adoption of this section;
- (2) Materials and equipment currently being used for construction on the premises;
- (3) Merchandise located on service station pump islands.

(N) Lighting. In addition to the lighting requirements presented in § 153.130, lighting in the MU-2 District shall also be subject to the following requirements:

- (1) Decorative style lighting a maximum of 14 feet in height shall be used to illuminate all site areas except for parking areas.
- (2) Shoe-box style lighting shall only be permitted in parking areas.
- (3) Lighting fixtures shall be compatible with the architecture of the building.
- (4) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.

(O) Landscape design. In addition to the landscape requirements presented in § 153.134, plant materials shall be used to create a unified and attractive mixed use environment.

(1) Planting areas should be located and designed to avoid visual interference with public signage and private commercial communication.

(2) Plant materials shall be arranged to provide focal points on the site, and concentrated to signify key site locations such as the primary building entrance, site entrance, around signage, along pedestrian walkways, and along the perimeter of the building.

(P) Signage. In addition to the sign requirements presented in §§ 153.162 et seq., signs in the MU-2 District shall also be subject to the following requirements:

- (1) To reduce visual sign clutter, signage shall be distinct and minimal.
- (2) Monument sign bases shall be constructed of similar materials, style, and color as that of the principal building.
- (3) Signage shall be designed in a manner consistent with this chapter, and as illustrated in the Forest Lake Design Requirement Manual.

(Q) Compliance.

- (1) All new construction shall fully comply with the requirements in § 153.074.
- (2) A complete building face lift combined with a building addition shall fully comply with the requirements in § 153.074.
- (3) Other existing building and site improvements shall comply with the standards in § 153.054.

(R) Expansion of legally established nonconforming residential uses. Legally established nonconforming single family and duplex residential uses may be expanded with a building permit. Such permitted expansions shall include the construction of detached accessory structures which shall comply with the applicable procedures and performance standards for detached accessory structures in this section.

(Ord. 596, passed 2-8-2010; Am. Ord. 598, passed 7-26-2010; Am. Ord. 628, passed 5-13-2013; Am. Ord. 646, passed 9-14-2015; Am. Ord. 651, passed 3-14-2016; Am. Ord. 669, passed 12-4-2017; Am. Ord. 702, passed 2-22-2021)

OVERLAY DISTRICTS

§ 153.086 AGRICULTURE PRESERVE (AP) OVERLAY DISTRICT.

(A) Purpose. The Agriculture Preserve (AP) District is intended to preserve areas for interim or permanent agricultural use; preserve the rural character of outlying areas of the city; to allow a mix of large lot residential development and agriculturally related uses in areas of the city not yet served by public sewer; and to broaden the choice of residential living styles within the city. The AP District is a statutory agriculture district with special tax and assessment benefits.

(B) Permitted uses. Subject to applicable provisions of this chapter, the following are permitted uses in the AP District:

- (1) Agricultural use;
- (2) Dwelling, single-family detached;
- (3) Plant nursery, wholesale;
- (4) Recreation, public.

(C) Accessory uses. Subject to applicable provisions of this chapter and M.S. § 473H.17, as it may be amended from time to time, the following permitted accessory uses in the AP District are allowed only when they are accessory to an existing principal permitted use on the same lot. All accessory uses must meet the procedures set forth in and regulated by §§ 153.110 et seq.

- (1) Detached accessory structures;
- (2) Agricultural business;
- (3) Day care facility, unlicensed - serving 6 or fewer persons;

(4) Kennel, private - 3 pets or fewer;

(5) Pasture;

(6) Residential facility, licensed - serving 6 or fewer persons;

(7) Other uses customarily associated with but subordinate to a permitted use as determined by the Planning Commission and City Council;

(8) Amateur radio antenna (subject to the amateur radio antenna standards in § 153.092(II)(9)).

(D) Certificate of compliance. Subject to applicable provision of this chapter and M.S. Ch. 473H, as it may be amended from time to time, the following are uses in the AP District that require approval by a certificate of compliance as set forth herein and regulated by § 153.029.

(1) Principal uses.

(a) Agricultural building.

(2) Accessory uses.

(a) Accessory apartment;

(b) Agriculture building;

(c) Day care facility, licensed, serving 7 to 14 persons;

(d) Dwelling, temporary during construction;

(e) Dwelling, temporary care facility;

(f) Home occupations;

(g) Horse training facilities, private;

(h) Kennel, private - more than 3 pets;

(i) Residential facility, licensed - serving 7 to 10 persons;

(j) Towers (see § 153.092).

(E) Conditional uses. Subject to applicable provisions of this chapter and M.S. § 473H.17, as it may be amended from time to time, the following are conditional uses in the AP District (requires a conditional use permit based upon procedures set forth in and regulated by § 153.034).

(1) Principal uses.

(a) Cemetery;

(b) Essential services, governmental buildings and storage;

(c) Essential services, utility substation;

- (d) Garden supply store and nursery yard;
- (e) Mining;
- (f) Place of worship;
- (g) Recreation, commercial;
- (h) School;
- (i) Tower (see § 153.092);
- (j) Yard waste facility.

(2) Accessory uses.

- (a) Balloon port, commercial;
- (b) Bed and breakfast inn;
- (c) Day care facility, licensed - serving more than 14 persons;
- (d) Feedlot;
- (e) Horse training facilities, commercial;
- (f) Kennel, commercial;
- (g) Residential facility, licensed - serving more than 10 persons;
- (h) Veterinary, large animal.

(3) Other uses similar to those permitted in this section as determined by the Planning Commission and City Council.

(F) Lot size, setback, and height requirements. The following minimum requirements shall be observed in an AP District subject to additional requirements, exceptions, and modifications set forth in this chapter.

(1) Minimum lot requirements.

- (a) Lot area: 40 acres.
- (b) Lot width: 300 feet.

(2) Setbacks.

- (a) Principal structure.

1. Front yard:

a. Arterial, as designated in the Comprehensive Plan: 75 feet from the right-of-way line, or 150 feet from the centerline of the street, whichever is greater;

b. Collector street: 50 feet from the public right-of-way;

- c. Local street: 40 feet from the public right-of-way.
 - 2. Side yard: 20 feet.
 - 3. Side street: same as front yard.
 - 4. Rear yard: 50 feet.
 - (b) Detached accessory structure.
 - 1. Front yard: must meet principal building setbacks; however, if located between the principal structure and a road, a 100 foot setback is required.
 - 2. Side yard: 20 feet.
 - 3. Side street: same as front yard.
 - 4. Rear yard: 50 feet.
 - (3) Building height. All buildings shall be limited to a maximum height of 35 feet.
 - (a) Principal structure: maximum height of 3 stories.
 - (b) Detached accessory structure: maximum height of 2 stories.
- (Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010; Am. Ord. 651, passed 3-14-2016)

§ 153.087 PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT.

- (A) Purpose.
 - (1) The primary purpose of a Planned Unit Development (PUD) is to permit a more creative and flexible regulatory process in guiding land development as compared to the standard development regulations of this chapter. The PUD process provides a joint planning/design effort by the city and the applicants, as opposed to the city establishing limits within which applicants must perform. The intent is to provide a greater degree of creativity and flexibility and promote the health, safety, order, convenience, prosperity, and general welfare of the city and its inhabitants.
 - (2) Benefits resulting from a PUD may include the following opportunities:
 - (a) To promote more efficient and effective use of land, open space, and public facilities;
 - (b) To preserve, enhance, and protect desirable site characteristics, open spaces, and valuable natural resources;
 - (c) To benefit from new technology in building design and construction;
 - (d) To encourage variety in the organization and site elements, land uses, building densities, and building types and to promote higher standards of site and building design for all PUD projects;

(e) To assure that the development of a complex unit of associated uses is planned as a single entity and to effectuate the policies and standards of the Comprehensive Plan.

(B) Rules and standards.

(1) Applicants may be excused from certain requirements of this chapter when specifically approved as part of the PUD. The elimination of requirements shall only be allowed for the purpose of creating better overall design and an improved living environment and not solely for the economic advantage of the applicant. All provisions of this chapter not specifically excused in the preliminary plan review and/or final plan review shall apply to the PUD.

(2) The granting of a PUD does not alter in any manner the underlying zoning district uses. Building permits shall not be issued which are not in conformity with the approved PUD.

(3) PUDs may be utilized in all zoning districts except for conservancy, rural residential, and agriculture districts.

(C) Development standards. The development standards for PUDs shall be guided by the underlying zoning district and established with PUD approval, except for the following standards:

(1) Minimum area for residential PUDs. The minimum total area required for a PUD shall be 7.5 acres of contiguous upland (excluding wetlands). Tracts of land of less than 7.5 acres contiguous upland (excluding wetlands) may qualify only if the applicant can show that the minimum lot area requirement should be waived because a PUD is in the public interest and that 1 or more of the following conditions exist:

(a) Unusual physical features of the property itself or of the surrounding neighborhood are such that development under the standard provisions of the normal district would not allow a physical or terrain feature of importance to the neighborhood or community to be preserved;

(b) The property is adjacent to or across the street from property that has been developed under the provisions of this section and will contribute to the amenities of the neighborhood;

(c) The development of the property as a PUD will provide the city with other significant on-site or off-site benefits or amenities.

(2) Residential densities. A PUD may provide for a variety of housing types in any one of the basic residential zoning districts. The total number of dwelling units allowed in a development shall be determined by either of the following:

(a) The area standards of the underlying zoning district in which the proposed development is to be located;

(b) The density specified by the PUD is consistent with the intent of the city's Comprehensive Plan. A plan may provide for a greater number of dwelling units per acre than would otherwise be permitted by the Comprehensive Plan. However, the applicant has the burden of showing that such increases in units will not have an undue and adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property owners of their properties. The city, in determining the reasonableness of the increase in the authorized dwelling units per acre, shall recognize that increased density may be compensated for by

additional private amenities and by increased efficiency in public facilities and services to be achieved by:

1. The location, amount, and proposed use of common open space;
2. The location, design, and type of dwelling units; and
3. The physical characteristics of the site.

(3) Multi-family, commercial, and industrial sites. All multi-family, commercial, and/or industrial sites shall at a minimum have 2 principal buildings or 2 principal uses on-site to qualify as a PUD. All multi-family, commercial, and/or industrial sites that have 2 or more principal buildings must be processed as a PUD.

(4) Open space. A primary function for all PUDs is to encourage development that preserves and enhances the natural characteristics and valuable natural resources of a site and not force intense developments that use all portions of a given site to arrive at the maximum intensity or density allowed. In evaluating each individual proposal, the recognition of this objective will be a basic consideration in granting approval or denial. All open space shall be labeled as such and as to its intent or designed functions.

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

(D) Procedure and administration.

(1) Pre-application meeting. Prior to submission of any plan for consideration of the Planning Commission, the applicant shall meet with the city to discuss the contemplated project relative to community development objectives for the area in question to learn what procedural steps and exhibits shall be required. In the event the proposed development of the land is not in conflict with the community development objectives, the applicant may proceed to concept plan review.

(2) Concept plan review. Before submitting an application for preliminary plan review, the applicant may request that the Planning Commission review a concept of the proposed PUD. The concept plan review allows the applicant to receive general, non-binding feedback from the Planning Commission before the applicant prepares and submits a more detailed application for preliminary plan review.

(3) Preliminary plan review. The applicant for a PUD shall apply for preliminary plan review (see division (E) of this section for submittal requirements). The Planning Commission shall make a recommendation to the City Council to approve or deny the preliminary plan and the Council shall take final action on the application. City Council approval of the preliminary plan indicates that the applicant can proceed on to final plan review.

(4) Final plan review. The applicant shall secure final plan review approval from the City Council within 1 year following the date of approval of the preliminary plan review. If

application for final plan review approval is not received within 1 year, the preliminary plan review will be considered abandoned and a new application for preliminary plan review must be submitted. After receiving a recommendation from the Planning Commission, the City Council shall make final determination on approval of the final plan review.

(5) Application. A PUD requires a preliminary plan and final plan review application. An application and submittal requirements shall be filed in writing with the city.

(6) Fees. The required application fee shall accompany applications for preliminary plan and final plan review. The applicant shall pay fees as set forth by the City Council.

(7) Public hearing and notices. All applications for review of a Planned Unit Development proposal, except concept review, require a public hearing and shall be noticed and processed according to the standards and procedures for zoning ordinance text and map amendments as established in § 153.037.

(8) Development agreements. A development agreement shall be required to be executed reflecting all terms and conditions of the approved Planned Unit Development plans and financial requirements.

(E) Preliminary plan review submittal requirements. The application for preliminary plan review shall be accompanied by supporting information as listed below or as deemed necessary by the city to fully explain the property, the applicant, and the proposed development. The application may include further information as the applicant deems appropriate for preliminary plan review of the proposed PUD. The city may require additional information depending on the complexity of the proposal. The supporting information and an application form shall be submitted in a format as directed by the city and, at a minimum, shall contain the following:

(1) A written statement generally describing the proposed PUD and the market which it is intended to serve. The statement shall also demonstrate the proposed PUDs relationship to the city's Comprehensive Plan and how the proposed PUD is to be designed, arranged, and operated to permit the development and use of neighboring property in accordance with the applicable provisions of the City Code. The statement shall also include the public decisions necessary for implementing the proposed plan, including the present and possible new zoning classifications required for development;

(2) A legal description of the entire area within the PUD for which final plan review approval is sought;

(3) A preliminary plat prepared in accordance with the city's subdivision regulations;

(4) A preliminary plan drawing to a scale of not less than 1 inch equals 50 feet (or scale as requested by the city) containing at a minimum the following information:

(a) Proposed name of the development;

(b) Property boundary lines and dimensions of the property and any significant topographical or physical features of the site;

(c) The location, size, use, and arrangement, including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including model homes and existing buildings that will remain, if any. Also, all required setback lines shall be depicted;

(d) Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces, and access aisles, and all other circulation elements, including bike and pedestrian, and the total site coverage of all circulation elements;

(e) Location, designation, and total area of all common private open space and facilities;

(f) Location, designation, and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites, and recreational facilities;

(g) The location, use, and size of structures and other land uses on adjacent properties; and

(h) Where applicable, a tabulation indicating the number of residential dwelling units and expected population and a tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity.

(5) A preliminary landscape plan showing groundcover materials and the areas to be landscaped with the location, size, and species of all trees, shrubbery, and groundcover;

(6) A preliminary grading, drainage, and site alteration plan for the development illustrating changes to existing topography and natural site vegetation and all appropriate protection measures taken during construction;

(7) A preliminary lighting plan illustrating the location, types of devices, and photometric data;

(8) A preliminary signage plan illustrating the sizes, location, and overall program;

(9) A traffic flow plan and analysis;

(10) Solid waste disposal procedures and provisions;

(11) Proof of a property interest in the site which shall consist of a fee simple title, or an option to acquire a fee simple title within a specified time period, or a leasehold interest in excess of 30 years, or a substantial interest in a joint venture agreement, real estate investment trust, or other real estate syndication that can obtain a fee simple title or marketable title subject to certain restraint which will not substantially restrict its development within a reasonable time. All mortgages, including purchase money mortgages, easements restricting land use, and liens and judgments that may affect the site, shall be documented. The applicant shall supply proof of existing ownership consisting of an abstract of title, certified currently, a current certificate of title, or an attorney's title opinion based thereon, together with any unrecorded documents whereby the applicant acquired a legal or equitable property interest;

(12) Any other information that may have been required by the city staff, Planning Commission, or City Council in conjunction with the approval of preliminary plan review.

(F) Final plan submittal requirements. The application for final plan approval shall be accompanied by development plans of the proposed PUD and supporting information as listed

below or as deemed necessary by the city. All material shall be submitted together in a format as directed by the city and shall include the following:

(1) A final site plan, grading plan, utility plan, landscaping plan, lighting plan, building elevations, sign plan, and all applicable data as aforementioned in division (E)(4) and § 153.035, as deemed necessary depending upon the complexity of the proposal. One transparent Mylar copy of the final development plans, should they be approved, shall be filed with the city within 60 days of the approval.

(2) A final plat in accordance with the requirements of the city's subdivision ordinance.

(3) A legal submission component, including any deed restrictions, covenants, agreements, by-laws, or proposed homeowner's association or other documents or contracts controlling the use or maintenance of the property. Where the information is lacking, the City Council may require a bond or similar guarantee to insure that areas held in common by persons residing in the development will be developed and maintained.

(4) A final construction plan indicating the geographical sequence and timing of development for the plan or portions thereof, including the date of beginning and completion of each stage.

(5) Any other information necessary to fully represent the intentions of the final plan.

(G) Criteria and Procedure for granting a PUD. The Planning Commission may recommend and the City Council may act to approve or deny a preliminary or final plan for a PUD. The City Council shall review the submitted application and recommendation from city staff and make a final decision. The final decision of the City Council shall include all conditions or modifications to the application. The Planning Commission, in making a recommendation, and the City Council, in acting upon a plan, shall consider the following factors. However, nothing herein shall be meant to guarantee approval of the PUD:

(1) The consistency of the proposed PUD with the city's Comprehensive Plan;

(2) The proposed use's compliance with the standards and criteria of the zoning code and subdivision regulations;

(3) The extent to which the proposed PUD is designed to form a desirable and unified environment within its own boundaries in terms of relationship of structures, patterns of circulation, visual character, and sufficiency of drainage and utilities;

(4) The extent to which the proposed uses will be compatible with present and planned uses in the surrounding area;

(5) The impact of the proposed uses on the health, safety, and general welfare of the occupants of the surrounding area;

(6) The burden or impact created by the PUD on parks, schools, streets, and other public facilities and utilities;

(7) The sufficiency of each phase of the PUD to ensure its construction and operation is feasible without dependence upon any subsequent phase;

(8) The impact of the PUD on environmental quality, property values, scenic views, and reasonable enjoyment of the surrounding area; and

(9) That any exceptions to city code, policy, or regulations are justified by the design or development of the proposed use.

(H) Final plan revisions.

(1) Minor changes in the location, placement, and heights of buildings or structures may be authorized by the city if required by engineering or other circumstances not foreseen at the time the final plan review was approved.

(2) Major changes such as rearrangement of lots, blocks, and building tracts or any other significant changes as determined by the city shall be reviewed by the Planning Commission with recommendation to the City Council. Upon Planning Commission recommendation, the City Council shall make final approval. Any changes shall be consistent with the purpose and intent of the approved final plan review.

(I) Method of amending a PUD. Any desired change involving density, use, building type, enlargement, or intensification of the use not specifically allowed by a particular PUD, or any request for a variance from the specific terms of a previously passed PUD, shall require that an application be filed for an amendment and all procedures shall then apply as required for a new plan application.

(J) Method of cancellation of a PUD. Any existing approved PUD shall be deemed to be canceled if the owner of the land involved in the permit applies for and receives a rezoning with respect to the property prior to the time that there is any physical implementation of the matters covered by the previously approved PUD. In addition, an existing PUD shall be deemed to be automatically canceled in the event that a final plat, if the same is required in connection with the application, is not filed with Washington County as required by and in accordance with the terms of the city subdivision regulations within 120 days following final approval of the PUD by the City Council. The PUD shall expire and be considered null and void 1 year after it has been issued if no construction has begun or if use has not been established. In all other situations, an existing PUD shall be canceled and revoked, short of expiring according to its own terms, only in the event of the city, acting in accordance with law and due process, taking some rezoning action that supersedes the PUD.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010; Am. Ord. 648, passed 9-28-2015)

§ 153.088 RURAL OPEN SPACE HOUSING CLUSTER PLANNED UNIT DEVELOPMENT REGULATIONS.

(A) Purpose. The primary purpose of a rural open space housing cluster Planned Unit Development (PUD) is to preserve the open space and rural character of certain zoning districts while creating compact neighborhoods that have a strong visual and physical access to the open space. This method of development uses the size and shape of the open space as the central organizing element, rearranging the density on each parcel so that less land is cleared, graded, and turned into driveways, streets, lawns, and houses. The Open Space Development regulations are established to encourage development of rural housing clusters that meet the following purposes:

- (1) To provide efficient use of the land while maintaining contiguous blocks of economically viable agricultural land, mature woodlands, and open space, and preserving historical features, scenic views, natural drainage systems, and other desirable features of the natural environment;
- (2) To allow housing to be concentrated on sites that have low agricultural potential and/or high natural housing appeal;
- (3) To create neighborhoods with direct access to open space, distinct identities, and sense of community;
- (4) To encourage innovation and promote flexibility, economy, and creativity in residential development;
- (5) To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community;
- (6) To preserve scenic views and elements of the rural character and the natural environment by minimizing views of new development from existing roads.

(B) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMUNITY GARDEN. Land which is cultivated by the residents of the development for the production of trees, vegetables, fruits, flowers, herbs, and grasses for the residents' use or to be sold directly to consumers through membership in the garden.

CONSERVATION EASEMENT. An interest in real property created in a manner that imposes limitations or affirmative obligations regarding the use of property, including the retention, protection, and maintenance of natural resources, open space, and agriculture.

CULTURAL RESOURCE. The historic and archeological characteristics of the land, including buildings and landscapes that provide information regarding the history of the city and its people.

HISTORIC BUILDING AND STRUCTURE. A structure which has been identified by the Washington County History Network Inventory or the State Historic Preservation Office as having public value due to its architectural features relating to the cultural heritage of the city.

HOMEOWNER’S ASSOCIATION. A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating, and maintaining the common open space and facilities.

NEIGHBORHOOD. An area containing a contiguous group of residential lots where people live in close proximity to one another.

OPEN SPACE. Land used for agriculture, natural habitat pedestrian corridors, and/or recreational purposes that is undivided and permanently protected from future development.

OPEN SPACE DEVELOPMENT. A grouping of residential structures on smaller lots than allowed in the specific zoning district leaving some land dedicated as open space.

PERIMETER ROAD. A road lying outside of and abutting the development parcel.

PLANT COMMUNITY. A grouping of plants with common environmental requirements living within the landscape (such as wetlands, grasslands, and boreal forests).

PROTECTIVE OR RESTRICTIVE COVENANT. A contract entered into between private parties that constitutes a restriction of the use of a particular parcel of property.

RESOURCE INVENTORY. A survey of the land’s features, including its natural resources, cultural resources, scenic views and view sheds, and physical characteristics.

(C) **Applicability.** The Open Space Development standards are an alternative set of standards for residential developments within the Conservancy, Agricultural, and Rural Residential Districts. Open Space Developments are permitted within these zoning districts upon the issuance of a PUD. The design standards contained in this section are not applicable in the Shoreland Overlay District. The regulations of this section are applicable only to Open Space Developments approved after the effective date of this chapter.

(D) **Application.**

(1) A PUD is required for an Open Space Development in the Conservancy, Agricultural, and Rural Residential Districts.

(2) A PUD application shall be filed, in writing, with the city in accordance with rules and regulations set forth in § 153.087.

(3) In addition to those criteria as stated in § 153.087, the Planning Commission shall consider the following:

(a) The Open Space Development is designed to preserve open space and the rural character of the Conservancy, Rural Residential, and Agriculture Districts;

(b) The Open Space Development is designed in accordance with the standards of this section;

(c) The Open Space Development supports the goals and policies of the city’s Comprehensive Plan;

(4) In addition to those submittal requirements stated in § 153.087, the following items shall be submitted as part of the PUD application for Open Space Developments:

(a) Resource inventory. The plan for an Open Space Development shall include a resource inventory to include the following mapped at a scale of no less than 1 inch equals 100 feet.

1. Topographic contours at 2 foot intervals showing rock outcrops and slopes of more than 8%.

2. Soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock, and suitability for wastewater disposal systems.

3. Hydrologic characteristics, including surface water bodies, flood plains, wetlands, natural swales, and drainage ways.

4. Vegetation of the site, according to general cover type (pasture, woodland, and the like), defining boundaries of woodland areas and stand-alone trees with a caliper of more than 6 inches. Vegetative types shall be classified as generally deciduous, coniferous, or mixed and described by plant community, relative age, and condition. See also §§ 153.137 et seq.

5. Current land use and land cover (cultivated areas, paved areas, and the like), all buildings and structures on the land, and all encumbrances such as easements or covenants.

6. Visual resources showing views onto the tract from surrounding roads and public areas as well as views within the tract.

7. Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological features.

8. Context: general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads, and property boundaries within 500 feet of the tract.

(b) Yield plan. The applicant shall submit a "yield plan" showing the maximum number of dwelling units that would be permitted given the minimum lot size and lot widths for conventional subdivisions and other requirements of this chapter and the subdivision regulations. The yield plan need not be engineered; however, it shall be drawn to scale and it shall identify all the major physical features on the parcel.

(c) Concept subdivision plan. One or more open space design plans meeting the intent of this chapter and including at least the following information:

1. Open space areas indicating which areas are to be protected;
2. Boundaries of areas to be developed and proposed general street and lot layout;
3. Number of housing units proposed;
4. Areas proposed for storm water management and on or off-site sewage treatment;
5. The plans shall be drawn to scale.

(d) Phasing plan. Open Space Developments may be phased in accordance with a unified development plan for the entire tract meeting the following requirements:

1. A phasing plan identifying the sequence of development showing approximate areas serially numbered with a description of each phase. Information shall be provided regarding the number of dwelling units, proposed improvements, and common facilities for each;
2. The phasing plan shall be made a part of the PUD;
3. Any common facilities, including golf courses, shall be constructed prior to the sale of any lots and shall be clearly marked on a site map that shall be an attachment to all sales agreements for individual lots;
4. As part of the development agreement, a financial guarantee to ensure completion of common facilities, trails, and landscaping shall be provided.

(e) General location map.

(5) Application procedure. Upon submittal of a complete application, the application shall be processed according to the following.

(a) Public hearing and notices. All applications for final review of an Open Space Development proposal require a public hearing and shall be noticed and processed according to the standards and procedures for a PUD and major subdivision under the provisions of the city subdivision regulations.

(b) Criteria for granting an Open Space Development. The city may grant an Open Space Development, provided the proposed development complies with the standards and criteria stated in this chapter and the subdivision regulations and that the development is in harmony with the general intent of the Comprehensive Plan. In granting approval for an Open Space Development, the city shall consider:

1. The impact of the proposed use on the health, safety, and general welfare of the occupants of the surrounding lands;
2. Existing and anticipated traffic conditions, including parking facilities on the adjacent streets and land;
3. The effect of the proposed use on property values and scenic views in the surrounding area;
4. The compliance of the proposed use with the city's Comprehensive Plan;
5. The ability of the proposed use to meet the standards of this chapter; and
6. Whether the proposed use is permitted in the underlying zoning district.

(c) Approval. If the city determines that the proposed use will not be detrimental to the health, safety, or general welfare of the city, and that the use is in harmony with the general purpose and intent of this chapter and the Comprehensive Plan, the city may approve such Open Space Development.

(E) Uses. The following uses are permitted within designated open space. The uses must meet the standards and criteria specified for those uses as set forth herein and regulated in this chapter unless as otherwise stated below:

- (1) Conservation (such as woodland, meadow, prairie);
- (2) Agricultural;
- (3) Equestrian;
- (4) Recreational uses and associated parking:
 - (a) Trails (walking, skiing, cycling, horseback riding, snowmobiling);
 - (b) Picnic areas;
 - (c) Community gardens;
 - (d) Turf areas for informal play;
 - (e) Playgrounds.
- (5) Storm water management facilities;
- (6) Community sewage disposal systems;
- (7) Essential services, utility.

(F) Ownership and management of open space. The designated open space and common facilities shall be owned and managed by 1 or a combination of the following:

- (1) Homeowners' association;
- (2) The city or another governmental body empowered to hold interest in real property in accordance with Minnesota Statutes;
- (3) An individual who will use the land for open space purposes as provided by the permanent conservation restrictions.

(G) Open space.

(1) Required open space shall be subject to permanent conservation easement and used for the purposes as defined by this chapter. The conservation easement shall be dedicated to an acceptable land trustee or other similar organization as approved by the city.

(2) The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public, providing the proper approvals are received.

(3) A financial guarantee ensuring the construction and completion of the common facilities shall be submitted to the city.

(H) Homeowners' associations.

(1) A homeowners' association shall be established if the open space is owned by a homeowners' association. Membership in the association is mandatory for all purchasers of homes in the development and their successors.

(2) A homeowners' association agreement guaranteeing continuing maintenance shall be submitted to the city as part of the data required for the PUD. The homeowners' association documents or the declaration of covenants, conditions, and restrictions shall contain the following information:

- (a) The legal description of the common lands or facilities;
- (b) The restrictions placed upon the use and enjoyment of the lands or facilities, including the persons or entities entitled to enforce the restrictions;
- (c) A mechanism for resolving disputes among the owners or association members;
- (d) A mechanism to assess and enforce the common expenses for the land or facilities, including upkeep and maintenance expenses, real estate taxes, and insurance premiums;
- (e) The conditions and timing of the transfer of ownership and control of land or facilities to the association or to common ownership;
- (f) Any other matter the developer deems appropriate;
- (g) The management of collector sewage treatment systems.

(I) Density standards. The number of density units for the parcel shall be determined by the Comprehensive Plan and by underlying zoning.

(J) Performance standards.

(1) General considerations.

- (a) The residential lot shall be large enough to accommodate 1 house and a 2 car garage.
- (b) All structures shall be set back a minimum of 50 feet from unclassified water bodies.

(2) Residential lot requirements.

(a) Minimum lot size:

- 1. Septic on-site: 60,000 sq. ft. (43,560 sq. ft. net buildable);
- 2. Septic off-site: 25,000 sq. ft. (3,400 sq. ft. net buildable).

(b) Principal building setbacks:

- 1. Front lot line: 30 feet;
- 2. Side lot line: 10 feet;
- 3. Rear lot line: 30 feet.

(c) Accessory building setbacks: see accessory structures, §§ 153.110 et seq.

(d) Maximum building height: 35 feet.

(e) All newly created lots shall be accessed from interior local streets.

(f) Fifty percent of the lots within a neighborhood shall abut open space on at least 1 side. A local street may separate lots from the open space.

(3) Neighborhood siting standards.

(a) Neighborhoods shall be located to minimize their impacts on the natural, scenic, and cultural resources of the site.

(b) Neighborhoods shall avoid encroaching on rare plant communities or endangered species identified

in the Department of Natural Resources County Biological Survey for Natural Communities and Rare Species.

(c) Fragmentation of open space shall be minimized.

(d) Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels.

(e) Neighborhoods should be sited to achieve the following goals to the extent practicable. In cases where impact on 1 or more of the following resource areas is unavoidable, the impact should be minimized through use of landscaping, topography, or other features:

1. Avoid prime farmland soils and large tracts of land in agricultural use and avoid interference with normal agricultural practices;

2. Minimize disturbance to woodlands, hedgerows, mature trees, or other significant vegetation;

3. Protect scenic views of open land from adjacent roads;

4. Protect existing historic buildings or incorporate them through adaptive reuse.

(f) The maximum number of residential lots permitted in a neighborhood is 50.

(4) Open space design. Open space shall be designed in a manner that ensures an active use or enjoyment of a reasonable portion of the open space for the residents.

(a) Open space shall be designated as part of the development. The minimum required open space is based on a percentage of the gross acreage:

1. A: 55%;

2. RR: 55%;

3. C: 75%.

(b) The required open space shall be undivided and restricted from further development.

(c) The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:

1. Parking areas for access to and use of the open space;
2. Buildings or structures that are accessory to the use of the open space.

(d) Road rights-of-way may not be located within the required open space area and shall not be counted towards the required minimum open space.

(e) No more than 50% of the required open space may consist of unclassified water bodies, ponds, areas within the 100 year floodplain (or high water mark as documented by city records), wetlands, or slopes of greater than 33%.

(f) At least 10% of the open space shall be accessible to the residents of the development.

1. At least 10% of the open space that is accessible shall be suitable for recreational uses, such as trails, play fields, or community gardens.

2. A pathway system connecting all parts of those open space areas accessible to neighborhood residents and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the plan.

3. That portion of the open space designated for the location of sewage treatment facilities shall not be included as part of this accessible open space.

(5) Street standards. Streets shall be designed to minimize the visual size and scale of the development and to help discourage excessive speeds. Neighborhood streets may take the form of a two-way street, a pair of one-way streets on either side of a landscaped median, or a one-way loop street around a small neighborhood green. Street widths and alignments should be carefully scaled to neighborhood size. Streets shall be developed according to the following standards that promote road safety, assure adequate access for fire and rescue vehicles and promote adequate vehicular circulation:

(a) The applicant must demonstrate that access to the development has the capacity to handle traffic generated by the proposed project and will not endanger the safety of the general public;

(b) Streets shall be constructed to meet the city's engineering standards;

(c) Street connections to adjacent parcels shall be provided in logical locations to avoid creating landlocked parcels and provide for connecting street patterns.

(6) Sewage and water facilities.

(a) Water for an Open Space Development shall be provided by individual on-site wells or by 1 or more community wells meeting the permit requirements of the Minnesota Department of Health. The use of shared or community wells are encouraged.

(b) All Open Space Developments shall be provided with adequate sewage treatment facilities meeting the standards of the Washington County Individual Sewage Treatment Standards Regulations and the permit requirements of the Minnesota Pollution Control Agency.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.089 SHORELAND OVERLAY DISTRICT.

(A) Statutory authorization and policy.

(1) Statutory authorization. This section is adopted pursuant to the authorization and policies contained in Minnesota Statutes.

(2) Policy. The uncontrolled use of shorelands of the city affects the public health, safety, and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety, and welfare to provide for the wise subdivision, use, and development of shorelands of public waters. The legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use, and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is recognized by the city.

(B) Scope and applicability.

(1) The provisions of this section shall apply to the shorelands of the public water bodies as classified in this section and unclassified water bodies where applicable. A landscape/garden pond created by a private user where there was no previous water body may, at the discretion of the governing body, be exempt from this section.

(2) It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail.

(3) The use of any shoreland of public water; the size and shape of lots; the use, size, type and location of structure on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this regulation and other applicable regulations.

(4) If any section, clause, provision, or portion of this section is determined to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

(5) The regulations contained in this section are in addition to and not in lieu of the other regulations contained in other sections of this chapter. All other regulations in this chapter that are inconsistent with the regulations of this section are repealed to the extent of the inconsistency only.

(C) Purpose. It is the intent and purpose of these regulations to:

(1) Designate suitable land use districts for each body of public water;

- (2) Regulate the sanitary and waste treatment system for lots;
- (3) Regulate the area of lot and the width of lots suitable for building sites;
- (4) Regulate the alteration of shoreland of public waters;
- (5) Regulate alterations of the natural vegetation and the natural topography along shorelands;
- (6) Conserve natural resources and maintain a high standard of environmental duality;
- (7) Preserve and enhance the quality of surface water;
- (8) Preserve the natural environmental values of shorelands;
- (9) Provide for the utilization of water and related land resources;
- (10) Maintain water quality, reduce flooding and erosion, and provide sources of food and habitat for a variety of fish and wildlife.

(D) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the same meaning as they have in § 153.010 and to give this section its most reasonable application.

ACCESS CORRIDOR. An area where vegetation is cut or removed through the buffer to provide access to a lake, stream, or wetland.

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

BLUFF LINE. A line along the top of a slope connecting points at which the slope, proceeding away from the water body or adjoining watershed channel, becomes less than 18% and it only includes slopes greater than 18% that meet the following criteria:

- (a) Part or all of the feature is located in a shoreland area;
- (b) The slope rises at least 20 feet above the ordinary high water level of the water body;
- (c) The slope must drain toward the water body;
- (d) The average slope of 18% or more shall extend over a distance of 50 feet or more.

BUFFER STRIP. Undisturbed strip of land adjacent to shorelines and wetlands consisting of native or existing vegetation.

BUFFER WIDTH, MINIMUM. The least buffer distance allowable measured perpendicular to the delineated wetland edge or ordinary high water mark of the lake or stream.

BUILDABLE LAND. Land with a slope less than 33% and outside of any required setbacks except that on a natural environment lake where a 200 foot structure setback is required, the buildable areas calculation shall be measured from a 153 foot setback rather than the required 200 foot setback, and above any 100 year floodplain, drainage way, or drainage easement.

BUILDING LINE. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

CLEAR CUTTING. The removal of an entire stand of trees.

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

CONTROLLED ACCESS LOTS. Lots intended to provide access to the lake for residents of a particular development.

DECK. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than 6 inches above ground.

EXTRACTIVE USE. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes.

FOREST LAND CONVERSION. The clear-cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

HARDSHIP. See §§ 153.036 et seq.

HEIGHT OF BUILDING. See §§ 153.010 et seq.

IMPERVIOUS SURFACE. The area of a lot (above the ordinary high water level) covered with buildings, including all appurtenances, driveways and sidewalks, and similar impervious materials. For the purpose of this section, driveways that have a gravel base shall be considered impervious. Decks that allow drainage through the decking and that do not have a plastic weed barrier or some other material that would impede drainage into the ground and swimming pool water surface area shall not be considered impervious.

INTENSIVE VEGETATION CLEARING. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

LAKE, GENERAL DEVELOPMENT. Generally large, deep lakes of varying size and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common.

LAKE, NATURAL DEVELOPMENT. Generally small, often shallow lakes with limited capacities for assimilation of the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils.

LAKE, RECREATIONAL DEVELOPMENT. Generally medium-sized lakes of varying depths and shapes with a variety of land form, soil and ground water situations on the lakes around them. They often are characterized by moderate levels of recreational uses and existing development. Development consists mainly of seasonal and year-round residences and recreational-oriented commercial uses.

LOT WIDTH. The horizontal distance between the side lot lines of a lot measured at the minimum required setback line from the ordinary high water mark or road right-of-way.

NON-RIPARIAN. A lot with no lake frontage.

ORDINARY HIGH WATER LEVEL. The boundary of public waters shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the **ORDINARY HIGH WATER LEVEL** is the elevation of the top of the bank of the channel. For reservoirs and flowage, the **ORDINARY HIGH WATER LEVEL** is the operating elevation of the normal summer pool. On lakes with an ordinary high water level established by the Minnesota Department of Natural Resources, that elevation shall be considered the **ORDINARY HIGH WATER LEVEL**.

PUBLIC WATERS. Any waters as defined in Minnesota Statutes.

RIPARIAN. A lot with lake frontage.

RIVER, TRANSITION. A river designated as such by the Minnesota Department of Natural Resources.

RIVER, TRIBUTARY. Consists of watercourses mapped in the Protected Waters Inventory that have not been assigned one of the river classes. These segments have a wide variety of existing land and recreational use characteristics.

SENSITIVE RESOURCE MANAGEMENT. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

SETBACK. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, top of a bluff, road, highway, property line, or other facility.

SEWAGE TREATMENT SYSTEM. An on-site septic tank and soil absorption system or other individual or cluster type sewage treatment system.

SEWER SYSTEM. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

SHORE IMPACT ZONE. Land located between the ordinary high water level of public water and a line parallel to it at a setback of 50% of the required structure setback.

SHORELAND. Land which meets all of the following criteria from public waters:

(a) A portion of the lot must be located within 1,000 feet from the ordinary high water level of a lake, or 300 feet from a river or stream, or the landward extent of a floodplain designated by an ordinance on a river or stream, whichever is greater;

(b) A portion of the lot must fall within the Shoreland Zoning District as delineated on the Zoning Map;

(c) A lot must have public water frontage or be in the next tier of lots landward that has primary access from the same public or private road that serves the public water frontage lots (Tier Two lots).

SIGNIFICANT HISTORIC SITE. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery.

STEEP SLOPE. Land where development or agricultural activity is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics. Where specific information is not available, STEEP SLOPE is a 12% slope measured over a horizontal distance of 50 feet.

TIER TWO. A lot or parcel of land which is across the street from a public or private road that serves the lots fronting a public water body.

TOE OF THE BLUFF. The lower point of bluff with an average slope exceeding 18%.

TOP OF THE BLUFF. The highest point of a bluff with an average slope exceeding 18%.

TRIBUTARY STREAM. A stream classified as such by the Minnesota Department of Natural Resources.

UNCLASSIFIED BODY OF WATER. Any lake, pond, backwater, swamp, marsh, wetland, stream, drainage way, flowage, river, floodplain, or other water-oriented topographical features not designated as being a natural environment lake, recreational development lake, general development lake, or transition river or tributary stream on the Zoning Map.

VARIANCE. A modification or variation of the provisions of this section as applied to a specific lot or property, except that modification in the allowable uses in the district in which the property is located shall not be allowed as a variance.

VEGETATION, NATURAL. Plant life which is native to the location, and which would normally grow if the ground were left undisturbed.

WETLAND. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water. For the purposes of the section, WETLANDS must have a predominance of hydric soils, be inundated or saturated by surface water or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions, and under normal circumstances, support a prevalence of hydrophytic vegetation. WETLANDS generally include swamps, marshes, bogs, and similar areas.

(E) Administration.

(1) **Compliance.** The use of any shoreland of public waters, the size and shape of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste removal systems, the grading and filling of any shoreland area, the cutting of

shoreland vegetation, and the subdivision of land shall be in full compliance with the terms of this section and other applicable regulations. In cases where standards conflict with the standards of the base zoning districts, the more restrictive standard will prevail.

(2) Permits required.

(a) A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks, fences, and signs), the installation and/or alteration of sewage treatment systems, and grading and filling activities. Application for a permit shall be made to the city. The application shall include the necessary information so that the city can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

(b) A permit authorizing an addition to an existing structure shall stipulate that an identified failed sewage treatment system shall be reconstructed or replaced.

(3) Notification to the Department of Natural Resources.

(a) Copies of all notices of any public hearing to consider variances, amendments, or conditional uses under local shoreland management controls shall be sent to the Commissioner or the Commissioner's designated representative and postmarked at least 10 days before the hearings. Notices of hearings to consider proposed subdivisions/plats shall include copies of the subdivision/plat.

(b) A copy of approved amendments and subdivisions/plats and final decisions granting variances or conditional uses under local shoreland management controls shall be sent to the Commissioner or the Commissioner's designated representative and postmarked within 10 days of final action.

(4) Variances.

(a) Variances may only be granted in accordance with Minnesota Statutes. No variance may be granted for prohibited uses.

(b) When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall be sent to the Department of Natural Resources and include the City Council's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

(c) For existing developments, the application for variance shall clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, shall require reconstruction of a nonconforming sewage treatment system.

(F) Shoreland classification system. The public waters of the Forest Lake have been classified below consistent with the criteria found in Minn. Regs. part 6120.3300 and the Protected Waters Inventory Map for Washington County, Minnesota, and designated on the Official Zoning Map for the City of Forest Lake.

(1) Natural environment lakes.

Natural Environment Lake	Protected ID#
Cranberry Lake	82-161
Shields Lake	82-162
Mud Lake	82-168
Higgins Lake	2-2

Department of Natural Resources protected wetlands over 10 acres in size
82-79W
82-157W
82-158W
82-160W
82-164W
82-165W

(2) Recreational development lakes.

Recreational Development Lake	Protected ID#
Sylvan Lake	80

(3) General development lakes.

General Development Lake	Protected ID#
Forest Lake	82-159
Clear Lake	82-163

(4) Tributary streams.

(a) Sunrise River.

(b) Hardwood Creek - Section 26, 27, and 34.

(G) Lot requirements. The lot area (land above the normal ordinary high water mark) and lot width standards (at road, shoreline, and building setback line) created after the date of enactment of this chapter for lake and river/stream classifications are the following.

(1) Detached single residential lots.

(a) Unsewered lakes.

	Area	Width
Recreational development	1.5 acres	150 feet
General development	1.5 acres	150 feet
Natural environment	5 acres	200 feet

(b) Sewered lakes.

	Area	Width
General development	15,000 sq. ft.	75 feet

(c) River/stream standards. Property fronting on rivers and streams shall meet underlying zoning density restrictions.

(2) Attached single-family. Where allowed by the underlying zoning districts with public sewer and water, attached single-family homes shall have a minimum lot area of 10,000 square feet per unit and a lot width of 65 feet per unit.

(3) Additional special provisions.

(a) A Planned Unit Development (PUD) may be utilized in the Shoreland Overlay District as stated in § 153.089. In no case shall a PUD increase the density beyond the density allowed by the underlying zoning district or alter the required setback from the ordinary high water mark.

(b) Only land above the ordinary high water level of public waters can be used to meet lot area standards. Lot width standards must be met at the minimum required building setback lines from the ordinary high water level and road right-of-way.

(c) Any lot intended as controlled access to public waters or recreation areas for use by owners of non-riparian lots within subdivisions are permissible providing all of the following standards are met:

1. The lot must meet the width and size requirements for residential lots and be suitable for the intended uses of controlled access lots;

2. If docking, mooring, or over-water storage of more than 6 watercraft is to be allowed at a controlled access lot, the width of the lot (keeping the same lot depth) must be increased by the percent of requirements for riparian residential lots for each watercraft beyond 6, consistent with the following table:

Ratio of Lake Size to Shore Length (acres/mile)	Percent of Required Increase in Frontage
Less than 100 to 1	25% per additional watercraft
101 - 200 to 1	20% per additional watercraft
201 - 300 to 1	15% per additional watercraft
301 - 400 to 1	10% per additional watercraft
Greater than 400 to 1	5% per additional watercraft

3. The lot(s) must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot; and

4. A development agreement with the city specifying which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use or the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflicts activities include swimming, sunbathing, or picnicking. The development agreement must limit the total amount of vehicles allowed to be parked and the total number of watercraft to be continuously moored, docked, stored over water, or parked on the property, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas and other facilities to be screened by vegetation or topography as much as practical from the public water, assuming summer, leaf-on conditions. No structures are allowed to be constructed on these lots except for docking facilities as approved by the Minnesota Department of Natural Resources and Washington County.

(H) Vacant lots.

(1) Any individual lot or lots that do not contain a seasonal or permanent home may not have a dock unless the first is contiguous to a lot within a seasonal or permanent home having the same ownership or as stated in § 153.089.

(2) No temporary structures, vehicles, or open storage are allowed.

(I) Structure setback and other design criteria.

(1) Placement of structures on lots. When more than 1 setback applies to a site, structures and facilities shall be located to meet all setbacks. Structures shall be located as follows.

(a) Structure setbacks (in feet) from ordinary high water level:

<i>CLASSES OF PUBLIC WATERS</i>	<i>SETBACKS</i>	
	<i>STRUCTURES</i>	
<i>LAKES</i>	<i>UNSEWERED</i>	<i>SEWERED</i>
Natural environment	200 feet	150 feet
Recreational development	100 feet	75 feet
General development	75 feet	50 feet
Unclassified waterbodies	50 feet	20 feet
<i>RIVERS/ STREAMS</i>		
Transition	200 feet	150 feet
Tributary	200 feet	150 feet

(b) Additional structure setbacks. The following additional structure setbacks apply regardless of the classification of the water body:

SETBACK FROM	SETBACK (IN FEET)
(a) Top of bluff	30 feet
(b) Unplatted cemetery	50 feet
(c) Arterial road	150 feet from centerline or 75 feet from road right-of-way, whichever is greater
(d) Right-of-way, road, public street, or other roads or streets not classified	Per underline zoning district regulations
(e) Side yard setback	Per underline zoning district regulations

(c) Bluff impact zones. Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.

(d) Additional regulations. Refer to Washington County Development Code, Chapter Four, Individual Sewage Treatment System Regulations, for requirements relating to individual sewage treatment systems.

(e) Additional requirements. See § 153.110.

(2) Design criteria for structures.

(a) High water elevations. The elevation of structures located on riparian lots shall be regulated as follows: the lowest floor, including basement and crawl space shall be placed at least 1 foot above the 100 year flood level or, if the flood level has not been established, the lowest floor, including basement and crawlspace, shall be placed 3 feet above the ordinary high water level.

(b) Stairways, lifts, walks, trails, and landings. Stairways and lifts are the only permitted alterations for achieving access up and down bluffs and steep slopes to shore areas. All accesses shall meet the following design requirements:

1. Stairways, walks, trails, and lifts shall not exceed 4 feet in width on residential lots. Six foot stairways may be used for commercial properties and public open-space recreational properties. A 6 foot stair may be approved as part of a PUD;
2. Landings on residential lots shall not exceed 32 square feet in area;
3. Canopies or roofs are not allowed on stairways or landings;
4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
5. Stairways, lifts, walks, trails, and landings shall be located in the most visually inconspicuous portions of lots as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
6. Facilities such as ramps, lifts, or mobility paths for persons with disabilities are also allowed for achieving access to the shore area, provided that the dimensional and performance standards of items 1 to 5 above are complied with in addition to the requirements of Minn. Regs., Ch. 1340.

(3) Significant historic sites. No structure may be placed on a significant historic site in a manner that affects the value of the site unless adequate information about the site has been removed and documented in a public repository.

(4) Height of structures. See underlying zoning district.

(5) Lot coverage. A maximum of 25% of the lot may be covered with impervious surface. If storm water ponding is provided (as required for new construction), certain developments may be exempt from this lot coverage requirement. Uses in those districts located east of Lake Street, south of 2nd Avenue NE, and north of 2nd Avenue SE shall be exempt from the lot coverage requirements of this section. This includes all structures, patios, walks, and surfaced or unsurfaced driveways. Landscaped areas may not have an impervious barrier installed. The removal of an impervious barrier under landscaping shall not be considered a reduction in impervious surface area.

(6) Steep slopes. The City Engineer shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions shall be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

(J) Shoreland alterations. Alterations of vegetation and topography shall be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

(1) Vegetation alterations.

(a) No cutting or removal of deciduous trees over 6 inches in diameter measured at a point 4.5 feet above ground level, or coniferous trees 12 feet in height within the required building setback shall be permitted unless the trees are determined to be dead, diseased, or pose a safety hazard. A certificate of compliance must be obtained prior to the removal of any trees.

(b) Selective removal of natural vegetation shall be allowed, provided sufficient vegetative cover remains to screen cars, dwellings, and other structures, piers, docks, and marinas, when viewed from the water.

(c) In order to retard surface run-off and soil erosion, natural vegetation shall be restored insofar as is feasible after any construction project is completed.

(d) The provisions of this chapter shall not apply to normal maintenance of trees such as pruning or removal of limbs or branches that are dead or pose safety hazards.

(e) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas under validly issued construction permits is exempt from these vegetation alteration standards.

(f) All other requirements as set forth in §§ 153.134 et seq. shall apply.

(2) Topographic alterations/grading and filling.

(a) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this section shall be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

(b) Public roads and parking areas are regulated by §§ 153.116 through 153.126.

(c) Notwithstanding divisions (J)(2)(a) and (J)(2)(b) above, a grading and filling permit will be required for:

1. The movement of more than 10 cubic yards of material within the shore impact zones; and
2. The movement of more than 50 cubic yards of material outside of shore impact zones.

(d) The filling of any wetland or below the normal high water mark must be permitted by the appropriate government agency or jurisdiction.

(e) Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, will be allowed only after all government agencies with jurisdiction have approved the proposed connection to public waters.

(f) The following considerations and conditions shall be adhered to during the issuance of building permits, grading and filling permits, conditional use permits, variance, and subdivision approvals:

1. Grading or filling in any type of wetland must be in compliance with the Wetland Conservation Act;
2. Alterations shall be designed and conducted in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible;
3. Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage and a permanent vegetation cover must be established within 6 months;
4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used;
5. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
6. Fill or excavated material shall not be placed in a manner that creates an unstable slope;
7. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and shall not create finished slopes of 33% or greater;
8. Any alterations below the ordinary high water level of public waters shall first be authorized by the Department of Natural Resources under Minnesota Statutes;
9. Alterations of topography shall not adversely affect adjacent or nearby properties;
10. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed 3 feet horizontal to 1 foot vertical, the landward extent of the riprap is within 10 feet of the ordinary high water level and the height of the riprap above the ordinary high water level does not exceed 3 feet. Riprap should be used only where necessary and never to replace a stable, naturally vegetated shoreline area; and
11. At the end of excavation or filling operations, the disturbed area shall be restored with topsoil or other approved cover material and shall be reseeded within 1 growing season with native indigenous vegetation.

(K) Placement and design of roads, driveways, and parking areas.

- (1) Public and private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters.
- (2) All roads, driveways, and parking areas shall meet required setbacks.

(L) Buffer strips. In order to maintain water quality, reduce flooding and erosion, and to provide sources of food and habitat for a variety of fish and wildlife, buffer strips shall be provided and maintained around all natural environment lakes and streams and type 3, 4, and 5 wetlands.

(1) Lake, wetland, stream buffer widths:

(a) The minimum buffer width shall apply to all buffer widths, including those that are restored, replaced, or enhanced;

(b) The city may require a variable buffer width to protect valuable adjacent habitat when considering variances for building setbacks;

(c) The following buffer widths shall be maintained:

LAKE/WETLAND	NE LAKE	WETLAND(S)	STORM WATER POND
Minimum buffer width	50 feet	50% of required setback	10 feet

(2) An access corridor 10 feet wide or 25% of the lot width is permitted to gain access to the water body.

(M) Storm water management. See City of Forest Lake Storm Water Management Ordinance.

(N) Standards for non-residential uses. Any permitted use of land adjacent to public water must meet the following standards in addition to any other requirements of this section or the Zoning Code:

(1) The uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

(2) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions to navigation and to be the minimum size necessary to meet the need;

(3) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public subject to the following general standards:

(a) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the Washington County Sheriff;

(b) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

(O) Agricultural use standards. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore bluff impact zones are maintained in permanent vegetation as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

(P) Additional standards.

(1) Uses allowed within shoreland areas shall be subject to review and approval procedures and criteria and conditions for review of conditional uses established in this chapter. A thorough evaluation of the water body and topography, vegetative, and soil conditions on the site must be made to ensure:

(a) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;

(b) Limited visibility of structures and other facilities as viewed from public waters;

(c) The site is adequate for water supply and on-site sewage treatment;

(d) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

(2) The city, upon consideration of the criteria listed above and the purposes of any proposal, may attach such conditions as it deems necessary to fulfill the purposes of this section. The conditions may include, but are not limited to, the following:

(a) Increased setbacks from the ordinary high water level;

(b) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted;

(c) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, vehicle parking areas, lighting, signage, and noise.

(Q) Sewage disposal. Any premises used for human occupancy must be provided with an adequate method of sewage treatment.

(R) Fences. In addition to the standards contained in §§ 153.129 et seq., the following standards must also be met on shoreland property. No fence shall be constructed closer to the lake than the required lake setback unless the existing home is located closer to the lake than the required setback in which case the fence may be constructed even with the lake side of the home.

(S) Nonconforming situations. Nonconforming situations shall be regulated in accordance with §§ 153.050 et seq. with the following exceptions:

(1) All legally established nonconformities as of the date of adoption of this section may continue, but they will be managed according to applicable state statutes and other regulations of the city for the subjects of alterations and additions, repair after damage, discontinuance of the use and intensification of use, except that the following standards will also apply in shoreland areas:

(a) On natural environment lakes, any separate lot or parcel of record legally created and recorded prior to the adoption of this section may be used for single-family detached dwelling purposes without a variance if it is at least 1.5 acres in size, is 120 feet in width, and meets all other requirements of this section;

(b) Lots with nonconforming areas. The maximum impervious coverage may be 30% but no more than a total square footage of 3,750;

(c) Existing lots with impervious surface exceeding 25% may continue to exist so as not to exceed impervious areas at the time of adoption of this section. Every effort must be made to lessen the impervious surface when a structure is altered. Landscaped areas may not have an impervious barrier installed. The removal of an impervious barrier under landscaping shall not be considered a reduction in impervious surface.

(2) Decks not meeting the required setback from the ordinary high water level without a variance may be allowed if all the following criteria and standards are met:

(a) The deck must be an accessory to a principal structure that existed at the time of the adoption of this chapter;

(b) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;

(c) The deck encroachment toward the ordinary high water level shall not encroach more than 10 feet into the required setback, ordinary high water level, and does not encroach closer than 35 feet, whichever is more restrictive;

(d) The length of the deck may extend beyond the width of the principal structure by 3 feet, but shall not be set back less than 6 feet from the property line allowing access to the deck;

(e) The deck shall not be roofed, walled, or screened.

(T) Subdivision provisions. See City of Forest Lake Subdivision Ordinance.

(U) Notifications to the Department of Natural Resources.

(1) Copies of all notices of any public hearings to consider variance, amendments, or conditional uses under this section must be sent to the Commissioner or the Commissioner's designated representative and postmarked at least 10 days before the hearing. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

(2) A copy of approved amendments and subdivision/plats and final decisions granting variances or conditional uses under this section must be sent to the Commissioner of the Department of Natural Resources or the Commissioner's designated representative and be postmarked within 10 days of the final action.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.090 AIRPORT OVERLAY DISTRICT.

(A) Purpose and authority. The Forest Lake Airport Joint Airport Zoning Board, created and established by joint action of the City Council of Forest Lake and the Town Board of Columbus Township pursuant to the provisions and authority of M.S. § 360.063, as it may be amended from time to time, hereby finds and declares that:

(1) An airport hazard endangers the lives and property of users of the Forest Lake Airport, and property or occupants of land in its vicinity, and if of the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Forest Lake Airport and the public investment therein.

(2) The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Forest Lake Airport.

(3) For the protection of the public health, safety, order, convenience, prosperity and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards.

(4) The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

(5) The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds.

(B) Short title. This section shall be known as "Forest Lake Airport Zoning Ordinance". Those sections of land affected by this chapter are indicated in "Exhibit A" which is attached to this section of Ord. 596.

(C) Definitions. As used in this section, unless the context otherwise requires:

AIRPORT. The Forest Lake Airport located in Section 20, Township 32, Range 21, City of Forest Lake.

AIRPORT ELEVATION. The established elevation of the highest point on the usable landing area which elevation is established to be 933.0 feet above mean sea level.

AIRPORT HAZARD. Any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.

COMMISSIONER. The Commissioner of the Minnesota Department of Transportation.

DWELLING. Any building or portion thereof designed or used as a residence or sleeping place of 1 or more persons.

ESTABLISHED RESIDENTIAL NEIGHBORHOOD IN A BUILT-UP URBAN AREA (ERN-BUUA). An area, which, if it existed on or before January 1, 1978 (for low density structures and lots) and an area which, if it existed on or before July 2, 1979 (all other land uses), shall be considered a conforming use that shall not be prohibited except as provided below in (E)(2)(e)(1). The following criteria shall be applied and considered in determining what constitutes an ERN-BUUA:

(a) Location of the airport;

(b) Nature of the terrain within Safety Zones A and B;

- (c) Existing land uses and character of the neighborhood around the airport;
- (d) Population of the community;
- (e) That the average population density in all areas within 1 mile of any point on a runway be equal to or greater than 1 dwelling unit per acre;
- (f) Population density near the airport compared with population density in other areas of the community;
- (g) The age and the economic, political, and social stability of the neighborhood and the community as a whole;
- (h) The proximity of supporting school, commercial, religious, transportation and other facilities and their degree of integration with residential land uses;
- (i) Presence or absence of public utilities including, but not limited to, public sanitary sewer system, electric service and gas mains;
- (j) Whether or not the factor listed in divisions (h) and (i) above tend to make the community surrounding the airport a self-sufficient unit;
- (k) Whether the areas within 1 mile of the perimeter of the airport property would be considered primarily residential in character; and
- (l) Other material factors deemed relevant by the governmental unit in distinguishing the area in question as established, residential, urban, and built-up.

HEIGHT. For the purpose of determining the height limits in all zones set forth in this section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

LANDING AREA. The area of the airport used for the landing, taking off, or taxiing of aircraft.

LOW DENSITY RESIDENTIAL LOT. A single lot located in an area which is zoned for single-family or two-family residences and in which the predominant land use is such type of residences.

LOW DENSITY RESIDENTIAL STRUCTURE. A single-family or two-family home.

NONCONFORMING USE. Any preexisting structure, tree, natural growth, or use of land which is inconsistent with the provisions of this section or an amendment hereto.

NONPRECISION INSTRUMENT RUNWAY. A runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for which no precision approach facilities are planned or indicated on an approved planning document.

PERSON. An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

PLANNED. As used in this section, refers only to those proposed future airport developments that are so indicated on a planning document having the approval for the Federal Aviation Administration, Mn/DOT, Office of Aeronautics, and the City of Forest Lake.

PRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). Also, a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.

RUNWAY. Any existing or planned paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and/or taking off of aircraft.

SLOPE. An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

STRUCTURE. An object constructed or installed by man, including, but without limitations, buildings, towers, smokestacks, and overhead transmission lines.

TRAVERSE WAYS. For the purposes of determining height, limits as set forth in this chapter shall be increased in height by 17 feet for interstate highways; 15 feet for all other public roadways; 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads; 23 feet for railroads; and for waterways and all other traverse ways not previously mentioned an amount equal to the height of the highest mobile object that would normally traverse it.

TREE. Any object of natural growth.

UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an approved planning document.

WATER SURFACES. For the purpose of this section, shall have the same meaning as land for the establishment of protected zones.

(D) **Airspace obstruction zoning.**

(1) **Airspace zones.** In order to carry out the purposes of this section, as set forth above, the following airspace zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone, Approach Zone, Precision Instrument Approach Zone, and Transitional Zone and whose locations and dimensions are as follows.

(a) **Primary Zone.**

1. All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and extending 200 feet beyond each end of Runway 13/31.

2. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 500 feet for Runway 13/31.

(b) Horizontal Zone.

1. All that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 1,083 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 6,000 feet for Runway 13/31.

2. When a 6,000-foot arc is encompassed by tangents connecting 2 adjacent 10,000-foot arcs, the 6,000-foot arc shall be disregarded in the construction of the perimeter of the horizontal surface.

(c) Conical Zone. All that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet as measured radially outward from the periphery of the horizontal surface.

(d) Approach Zone.

1. All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines upward and outward at a slope of 40:1 for Runway 13/31.

2. The approach surface expands uniformly to a width of 3,500 feet for Runway 13/31 at a distance of 10,000 feet to the periphery of the conical surface.

(e) Transitional Zone. All that land which lies directly under an imaginary surface extending upward and outward at right angles to the runway centerline and centerline extended at a slope of 7:1 from the sides of the primary surfaces and form the sides of the approach surfaces until they intersect the horizontal surface or the conical surface. Transitional surfaces for those portions of the precision instrument approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the precision instrument approach surface and at right angles to the extended precision instrument runway centerline.

(2) Height restrictions. Except as otherwise provided in this section, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace zone created in division (D)(1) so as to project above any of the imaginary airspace surfaces described in said division (D)(1) hereof. Where an area is covered by more than 1 height limitation, the more restrictive limitations shall prevail.

(3) Boundary limitations. The airspace obstruction height zoning restrictions set forth in this section shall apply for a distance not to exceed 1-1/2 miles beyond the perimeter of the airport boundary and in that portion of an airport hazard area under the Approach Zone for a distance not exceeding 2 miles from the airport boundary.

(E) Land use safety zoning.

(1) Safety zone boundaries. In order to carry out the purpose of this section, as set forth above and also, in order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Forest Lake Airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of an accident, there are hereby created and established the following land use safety zones:

(a) Safety Zone A. All land in that portion of the approach zones of a runway, as defined in division (D)(1) hereof, which extends outward from the end of the primary surface a distance equal to 2/3 of the planned length of the runway, which distance shall be 2,200 feet for Runway 13/31.

(b) Safety Zone B. All land in that portion of the approach zones of a runway, as defined in division (D)(1) hereof, which extends outward from Safety Zone A a distance equal to 1/3 of the planned length of the runway, which distance shall be 1,100 feet for Runway 13/31.

(c) Safety Zone C. All that land which is enclosed within the perimeter of the Horizontal Zone, as defined in division (D)(1) hereof, and which is not included in Zone A or Zone B.

(d) Exceptions, established residential neighborhoods. The following described lands are designated as "Established Residential Neighborhoods in Built-Up Urban Areas," based upon the state of development of the areas on July 2, 1979. Land uses which were in existence in these areas on July 2, 1979 are exempt from the use restrictions of divisions (E)(2)(b) and (E)(2)(c) below and are subject to the provisions of (E)(2)(e) below.

1. Lots 21 through 25, according to the record plat of Lakeview Grove on file in the office of the County Recorder in and for Washington County, Minnesota.

2. Lots 1 through 5, Block 1, according to the record plat of Clear View on file in the office of the County Recorder in and for Washington County, Minnesota.

(e) Exceptions - isolated low density residential building lots and low density residential structures. The following properties in the aforesaid established residential neighborhoods are hereby designated as either isolated, low-density residential building lots or low-density residential structures. A "low-density residential structure" shall mean a single-family or two-family home and an "isolated low-density residential building lot" shall mean a single lot located in an area which is zoned for single-family or two-family residences and in which the predominant land use is such type of residence. The low-density uses which were in existence on January 1, 1978 are subject to special provisions set forth in division (E)(2)(e), exceptions below:

1. That part of Government Lot 7, Section 18, Township 32, Range 21, Washington County, Minnesota which lies east of the record plat of Lakeview Grove on file in the office of the County Recorder in and for Washington County, Minnesota.

2. The North 264 feet of the East 330 feet of the Northwest Quarter of the Northeast Quarter of Section 19, Township 32, Range 21, Washington County, Minnesota.

(2) Use restrictions.

(a) General. Subject at all times to the height restrictions set forth in division (D)(2), no use shall be made of any land in any of the safety zones defined in division (E)(1) which creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

(b) Zone A. Subject at all times to the height restrictions set forth in division (D)(2) and to the general restrictions continued in division (E)(2)(a), areas designated as Zone A shall contain no buildings, temporary structures, exposed transmission lines, or other similar aboveground land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (nonspectator), cemeteries, and automobile parking.

(c) Zone B. Subject at all times to the height restrictions set forth in division (D)(2) and to the general restrictions contained in division (E)(2)(a), areas designated as Zone B shall be restricted in use as follows:

1. Each use shall be on a site whose area shall not be less than 3 acres.
2. Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage.
3. Each site shall have no more than 1 building plot upon which any number of structures may be erected.
4. A building plot shall be a single, uniform, and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total site area:

<i>Site Area at Least (Acres)</i>	<i>But Less Than (Acres)</i>	<i>Ratio of Site Area to Bldg. Plot Area</i>	<i>Building Plot Area (Sq. Ft.)</i>	<i>Max. Site Population (15 persons/A)</i>
3	4	12:1	10,900	45
		12:1		
4	6	10:1	17,400	60
		10:1		
6	10	8:1	32,700	90
		8:1		
10	20	6:1	72,600	150
		6:1		
20	and up	4:1	218,000	300

5. The following uses are specifically prohibited in Zone B: churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, campgrounds, and other places of frequent public or semi-public assembly.

(d) Zone C. Zone C is subject only to height restrictions set forth in division (D)(2), and to the general restrictions contained in division (E)(2)(a).

(e) Exemptions, established residential neighborhoods.

1. Land uses which existed as of July 2, 1979 in the Established Residential Neighborhoods set forth in division (E)(1)(d) above, and as shown on the Zoning Map, are subject to the height restrictions of division (D)(2) and the general restrictions of division (E)(2)(a). Land uses which come into existence after July 2, 1979 are treated as though they were not in a designated established residential neighborhood and are subject to the Zone A or Zone B restrictions as the case may be.

2. Land uses in established residential neighborhoods, which violate any of the following restrictions are prohibited as safety hazards and must be acquired, altered, or removed at public expense. Those conditions are as follows:

a. The following land uses if they exist in Safety Zones A and B and in an ERN-BUUA are considered by the Commissioner to constitute airport safety hazards so severe, either to persons on the ground or to the air-traveling public, or both, that they must be prohibited under local airport zoning ordinances:

i. Any structure which a person or persons customarily use as a principal residence and which is located entirely inside Safety Zone A within 1,000 feet of the end of the Primary Zone;

ii. Any structure which a person or persons customarily use as a principal residence and which is located entirely within Safety Zones A and B and which penetrates an imaginary approach surface as defined by division (D)(1);

iii. Any land use in Safety Zone A or B which violates any of the following standards:

A. The land use must not create or cause interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft;

B. The land use must not make it difficult for pilots to distinguish between airport lights and other lights;

C. The land use must not result in glare in the eyes of pilots using the airport or impair visibility in the vicinity of the airport.

iv. Any isolated residential building lot zoned for single-family or two-family residences on which any structure, if built, would be prohibited by divisions (E)(2)(e)2.a.i., ii. or

iii. above. An "isolated" residential building lot is one located in the area in which the predominant land use is single-family or two-family residential structures; and

v. Any other land use which presents, in the opinion of the Commissioner, a material danger to the landing, taking off or maneuvering of aircraft or to the safety of persons on the ground. In making such a determination, the Commissioner shall consider the following factors:

A. Possibility that the land use may contribute to or cause a collision of 2 or more aircraft or an aircraft and some other object;

B. Possibility that the land use may, in case of an aircraft accident, cause an explosion, fire, or the release of harmful or noxious fumes, gases, or substances;

C. Tendency of the land use to increase the number of persons that would be injured in case of an aircraft accident;

D. Effect of the land use on availability of clear areas for emergency landings; and

E. Flight patterns around the airport, the extent of use of the runway in question, the type of aircraft using the airport, whether the runways are lighted, whether the airport is controlled, and other similar factors.

(3) Boundary limitations. The land use zoning restrictions set forth in this section shall apply for a distance not to exceed 1 mile beyond the perimeter of the airport boundary and in that portion of an airport hazard area under the approach zone for a distance not exceeding 2 miles from the airport boundary.

(F) Airport Zoning Map. The several zones herein established are shown on the Forest Lake Airport Zoning Map consisting of 3 sheets, prepared by SEH Inc., and dated January 1, 2002, attached hereto and made a part hereof, which map, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this chapter.

(G) Nonconforming uses. Regulations not retroactive. The regulations prescribed by this section shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this section, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section, and is diligently prosecuted and completed within 2 years thereof.

(H) Permits.

(1) Future uses. Except as specifically provided in divisions (H)(1)(a) and (H)(1)(b) hereunder, no material change shall be made in the use of land and no structure shall be erected, altered, or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted by the Zoning Administrator, hereinafter provided for. Each application for a permit shall indicate the purpose of which the permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(a) However, a permit for a tree or structure less than 75 feet of vertical height above the ground shall not be required in the Horizontal and Conical Zones or in any Approach and Transitional Zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend the height or land use limit prescribed for the respective zone.

(b) Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree more than any of the height limitations established by this section as set forth in division (D) and the land use limitations set forth in division (E).

(2) Existing uses. Before any existing use or structure may be replaced, substantially altered or impaired, or rebuilt within any zone established herein, a permit must be secured authorizing such replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this section or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(3) Nonconforming uses abandoned or destroyed. Whenever the Zoning Administrator determines that a nonconforming structure or tree has been abandoned or more than 80% torn down, deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. Whether application is made for a permit under this paragraph or not, the Zoning Administrator may order the owner of the abandoned or partially destroyed nonconforming structure, at his or her own expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to the provisions of this section. In the event the owner of the nonconforming structure shall neglect or refuse to comply with such order for 10 days after receipt of written notice of such order, the Zoning Administrator may, by appropriate legal action, proceed to have the abandoned or partially destroyed nonconforming structure lowered, removed, reconstructed, or equipped and assess the cost and expense thereof against the land on which the structure is or was located. Unless such an assessment is paid within 90 days from the service of notice thereof on the owner of the land, the sum shall bear interest at the rate of 8% per annum from the date the cost and expense is incurred until paid, and shall be collected in the same manner as are general taxes.

(I) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his or her property not in accordance with the regulations prescribed in this section may apply to the Zoning Administrator, hereinafter provided for, for a variance from such regulations. If a person submits an application for a variance by certified mail and the Administrator fails to grant or deny the variance within 4 months after receiving the application, the variance shall be deemed to be granted. When the variance is granted by reason of the failure of the Administrator to act on the variance, the person receiving the variance shall notify the Administrator and the Commissioner by certified mail that the variance has been granted. The applicant shall include a copy of the original application for the variance with this notice to the Commissioner. The variance shall be effective 60 days after this notice is received by the Commissioner subject to any action taken by the Commissioner pursuant to M.S. § 360.063, Subd. 6a, as it may be amended from time to time. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in

practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but to substantial justice and be in accordance with the spirit of this section, provided any variance so allowed may be subject to any reasonable conditions that the Administrator or Commissioner may deem necessary to effectuate the purpose of this section.

(J) Hazard marking and lighting.

(1) Nonconforming uses. The owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Zoning Administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Forest Lake.

(2) Permits and variances. Any permit or variance deemed advisable to effectuate the purpose of this section and be reasonable to effectuate the purpose of this section and be reasonable in the circumstances, and granted by the Zoning Administrator or Board, shall require the owner of the structure or tree in question, at his or her own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

(K) Airport Zoning Administrator. It shall be the duty of the Zoning Administrator of the City of Forest Lake to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form furnished by him or her. Permit applications shall be promptly considered and granted or denied by him or her in accordance with the regulations prescribed herein. Variance applications shall be forthwith transmitted by the Zoning Administrator for action by the Board hereinafter provided for.

(L) Board of Adjustment.

(1) Establishment. The Board of Appeals, City of Forest Lake, shall serve as the Board of Adjustment for the Forest Lake Airport Zoning Ordinance.

(2) Powers. The Board of Adjustment shall have and exercise the following powers:

(a) To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this section.

(b) To hear and decide special exceptions to the terms of this section upon which such Board of Adjustment under such regulations may be required to pass.

(c) To hear and decide specific variances.

(3) Procedures.

(a) The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this section. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson, or in his or her absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of

its examinations and other official actions, all of which shall immediately be filed in the office of the Zoning Administrator and shall be a public record.

(b) The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this section.

(c) The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this section, or to effect any variation in this section.

(M) Appeals.

(1) Any person aggrieved, or any taxpayer affected by any decision of the Zoning Administrator made in his or her administration of this section may appeal to the Board of Adjustment. Such appeals may also be made by any governing body of a municipality, county, or airport zoning board, which is of the opinion that a decision of the Zoning Administrator is an improper application of this chapter as it concerns such governing body or board.

(2) All appeals hereunder must be commenced within 30 days of the Zoning Administrator's decision, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. In addition, any person aggrieved, or any taxpayer affected by any decisions of the Zoning Administrator made in his or her administration of this section who desires to appeal such decision shall submit an application for a variance by certified mail to the members of the Board of Adjustment in the manner set forth in M.S. § 360.068, Subd. 2, as it may be amended from time to time.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the Zoning Administrator and on due cause shown.

(4) The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(5) The Board of Adjustment may, in conformity with the provisions of this section, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determine appealed from and may make such order, requirement, decision or determination, as may be appropriate under the circumstances, and to that end shall have all the powers of the Zoning Administrator.

(N) Judicial review. Any person aggrieved, or any taxpayer affected by any decision of the Board of Adjustment, or any governing body of a municipality, county, or airport zoning board, which is of the opinion that a decision of the Board of Adjustment is illegal may present to the

District Court of Washington County a verified petition setting forth that the decision or action is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the decision is filed in the office of the Board of Adjustment. The petitioner must exhaust the remedies provided in this section before availing him or herself of the right to petition a court as provided by this section.

(O) Penalties. Every person who shall construct, establish, substantially change, alter or repair any existing structure or use, or permit the growth of any tree without having complied with the provision of this chapter or who, having been granted a permit or variance under the provisions of this section, shall construct, establish, substantially change or substantially alter or repair any existing growth or structure or permit the growth of any tree, except as permitted by such permit or variance, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or imprisonment for not more than 90 days or by both. Each day a violation continues to exist shall constitute a separate offense. The Airport Zoning Administrator may enforce all provisions of this section through such proceedings for injunctive relief and other relief as may be proper under the laws of M.S. § 360.073, as it may be amended from time to time, and other applicable law.

(P) Conflicts. Where there exists a conflict between any of the regulations or limitations prescribed in this section and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern and prevail.

(Q) Severability.

(1) In any case in which the provision of this section, although generally reasonable, is held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the Constitution of this state or the Constitution of the United States, such holding shall not affect the application of this section as to other structures and parcels of land, and to this end the provisions of this section are declared to be severable.

(2) Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter passed and adopted after public hearing by the Forest Lake Airport Joint Airport Zoning Board this 20 day of November, 2002.

(Ord. 596, passed 2-8-2010)

GENERAL STANDARDS FOR USE REGULATIONS

§ 153.091 PURPOSE.

The purpose of this section is to provide minimum standards and regulations for the establishment and use of permitted uses, accessory uses, and conditional uses within the zoning districts for the city.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.092 STANDARDS FOR USES.

All of the following uses must comply with the listed standards as well as the rules and regulations of federal, state, and county agencies. Additional standards may be required for specific applications.

(A) Accessory apartments (permitted to increase affordable housing options).

- (1) There shall be no more than 1 accessory apartment within a single-family dwelling unit.
- (2) Access to the accessory apartment shall be from within the single-family dwelling.
- (3) The structure in which an accessory apartment is located shall be owner occupied.
- (4) No separate curb cut or driveway shall be permitted for the accessory apartment unit.
- (5) Accessory apartments shall maintain a floor area of no less than 300 square feet and no more than 600 square feet containing no more than 1 kitchen, 1 bath, 1 bedroom, and related living space.
- (6) Accessory apartments shall not be considered a dwelling unit for the purpose of density.

(B) Accessory dwelling.

- (1) The minimum lot area for a property with an accessory dwelling is 5 acres.
- (2) Only one accessory dwelling shall be permitted per eligible property, regardless of parcel acreage.
- (3) The accessory dwelling shall use the existing driveway for street access. The city will not approve a second street access or driveway for the accessory dwelling.
- (4) The principle structure and an accessory dwelling must be supplied with the same water and sewer or septic connection.
- (5) The footprint of the accessory dwelling structure, including any attached garage, shall not exceed 800 square feet.
- (6) The total floor area shall not exceed 50% of the principle dwelling's total floor area size.
- (7) The maximum second floor area of an accessory dwelling shall be less than or equal to 75% of the structure's first floor area.

(8) The property owner shall provide at least one additional improved off-street parking space for the accessory dwelling.

(9) The accessory dwelling shall be used for human habitation and not for business (including home occupation) purposes.

(10) The accessory dwelling shall meet all building code requirements and a building permit must be obtained from the city for the change of use and/or construction activities.

(C) Accessory storage containers.

(1) Accessory storage containers can be used in the MU-2, B-2, B-3, and I Districts only, and only as allowed under this section.

(2) The accessory storage container shall be located in a manner consistent with the setback requirements for accessory structures in the applicable district, unless the city determines that due to the size and configuration of the lot and/or location of existing buildings on the lot, the placement is not feasible.

(3) The accessory storage container shall not displace any required parking spaces used to meet the parking standards of this chapter.

(4) The accessory storage container shall not be placed in any location where it will create pedestrian or vehicular traffic hazards or interfere with orderly traffic circulation or drainage.

(5) The accessory storage container shall be structurally sound. Its exterior surfaces shall be free of rust, holes, sharp edges, torn or damaged siding, exposed wiring, or any other defects that could endanger health or safety.

(6) No accessory storage container shall exceed 14 feet in height, 9 feet in width, or 55 feet in length.

(7) Areas around the accessory storage container shall be free of weeds and debris.

(8) Placement of containers shall be out of public view unless approved by the city.

(D) Assisted living facility, independent living facility, and nursing home. Assisted living facilities, independent living facilities, and nursing homes shall meet all federal, state, and local requirements including, but not limited to, licensing, health, safety, and Building Code requirements. In addition, the following criteria shall be required:

(1) The location, design, and operation of the facility shall be compatible with, and shall not adversely affect, adjacent properties and the surrounding area.

(2) The facility shall be harmonious with surrounding buildings, in respect to scale, architectural design, and building placement. If located within a residential district, the facility shall not alter the residential character of the neighborhood.

(3) The surrounding street network shall be capable of accommodating the traffic generated by the facility.

(E) Agricultural business, seasonal.

(1) Agricultural business, seasonal is permitted in all commercial districts as an accessory use with permission of the property owner.

(2) The majority of product sold shall be grown or raised locally. No sale of product shall take place on a road right-of-way.

(3) Any temporary structure placed on the property for such sales must be removed at the end of the selling season. The size of the temporary structure shall not exceed 100 square feet.

(4) If deemed necessary by the city, off-street parking may be required.

(5) All structures, including temporary structures, shall meet all minimum parking lot setback requirements of the zone in which it is located.

(6) See division (X) of this section for additional seasonal sales requirements.

(F) Bed and breakfast inn.

(1) Bed and breakfast inns shall be located no closer than 1,000 feet from each other.

(2) It is intended that bed and breakfast facilities be a converted or a renovated single-family residence and that this principal function be maintained. No structure shall be constructed for the sole purpose of being utilized as a bed and breakfast facility; an existing structure enlarged or expanded for the purpose of providing additional rooms for guests must be specifically approved by the CUP. The exterior appearance of the structure shall not be altered from its single-family character.

(3) Primary entrance to the guest rooms shall be from within the dwelling unit.

(4) Guests are limited to a length of stay of no more than 30 consecutive days.

(5) No food preparation or cooking shall be conducted within any of the guest rooms. The only meal to be provided to guests shall be morning breakfast, and it shall only be served to 10 guests taking lodging in the facility.

(6) Activities, including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation, are prohibited at a bed and breakfast facility.

(7) On-site parking, sufficient to handle all guest and owner vehicles, shall be provided.

(G) Cemeteries.

(1) The minimum area of a cemetery shall be 5 acres unless associated with a house of worship.

(2) The site proposed for a cemetery or cemetery expansion shall not interfere with the development of a system of collector or larger streets in the vicinity of the site.

(3) Burial plots, grave markers, monuments, and buildings operated in connection with a cemetery must meet the building setbacks and structure height requirements of the underlying zoning district.

(4) Graves and structures used for interment shall be set back 50 feet from wells.

(5) Cemeteries are prohibited in 100-year flood plain zones.

(H) Drive-thru facilities associated with principal uses.

(1) Stacking space and its access must be designed to control traffic in a manner that does not encroach on pedestrian spaces, parking space, or traffic.

(2) Facilities shall be planned so that traffic patterns to and from the site will not interfere with through traffic and broader circulation patterns.

(I) Day care commercial facility, adult and child. Day care facilities shall meet all federal, state, and local requirements including, but not limited to, licensing, health, safety and building code requirements. In addition, the following criteria shall be required:

(1) Adequate on-site drop off-zones, sidewalks, and exterior lighting shall be provided.

(2) The amount of traffic or noise to be generated shall not be excessive.

(3) Adequate open space and recreational area shall be provided.

(J) Day care home, adult and child.

(1) Day care homes shall meet all state and local requirements including, but not limited to, licensing, health, safety, and building code requirements. In addition the following criteria shall be required:

(a) Adequate on-site drop-off zones, sidewalks, and exterior lighting shall be provided.

(b) The amount of traffic or noise to be generated shall not be excessive.

(c) Adequate open space and recreational areas shall be provided.

(d) The day care home shall retain a residential character and the affect of the day care home shall not alter the residential character of the neighborhood.

(e) The operation of the day care home shall not adversely impact surrounding properties.

(f) In residential districts, day care homes shall be subject to single-family residential use requirements of the district in which they are located.

(2) Services are provided in a protective setting for more than 3, up to a maximum of 14 children or adults for less than 24 hours per day.

(K) Essential service - utility substation.

(1) Notwithstanding the prohibition against 2 or more uses on an individual parcel, the lot area for essential service utility substation can be acquired by lease; provided, however, the lot shall be large enough so all structures/facilities comply with the required setbacks for the zoning district.

(2) The approved lot, when no longer needed or used by the utility, shall be returned to its original state. The city may require a bond to ensure compliance with this standard.

(3) The site shall be landscaped to screen the facility from view from property lines and road(s).

(4) Utility substations or any other essential services as defined above containing antennas and towers greater than 45 feet in height must comply with division (KK) of this section.

(L) Golf courses/golf driving ranges.

(1) Accessory uses. Accessory uses to a golf course are limited to a driving range, putting greens, a pro shop, a club house, locker rooms, a restaurant and bar, maintenance buildings, and parking facilities.

(2) Screening and/or landscaping shall be installed as regulated by the city.

(3) An environmental assessment worksheet may be required for the development of a golf course facility. Costs associated with the preparation of the environmental assessment worksheet shall be borne by the applicant.

(4) Minimum lot area of 35 acres is required for the golf course. The parcel shall be a separate parcel of record.

(5) Hours shall be 7:00 a.m. to dusk.

(6) No lighting except security lighting is permitted.

(7) The site shall be large enough so that safety netting is kept to a minimum to keep golf balls on the property.

(8) A maximum of 25 tees are permitted for the driving range.

(9) A public address system is prohibited.

(10) Sanitary facilities shall be provided in accordance with the Minnesota State Building Code.

(11) The facility shall be an open-air type of facility. A domed or any other type of covered facility is prohibited.

(12) Flags shall be used for markers.

(M) Home occupations.

(1) No person, other than the residents of the premises, shall be engaged in a home occupation. The home occupation shall be located in the main principal structure or permitted accessory structures.

(2) Vehicular traffic and parking shall not be increased by more than 1 additional vehicle at a time.

(3) Any sign associated with the home occupation shall be in compliance with §§ 153.164 et seq.

(4) The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.

(5) A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.

(6) The home occupation shall not exceed 25% of the total floor area of the principal building (except home day care uses).

(7) The home occupation shall not be established prior to the member(s) of the family conducting the home occupation taking possession of, and residing in, the dwelling.

(8) The home occupation shall not change the fire rating of the structure.

(9) The receipt, sale, or shipment of deliveries shall not be permitted on or from the premises, except for regular U.S. Mail and/or an express shipping service that is characteristic of service to residential neighborhoods.

(10) No exterior alteration that changes the residential character of the principal building shall be permitted.

(11) The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this chapter.

(12) There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.

(13) Parking needs generated by the home occupation shall be provided on-site.

(14) Any type of motor vehicle service and repair is a prohibited home occupation.

(15) Home day cares shall comply with requirements in division (H).

(N) Horse training facilities.

(1) Horse training facilities shall meet the setback requirements for detached domesticated farm animal buildings and agricultural farm buildings.

(2) Horse training facilities equipped with wash stalls shall be provided with a drainage and septic system separate from the principal structure.

(3) All horse training facilities must meet the animal density per acre and livestock operation requirements described in division (O) of this section.

(4) All accessory buildings must meet the requirements for size described in §§ 153.110 et seq.

(5) A manure management plan may be required by the city.

(6) Horse training facilities are considered accessory to residential or farm dwellings.

(7) Private horse training facilities may not be used for human living quarters, preparing of meals, or for similar personal living activities.

(8) One full-time employee for the horse training facility may reside at the property, including the stable. Living quarters for the employee must meet the standards of the Building Code.

(9) Every commercial horse training facility, or portion thereof, where the public is served shall be provided with sanitary facilities.

(10) The property owner of land to be used for a horse show must provide information on traffic volume, number of participants, sanitary service, and human and animal waste disposal.

(O) Kennel, commercial.

(1) Commercial kennels are used for boarding, grooming, training, breeding, and the sale of domestic animals over 6 months of age.

(2) Commercial kennels in commercial and industrial districts shall meet the underlying zoning requirements.

(3) Commercial kennels in rural residential and agricultural zoning districts shall be placed on a lot of not less than 5 acres and be setback 100 feet from all property lines.

(4) Commercial kennels in rural residential and agriculture zoning districts are considered an accessory use and home occupation.

(5) Commercial kennels must be connected to public sewer or an on-site treatment system to handle the waste.

(6) The harboring of non-domestic pets is not permitted in any district.

(7) Kennels and runs shall provide protection against weather and be enclosed. Floors of runs shall be made of impervious material to permit proper cleaning and disinfecting.

(8) All animal quarters and runs are to be kept in a clean, dry, and sanitary condition.

(9) Fencing surrounding exercise areas and/or runs shall be of a sufficient height to prevent escape and shall be buried as part of installation to prevent escape by digging beneath the fence posts.

(10) Kennel noise shall be mitigated so as to not create a public nuisance for adjoining properties. This shall exclude noise from exercise or training while outdoors during the daytime. Kennels shall comply with all local noise regulations.

(P) Kennel, private.

(1) Private kennels for 3 or fewer domestic animals over 6 months of age.

- (a) Kennels shall be considered an accessory structure for setback purposes.
- (b) Domestic animals held in a kennel must be owned by a member of the household.
- (c) Kennels may only be located in the rear yard.
- (d) The harboring of non-domestic pets is not permitted.
- (e) Kennel enclosure shall consist of a concrete slab surrounded by fencing with a roof or other protection from the elements.
- (f) Kennels must be clean and maintained at all times.

(2) Private kennels for 4 or more of any type of domestic pets over 6 months of age.

- (a) Pets must be owned by a member of the household.
- (b) Private kennels are accessory to the principal use of the property.
- (c) The harboring of non-domestic pets is not permitted.
- (d) Private kennels may only be located in the rear yard and must have a setback of 100 feet from all property lines.
- (e) Kennels structures shall consist of a concrete slab surrounded by fencing with a roof or other protection from the elements.
- (f) The keeping of 4 or more pets in a residential dwelling unit shall be considered a private kennel for the purpose of this chapter. The residential dwelling unit shall meet the required setbacks for a private kennel.

(Q) Livestock and livestock operations.

(1) Livestock may be allowed in C, A, and RR Districts. See § 153.051 for requirements regarding nonconforming livestock and livestock operations in other districts. The harboring of non-domestic pets is not permitted in any district.

(2) No livestock shall be placed on any site of less than 5 acres, except chickens located on single-family properties located in residential zoning districts meeting additional requirements in § 153.092(OO).

(3) The following shall be the minimum setback requirements for feedlots:

- (a) Parks: 300 feet;
- (b) DNR protected watercourse or lake: 300 feet;

(c) Wetlands: 200 feet;

(d) Private well: 100 feet.

(4) The following equivalents shall apply when determining animal units:

Animal	Animal Units
Animal	Animal Units
One mature dairy cow	1.4
One slaughter steer or heifer	1.0
One horse	1.0
One swine over 55 pounds	0.4
One goose or duck	0.2
One goat or sheep	0.1
One swine under 55 pounds	0.05
One turkey	0.018
One chicken	0.01

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

(5) (a) A minimum of 2 grazable acres shall be provided for each animal unit or its equivalent. "Grazable acres" shall be defined as open, non-treed acreage currently providing enough pasture or other agricultural crops capable of supporting summer grazing at the density stated above.

(b) The keeping of livestock in a greater density than allowed as stated above shall be considered a feedlot and require a conditional use permit (CUP). To obtain such a permit, the applicant must demonstrate that they have improved pastures and/or facilities present and appropriate practices are being employed to preclude surface or ground water contamination, excessive manure accumulation, odor, noise, and other nuisances.

(6) The construction of an earthen waste storage basin is permitted, provided a CUP is issued.

(a) The structure shall not be used for the storage of animal manure for a period in excess of 12 months or the time period for which it was designed.

(b) The design of the structure shall be prepared and designed by a registered professional engineer or staff from the Washington County Soil and Water Conservation District qualified in the design of earthen structures or prepared by other professionals specializing in the design of the structures and with the proper training for the design and signed by a registered professional engineer.

(7) Livestock may graze within Shoreland and Bluff Impact Zones, provided permanent vegetation is maintained or a conservation plan has been submitted to the city that is consistent with the technical guides of the city and Washington County Soil and Water Conservation District.

(8) Domestic farm animal accessory structures:

(a) Domestic farm animal accessory structures must meet the requirements of this section and the City Code.

(b) All domestic farm animal structures, feedlots, and manure storage sites shall be set back as follows:

Natural/Man-Made Features	Horizontal Setbacks
Any property line	100 feet
Any existing well or residential structure on the same parcel	50 feet
Any existing well or residential structure on adjacent or nearby parcel	200 feet
Any body of seasonal or year-round surface water	200 feet

(c) Location:

1. Domestic farm animal feedlots or manure storage shall not be placed on slopes that exceed 13%;

2. Evidence of seasonally high ground water level or mottled soil shall not be closer than 3 feet to the natural surface ground grade in any area within any proposed structure and/or feedlot;

3. No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure and feedlot, nor shall the structures and/or feedlots be placed where surface runoff will be toward a marsh or wetland.

(R) Manufacturing.

(1) Exterior storage is permitted as an accessory use to the permitted use, provided it meets the following standards:

(a) The exterior storage area must be located to the rear of the building;

(b) The exterior storage area must be fenced and fully screened from view.

(2) A manufacturing facility may contain a retail sales room, provided it meets the following standards:

(a) Retail sales are limited to those products that are produced by the manufacturing use;

(b) Retail sales use shall not occupy more than 20% of the manufacturing building;

(c) All loading and unloading areas to the facility shall be located on the side or rear of the building, provided these areas shall be screened from view.

(S) Motor vehicle dealership.

(1) A minimum lot area of 1 acre is required and the use shall be on 1 lot or contiguous lots not separated by a public street or other use.

(2) A minimum lot width of 100 feet is required.

(3) The parking area for the outside sales and storage area shall be hard surfaced before the operation of business begins and maintained to control dust, erosion, and drainage.

(4) Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas.

(5) All areas of the property not devoted to building or parking areas shall be landscaped.

(6) Electronic speaker devices shall be regulated as provided in § 153.183 of this chapter and Chapter 96 of the City Code.

(T) Motor vehicle repair.

(1) The entire site, other than that devoted to structures and landscaped areas, shall be an impervious surface and maintained for control of dust, erosion, and drainage.

(2) Location and number of access driveways shall be approved by the City Engineer.

(3) No vehicles shall be parked on the premises other than those utilized by employees, customers awaiting service, or as allowed through a CUP. Storage of salvage vehicles shall be prohibited.

(4) All areas utilized for the storage and disposal of trash, debris, discarded parts, and similar items shall be fully screened. All structures and ground shall be maintained in an orderly, clean, and safe manner.

(5) Screening shall be provided to buffer the use from adjacent residential land uses.

(U) Motor vehicle service station.

(1) A minimum lot width of 150 feet is required.

(2) The setback of all buildings, canopies, and pump islands shall be in compliance with the standards of the zoning district in which the use is located.

(3) The total height of any overhead freestanding canopy shall not exceed 20 feet in height. The canopy shall be designed to match the principal building and materials.

(4) A system for collection of hazardous materials must be installed.

(5) The entire site, other than that devoted to structures and required landscape areas, shall be an impervious surface and maintained for control of dust, erosion, and drainage.

(6) Wherever fuel pumps are installed, pump islands shall be installed. Pump islands shall not be placed in the required yards.

(7) Interior concrete curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas.

(8) Access drives onto a road must be approved by the City Engineer.

(9) No vehicles shall be parked on the premises other than those utilized by employees, customers awaiting service, or as allowed through a CUP. Storage of salvage vehicles shall be prohibited.

(10) Exterior storage shall be limited to vehicles, service equipment, and items offered for sale on pump islands; exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as racks, metal trays, and similar structures designed to display merchandise or as indicated by the CUP.

(11) All areas utilized for the storage and disposal of trash, debris, discarded parts, and similar items shall be fully screened. All structures and ground shall be maintained in an orderly, clean, and safe manner.

(12) Electronic speaker devices shall be regulated as provided in § 153.183 of this chapter and Chapter 96 of the City Code.

(V) Motor vehicle wash.

(1) The site shall be designed to provide additional parking or car stacking space to accommodate the number of vehicles that can be washed during a 15 minute period.

(2) The car wash shall be serviced with a public sanitary sewer system.

(3) The city may impose additional requirements, about drip/dry time, to help reduce the negative icing impacts during the winter months.

(4) The car wash shall be designed of the same materials as the principal building.

(5) Neither the car wash nor accessory vacuum shall be located within 300 feet of any residential land use or zoned property, unless completely screened by a building or located across an arterial or major collector roadway from residential land use or zoned property.

(6) Both the car wash and accessory vacuum shall conform to noise regulations in § 153.183 of this chapter and Chapter 96 of the City Code.

(W) Outdoor sidewalk seating.

(1) Seasonal expansion of a permitted restaurant, delicatessen, or lunch shop.

(a) The dining area shall be separated from the public walkway area by decorative bollards, planters, or fencing.

(b) Public sidewalk space between the defined dining area and the curb shall not be less than 6 feet.

- (c) Landscaping shall be either in planters or pots that are removable in the off-season.
 - (d) Design of the dining area shall be compatible with the main structure to which the facility is accessory.
 - (e) Food or beverages purchased at a seasonal expansion sidewalk café shall be consumed on the premises.
 - (f) There shall not be less than 15 square feet per seat in the outdoor dining area.
- (2) Sites for either type of outdoor sidewalk café shall be maintained in an orderly, clean, and sanitary manner and be free of debris at all times.
- (a) Trash containers and staffing shall be available at all times to facilitate this condition.
 - (b) Litter shall be picked up on a daily basis.
 - (c) Maintenance of all private facilities on public property shall be the owner's responsibility.
- (3) Owners of sidewalk cafes shall hold the city harmless from all liability associated with the operation and maintenance of the outdoor sidewalk seating.
- (X) Pigeons, keeping of. Domesticated racing, fancy and sporting pigeons are permitted to be kept on any single family lot within the city with a certificate of compliance subject to the following:
- (1) All premises in which pigeons are kept or maintained shall be kept reasonably clean from filth, garbage and any substances which attract rodents. The loft or structure in which the pigeons are kept and its surroundings must be cleaned daily.
 - (2) The loft must be constructed and maintained so as to be rodent proof.
 - (3) All pigeons shall be fed within the confines of the loft in which the pigeons are housed. The pigeons shall be confined to the loft except when they are released for exercise, performance, training, or to return from areas outside the premises for the purpose of engaging in a race or returning from training flights.
 - (4) All grains and food stored for the use of the pigeons shall be kept in a rodent proof container.
 - (5) Pigeons shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.
 - (6) Lofts will be located in the rear yard only and shall be at least 50 feet from habitable structures located on adjacent properties.
 - (7) The loft shall provide a minimum of 1 square foot of floor space per bird.
 - (8) The property on which the pigeons are kept or maintained shall meet all accessory structure requirements of the City Code including those pertaining to location, size, number, height, use and design.

(9) The certificate of compliance shall state the number of pigeons which may be maintained on the premises. In no case shall the number of pigeons exceed 100 birds.

(10) The City may enter and inspect any property or loft at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with the certificate of compliance and the City Code.

(Y) Place of worship.

(1) The minimum lot area required is 1 acre.

(2) Landscaping shall be installed to buffer the use from adjacent residential land uses and to provide screening. A landscape plan, as required by §§ 153.134 et seq., shall be submitted to the city at the time of application for a CUP.

(3) All accessory residential or school uses upon the premises shall be subject to all requirements of this chapter. A Planned Unit Development is required when the use requires more than 1 building and an accessory storage building meeting the requirements of the underlying zoning district.

(4) Places of worship shall be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjoining properties.

(Z) Plant nurseries, wholesale.

(1) The minimum lot area shall be 10 acres.

(2) The majority of product sold on the property shall be grown or raised on the property.

(3) The exterior storage of landscape equipment and storage areas shall be screened from view of all streets and property lines.

(4) Commercial plant nurseries shall meet the requirements of the zoning district in which they are located.

(AA) Recreational, commercial.

(1) A minimum lot area of 2 acres shall be provided.

(2) All structures (including backstops, goal posts, and the like) shall meet the required setbacks for the district in which it is located.

(3) There shall be no overnight accommodations provided for the guests or visitors of the recreation area.

(4) Food service may be permitted on the property provided it only serves food and refreshments to guests and visitors of the facility.

(5) Information shall be provided regarding the recreational activities provided, number of members and participants in the recreation programs, sanitary facilities and waste disposal, security, lighting, and hours of operation.

(6) Screening may be required to buffer the use from adjacent residential land use.

(7) A transportation management plan shall be submitted to the city at the time of application. This plan shall address off-street parking and traffic control, including the mitigation of overflow parking and traffic movement to the public street system and impact on the surrounding roadways.

(8) A grading and drainage plan shall be submitted. The standards of the city and the Watershed District must be met.

(9) A caretaker dwelling unit is permitted. The residence is to be used strictly for the caretaker and the caretaker's family. No separate driveway or curb cut shall be permitted for the residence from any roadway.

(BB) Recycling center.

(1) Landscaping shall be installed to buffer the use from adjacent residential land uses and to provide screening from all roads. A landscape plan shall be submitted to the city at the time of application for a CUP.

(2) The processing equipment shall be enclosed within a structure.

(3) Recyclable material may be stored outside, provided the materials are stored in a covered container. Exterior storage areas shall be surfaced with concrete, asphalt, or other impervious surface material approved by the city. Exterior storage areas shall not be located in areas where storm water runoff from the storage area can enter the storm sewer, sanitary sewer, or other surface or ground waters.

(4) Exterior storage must be screened from view of all adjacent properties.

(5) An all-weather road negotiable by loaded collection vehicles or other transportation units shall be provided from the entrance gate of the facility to loading and unloading areas. Access to the site shall be controlled to prevent unauthorized dumping.

(6) In the event the business ceases operation, the owner or operator must close the recycling center in a manner that prevents the escape of pollutants to ground water or surface waters, to soils, or to the atmosphere during post-closure period. Where the facility is regulated by closure rules of the Minnesota Pollution Control Agency (MPCA), the closure rules must be complied with.

(7) The owner or operator shall submit a financial guarantee to the city to ensure compliance with the permit and the closure requirements.

(CC) Residential facility, licensed.

(1) A residential facility serving 1 to 10 individuals and appropriate staff shall be allowed in all residential and agricultural districts.

(2) A residential facility serving over 11 individuals and appropriate staff shall be allowed with a CUP in all commercial and industrial districts.

(3) All appropriate licenses must be obtained from state and county agencies.

(4) The facade facing the public right-of-way or roadway of any dwelling unit used for a residential care facility in the agricultural and residential districts shall be maintained as a residential dwelling.

(5) No residential facility shall provide accommodations to persons whose tenancy would constitute a direct threat to the health and safety of other individuals.

The facility cannot accept court ordered referrals for treatment in lieu of incarceration without adequate security.

(6) Off-street parking standards of this chapter must be met.

(7) Adequate utilities, including sewage disposal, must be available.

(8) All building and fire codes must be met.

(9) Residential care facilities shall not be closer than 1,000 feet to each other.

(DD) Resort facility.

(1) Permitted uses:

(a) Overnight lodging to serve visitors of the resort;

(b) Recreational facilities, including, but not limited to, golf course, racquet sports facilities, nature trails, bike paths and ski areas;

(c) Meeting rooms;

(d) Restaurant and lounge.

(2) The resort shall be located on a site of at least 50 acres.

(3) At least 50% of the site shall be dedicated to permanent open space excluding streets and parking areas.

(4) No more than 50 units of overnight lodging shall be provided.

(5) The maximum density shall not exceed 1 guest room per acre.

(6) Setbacks and height shall be in accordance with the underlying zoning district.

(7) Meeting/conference facilities shall be limited to 100 persons.

(8) All uses in the resort shall be harmonious with each other through the use of special design, placement, or screening. Architecturally, the structures shall blend in with the natural environment.

(EE) Schools.

- (1) The minimum lot area required for schools is 1 acre.
- (2) Landscaping may be required to be installed to buffer the use from adjacent land uses, provide screening, and reduce noise.

(FF) Self-service storage facility.

- (1) Units are to be used for dead storage only. Units are not to be used for retailing, auto repair, human habitation, or any commercial activity. Storage of any flammable or hazardous material is prohibited.
- (2) One off-street parking space is required for each 10 storage units, and 2 spaces are required for the live-in manager if 1 is provided for. Interior drives must be wide enough to accommodate a parked car and traffic that must pass.
- (3) No outside storage is allowed.
- (4) An on-site manager may be allowed, provided adequate sanitary facilities are provided.
- (5) The facility shall be secured by either the walls of the structure and/or fencing. All doors on the units shall face inward and away from the street.
- (6) Only 1 entrance and exit to the facility are allowed except for an additional emergency exit.

(GG) Temporary dwelling care facility.

- (1) The property is limited to 1 temporary care facility.
- (2) Minimum lot size is 10 acres.
- (3) The temporary care facility will be an accessory dwelling unit to be occupied by persons who are:
 - (a) Infirm to the extent that they require extraordinary care;
 - (b) That such care can only be provided by family members residing in the principal dwelling house on the premises; and
 - (c) In the infirmity, and the need for care required by (a) and (b) above shall be verified by written statement of a physician.
- (4) The temporary care facility shall use the existing road access drive of the principal dwelling unit.
- (5) The structure is subject to the same zoning dimensional setbacks as the principal dwelling unit. The structure shall not be closer to the road right-of-way than the principal building. The structure shall be located to the side or rear of the principal building and shall be screened from view of the road right-of-way.
- (6) The unit must be connected to an approved on-site waste disposal system.

(7) The property owner shall submit a financial guarantee to the city to ensure the structure will be removed upon termination of the IUP. The amount of guarantee shall be determined by the city.

(8) The IUP shall be conditioned that it will expire and terminate at such time as the care facility is no longer the residence of the person or persons suffering from the infirmity that requires such care, or at such time as such care is no longer required. At the time of termination of the IUP, the temporary dwelling/care facility shall be removed from the premises within 30 days.

(9) Pursuant to authority granted by M.S. § 462.3593, Subd. 9, the city opts-out of the requirements of M.S. § 462.3593, which defines and regulates temporary family health care dwellings.

(HH) Temporary dwelling during construction.

(1) Temporary dwellings during construction are allowed in all zoning districts with a IUP in emergency situations such as fire, tornado, and storm damage.

(2) The property is limited to 1 temporary dwelling unit during construction.

(3) The dwelling can only be occupied by persons who are the present occupants of the single-family residence being constructed, reconstructed, or altered.

(4) The IUP is issued only after the building permit has been obtained for the proposed construction.

(5) The temporary dwelling unit shall use the existing road access drive of the principal dwelling unit under construction and shall meet all required setbacks.

(6) The unit must be connected to an approved sewage system.

(7) The property owner shall submit a financial guarantee to the city to ensure that the structure will be removed upon termination of the IUP. The amount of the guarantee shall be determined by the city.

(8) The IUP shall expire when construction is completed or within 180 days from the date of issuance, whichever is less. Renewal of the permit may be approved by the city. At the termination of the certificate of compliance, the temporary dwelling shall be removed from the premises within 30 days.

(II) Temporary/seasonal sales.

(1) Temporary/seasonal sales shall require approval of a certificate of compliance and a license from the city (if applicable) to operate.

(2) Approval of the local Fire Marshal is required.

(3) Sales area may operate between the hours of 7:00 a.m. and 9:00 p.m.

(4) A site plan shall be provided illustrating that the location of the temporary/seasonal sales facility meets all required parking lot setbacks, unless otherwise determined by the city.

(5) A temporary/seasonal sales area must be located in a commercial district. It may not be placed in the public right-of-way, nor shall it impair traffic visibility (see § 153.076).

(6) Must be placed on an approved dustless surface such as bituminous or concrete.

(7) Parking shall be available to those purchasing goods from the temporary/seasonal sales area (see §§ 153.125 et seq. for parking requirements).

(8) Temporary/seasonal sales facilities may not be permanently connected to permanent utilities, including electric, gas, sewer, water, and phone.

(9) One temporary banner not exceeding 40 square feet may be used in conjunction with the temporary/seasonal sales operation and will be considered special event signage for the principal use and/or property

owner hosting the temporary/seasonal sales area as defined in § 153.167.

(10) Trash containers shall be provided on-site for debris.

(11) All waste from the operation shall be properly disposed of.

(12) Temporary/seasonal sales may occur up to 2 times a year on a specific property of a business or businesses and no longer than 60 consecutive days with 60 days between events.

(13) Copies of all applicable permits from the state and county shall be provided to the city.

(14) The owner of the property on which the sales facility is placed shall not be in violation of any code or ordinance or have unpaid taxes or utility bills.

(15) The city reserves the right under this chapter to shut down a temporary seasonal sales operation even after the granting of approval if the operation is posing safety concerns, has become a nuisance, or has violated any requirement of this section.

(16) See division (C) of this section for seasonal agricultural businesses.

(JJ) Towers.

(1) General standards for all towers.

(a) Requirements. The construction of a new tower in excess of 35 feet, or the addition of a new apparatus on an existing tower or building, may be allowed in certain zoning districts following the issuance of a certificate of compliance, IUP, or a CUP.

(b) Nonconformities. Any existing tower that becomes nonconforming as a result of this section may continue its use. Additional apparatus may be attached to the tower structure. The apparatus shall meet all requirements of this chapter. If the tower needs to be replaced, it may be permitted with a certificate of compliance so long as it is of the same type (guyed, self-support, or monopole), same height, same marking (lighting and painting), and will be located within 10 feet of the tower to be replaced. The only permitted reasons for replacement of an existing, nonconforming tower will be to increase the structural integrity of the structure. If a tower requires replacement for any other reasons, the replacement tower shall meet all of the standards of this chapter or as required by Minnesota State Statute.

(c) Exception. In any district, a proposed tower 200 feet high or less located within the easement of overhead high voltage transmission lines with towers 75 feet in height or higher or within 50 feet of the transmission line easement on the same side of the road will not be required to meet the standards of divisions (II)(2)(n), (II)(3)(a), and (II)(6)(a) hereof, but will be required to meet all other standards. This exception does not apply in the Shoreland Overlay District.

(d) Other requirements.

1. All rules and regulations of the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) must be met and complied with.

2. In the event of revocation of a permit or the apparatus is no longer in use, the tower, apparatus, and all accessory structures must be removed and the site restored to its original condition within 120 days. Failure to do so will result in the city completing the removal and site restoration; the city's cost shall be assessed against the property and collected as real estate tax.

(2) Performance standards for all towers.

(a) On any parcel of land zoned for agricultural or residential purposes, the minimum lot size for construction of a tower shall be 10 acres. On a vacant parcel of land zoned for commercial/industrial purposes, the minimum lot size is 2.5 acres. On a parcel of land on which a principal use exists, a tower shall be considered an accessory use and a smaller parcel of land may be leased, provided all standards contained in this chapter can be met. (See additional requirements for wind energy conversion systems, division (II)(7) of this section).

(b) A single tower on a parcel shall not be included in the allowed number or square footage for detached accessory structures.

(c) Towers shall be designed and engineered to collapse progressively within the distance between the tower and property line. The application for any tower shall submit written documentation explaining tower construction and possible failure and provide assurance that blowing or falling ice can be contained on the subject property.

(d) A tower shall be located on a parcel of land so as to have the least impact on adjoining properties; any negative impacts of the tower shall be confined as much as possible to the property on which the tower is located.

(e) The tower location shall provide the maximum amount of screening for off-site views of the facility. The city reserves the right to require creative design measures to camouflage facilities by integrating them with existing buildings and among other existing uses. Existing on-site vegetation shall be preserved to the maximum extent practicable.

(f) Structural design and mounting and installation of apparatus and tower shall be in compliance with manufacturer's specifications. The plans shall be approved and certified by a registered professional engineer.

(g) In general, self-supporting towers (i.e. those without the use of wires, cables, beams, or other means) are preferred. The use of a guyed tower is permitted for new tower construction if there is an aesthetic and/or apparatus supporting capability advantage. Anchors for the guyed wires must meet underlying setback requirements.

(h) Associated base equipment must be located within a structure. The base of the tower and any accessory structures shall be landscaped where practical. Tower accessory structures shall be constructed of materials designed to minimize visibility to the neighborhood.

(i) The tower shall be a color demonstrated to minimize visibility unless otherwise required by FAA regulations.

(j) Metal towers shall be constructed of or treated with corrosive resistant material.

(k) Generally, only 1 tower is permitted on a parcel of land. If in the opinion of the city a particular parcel is well suited for more than 1 tower, the additional tower may be allowed following the issuance of a CUP or IUP. All other standards contained in this chapter must be met. (See division (II)(7) of this section for wind energy conversion system apparatus.)

(l) All towers shall be reasonably protected against unauthorized climbing. The bottom of the tower from ground level to 12 feet above ground shall be designed in a manner to preclude unauthorized climbing or shall be enclosed by a 6 feet high chain link fence with a locked gate.

(m) Tower owners shall be required to conduct an annual inspection of their facilities by a qualified professional to insure continuing compliance with this chapter. A copy of the annual inspection report shall be available to the city for review. All defects shall be reported to the city for review.

(n) The tower shall be located twice the tower height to any residential dwelling other than the dwelling on the parcel on which the tower is to be located or a minimum of the tower height from any property line. However, towers must meet the setback in the zoning district they are located in if the setback is greater than the height of the tower.

(3) Prohibitions for all towers.

(a) No temporary mobile cell sites are permitted except in the case of equipment failure, equipment testing, or in the case of an emergency situation as authorized by the Public Safety Director. Use of temporary mobile cell sites for testing purposes shall be limited to 24 hours, use of temporary mobile cell sites for equipment failure or in the case of emergency situations shall be limited to a term of 30 days. These limits may be extended by the Public Safety Director.

(b) Permanent platforms or structures other than those necessary for safety purposes or for tower maintenance are prohibited.

(c) No tower shall have lights, reflectors, flashers, daytime strobes, steady nighttime red lights, or other illuminating devices affixed or attached to it unless required by the FAA or FCC.

(d) No advertising or identification signs shall be placed on towers.

(4) Application - tower and apparatus.

(a) In the event that an application is only to add a new apparatus to an existing tower or structure, the city may waive some of the requirements of this section.

(b) In addition to the submittal requirements required elsewhere in this chapter, applications for CUPs, IUPs, or certificates of compliance for new towers and apparatus shall be accompanied by the following information.

1. A report from a registered professional engineer that:
 - a. Describes the tower height and design, including a cross-section and elevation;
 - b. Certifies the tower's compliance with structural and electrical standards;
 - c. Describes the tower's capacity, including the potential number and type of apparatus that it can accommodate;
 - d. Certifies that the applicant will not cause destructive interference to established communications, frequencies, and equipment;
 - e. Describes the lighting to be placed on the tower if the lighting is required by the FCC or FAA;
 - f. Specifies the distance to any Department of Natural Resources (DNR) protected lake or river, any boundary of a park, and/or structures within 1,000 feet of the parcel boundary that a tower is located on.
2. Written acknowledgment by the landowner that he will abide by all applicable CUP or certificate of compliance conditions.

(c) The city may, at its discretion, require visual impact demonstrations, including:

1. Mock-ups and/or photo montages;
2. Screening and painting plans;
3. Network maps;
4. Alternative site analysis;
5. Lists of other nearby other towers; or
6. Facility design alternatives for the proposed tower.

(d) The city is authorized to employ/hire a consultant to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the costs of the review and/or independent analysis. Any proprietary information disclosed to the consultant hired shall remain non-public and subject to the terms and conditions of a properly executed non-disclosure agreement.

(5) Tower standards by districts. Towers are regulated differently depending on the zoning district in which the property is located. The following are the standards in each district:

- (a) Agriculture, Conservancy, Agricultural Preserve Overlay, and MXR-1 districts.

1. The following are permitted with a certificate of compliance:

- a. Apparatus attached to an existing structure or tower not exceeding 15 feet above the highest point of the structure or tower;
- b. A tower within the easement of a high power overhead transmission line or within 50 feet of the easement on the same side of a road to a maximum height of 200 feet.

2. The following are permitted with a CUP or IUP:

- a. A freestanding tower not exceeding 160 feet in height;
- b. Apparatus attached to an existing structure or tower exceeding 15 feet above the highest point of the structure or tower up to a total maximum height of 175 feet, including tower and apparatus.

(b) Rural residential districts.

1. The following are permitted with a certificate of compliance:

- a. Apparatus attached to an existing structure or tower not exceeding 15 feet above the highest point of the structure or tower;
- b. A tower within the easement of a high power overhead transmission line or within 50 feet of the transmission line height of 200 feet.

2. The following are permitted with a CUP:

- a. A freestanding tower not exceeding 100 feet in height;
- b. Apparatus attached to an existing structure or tower exceeding 15 feet above the highest point of the structure or tower up to a maximum height of 115 feet, including tower and apparatus.

(c) Multiple-family and high density residential districts.

1. The following are permitted with a certificate of compliance:

- a. Apparatus attached to an existing structure or tower not exceeding 15 feet above the highest point of the structure or tower;
- b. A tower within the easement of a high power overhead transmission line or within 50 feet of the easement on the same side of a road to a maximum height of 200 feet.

2. The following are permitted with a CUP:

- a. A freestanding tower not exceeding 75 feet in height;
- b. Apparatus attached to an existing structure or tower exceeding 15 feet above the highest point of the structure or tower up to a total maximum height of 90 feet, including tower and apparatus.

(d) Commercial and industrial districts.

1. The following are permitted with a certificate of compliance:

- a. Apparatus attached to an existing structure or tower not exceeding 15 feet above the highest point of the structure or tower;
- b. A freestanding tower up to 153 feet;
- c. A tower within the easement of a high power overhead transmission line or within 50 feet of a transmission line easement on the same side of a road up to a maximum height of 200 feet.

2. The following are permitted with a CUP:

- a. A freestanding tower not exceeding 200 feet in height;
- b. Apparatus attached to an existing structure or tower exceeding 15 feet above the highest point of the structure or tower up to a total maximum height of 15 feet, including tower and apparatus.

(6) Additional standards for communication apparatus.

(a) A proposal for a new wireless communication service shall not be approved unless it can be shown by the applicant that the telecommunication equipment planned for the proposed tower cannot be accommodated:

- 1. On an existing tower;
- 2. On a tower that has been permitted by the city (even though it may not yet be constructed); or
- 3. On a tower whose application for a certificate of compliance, IUP, or CUP is currently pending before the city.

(b) No tower shall be over 200 feet in height or within 1 mile of another tower, regardless of municipal boundaries.

(c) The height of a tower shall allow for the co-location of additional antennas as follows:

- 1. Structures from 100 to 125 feet, a minimum of 2 tenants;
- 2. Structures from 125 to 200 feet, a minimum of 3 tenants;
- 3. Structures above 200 feet but less than 300 feet, a minimum of 4 tenants.

(d) Antennas attached to a tower may consist of metal, carbon fiber, or other electromagnetically conductive rods or elements. The antennas are regulated to the extent the regulations are not preempted by the FCC.

(e) If space is available on a tower, the tower owners shall, in good faith, lease space to other users so long as there is no disruption in the existing service provided by the towers existing users or no negative structural impact upon the tower. If a dispute arises and as a

condition to any permit or certificate of compliance, the city, at its discretion, reserves the right to act as arbiter in determining if a tower owner is acting in good faith in leasing to other tenants.

(f) The criteria for granting a modification under this section shall be the presentation of engineering data that demonstrates that services cannot be provided to a specific area of the city.

(7) Additional standards for wind energy conversion apparatus.

(a) The parcel on which a wind energy conversion system is proposed to be located must be at least 10 acres in size. For more than 1 tower, 40 acres minimum is required and a CUP is required regardless of height. The ability to have more than 1 tower shall only be allowed in the C, A, and RR zoning districts.

(b) Rotors shall have a clearance of 30 feet over any tree or structure within 100 feet of the tower. Each wind energy conversion system shall be equipped with both a manual and automatic breaking device capable of stopping the wind energy conversion system in high winds (40 miles per hour or greater).

(c) All state, county, and local noise standards must be met. Applicable electrical permits/inspections must be obtained.

(8) Additional standards other than wind conversion or communication apparatus. All other apparatus shall require a CUP regardless of height.

(9) Amateur radio antenna. Amateur radio antenna shall be subject to the applicable provisions of § 153.092(II), and shall also comply with the following standards:

(a) Amateur radio antenna shall not exceed a height of 75 feet in any residential zoning district.

(b) The total area of the amateur radio antenna shall not encompass more than 120 square feet.

(c) No amateur radio antenna shall be located within the front yard of any Residential zoning district.

(d) Amateur radio antennas attached or mounted to buildings shall comply with the requirements of the International Building Code as adopted, wind design of the State Building Code, and such compliance and method of attachment shall be certified by a registered state structural engineer.

(e) The amateur radio antenna shall be located and designed so as to minimize impact at street level from surrounding properties and public streets.

(f) Freestanding amateur radio antennas, including those attached to buildings for additional support, shall be set back from the side and rear lot lines a distance at least equal to their height.

(g) Before erecting an amateur radio antenna, a building permit shall be first secured from the city.

1. Application for the permit shall be in writing and made to the City Building Official.

2. All persons proposing to erect, construct, or locate Amateur Radio Antennas within the city shall apply for and obtain a building permit according to the provisions in the City Code.

(h) No signs, pictures or messages shall be painted on or attached to any amateur radio antennas.

(KK) Transportation/motor freight terminal.

(1) The facility shall be used for office purposes and storing and transferring of goods to and from vehicles only. On-site maintenance of vehicles and fueling of vehicles is prohibited.

(2) All outside storage of vehicles/trailers shall be screened from view from the road by berms, trees, fencing, or a combination thereof.

(3) All structures and outside storage of vehicles/trailers shall meet required setbacks.

(LL) Trash enclosure service structure.

(1) Shall be required for all commercial, mixed use, industrial and multi-family uses.

(2) Shall be no larger than 400 square feet unless approved by the city.

(3) Shall be built to maintain the color and style of the principal buildings.

(4) The structure shall contain either a swinging door or roll up door to contain debris.

(5) Shall meet the required setbacks of the underlying zoning district.

(6) The structure shall not contain any vehicle storage unless approved by the city.

(MM) Travel trailer/RV campground/marina.

(1) The minimum area for a trailer/RV park is 50 acres (on-site sewer) and 10 acres (public sewer).

(2) All sanitary facilities must conform to Minnesota Department of Health and Pollution Control Agency regulations.

(3) The sale, storage, use, or occupancy of any manufactured home is prohibited.

(4) The density of unit spaces shall not exceed 10 spaces per acre.

(5) All travel trailer/recreational vehicle parks shall be sufficiently screened from public view.

(6) Individual lots are prohibited from being sold.

(7) One entrance is allowed into the campground. All campsites must have direct access only to an internal circulation street. All roads shall be blacktopped.

(8) Access to the campground shall be from an arterial or collector street. Access shall be approved by the City Engineer.

(9) Travel trailer/RV campgrounds shall have at least 20% of the land area (exclusive of internal streets) developed for recreational uses (i.e., tennis courts, children's play equipment, swimming pools, golf greens, and the like) which shall be developed and maintained by the owner or operator at the owner's expense. All parks must have an area or areas set aside for dead storage and "overload" parking.

(10) All utilities, such as sewer, water, fuel, electric, telephone, and television antenna leads, shall be buried, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes.

(11) All land area shall be adequately drained and properly maintained free of dust, refuse, garbage, rubbish, or debris. All centralized refuse collection containers and equipment and park maintenance equipment shall be stored in a screened and fenced service yard within the park.

(12) All permanent structures shall require a building permit. The provisions of this section shall be enforced in addition to and in conjunction with the provisions of the Building Code.

(13) A properly landscaped area shall be adequately maintained around each trailer park. No trailer or building shall be located within 50 feet of the exterior boundary of any park or within 40 feet of any exterior existing public right-of-way.

(14) Each park must have 1 or more central community building with central heating that must be maintained in a safe, clean, and sanitary condition. The buildings shall be adequately lighted during all hours of darkness and shall contain laundry washers, dryers, and drying areas, in addition to public toilets and showers. Each park shall have a building for the use of the operator distinctly marked "office," and the marking shall be illuminated during all hours of darkness. An illuminated map of the park shall be displayed at the office.

(15) An adult caretaker must be on duty at all times in the park. The operator of every park shall maintain a register in the office of the park indicating the name and address of the owner and occupants of each trailer, the license number of each trailer and automobile of each occupant, and the date of arrival and departure of each trailer. The corners of each trailer lot shall be clearly marked and each lot shall be numbered. The grounds of the park shall be adequately lighted from sunset to sunrise.

(16) Each lot shall abut or face a driveway or clear unoccupied space of not less than 22 feet in width, which shall have unobstructed access to the internal park road system.

(17) Each lot shall have 2 off-street parking spaces. No parking spaces shall be closer than 10 feet to any side yard lot line.

(18) Each lot, or pair of lots, shall contain adequate containers to store, collect, and dispose of refuse and garbage so as to create no health hazards.

(19) Outdoor cooking or burning shall be confined to fireplaces, pits, grills, or stoves that shall be permanently affixed to a designated location on each lot as per the site plan. Each permanent cooking or burning facility shall be placed on the lot so as to minimize fire hazards and smoke nuisance.

(20) Any dockage must be approved by the Minnesota Department of Natural Resource.

(NN) Warehousing and distribution.

- (1) The loading and exterior storage area must be located to the rear of the building.
- (2) All loading and exterior storage area must be fenced and 100% screened from roadways and all property lines.
- (3) The retail sales are limited to those products that are stored and distributed by the warehousing and distribution use.
- (4) The retail sales use shall not occupy more than 20% of the warehousing and distribution facility.

(OO) Yard waste facilities.

- (1) The minimum lot area required for yard waste facilities is 10 acres.
- (2) Composting, storage, transfer, loading, and processing activities must be setback as follows:
 - (a) Property lines: 50 feet;
 - (b) Existing residential uses not on the property: 100 feet;
 - (c) DNR protected watercourse: 200 feet;
 - (d) Wetland: 50 feet.
- (3) The yard waste facility must be screened from view from all adjacent properties and roadways.
- (4) Access to the site shall be controlled to prevent unauthorized dumping during non-business hours.
- (5) (a) The operator shall provide sufficient equipment on-site to properly manage the composting process. At a minimum this shall include a front end loader or similar machinery for loading, unloading, turning, and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product.
- (b) The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities, hazardous material storage, and hazardous waste disposal.
- (6) The materials which can be processed are limited to garden waste, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.
- (7) The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors. The yard waste must be decomposed through a process that encompasses turning of the yard waste on a periodic basis to aerate the yard waste, maintain temperatures, and reduce pathogens. The composted yard waste must contain no sharp objects greater than 1 inch in diameter.

(8) The operator shall provide information specifying the volume of waste brought onto the property for composting.

(9) The facility shall operate only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, unless the city specifically authorizes other hours or days of operation. Retail sales are allowed on Saturdays between the hours of 8:00 a.m. and 5:00 p.m. unless otherwise prohibited by the city. Retail sales for the purposes of this section shall mean the sale of product to individuals for personal use and shall exclude commercial hauling.

(10) (a) Treated yard wastes shall not be allowed to accumulate for longer than 3 years before being finished and removed from the site. Compost that cannot be marketed shall be removed from the site a minimum of once per week.

(b) By-products, including residuals and recyclables, must be stored in a manner that prevents vector problems and aesthetic degradation. Materials that are not composted must be stored and removed a minimum of once per week.

(11) The owner shall maintain the site so that it is free of litter and other nuisances.

(12) An attendant must be on-site during operating hours.

(13) The open burning and/or burying of waste are prohibited.

(PP) Chickens, keeping of. The keeping of domesticated chickens is permitted on single-family residential properties less than 5 acres and within all residential zoning districts subject to the following requirements:

(1) Any person wishing to keep chickens in the city on a property shall first obtain a certificate of compliance from the city;

(2) The principal use of the property shall be single-family residential;

(3) The property shall contain 1 detached single-family structure. Chickens shall not be permitted on vacant properties or those containing multi-family residential buildings including duplexes, townhomes and apartments;

(4) No more than 5 hen chickens shall be permitted;

(5) No person shall keep a rooster;

(6) All chickens shall be of the subspecies *Gallus gallus domesticus* and tolerant of local climate conditions;

(7) Chickens shall not be kept inside the principal structure;

(8) No person shall slaughter chickens on-site except when in an area of the property not visible to the public;

(9) Chicken coops and attached exercise pens shall be provided for all chickens;

(10) Coops and pens shall be fully enclosed including overhead and constructed of durable materials;

- (11) The floor area of the coop shall be a minimum of 2 square feet in area per chicken;
 - (12) The floor area of the attached pen shall be a minimum of 6 square feet in area per chicken;
 - (13) Coops and pens shall meet all accessory structure setback requirements;.
 - (14) Coops and pens shall be located in rear yards only;
 - (15) Coops larger than 120 square feet in area shall meet all accessory structure requirements of the City Code including those pertaining to location, size, number, height, use and design;
 - (16) Chickens shall be kept in coops and/or pens at all times unless in fully fenced-in back yards while under supervision;
 - (17) All food stored for chickens shall be kept in rodent proof containers stored inside coops or other buildings;
 - (18) All premises in which chickens are kept or maintained, including coops and pens, shall be kept reasonably clean from filth, garbage and any substances which attract rodents. All feces shall be collected and properly disposed of on a regular basis;
 - (19) Chickens shall not be kept in such a manner as to constitute a public nuisance as defined by the City Code of Forest Lake;
 - (20) The city may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with the certificate of compliance and the City Code.
- (QQ) Small wireless facilities.
- (1) Wireless support structures and small wireless facilities are permitted uses in the public right-of-way in accordance with the following provisions in all zoning districts except in the C, A, RR, SF, MXR-1, MXR-2, and MXR-3 residential zoning districts where new wireless support structures require a conditional use permit.
 - (a) Small wireless facilities located in the right-of-way shall only be located on wireless support structures, including utility poles but excluding stop lights.
 - (b) Approval of the collocation of small wireless facilities on a decorative wireless support structure may be conditioned on compliance with reasonable accommodations for decorative wireless support structures. If an applicant refuses to comply with such reasonable accommodations, the city may prohibit small wireless facility attachment to the decorative wireless support structure.
 - (c) Small wireless facilities shall not interfere with public safety communication equipment located on the wireless support structure or with the original use of the wireless support structure, and shall not block light emanating from utility poles.

- (d) If the small wireless facility is to be attached to a city-owned wireless support structure, the applicant shall execute the city's standard collocation agreement and such attachment shall be made in accordance with the terms of that agreement.
- (e) The small wireless facility shall, to the greatest extent possible, match the wireless support structure in color, material, and design, and the small wireless facility design shall, to the greatest extent possible, minimize exposed cables, wires, and other attachment hardware.
- (f) The small wireless facility shall not extend above the top of an existing wireless support structure by more than 10 feet and the maximum height of a wireless support structure itself shall be 50 feet.
- (g) The small wireless facility shall be no larger than 6 cubic feet.
- (h) The small wireless facility shall not extend outward from the wireless support structure by more than 3 feet.
- (i) The wireless support structure shall have adequate structural capacity to carry the proposed small wireless facility and proof of the same shall be provided to the city.
- (j) The wireless support structure and any small wireless facilities shall be removed and relocated in compliance with any requirements set forth in the right-of-way permit, collocation agreement, and Chapter 98 of this code, if the city or road authority for the public right-of-way in which it is located requires removal or relocation of the wireless support structure for a public project.
- (k) Written approval for attachment of the small wireless facility to the wireless support structure from the owner of the wireless support structure shall be provided to the city if the city is not the owner of the wireless support structure.
- (l) The small wireless facility applicant shall obtain any and all necessary permits and approvals from the road authority for the public right-of-way in which the wireless support structure and small wireless facility shall be located.
- (m) Small wireless facility applicants must be a telecommunications right-of-way user as defined in M.S. § 237.162, Subd. 4.
- (n) Wireless support structures shall not be located in a manner that causes interference with or impedes the use of trails, sidewalks, or pedestrian ways.
- (o) Small wireless facilities shall be located at least 12 feet above the ground.
- (p) No advertising sign or identifying logo shall be displayed on the wireless support structure or small wireless facility. All equipment manufacturers' decals, logos, or other identification information shall be removed unless required for warranty purposes.
- (q) Small wireless facilities and wireless supports structure shall comply with all applicable local, state, and federal ordinances, statutes, and regulations.
- (r) New wireless support structures shall be made of formed or cast aluminum or similar material, with color finalized upon individual reviews.

(2) New wireless support structures for the siting of small wireless facilities located in a public right-of-way are a conditional use in the C, A, RR, SF, MXR-1, MXR-2, and MXR-3 residential zoning districts subject to the requirements of § 153.034 and in accordance with the following provisions.

(a) The maximum height of a wireless support structure accommodating a small wireless facility shall be 50 feet and the small wireless facility shall not extend above the top of the wireless support structure by more than 10 feet.

(b) Approval of the collocation of small wireless facilities on a decorative wireless support structure may be conditioned on compliance with reasonable accommodations for decorative wireless support structures. If an applicant refuses to comply with such reasonable accommodations, the city may prohibit small wireless facility attachment to the decorative wireless support structure.

(c) The small wireless facility shall, to the greatest extent possible, match the wireless support structure in color, material, and design, and the small wireless facility design shall, to the greatest extent possible, minimize exposed cables, wires, and other attachment hardware.

(d) The small wireless facility shall be no larger than 6 cubic feet and shall not extend outward from the wireless support structure by more than 3 feet.

(e) If the small wireless facility is to be attached to a city-owned wireless support structure, the applicant shall execute the city's standard collocation agreement and such attachment shall be made in accordance with the terms of that agreement.

(f) Small wireless facilities shall not interfere with public safety communication equipment located on the wireless support structure and shall not block light emanating from utility poles.

(g) Evidence shall be provided to the city that the wireless support structure has adequate structural capacity to carry the small wireless facility.

(h) The small wireless facility applicant shall obtain any and all necessary permits and approvals from the road authority for the public right-of-way in which the wireless support structure and small wireless facility shall be located.

(i) The wireless support structure and any small wireless facilities shall be removed and relocated in compliance with any requirements set forth in the right-of-way permit, collocation agreement, and Chapter 98 of this code, if the city or road authority for the public right-of-way in which it is located requires removal or relocation of the wireless support structure for a public project.

(j) Wireless support structures shall not be located in a manner that causes interference with or impedes the use of trails, sidewalks, or pedestrian ways.

(k) No advertising sign or identifying logo shall be displayed on the wireless support structure or small wireless facility. All equipment manufacturers' decals, logos, or other identification information shall be removed unless required for warranty purposes.

(l) Written approval for attachment of the small wireless facility to the wireless support structure from the owner of the wireless support structure shall be provided to the city if the city is not the owner of the wireless support structure.

(m) Small wireless facility applicants must be a telecommunications right-of-way user as defined in M.S. § 237.162, Subd. 4.

(n) Small wireless facilities shall be located at least 12 feet above the ground.

(o) The small wireless facility and support structure shall be installed at the residential lot's corner in the right-of-way.

(p) Small wireless facilities and wireless support structures shall comply with all applicable local, state, and federal ordinances, statutes, and regulations.

(q) New wireless support structures shall be made of formed or cast aluminum or similar material, with color finalized upon individual reviews.

(RR) Accessory structures on adjacent non-riparian lots located within 100 feet of a riparian lot containing a principal structure.

(1) Accessory structures on non-riparian lots, also known as tier 2 lots, without a principal structure are allowed with a conditional use permit in the SF and RR zoning districts as provided by this section.

(2) The accessory must be located on a separate non-riparian lot located within 100 feet of a riparian lot on which a principal structure is located, and both the riparian lot and non-riparian lot must be owned by the same person(s) or entity.

(3) The accessory structure must meet the required side and rear yard structure setbacks for accessory structures.

(4) The accessory structure must meet the front yard setback requirement for principal structures.

(5) The accessory structure shall have a maximum floor area of 800 square feet, or the floor area of the principal structure located on the riparian lot, whichever is smaller, and shall comply with all other applicable requirements for accessory structures found in § 153.110.

(SS) Contractor's yard.

(1) Contractor's yards are permitted as an accessory use only.

(2) Minimum lot size of 2.5 acres.

(3) The lot must have frontage on an improved public street or highway with an authorized access.

(4) Must be located at least 150 feet from all residentially zoned or residential use properties.

(5) Must screen all exterior storage areas from public view and residentially zoned or residential use properties by berming, landscaping, or fencing, or with a combination thereof, resulting in screening that is at least 90% opaque all year.

(6) The maximum height of stacking or storing materials shall be set by Planning Commission as part of the CUP.

(7) No junk yards.

(8) Maximum lot coverage. The total impervious surface of the lot shall not exceed 90% of the total lot area.

(9) Exterior storage area must be improved with a dustless surface material. Concrete or bituminous surfacing is required for all other areas of a contractor's yard used by vehicles, including driveways and off-street parking areas.

(10) A violation of any of the above performance standards, or any other conditions adopted by the city as part of the CUP, is a public nuisance.

(TT) SOLAR ENERGY SYSTEM REQUIREMENTS.

(A) Zoning districts. Solar energy systems in accordance with the standards in this section are allowed as a permitted accessory use in all zoning districts.

(B) Standards.

(1) Exemption. Passive or building-integrated solar systems are exempt from the requirements of this section and shall be regulated as any other building element.

(2) Height. Roof mounted solar energy systems shall comply with the maximum height requirements in the applicable zoning district. Ground mounted solar energy systems shall not exceed 15 feet in height.

(3) Location. In residential zoning districts, ground mounted solar energy systems are limited to the rear yard. In non-residential zoning districts, ground-mounted solar energy systems may be permitted in the side yard meeting accessory structure requirements in § 153.110.

(4) Setbacks. Ground mounted solar energy systems shall comply with all accessory structure setbacks in the applicable zoning district. Roof mounted systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.

(5) Roof mounting. Roof mounted solar collectors shall be flush mounted on pitched roofs unless the roof pitch is determined to be inadequate for optimum performance of the solar energy system in which case the pitch of the solar collector may exceed the pitch of the roof up to 5% but in no case shall be higher than 10 inches above the roof. Solar collectors may be bracket-mounted on flat roofs.

(6) Easements. Solar energy systems shall not encroach on public drainage, utility roadway, or trail easements.

(7) Screening. Solar energy systems shall be screened from view to the extent possible without impacting their function.

(8) Maximum area. In the SF, MXR-1, MXR-2, MXR-3, and MF residential districts, ground mounted solar energy systems shall be limited to a maximum area of 200 square feet. In C, A and RR residential zoning districts, ground mounted solar energy systems shall be limited to a maximum area consistent with the accessory structure requirements in § 153.110 or no more than 25% of the rear yard whichever is less.

(9) Aesthetics. All solar energy systems shall be designed to blend into the architecture of the building to the extent possible without negatively impacting the performance of the system and to minimize glare towards vehicular traffic and adjacent properties.

(10) Feeder lines. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points on interconnection to the electric grid.

(11) Structures shall not be located such that solar power access blocks a neighboring property.

(C) Safety.

(1) Standards and certifications.

(a) Standards. Solar energy systems shall meet current industry standards.

(b) Certification. Solar energy systems shall be certified by an appropriate industry certifying entity.

(2) Utility connection. All grid connected systems shall have a completed contractual agreement with the local utility prior to the issuance of a building permit. A visible external disconnect must be provided.

(a) Abandonment. If the solar energy system remains nonfunctional or inoperative for a continuous period of 6 months, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at the owner's expense after a demolition permit has been obtained. Removal includes the entire structure including transmission equipment.

(b) Permits. A building permit shall be obtained for any solar energy system prior to installation.

(Ord. 596, passed 2-8-2010 Previously § 153.307)

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010; Am. Ord. 607, passed 5-9-2011; Am. Ord. 627, passed 3-25-2013; Am. Ord. 651, passed 3-14-2016; Am. Ord. 660, passed 8-22-2016; Am. Ord. 670, passed 12-4-2017; Am. Ord. 676, passed 7-9-2018; Am. Ord. 719, passed --; Am. Ord. 726, passed 8-28-2023)

GENERAL DEVELOPMENT REGULATIONS

§ 153.100 APPLICABILITY.

General development regulations apply to all lots or uses and must be met in addition to other specific regulations that apply to the individual lot or use.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.101 INDIVIDUAL SEWAGE TREATMENT SYSTEMS.

All applicants for a use or building permit in any district not served by public sanitary sewer must demonstrate that an on-site sewage treatment system can be installed in accordance with Washington County Subsurface Sewage Treatment System regulations.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.102 SLOPING OR ERODIBLE BUILDING SITES.

A structure constructed on-sites with slopes of greater than 3:1 or 33%, or on easily erodible soils as defined on the community soils maps and compiled by the Washington County Soil and Water Conservation District shall be approved by the City Engineer and the Building Official.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.103 REQUIRED YARDS AND OPEN SPACES.

(A) Minimum standards. No yard or other open space shall be reduced in area or dimension so as to make the yard or other open space less than the minimum required by this chapter unless approved by variance. If the existing yard or other open space is less than the minimum required, it shall be considered nonconforming and shall meet the requirement of §§ 153.050 et seq.

(B) No double allocation of yards and other open space. No required yard or other open space allocated to 1 lot or parcel shall be used to satisfy minimum yard or open space requirements for another lot or parcel.

(C) Encroachments into required yards. The following shall be permitted encroachments into required yards and building setbacks:

(1) Flues, chimneys, fireplaces, mechanical equipment, eaves, awnings, belt courses, sills, pilasters, lintels, ornamental features, gutters, and cornices may extend up to 3 feet into any required setback;

(2) Cantilevered bay windows and bay doors may extend a maximum of 2 feet into any required setback. The maximum length of such bay window or door is 10 feet. Additionally, a maximum 3 foot by 3 foot landing may serve as access to a bay door; however, the landing may not be enclosed or roofed;

(3) Steps, sidewalks, terraces, and unenclosed stoops may extend 3 feet into any required setback;

(4) Retaining walls, window wells, trees, shrubs, and other plantings may be placed in any yard except in drainage ways and street rights-of-way;

(5) Unenclosed porches and decks may project 10 feet into a required rear yard setback;

(6) Fences are permitted in any yard meeting the requirements of §§ 153.129 et seq.; and

(7) Exposed wheelchair ramps with a maximum width of 4 feet may be placed in any required yard.

(D) Encroachment in yards on corner lots/traffic visibility triangle. Nothing shall be placed or allowed to grow in such a manner as to materially impede vision between a height of 3 and 10 feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of 30 feet from all local streets. All distances from county and state highways shall be approved by its permitting authority.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.104 MINIMUM DWELLING REQUIREMENTS.

In all districts where dwellings are permitted, except in approved manufactured home parks and in districts where accessory dwellings are permitted, the following standards shall apply. An exception to these regulations may be granted if part of an affordable housing project or units meet the city's affordable housing goals stated in its Comprehensive Plan.

(A) The minimum width of the main portion of a single-family structure, including townhomes, shall be not less than 22 feet.

(B) All dwellings shall be placed on a permanent foundation and anchored to resist overturning, uplift, and sliding in compliance with the Minnesota State Building Code.

(C) The minimum living space in a 1 story single-family residential dwelling, including individual townhomes and duplex units (exclusive of basement and garage areas), shall be 960 square feet. The minimum living space in a multiple story single-family residential dwelling, including individual townhomes and duplex units (exclusive of basement and garage stalls), shall be 800 square feet on the first floor.

(D) Dwelling units in multi-family buildings containing 3 or more dwelling units shall have the following minimum floor areas per dwelling unit:

(1) Efficiency and one-bedroom apartments and condominiums: 600 square feet;

(2) Two-bedroom apartments and condominiums: 720 square feet.

(3) More than two-bedroom apartments and condominiums: an additional 120 square feet for each additional bedroom.

(4) The minimum floor areas for the dwelling units as specified above shall not include areas occupied by stairs, hallways, entry ways, and utility rooms. Closet space in excess of 15% of the above minimum floor area as aforementioned shall not be included. No multiple-family dwelling unit shall have efficiency and 1-bedroom dwelling units in excess of 20% of the total number of dwelling units in the building.

(E) Each single-family residential dwelling, including individual townhomes and duplex units, shall have at a minimum a 528 square foot garage.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 719, passed --)

§ 153.105 USABLE ATTIC SPACE.

Attic space shall not be occupied or actively utilized. Under the provisions of this chapter, the space shall not constitute a story and shall not be included in space calculations for parking.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.106 CODE COMPLIANCE.

All principal buildings shall meet or exceed the minimum standards of the:

(A) Minnesota Building Code, except that manufactured homes shall meet or exceed the requirements of the State of Minnesota Manufactured Home Building Code in lieu of the Minnesota State Building Code;

(B) Minnesota State Fire Code;

(C) Minnesota Department of Health;

(D) Minnesota Pollution Control Agency; and

(E) Washington County subsurface sewage treatment system regulations.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.107 BUILDABLE LOT AREA, NET.

(A) Lots not served by public sanitary sewer. All new parcels created which are not served by public sanitary sewer must have at least 1 contiguous acre of accessible buildable land.

(B) Lots served by public sewer. All new lots created which are served by public sewer must contain at least 3,400 square feet of buildable area.

(C) Lots within the Shoreland District. Properties situated within the Shoreland District are also subject to the requirements of the Shoreland Overlay District.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.108 NUMBER OF STRUCTURES.

Except in Planned Unit Developments (PUDs), there shall be no more than 1 principal structure on any 1 parcel of land.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.109 PROHIBITED DWELLING UNITS.

No cellar, garage, recreational vehicle or trailer, houseboat, basement with unfinished exterior above, or accessory building shall be used at any time as a dwelling unit. Permitted accessory dwellings are not accessory buildings.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 719, passed --)

§ 153.110 OCCUPANCY OF SINGLE-FAMILY DWELLING.

No more than 6 persons not related by blood, marriage, or adoption can reside in a single-family residential dwelling.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.111 TRAFFIC CONTROL.

The traffic generated by any use shall be controlled so as to prevent congestion of the public streets, traffic hazards, and excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be regulated so as to ensure its safe and orderly flow. Traffic into and out of all uses, except single-family and townhouse areas, shall be forward moving with no backing into public streets.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.112 PRIVATE ROADS.

Private roads are not allowed in any new subdivisions created after the effective date of this chapter. Existing lots of record on private roads will be subject to the same standards as public roads unless regulated by an approved Planned Unit Development.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.113 MAXIMUM HEIGHT.

No structure shall exceed the maximum height permitted for the zoning district in which it is located, or as otherwise determined by this chapter, except that church spires, chimneys, agriculture silos, flagpoles and similar structures as determined by the city may have a height of up to 45 feet.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.114 SETBACKS ALONG UNCLASSIFIED WATER BODIES.

All lots having frontage on or containing an unclassified water body as defined in the provisions of the Shoreland Overlay District shall be subject to the setback regulations for unclassified water bodies as established in the Shoreland Overlay District, unless regulated by Watershed District adopted rules.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.115 INCLUSIONARY HOUSING REQUIREMENTS.

(A) Purpose. The purpose of this section is to encourage the development of affordable housing within Forest Lake. The Metropolitan Council has identified a need for housing that is affordable for many working households in the region. Forest Lake is responding to this need by offering incentives to encourage a continued availability of a diverse supply of housing opportunities for low to moderate income households.

(B) Applicability. For all affordable 50-80% of area median income for Washington County adjusted by family size appropriate for the dwelling unit. Housing costs include rent and utilities. Affordable monthly rental shall be considered to be an amount not exceeding 30% of adjusted area median family income.

(C) Definitions.

(1) Affordable rental housing. Where the rent plus utilities for the dwelling unit does not exceed 30% of the allowed individual household income.

(2) Area medium income (AMI). The median income of the greater metropolitan area to which Forest Lake belongs, as is established and updated annually by the United States Department of Housing and Urban Development.

(3) Density bonus. Those additional units that will be allowed to be built if the density bonus is granted.

(4) Rental dwelling. Any dwelling unit intended to be leased.

(D) Incentives.

(1) Developers providing affordable housing units may qualify for the following incentives and zoning code modifications listed below. Approval of requested incentives and modifications shall be made by the City Council. The city, in determining the reasonableness of the incentives

and modifications to be considered, shall recognize that it may be benefitted not only on the inclusion of affordable housing but overall quality of design, increase in efficiency in public facilities, location and amount of proposed common space and location, design and type of dwelling units.

(a) Density bonus. A developer may qualify for up to 15% increase in the otherwise allowable density for a property as determined by the Comprehensive Plan designation of the property may be allowed. The density bonus must be calculated by determining the largest number of units that may be built on the property, then multiplying the result by 1.15 and rounding up any fractions.

(b) Eligible projects may qualify for reduced setbacks, reduced lot width, reduced lot size requirements and reduced parking requirements from the underlying zone requirements throughout the development.

(c) The city may consider reduced street width requirements throughout the development provided health and safety provisions are met.

(d) At the request of the developer, the city may issue a reimbursement for fees and/or charges related to the development and construction of the affordable housing units, including but not limited to the following:

1. Planning and zoning fees. The city may issue a reimbursement to the developer for up to 20% of the zoning and subdivision fees for any affordable housing development.

2. Building permit fees. The city may issue a reduction or reimbursement to the builder for up to 20% of the building permit fee for any structure meeting the definition of an affordable housing unit. For multi-family housing developments, the building permit reimbursement may be available for any individual structure meeting the definition of an affordable housing unit.

3. Sewer and water availability charges. The city may issue a reimbursement to the builder for up to the amount of 20% of the sewer core charge and water availability charge (WAC) for any structure meeting the definition of an affordable housing unit.

4. Parkland dedication fees. The city may issue a reimbursement to the developer for up to 20% of a cash payment in lieu of park and open space dedication, if any, for each affordable housing unit constructed within an affordable housing development. A reimbursement will not be provided for land dedication.

(2) Other incentives may be negotiated or offered by the City Council through the affordable housing plan review process.

(Ord. 596, passed 2-8-2010; Am. Ord. 635, passed 3-24-2014)

OFF-STREET PARKING AND LOADING REGULATIONS

§ 153.116 PURPOSE.

This section is intended 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 and loading and unloading of motor vehicles in accordance with use of various parcels of land and/or structures.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.117 SCOPE OF REGULATIONS.

The off-street parking requirements of this chapter shall apply within all zoning districts for uses and structures, except as hereinafter provided.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.118 GENERAL PROVISIONS.

The following provisions apply in all districts:

(A) Maintaining existing spaces. Upon effective date of this chapter, existing off-street parking spaces and loading spaces shall not be reduced in number unless the number exceeds requirements set forth herein for a similar use.

(B) Damaged or destroyed buildings. Buildings, structures, or uses in existence upon the effective date of this chapter that are subsequently damaged or destroyed by fire or other cause may be re-established in compliance with §§ 153.050 et seq., except that in doing so any off-street parking or loading which existed must be retained. If the building, structure, or use is altered by changing the use, floor area, seating capacity, or other facilities which would affect the requirement for parking or loading spaces, the number of spaces may be reduced if excess spaces are available or the number of spaces shall be enlarged if additional spaces are required.

(C) Prohibited uses in required parking areas. Required off-street parking space in any district shall not be used for open storage of goods. Temporary/seasonal sales areas are allowed in off-street parking areas of 20 spaces, but not more than 5% of the total parking spaces (see § 153.092).

(D) Accessible parking. All parking shall comply with the accessibility requirements of the Minnesota State Building Code.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.119 DESIGN, CONSTRUCTION, AND MAINTENANCE.

(A) Design. All parking lots, spaces, driving aisles, and circulation patterns shall be designed in conformance with the minimal dimensional requirements and layout configurations in § 153.126.

(B) Location of parking spaces. All required off-street parking spaces in all districts shall be on the same lot as the principal building, unless allowed through the issuance of a conditional use permit (CUP).

(C) Queuing of vehicles. Parking and circulation shall be designed to avoid the queuing of vehicles within the public right-of-way. Gates or other access limiting devices shall not be installed until the city finds that the devices will have no adverse impact on the public right-of-way.

(D) Circulation design. Parking areas shall be so designed that circulation between parking bays or aisles occurs within the designated parking lot. Parking area design that requires backing into the public street is prohibited.

(E) Access to parking spaces. All off-street parking spaces shall have access from private driveways or parking lot aisles and shall not depend on a public street for access to parking spaces or for circulation within the parking lot. Backing onto a public street from a parking space, other than for parallel parking spaces on the street, is prohibited. This requirement applies to parking for all uses except single and two-family dwellings and townhouses where parking is accessed by individual driveways. The width of the driveways and aisles shall conform to the minimal dimensional requirements as regulated in § 153.126 and shall be so located as to cause the least interference with traffic movement.

(F) Fire access lanes. Fire access lanes shall be provided as required by the Building and Fire Codes.

(G) Lighting. Any lighting used to illuminate an off-street parking area shall be in accordance with §§ 153.130 et seq.

(H) Curbing. All open off-street parking areas designed to have head-in parking along the property line shall provide a curb not less than 5 feet from the property line. The curbing requirement applies to parking in all uses except private single and two-family dwellings and townhomes unless requested by the City Engineer for drainage purposes.

(I) Landscaping. Landscaping design requirements and maintenance shall comply with §§ 153.134 et seq.

(J) Non-residential surface and drainage. Off-street parking areas and driveways in commercial districts, industrial districts, mixed use districts and non-residential uses in residential districts shall be improved with a durable and dustless surface such as concrete or bituminous. The city may consider the use of permeable pavers, pervious asphalt, or other surface technology to improve storm water management as part of an overall system.

(K) All surfacing for driveways in SF, MXR-1, MXR-2, MXR-3, and MF Districts furnishing access to a dwelling unit or garage and all parking areas shall be surfaced with concrete or

bituminous material so as to be dust free. Off-street parking areas and driveways in C, AP, A and RR Districts may be surfaced with a crushed rock material or other approved material. All surfacing must be completed prior to occupancy of the structure unless other arrangements have been made with the city. Parking lots and adjoining areas shall be graded and drained to dispose of all surface water accumulation within the parking area. Plans for surfacing and drainage shall be subject to approval of the City Engineer.

(L) Marking of spaces. To assure full parking capacity as designed, except in single-family, two-family, and townhouse development, spaces shall be marked with painted lines 4 inches wide in accordance with the approved site plan. Accessible parking spaces shall be marked with a symbol that is in accordance with the adopted Building Codes.

(M) Signs. No signs shall be located in any parking area except as necessary for orderly operation of traffic movement.

(N) Screening. Screening of parking lots and driveways into parking lots shall be required as specified in § 153.128.

(O) Maintenance of off-street parking spaces. It shall be the joint responsibility of the operator and owner of the principal use, uses, and/or building to maintain, in a neat and adequate manner, the parking spaces, drive aisles, landscaping, screening, and fences.

(P) Approval of parking plans. Except for single-family and two-family dwellings, before any construction occurs on any new, enlarged, reduced, reconfigured, or altered parking lot, plans for the parking lots shall require review and approval by the city through the site plan approval process. When the parking lot is in conjunction with an application for a new structure, expansion of an existing structure, or expansion of a use of land, parking lot plans shall be a part of the site plan review and approval process as specified in § 153.038. The parking lot plans shall be shown on a site plan drawn to scale and shall include: a layout of spaces, accessible spaces, drive aisles and access drives with dimensions; construction materials; grading and drainage; screening; landscaping; signage; lighting; and a tabulation of the number of spaces required relative to square footages of specific uses on the site and the number of spaces provided.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.120 PARKING PROVISIONS IN RESIDENTIAL DISTRICTS.

The following provisions shall apply to parking in all residential districts unless otherwise stated.

(A) Location of parking spaces and driveway aisles.

(1) Same lot as principal building. Required off-street parking space in all residential districts shall be on the same lot as the principal building, and multiple-family dwellings shall have their required parking within 200 feet of the main entrance to the principal building being served.

(2) Parking setbacks.

(a) Front yard. Off-street parking shall not be located in required front yards unless located on a designated driveway leading directly into a garage or 1 surfaced space located on the side of a driveway adjacent to the dwelling meeting the required driveway setback. The extra space shall be surfaced as required in § 153.119(J).

(b) Corner lots. Off-street parking shall not be located in required side yards abutting a street on a corner lot.

(c) Side or rear yards. Off-street parking and driveways shall not be located within 5 feet of any side or rear lot line and cannot impede drainage. Off-street parking and driveways, if placed in an easement, must be approved in writing by the holder of the easement.

(B) Use of parking facilities. Off-street parking shall be used solely for the parking of vehicles not to exceed 1 ton carrying capacity. (See § 153.190 for additional requirements.)

(C) Screening of parking facilities.

(1) All parking and driveways to parking areas for multiple-family dwellings shall be screened, as required in §§ 153.119 et seq., from all adjacent property.

(2) All parking and driveways to parking areas for non-residential uses in residential districts shall be screened, as required in § 153.119, from all adjacent property.

(D) Parking related to affordable housing. The city shall allow through the development process flexibility to all its parking standards for residential developments that meet the goals and policies of the Comprehensive Plan to achieve affordable housing.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.121 PARKING PROVISIONS IN BUSINESS DISTRICTS.

The following provisions shall apply in all business districts.

(A) Same lot as principal building. Required off-street parking spaces in all business districts shall be on the same lot as the principal building.

(B) Parking setbacks.

(1) Front: 10 feet;

(2) Side: 5 feet;

(3) Rear: 5 feet.

(C) Exemptions. Commercial uses located east of Centennial Drive, south of 2nd Avenue NE, and north of 2nd Avenue SE, are exempt from the off-street parking requirements of this chapter. Uses with requirements for substantial parking, e.g., theaters and restaurants, are encouraged to provide off-street parking for their patrons.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.122 PARKING PROVISIONS IN INDUSTRIAL DISTRICTS.

The following provisions shall apply in all industrial districts.

(A) Same lot as principal building. Required off-street parking space in all industrial districts shall be on the same lot as the principal building.

(B) Parking setbacks.

- (1) Front: 10 feet;
- (2) Side: 5 feet;
- (3) Rear: 5 feet.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.123 PARKING DESIGN REQUIREMENTS IN ALL BUSINESS, COMMERCIAL, MIXED USE, AND INDUSTRIAL DISTRICTS.

(A) Parking area design. To break up the appearance of large impervious areas, all parking lots in business, commercial, industrial and multiple-family residential zoning districts and non-residential uses in residential districts shall be subject to the following design standards.

(1) Parking lot islands shall be required at the beginning and end of each parking row to break up longer rows.

(2) Continuous landscaped medians shall be provided every 3 (or fewer) banks of parking. Medians shall have a landscaped area at least 9 feet in width. Type and quantity of landscaping shall comply with § 153.136.

(3) Parking spaces shall not be located between the front facade line of buildings and a street edge.

(4) Parking areas greater than 50,000 square feet shall be divided both visually and functionally into smaller parking courts.

(5) Parking spaces and rows shall be organized to provide consolidated soft landscaped areas and opportunity for on-site storm water management.

(6) Parking rows shall be limited to a maximum length of 22 spaces. Longer rows shall include landscaped breaks, such as islands, with shade trees.

(7) The total area calculated for landscaping within the parking lot is calculated as part of the overall landscape requirements of the site. In the event that a parking lot may not have adequate space for landscaping islands, the landscaped areas internal of the parking area and adjacent to the building may be counted towards the required landscaped percentages within a parking lot.

(B) Pedestrian circulation. All parking lots in business, commercial, mixed use, industrial, multiple-family and non-residential uses in residential zoning districts shall be subject to the following standards to provide a safe pedestrian environment:

(1) Parking areas shall include a direct and continuous pedestrian network within and adjacent to parking lots to connect building entrances, parking spaces, public sidewalks, transit stops, and other pedestrian destinations.

(2) At least 1 pedestrian route shall be provided between the main building entrance and the public sidewalk that is uninterrupted by surface parking and driveways.

(3) In larger parking lots or where parking lots serve more than 1 building or destination, designated pedestrian pathways for safe travel through the parking lot shall be provided.

(4) All pedestrian routes within a parking lot shall include a clear division from vehicular areas, with a change in grade, soft landscaping, or a change in surface materials.

(5) Where pedestrian routes cross street access driveways and other major drive aisles, crossings shall be clearly marked and sight distance for both pedestrian and vehicles shall be unobstructed.

(6) Parking area island landscape standards. All parking lot islands or medians in business, commercial, mixed use, industrial, multiple-family and non-residential uses in residential zoning districts shall be landscaped in accordance with § 153.134.

(C) Parking area storm water management design requirements.

(1) Rainwater and snowmelt shall be managed to encourage infiltration, evapotranspiration, and water re-uses to achieve water quality and quantity measures specified in the Surface Water Management Plan. Design practices for managing storm water may include, but are not limited to, the following practices:

(a) Permeable paving for parking spaces, drive aisles, overflow parking, snow storage areas, and other hard surfaces in the parking lot;

(b) Planting of trees, shrubs, and other absorbent landscaping throughout the parking lot to provide shade and places for water uptake;

(c) Creation of bio-retention areas, such as swales, vegetated islands, and overflow ponds;

(d) Inclusion catch basin restrictors and oil/grit separators as appropriate;

(e) Creation of opportunities to harvest rainwater from rooftops and other hard surfaces for landscape irrigation;

(2) Where installed, bio-retention areas shall be appropriately designed and located to filter, store, and/or convey the expected storm water flows from surrounding paved areas.

(3) The appropriate Watershed District shall have final review and permitting authority for all surface water management measures proposed.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.124 REQUIRED OFF-STREET PARKING SPACES AND GARAGES.

(A) General factors that determine the required number of parking spaces for specified uses. The number of parking spaces required is based on several primary factors:

- (1) For residential uses, the number of dwelling units;
- (2) For most office and business uses, the floor area in square feet of a specific use;
- (3) For some industrial and public service uses, the number of employees (usually on the major shift);
- (4) For service businesses (clinics, mortuaries, and the like), the number of offices, vehicles, or other operational unit;
- (5) For gathering places, the seating capacity;
- (6) For multiple function uses (including uses that may have more than 1 sub-use), the sum of the individual requirements.

(B) Calculation of parking requirements.

(1) Floor area. For the purpose of determining off-street parking requirements, the term “floor area” shall mean the sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines, basements, and attached accessory buildings, but exempting that area primarily devoted to window display, storage, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized for dead storage, heating and utility rooms, inside off-street parking, or loading space. Measurements shall be made from the inside of exterior walls.

(2) Multiple types of use in a single building, or in a complex of several buildings on a single site.

(a) In instances where more than 1 type of use occupies the same building or parcel, the total number of required spaces shall be based upon the parking requirements for each use. Parking needs will be based on existing and potential uses of the building.

(b) In cases where potential future uses will generate additional parking demand, the city may require proof of parking plan for the difference between the immediate and potential parking needs. In cases where potential users are unknown, parking shall be calculated using 80% of the gross floor area of the building.

(3) Bench seating. In stadiums, sports arenas, churches, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 18 inches of the seating facilities shall constitute 1 seat for the purpose of calculating required parking.

(4) Reduced parking requirement. The city recognizes reuse of sites and that the strict interpretation of the parking standards of this section may not be appropriate for each specific use or lot. Therefore, the City Council may approve alternative parking standards through the city review process provided the applicant can demonstrate, based upon documented parking

studies and site specific analysis, that a need exists to provide more or fewer parking stalls than the maximum or minimum parking standards or to deviate from pervious paving/paver system standards. Factors to be considered in such determination include (without limitation) national parking standards, parking standards for similar businesses or land uses, size of building, type of use, number of employees, expected volume and turnover of customer traffic, expected frequency and number of delivery or service vehicles, and appropriate soils and/or site conditions to support pervious paving/paver systems.

(5) Joint parking facilities.

(a) Off-street joint parking facilities. Off-street parking facilities for a combination of mixed buildings, structures, or uses may be provided collectively in any business, commercial, mixed use or industrial 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 and properties are contiguous to each other. The joint use of parking facilities shall be protected by a recorded covenant acceptable to the city.

(b) Joint parking facility reductions. The City Council may, after receiving a report and recommendation from the Planning Commission, approve a plan and or written agreement for 1 or more businesses that would allow the number of required spaces to be reduced if the following conditions are found to exist:

1. Entertainment uses. Up to 50% of the parking facilities required for a theater, bowling alley, or similar commercial recreational facility may be supplied by the off-street parking facilities provided by type of uses specified as primarily daytime uses in division (B)(5)(b)4 below.

2. Nighttime or Sunday uses. Up to 50% of the off-street parking facilities required for any use specified under division (B)(5)(b)4 below as primarily daytime uses may be supplied by the parking facilities provided by the following nighttime or Sunday uses: auditoriums incidental to public or parochial school, churches, bowling alleys, theaters, or apartments.

3. Schools, auditorium, and church uses. Up to 80% of the parking facilities required by this section for a church or an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses specified under division (B)(5)(b)4 below as primarily daytime uses.

4. Daytime uses. For the purpose of this section, the following uses are considered as primarily daytime uses: banks, business offices, retail stores, personal service shops, service shops, manufacturing, wholesale, and similar uses.

5. Additional criteria for joint parking. In addition to the preceding requirements, the following conditions are required for joint parking usage:

- a. Proximity. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of the parking facilities.

b. Conflict in hours. The applicant shall demonstrate in documented fashion that there is no substantial conflict in the principal operation hours of the 2 buildings or uses for which joint use of off-street parking facilities is proposed.

c. Written consent and agreement. A legally binding instrument, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to title of grantors or lessors, and form and manner of execution by the City Attorney, shall be filed with the city and recorded with the Washington County Recorder or Registrar of Titles, and a certified copy of the recorded document shall be filed with the city within 60 days after approval of the joint parking use by the city.

(6) Proof of parking.

(a) The city may permit parking banking of up to 25% of the required parking spaces through the site plan review process.

(b) Sufficient evidence shall be provided by the applicant that supports the reduced parking needs.

(c) The area proposed for banking of parking spaces shall be an area suitable for parking at a future time.

(d) Landscaping of the banked area shall be in full compliance of the zoning regulations and at a minimum landscaped with turf. As a result of the site plan review process, the city may require additional landscaping of the land-banked area.

(e) The parking banking area cannot be used for any other use without amendment of the site plan.

(f) As part of the site plan review process, the applicant shall show the area to be banked on the site plan and marked as "banked future parking."

(g) The city, based on increased parking demand for the use, shall require the conversion of all or part of the banked area to off-street parking spaces.

(7) Garage size. The minimum garage size for single and two-family dwellings attached or detached, shall be 528 square feet (22 feet by 24 feet) for each dwelling unit. Garages of a reduced size of 440 square feet will be permitted when a project meets an affordable housing goal of the Comprehensive Plan and provided that 1 off-street (driveway) space is also provided.

(8) Parking requirements for uses not specified herein. In the event this chapter does not specify the number of parking spaces for a specific use, the determination of required parking spaces shall be made using the following criteria:

(a) The number of parking spaces required for a use in terms of the parking demand anticipated to be generated;

(b) The square footage to be occupied by the proposed use;

(c) The number of employees and patrons that are anticipated for the proposed use.

(9) Fractional spaces. When the calculation of required number of spaces results in a fraction, each fraction of 1/2 or more shall constitute another space.

(10) Required minimum parking. The minimum number of parking spaces for each use shall be as follows:

(a) Residential. (Residential minimum parking requirements shall have flexibility through the development process if a project meets the goals and policies of the Comprehensive Plan to achieve affordable housing).

1. Single and two-family dwellings. Each dwelling unit shall include 2 enclosed spaces and 2 surfaced spaces.

2. Townhouses. Each dwelling unit shall include 2 enclosed spaces and 2 surfaced spaces, plus an additional 1/2 parking space per dwelling unit for visitors. Visitor parking may be consolidated in key areas of the townhouse development, or it may be located in driveways leading to garages, provided that the visitor parking space will not interfere with circulation.

3. Multiple-family dwellings. Two spaces per dwelling unit, 1 of which must be enclosed, plus an additional 1/2 parking space per every 5 dwelling units for visitors.

4. Senior housing. In connection with multiple dwelling units that restrict occupancy to senior citizens, the city may grant a variance reducing the parking requirement to a minimum of 1.25 spaces per dwelling unit, 1 of which must be enclosed for each 3 dwelling units. In connection with the variance, the city will require that the landowner, for him or herself, his or her successors and assignees, agree to expand available parking to the full amount required by this section if the occupancy is not restricted to senior citizens. Adequate land area shall be designated and set aside for future expansion of the parking to the full amount required by this section, if needed. For the purpose of this section, senior citizens are defined as persons 55 years of age or older.

5. Manufactured home park. Two parking spaces per unit plus 1/2 parking space for visitors. Visitor parking may be consolidated in key locations of the manufactured home park development.

(b) Bed and breakfast establishments. Two spaces for the principal dwelling unit plus 1 space for each rental unit.

(c) Residential facilities. One space for each bed, plus 1 space for each 3 employees at maximum shift other than doctors.

(d) Hotel, motel. One space for each rental unit plus 1 space for each employee at maximum shift, plus 1 space per 3 persons to the maximum occupancy load of each public meeting and/or banquet room plus 50% of the spaces otherwise required for accessory uses (e.g. restaurants and bars).

(e) Nursing home, sanitarium, convalescent, rest home, or institution. One space for each 6 beds for which accommodations are offered, plus 1 space for each 2 employees at maximum shift.

(f) Schools, elementary and junior high. Three spaces for each classroom.

(g) Schools, high school through college. One space for each 4 students based on design capacity, plus 3 additional spaces for each classroom.

(h) Place of worship and other places of assembly. One space for each 3 seats.

(i) Theatre. One space per 4 patrons at the maximum occupancy load of the facility, plus 1 space per employee on the largest work shift.

(j) Hospital. One space for each 3 hospital beds, plus 1 space for each 4 employees other than doctors at maximum shift, plus 1 parking space for each resident and regular staff doctor. Bassinets shall not be counted as beds.

(k) Medical or dental clinic. Six spaces per staff doctor or dentist.

(l) Health club. One space for each 200 square feet of floor area.

(m) Bowling alley. Six parking spaces for each alley, plus additional spaces as may be required for related uses such as restaurant/bar.

(n) Vehicle related retail/service. Two spaces plus 3 spaces for each service stall, plus 1 space for each 250 square feet of building used for the sale of goods and services, plus adequate stacking and maneuvering space for pump island areas.

(o) Restaurant, cafe, bar, tavern, night club. One space for each 2.5 seats based on design capacity and 1 space per employee based on largest working shift or as determined by the business plan and approved by the city.

(p) Restaurant, drive-in or take out. One space for each 15 square feet of floor area allocated to patron service and counter area, plus 1 space for every 2.5 seats based on design capacity.

(q) Retail stores. Five spaces for each 1,000 square feet of floor area.

(r) Office. One space for each 200 square feet of floor area.

(s) Funeral homes. Eight spaces for each chapel or parlor, plus 1 space for each funeral vehicle maintained on the premises. Aisle space shall also be provided off the street for making up a funeral procession.

(t) Furniture store, wholesale, auto sales, repair shops. Three spaces for each 1,000 square feet of floor area. Open sales lots shall provide 2 spaces for each 5,000 square feet of lot area, but not less than 3 spaces.

(u) Industrial, warehouse, storage, handling of bulk goods. One space for each employee on maximum shift or 1 space for each 2,000 square feet of floor area, whichever is greater.

(v) Shopping centers. Five spaces for every 1,000 square feet of floor area.

(w) Marinas. One and 1/2 spaces per slip plus 1 space per employee and a minimum of 20 12-by-25 foot trailer stalls.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010)

§ 153.125 OFF-STREET LOADING AND UNLOADING AREAS.

(A) Required loading berths. In connection with any structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by vehicles, there shall be provided adequate space for loading and unloading all vehicles used incidental to the operation of the use as determined by the city. The size of the berths will depend upon the size of the vehicles to be used. Upon receiving an application for a particular use for a parcel or building which is not adequately provided with loading and unloading facilities, and which, in the opinion of the city, is to receive or distribute goods or services which will necessitate the use of trucking to the extent that special consideration should be given to the request, it shall be referred to the Planning Commission for study and the City Council for determination.

(B) 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 25 feet from the intersection of 2 street rights-of-way, nor less than 50 feet from a residential district unless within a building. Loading berths shall not be located in a required front yard.

(C) Access. Each required loading berth shall be located with the appropriate means of vehicular access to a street or public alley in a manner that will least interfere with traffic.

(D) Surfacing. All loading berths and access ways shall be improved with a durable material to control the dust and drainage according to a plan approved by the City Engineer.

(E) Other uses not allowed. Any space allocated as a loading berth or access drive as required by this chapter shall not be used for the storage of goods, inoperable vehicles or be included as part of the space requirements necessary to meet the off-street parking area.

(F) Screening. Screening of loading areas, waste storage areas, and parking from pedestrian activity shall be required as provided in §§ 153.128 et seq.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.126 MINIMUM PARKING SPACE AND AISLE DIMENSIONS.

(A) Table. The parking dimensions for parking stalls, parking lots, and parking drive aisles shall meet the following:

Angle of Parking	Stall Width	Stall Length	Curb Length Per Car	Stall Depth	Aisle Width One-Way	Aisle Width Two-Way
0 degrees (parallel)	9'	20'	23'	9'	12'	24'
30 degrees	9'	20'	18'	17' 4"	12'	24'
45 degrees	9'	20'	12' 9"	19' 10"	13'	24'
60 degrees	9'	20'	10' 5"	21'	18'	24'

90 degrees (perpendicular)	9'	20'	9'	20'	24'	24'
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(B) Parking stall length reduction. Parking stall length may be reduced to 18 feet if sufficient room is provided beyond the parking stall for automobile overhang. The overhangs shall not detrimentally impact or interfere with adjacent landscaping or pedestrian movement and shall be free from surrounding obstructions.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

EXTERIOR STORAGE IN RESIDENTIAL DISTRICTS; SCREENING AND FENCE REGULATIONS

§ 153.127 EXTERIOR STORAGE IN RESIDENTIAL DISTRICTS.

(A) All material and equipment related to and located on agricultural and residential property shall be stored within a building or fully screened, as required herein, so as not to be visible from streets, highways, or neighboring property except for the following:

- (1) Construction and landscaping materials and equipment currently being used on the premises;
- (2) Recreational, play, and laundry equipment, if these are used on the premises;
- (3) Off-street parking of licensed and operable passenger automobiles and pickup trucks. See § 153.190 for further requirements;
- (4) Motorized or non-motorized recreational vehicles. See § 153.190 for further requirements;
- (5) Agricultural equipment and materials in agricultural zoning districts;
- (6) Firewood piles that are neatly stacked and free from vermin shall be stored in the rear and side yards only. In the case of corner lots, both yards abutting a public right-of-way are considered a front yard.

(B) All parking and driveways to parking areas of multiple-family dwellings shall be screened, as required herein, from adjacent property. See §§ 153.125 et seq. for further requirements.

(C) All parking and driveways to parking areas for non-residential uses in residential districts shall be screened, as required herein, from adjacent property. See §§ 153.125 et seq. for further requirements.

(D) All multi-family structures shall be subject to the building design requirements in § 153.073

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.128 SCREENING.

(A) Types of screening materials. Screening required in this chapter shall consist of: earth mounds, berms, or ground forms; fences and walls; or landscaping (plant materials) or landscaped fixtures (such as timbers), used in combination or singularly, so as to block direct visual access to an object from adjoining properties and public streets throughout the year.

(B) Placement, height, and traffic visibility. The screening required in this chapter shall not be less than 6 feet in height. All screening shall be approved by the city. On a corner lot, no screening or landscaping shall be placed in such a manner so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any driveway or street right-of-way. Visibility shall be unobstructed between a height of 3 feet and 10 feet above the center line grades of the intersecting driveways and/or streets, within a triangular area described as follows: beginning at the intersection of the edge of an intersecting driveway and/or curb line of an intersecting street right-of-way, thence to a point 30 feet along the edge of the intersecting driveway or curb line, thence diagonally to a point 30 feet from the point of beginning on the curb line of the intersecting street right-of-way.

(C) Responsibility for screening. The owner or occupant of the premises containing the use or features to be screened shall provide the required screening.

(D) Approval for screening. Plans for screening shall be approved in the site plan review process.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.129 FENCE REGULATIONS.

(A) General. All fences in any district shall conform to the following regulations. In the case where a fence is located in the Shoreland Overlay District, refer to § 153.089 for further regulations.

(1) Fences within all districts shall require a certificate of compliance.

(2) Barbed wire or electrical fences shall be prohibited, except when located in an agriculture zone to confine livestock or protect crops.

(3) Alternative forms of fencing in commercial areas may be allowed upon approval by the city when safety or security is an issue.

(B) Residential fence material requirements.

(1) Fences shall only be constructed of the following materials:

- (a) Treated wood, cedar, or redwood;
- (b) Simulated wood;
- (c) Decorative brick or stone;

- (d) Wrought iron or aluminum designed to simulate wrought-iron;
- (e) Coated or non-coated chain link;
- (f) Split rail;
- (g) Other materials or fence types as approved by the city.

(C) Height.

(1) Fence height measurement. Fence height is measured from the fence owner's yard grade to the top of the fence.

(2) Fences greater than 6 feet in height. Fences greater than 6 feet in height require a building permit and must conform to all the setback and yard regulations in the same manner as building walls, unless located in a commercial or industrial district and approved by a conditional use permit.

(3) Fences 5 to 6 feet in height. Fences 5 to 6 feet in height may be placed anywhere on a lot but not in a required front yard.

(4) Fences 4 feet in height and less. Fences 4 feet in height and less may be placed anywhere on a lot, provided they comply with traffic visibility requirements set forth herein.

(D) Fences around swimming pools. All swimming pools 24 inches or greater in depth shall be fenced with a chain link or other type of impenetrable barrier fence at least 4 feet in height and if equipped with a self-locking gate, it must be self-closing and self-locking unless otherwise stated in the Building Code.

(E) Placement of fences along property lines.

(1) Where a property line is not clearly defined, a certificate of survey shall be required to establish the location of the property line.

(2) Fences may be placed along a property line, provided no physical damage of any kind results to abutting property.

(3) Fences on or within 3 feet of the property line shall give consideration as to the maintenance of the fence and yard.

(4) Fences shall not restrict drainage. Solid wall style fences shall be placed a minimum of 4 inches above finish grade to not impede site drainage. A solid wall style fence may exceed its allowable height by 4 inches to facilitate drainage.

(5) The finished side of fences shall face abutting property.

(6) No fence shall be constructed on public rights-of-way.

(F) Fence maintenance. Every fence shall be constructed in a high quality manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not by reason of age, decay, accident, or otherwise be allowed to become and remain in a state of disrepair so as

to be or tend to be a nuisance to the injury of the public or any abutting property. Any fence that is dangerous by reason of its construction or state of disrepair or is otherwise injurious to the public safety, health, or welfare is a nuisance; any such fence that has become or tends to be a nuisance shall be repaired or removed as necessary to abate the nuisance caused.

(G) Traffic visibility. On a corner lot, no fence or landscaping shall be placed in such a manner so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any driveway or street right-of-way. Visibility shall be unobstructed between a height of 3 and 10 feet above the center line grades of the intersecting driveways and/or streets within a triangular area described as follows: beginning at the intersection of the edge, an intersecting driveway, and/or curb line of an intersecting street right-of-way, thence to a point 30 feet along the edge of the intersecting driveway or curb line, thence diagonally to a point 30 feet from the point of beginning on the curb line of the intersecting street right-of-way.

(H) Hedges or plantings. In all residential districts, hedges or plantings used as fences for screening or privacy shall be allowed without height restrictions if the hedges or plantings comply with traffic visibility requirements.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010)

LIGHTING REGULATIONS

§ 153.130 LIGHTING REGULATIONS.

(A) Purpose. The purpose of this section is to create standards for outdoor lighting so that it does not interfere with the reasonable use and enjoyment of property within the city and with astronomical observations. It is the intent of this chapter to encourage, through regulation of types, kind, construction, installations, and use of outdoor electrically powered illuminating devices, lighting practices and systems which will reduce light pollution while increasing nighttime safety, utility, security, and productivity.

(B) Exemptions. The standards of this section shall not apply to the following.

(1) Temporary holiday lighting. This chapter does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.

(2) Civic event lighting. This chapter does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions.

(3) Airport lighting. Required for the safe operation of airplanes.

(4) Emergency lighting. By police, fire, and rescue authorities.

(C) Nonconforming uses.

(1) All outdoor lighting fixtures lawfully existing and legally installed prior to the effective date of this section are exempt from the regulations contained in this section.

(2) Whenever an outdoor light fixture that was existing on the effective date of this chapter is replaced by a new outdoor light fixture, the new fixture must meet the standards of this chapter.

(D) Method of measuring light intensity. The footcandle level of a light source shall be taken after dark with the light meter held 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 difference between the 2 readings will be identified as the illumination intensity.

(E) Performance standards.

(1) Residential/agricultural district standards. In all residential/agriculture districts any lighting used to illuminate an off-street parking area or other structure or area shall be arranged to deflect light away from any adjoining residential property or from the public street.

(a) Shielding. The light source shall be hooded or controlled so as not to light adjacent property more than the maximum intensity as defined below in division (E)(2) below. Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way.

(b) Intensity. No light source or combination thereof which cast light on a public street shall exceed 1 footcandle meter reading as measured from the centerline of the street, nor shall any light source or combination thereof which casts light on adjacent property exceed 0.4 footcandles as measured at the property line.

(2) Business, commercial, mixed use, industrial districts and non-residential uses in residential districts. Any lighting used to illuminate an off-street parking area or other structure or area shall be arranged to deflect light away from any adjoining property or from the public street.

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

(b) Intensity. No light source or combination thereof which cast light on a public street shall exceed 1 footcandle meter reading as measured from the centerline of the street, nor shall any light source or combination thereof which cast light on adjacent property exceed 0.4 footcandles as measured at the property line.

(c) Height. The maximum height above the ground grade permitted for light sources mounted on a pole is 25 feet except by conditional use permit (CUP). A light source mounted on a building shall not exceed the height of the building, and no light sources shall be located on the roof unless the light enhances the architectural features of the building and is approved by the Zoning Administrator.

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

(e) Hours. The use of outdoor lighting for parking lots serving commercial and industrial businesses is restricted according to the following. Outdoor lighting that serves businesses that do not operate after dark must be turned off 1 hour after closing except for approved security lighting. For those businesses that offer services after dark, outdoor lighting may be utilized

during the nighttime hours, provided the business is open for service. Once the business closes, the outdoor lighting must be turned off 1 hour after closing except for security lighting.

(f) Symbols, statues, sculptures, and integrated architectural features on buildings in business, mixed use, industrial, or non-residential uses in residential zoning districts may be illuminated by floodlights, provided the direct source of light is not visible from the public right-of-way or the adjacent residential district.

(g) Light sources, either pole mounted or wall mounted, located in the front or side yards, or other areas visible from public street, shall be a decorative design that blends with the architectural design of the building.

(h) Energy requirement. All new light fixtures must use LED technology unless otherwise approved by the City Council.

(3) Outdoor recreation. Outdoor recreational uses, such as, but not limited to, baseball fields, football fields, tennis courts, and snow skiing areas have special requirements for nighttime lighting as follows.

(a) No outdoor recreation facility, whether public or private, shall be illuminated after 11:00 p.m. unless the lighting fixtures conform to this chapter.

(b) Off-street parking areas for outdoor recreation uses which are illuminated shall meet the requirements stated in division (B)(2).

(F) Prohibitions. The following outdoor light fixtures are prohibited within the city:

(1) Search lights;

(2) Flashing lights.

(G) Submission of plans. The applicant for any permit requiring outdoor lighting must submit evidence that the proposed outdoor lighting will comply with this chapter. The submission shall contain the following in addition to other required data for the specific permit:

(1) Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;

(2) Descriptions of illuminating devices, fixtures, lamps, supports, reflectors, and other devices which may include, but are not limited to, catalog cuts by manufacturers and drawings (including sections where required);

(3) Photometric data, such as that furnished by manufacturers, or similar, showing the angle of the cutoff or light emissions.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

DETACHED ACCESSORY STRUCTURE REGULATIONS

§ 153.131 DETACHED ACCESSORY STRUCTURES IN C, A, RR, SF, MXR-1, MXR-2, MXR-3, MU-1, MU-2, AND BP DISTRICTS.

Garages, storage buildings or sheds, and children's playhouses are examples of accessory structures and shall meet the following requirements.

(A) Required permits. A building permit is required for all accessory structures except agricultural buildings on a commercial farm, as defined in M.S. § 273.13, Subd. 23, as it may be amended from time to time, and accessory structures less than 120 square feet. A certificate of compliance is required for all agricultural buildings.

(B) Time of construction. No accessory structure shall be constructed on a lot prior to construction of the principal structure unless the property is a commercial farm property containing 40 acres or more, or unless the accessory structure is permitted as a conditional use on an adjacent non-riparian lot located within 100 feet of a riparian lot under common ownership which contains a principal structure. An agricultural building must be related to a commercial farming operation on the parcel that the building is located unless approved by a conditional use permit (CUP).

(C) Location.

(1) Detached accessory structures shall have a minimum building separation of 6 feet from the principal structure.

(2) See the zoning district setback requirements.

(3) Accessory structures located on through lots may be located between the rear of the principal structure and the public right-of-way.

(4) Accessory structures may be placed between the principal structure and the public right-of-way on lakeshore lots meeting all required setbacks and lot coverage.

(5) Accessory structures shall not be placed between the principal structure and the lakeshore, except 1 structure no larger than 120 square feet meeting all the required setbacks for the applicable district shall be permitted.

(6) Accessory structures shall be limited in height to the standards for detached accessory standards in the applicable zoning district.

(D) Size. Exempting the floor area of a permitted accessory dwelling, the maximum allowable total or accumulated floor area of all detached accessory structures on a lot shall be as follows:

(1) Lots less than 2.5 acres: 1,500 square feet;

(2) Lots 2.5 acres to 5 acres: 2,500 square feet;

(3) Lots greater than 5 acres to 10 acres: 3,000 square feet;

(4) Lots greater than 10 acres to 20 acres: 3,500 square feet;

(5) Lots greater than 20 acres: no limit;

(6) The square footage of above grade or below grade swimming pools and 1 storage shed of not more than 120 square feet shall not be included in the calculation of maximum allowable area of accessory structures;

(7) No land shall be subdivided so as to have a larger accessory structure total or accumulated floor area than permitted by this chapter.

(E) Number. Not including a single, permitted accessory dwelling the maximum number of accessory structures is as follows:

(1) On parcels of 2.5 acres or less, 1 accessory structure is allowed with 1 additional single story storage shed of 120 square feet or less;

(2) On parcels greater than 2.5 acres to 20 acres, a maximum of 2 accessory structures are allowed with 1 additional single story storage shed of 120 square feet or less;

(3) On parcels greater than 20 acres, there is no limit on the number of accessory structures, provided they are agricultural buildings;

(4) No land shall be subdivided so as to exceed the total number of structures permitted by this chapter.

(F) Height. Accessory structures shall be limited to the permitted building height for accessory structures in the respective zoning district. The height of accessory structures permitted pursuant to §§ 153.083(H), 153.084(Q), and 153.085(R) shall not exceed 1 story.

(G) Use of accessory structures. In agricultural or residential districts, accessory structures are to be used for personal use or agricultural use only, and no commercial use or commercial related storage is allowed except that home occupations are permitted in an accessory structure as provided in § 153.092(L).

(H) Accessory structures for domestic farm animals. All domestic farm animal structures, feedlots, and manure storage sites must meet the requirements of this section and § 153.092(P).

(I) Fish houses. No more than 1 fish house shall be permitted on a residential lot.

(J) Temporary pole and canvas like storage structures may be used to cover and protect recreational equipment from the elements between Halloween and April 15th. No more than 1 shall be permitted on any residential property at any one time. Structures shall not exceed 200 square feet and meet all accessory structure requirements. These types of structures are not permitted for year round storage or use and must be removed from residential properties during the time period of April 15th through Halloween and stored in a permanent structure. The city shall have the authority to require the removal of this type of structure if it causes a nuisance, is viewed as excessive use of the parcel it is located on or is being used for something other than recreational equipment storage during the allowable time period.

(K) Residential yard accessories and/or equipment. Recreation equipment such as play apparatus, swing sets and slides, sandboxes, poles for nets, tree houses, above or in-ground swimming pools, hot tubs, playhouses exceeding 25 square feet in floor area, sheds utilized for storage of equipment, landscape water features and man-made ponds/streams and detached arbors or trellises, shall be subject to accessory structure setbacks.

(L) A detached elevated walkway or deck surrounding a pool or hot tub must meet the setback requirements for an accessory structure of the applicable zoning district. Pool or hot tub decks are not subject to the 10 foot encroachment applicable to other decks into the required rear yard.

(M) Exterior design and color of accessory structures.

(1) The exterior design and color of the accessory structure shall be compatible with the exterior design and color of the principal building except in AP, C, A, and RR Zoning Districts.

(2) In the RR Zoning District, pole-type accessory structures shall be allowed to the rear of the principal building. The exterior design and color of accessory structures located between the road and the principal building shall be compatible with the exterior design and color of the principal building.

(3) Pole-type accessory structures shall be allowed in AP, C, and A Zoning Districts. The color of an accessory structure located between the road and the principal building must be compatible with the color of the principal building.

(N) Exterior walls and the like. Every exterior wall, foundation, and roof of any accessory structure or structure shall be reasonably watertight, weather tight, and rodent proof and shall be kept in a good state of maintenance and repair. Exterior walls shall be maintained free from extensive dilapidation due to cracks, tears, or breaks of deteriorated plaster, stucco, brick, wood, and other material.

(O) Exterior wood surfaces. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and from decay by painting or other protective covering or treatment. A protective surface of an accessory structure or structure shall be deemed to be out of repair if more than 25% of the exterior surface area is unpainted or paint blistered and shall be painted. If 25% or more of the exterior surface of the pointing of any brick, block, or stone wall is loose or has fallen out, the surface shall be repaired.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 669, passed 12-4-2017; Am. Ord. 670, passed 12-4-2017; Am. Ord. 719, passed --)

§ 153.132 ACCESSORY STRUCTURES IN MULTIPLE-FAMILY DEVELOPMENTS.

(A) A building permit is required for any accessory structure over 120 square feet. Required trash enclosure service structures shall not be considered an accessory structure.

(B) Detached garages shall have front yard setbacks of not less than that required for principal structures and side and rear yards of not less than 10 feet. Access to detached garages shall be from the interior of the site.

(C) The location, access, materials, color, screening, and related landscaping of multiple-family detached accessory structures shall be reviewed and approved as proposed or with changes in the site plan review or Planned Unit Development (PUD) review process.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.133 ACCESSORY STRUCTURES IN BUSINESS AND INDUSTRIAL DISTRICTS.

(A) Building permit. A building permit is required for any accessory structure over 120 square feet. Required trash enclosure service structures shall not be considered an accessory structure.

(B) Number of structures. One accessory structure (in addition to the required trash enclosure service structures) is allowed on a parcel in the B-2, B-3, and I Zoning Districts, provided it is used solely for storage related to the principal use of the property. An accessory structure related to a principal use requires a CUP.

(C) Location. The accessory structure must be placed to the rear of the principal building and conform to setback requirements and lot coverage standards for the principal building in the applicable zoning district. The purpose of these standards is to enhance the visual character of business and industrial development.

(D) All accessory structures. In business or industrial districts, the location, access, materials, color, screening, and related landscaping will be reviewed and approved as proposed or with changes in the site plan review or PUD review process.

(E) Accessory structures shall be limited in height to the standards for detached accessory structure standards in the applicable zoning district.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

LANDSCAPING REGULATIONS

§ 153.134 PURPOSE.

The purpose of this subchapter is to establish a standard that helps to implement and regulate open space within the city by establishing a protection of privacy and buffer between different land uses; increasing and maintaining property values; creating an urban forest, thereby controlling the urban heat island effect, preventing or reducing soil erosion, sedimentation, and storm water runoff; improving air quality and reducing noise pollution; and enhancing energy conservation through natural insulation and shading.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.135 LANDSCAPE PLAN.

(A) A landscape plan is required for all commercial, multi-family residential, industrial uses, major subdivisions, and Planned Unit Developments and non-residential uses in residential zoning districts.

(B) Location and type of landscape materials may be further regulated by the zoning district design standards and parking regulations of this chapter. See zoning district design standards (§§ 153.074, 153.080, 153.084 and 153.085) and § 153.116 of this chapter for further requirements.

(C) Landscape plans shall be prepared by a licensed landscape architect in the state, as required by state rules. Landscape plans drawn to scale of not less than 1 inch equals 50 feet and shall show the following:

- (1) Boundary lines of the property with accurate dimensions;
- (2) Locations of existing and proposed buildings, parking lots, roads, and other improvements;
- (3) Proposed grading plan with 2 foot contour intervals;
- (4) Location, approximate size, and common name of existing trees and shrubs;
- (5) A planting schedule containing symbols, quantities, common and botanical names, size of plant materials, root condition, and special planting instructions;
- (6) Planting details, illustrations, and proposed locations of all new plant material;
- (7) Locations and details of other landscape features, including berms, fences, and planter boxes;
- (8) Details of restoration of disturbed areas, including areas to be sodded or seeded;
- (9) Location and details of irrigation systems; and
- (10) Details and cross sections of all required screening.

(D) Minor changes to the landscape plan (change in species type) that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan shall be approved by the Community Development Director. Changes to the size and/or number of plant materials of an approved landscape plan shall be considered a major change. Major changes shall only be approved by the City Council.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.136 MINIMUM LANDSCAPING REQUIREMENTS.

(A) Detached single-family and two-family residential.

- (1) Four trees per residential lot.
- (2) Establish grass or groundcover within 6 months after the issuance of certificate of occupancy.

(B) Other than detached single-family and two-family residential.

(1) All open areas of a lot surrounding or within a principal or accessory use which are not used or improved for required parking areas, drives, or storage shall be landscaped with a combination of overstory trees, understory trees, shrubs, flowers, and groundcover materials within 1 year following the date of building occupancy.

(2) The minimum number of overstory trees shall not be less than the perimeter of the lot divided by 30. The minimum number of understory trees and shrubs shall not be less than the perimeter of the lot divided by 10.

(3) The city may require additional landscaping as necessary to provide adequate screening or to provide a complete quality landscape treatment of the site.

(4) In instances where healthy plant materials of acceptable species exist on-site prior to its development, the application of the standards in this subchapter may be adjusted by the city to allow credit for the material, provided that the adjustment is consistent with the intent of this chapter. The city may permit the seeding of areas reserved for future expansion of the development if consistent with the intent of this chapter.

(5) The city may waive some of the landscaping requirements of this chapter for developments in all zoning districts.

(C) Unless waived by the city, a Woodland Preservation Plan shall be submitted as per § 153.198 to assess the best possible layout to preserve significant trees and woodlands and to enhance the efforts to minimize damage to significant trees and woodlands. The applicant shall meet with city staff prior to submission of the development application or prior to application for the grading permit, whichever is sooner, to determine the most feasible and practical placement of buildings, parking, driveways, streets, storage, and other physical features in order that the least number of significant trees and woodlands are destroyed or damaged.

(D) All new overstory trees shall be balled and burlapped or removed from the growing site by a tree spade. Deciduous trees shall have a minimum caliper of 2-1/2 inches. Coniferous trees shall be a minimum of 6 feet in height. Ornamental trees shall have a minimum caliper of 1-1/2 inches.

(E) All site areas not covered by buildings, sidewalks, parking lots, driveways, patios, or similar hard surface materials shall be covered with sod or an equivalent groundcover approved by the city. This requirement shall not apply to site areas preserved in a natural state.

(F) In order to provide for adequate maintenance of landscaped areas, an underground sprinkler system shall be provided as part of each new development, except areas to be preserved

in a natural state and private areas of detached one and two-family dwellings, and additions to existing structures that are equal to or less than the floor area of the existing structure.

(G) No more than 50% of the required number of trees shall be composed of 1 species. Due to various ecological and maintenance related concerns, no required tree shall be any of the following:

- (1) A species of the genus (elm), except those bred to be immune to Dutch Elm Disease;
- (2) Common Buckthorn;
- (3) Russian Olive;
- (4) Black Locust;
- (5) Box-elder;
- (6) Ash.

(7) Additional trees may be restricted from specific locations due to ecological and maintenance related issues. It is the responsibility of the landowner and/or applicant to confirm with the city whether or not a specific tree species is appropriate.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010)

§ 153.137 LANDSCAPE DESIGN.

(A) Plant materials should be used which demonstrate adaptability to harsh urban conditions, including salt spray, storm water runoff, and reflected pavement glare and heat.

(B) Where safety and maintenance become an issue, plant materials should be free from hazards such as thorns, fruit, nuts, or seeds.

(C) Plant materials should be located so that no impacts occur to overhead or underground utilities, traffic flow or circulation, and emergency and maintenance access.

(D) All vegetation shall be appropriately protected by planters or other features as necessary. Plants shall be rated for USDA Zone 3 hardiness.

(E) The spacing of trees along all local and collector streets shall be no more than 30 feet apart. The spacing of trees along all arterials shall be no more than 40 feet apart.

(F) All parking areas in business, commercial, industrial, and mixed use and non-residential uses in residential zoning districts shall also be subject to the following standards for landscaping of islands, medians, and parking lot edges.

(1) Landscaping shall be distributed throughout the parking lot to define major vehicle and pedestrian routes, provide shade, and break up large, paved areas.

(2) A minimum of 1 deciduous shade tree shall be provided for each parking island.

(3) A landscaped area to include a mix of deciduous shade trees and understory plantings shall be provided in required parking lot setback areas.

(4) Landscaping shall incorporate a variety of deciduous and coniferous trees and shrubs for year-round interest, texture, shape, and seasonal color.

(5) Edge treatments along streets and other public spaces should visually screen parked vehicles, but not completely obstruct views into and out of the parking lot.

(6) For parking lot edges adjacent to streets, parks, or other public open space, the following shall be provided:

(a) At least 1 row of shade trees spaced evenly at 15 to 20 foot intervals (or appropriate to the selected species) for the length of the parking lot's edge;

(b) Screening, consisting of continuous planting, alone or in combination with a decorative fence/wall or a landscaped berm.

(7) For parking lot edges not adjacent to the public realm, soft landscaping with a variety of deciduous and coniferous trees and plantings shall be provided.

(8) High quality privacy fencing with landscape screening shall be required between parking lots and residential uses.

(9) For existing parking lots that currently do not comply with the required parking lot landscaping, such landscaping shall be provided when:

(a) A new principal building or building addition is constructed, or exterior remodeling of the principal building occurs.

(b) Over 50% of the total area of an existing parking lot is reconstructed.

(c) An existing parking lot under 10,000 square feet in area is expanded by 50% or more in total surface area.

(d) An existing parking lot over 10,000 square feet in area is expanded by 25% or more in total surface area.

(10) The City Council, based on recommendation from the Planning Commission, may modify the amount of landscaping required by this section or exempt existing parking lots from providing landscaping if such landscaping would reduce the amount of parking spaces and create a nonconformity.

(G) Plant material shall be placed intermittently along long expanses of building walls, fences, and other barriers to create a softening effect and to help break up long expanses of blank walls with little architectural detail.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.138 BUILDING FOUNDATION LANDSCAPING.

(A) If a commercial, multi-family residential or non-residential development maintains a front and corner side yard (i.e. is not built at the property line), building foundation landscaping is required. However, during site plan review, the Planning Commission may decide that such landscaping is not appropriate for the development and may waive this requirement through recommendations to the City Council.

(B) Foundation plantings shall work in concert with transition yard plantings to frame important views, while visually softening long expanses of walls, particularly those that lack windows and/or other architectural details. Foundation plantings shall respond to the materials and the form of a building. The body granting approval of the landscape plan shall determine compliance with this intent as part of the review.

(C) The minimum width of the planting area provided to accommodate foundation plantings is as follows:

(1) Five feet of planting area width adjacent to building walls having an eave height of up to 20 feet.

(2) Ten feet of planting area width adjacent to building walls having an eave height of 20 feet or more.

(D) Foundation plantings shall be planted in accord with the requirements below:

(1) Foundation plantings shall be installed across 75% of the length of the front facade of the building.

(2) Foundation plantings may consist of a mix of trees, shrubs, and perennials. Shade, evergreen or ornamental trees shall be spaced 1 tree for every 25 feet. These plantings may be grouped within wider foundation planting areas, but the total number of trees planted shall be no less than the amount required by a linear planting spaced 25 feet apart.

(Ord. 596, passed 2-8-2010)

§ 153.139 SELECTION, INSTALLATION, AND MAINTENANCE OF LANDSCAPING.

(A) Selection. All planting materials used shall be of good quality and meet standards for minimum acceptable form, quality, and size for species selected, and capable of withstanding the season temperature variations of Minnesota. The use of species native to the region shall be encouraged. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant material. Where appropriate, the use of drought and salt tolerant plant materials is encouraged.

(B) Installation. All landscaping materials shall be installed in accordance with the current planting procedures established by the landscape industry. All plant materials shall be free of disease and shall be installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth.

(C) Required element. Landscape materials depicted on landscape plans approved by the city shall be considered to be required site plan elements in the same manner as buildings, parking, and other improvements. As such, the owner of record, or in some instances the homeowner's association, shall be responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls, and similar landscaping elements over the entire life of the development.

(D) Maintenance.

(1) The owners and their respective agents shall be jointly and severally responsible for the maintenance of all landscaping in a condition presenting a healthy, neat, and orderly appearance and free from refuse and debris.

(2) Plants and groundcover which are required by an approved site or landscape plan and which are diseased or have died shall be replaced within 3 months of notification by the city with like kind of the original size. However, the time for compliance may be extended up to 9 months by the city in order to allow for seasonal or weather conditions.

(3) Plantings placed upon public rights-of-way or major easements are subject to removal by the city or utility company if required for maintenance or improvement of the utility. Trees on utility easements containing overhead wires shall not exceed 15 feet in height and shall be the property owner's responsibility to maintain.

(4) Fences, steps, retaining walls, and similar landscaping elements shall be maintained and in good repair.

(5) Irrigation. Landscape design pursuant to the requirements of this section shall recognize the need for irrigation and water conservation. Sprinkler irrigation systems may be required for certain landscaped areas, as determined by a landscape architect. The need for sprinkler irrigation systems shall be determined by the type of plant material and the condition/growing medium that they are installed in. For instance, whether there is a permanent means available to water plant material, such as hose bibs, shall be a consideration. All irrigation systems shall be designed to minimize use of water. Irrigation systems, when provided, shall be maintained in good operating condition to promote the health of the plant materials and conservation of water.

(E) Energy conservation. Plant material placement should be designed to reduce the energy consumption needs of the development. In addition, landscaping designs shall take into account and make an effort to implement sustainable standards (§ 153.194) and design standards, where appropriate.

(1) Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.

(2) Evergreens and other plant materials should be concentrated on the north and west sides of buildings to dissipate the effect of winter winds.

(F) Berming. Earthen berms and existing topographic features shall be incorporated into the landscape treatment of a site where there is sufficient space and when berms and existing topographic features can be combined with plant material to facilitate effective screening. Minimum unretained berm side slopes shall be maintained at no more than a 4:1 slope ratio to

prevent erosion and be properly and safely maintained. Retained slopes may be implemented with the appropriate terracing necessary to reduce the need for safety railing.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.140 LANDSCAPE GUARANTEE.

All new plants shall be guaranteed for 1 full year from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or be replaced.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.141 RETAINING WALLS.

Retaining walls exceeding 4 feet in height, including staged walls that cumulatively exceed 4 feet in height require a building permit and shall be constructed in accordance with plans prepared by a registered engineer. Retaining walls shall not restrict drainage or be placed in public rights-of-way or drainage easements (See Storm Water Ordinance, Chapter 151), and must be in compliance with the traffic visibility requirements. Retaining walls placed in drainage and utility easements shall require the property owner to sign an encroachment agreement or certificate of compliance and receive approval from the City Engineer. All retaining walls shall be reviewed by the City Engineer.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010)

§ 153.142 LANDSCAPING LETTER OF CREDIT OR CASH ESCROW REQUIRED.

(A) When landscaping or other similar improvements to property are required by this chapter, a letter of credit or cash escrow shall be supplied by the owner in an amount equal to at least 125% of the approved estimated landscaping costs. The letter of credit or cash escrow, with security satisfactory to the city, shall be conditioned upon reimbursement of all expenses incurred by the city for engineering, legal, or other fees in connection with making or completing the improvements. The letter of credit or cash escrow shall be provided prior to the issuance of any building permit and shall be valid for a period of time equal to 1 full growing season after the date of installation of the landscaping. In the event construction of the project is not completed within the time prescribed by building permits and other approvals, the city may, at its option, complete the work required at the expense of the owner and the surety.

(B) The city may allow an extended period of time for completion of all landscaping if the delay is due to conditions that are reasonably beyond the control of the developer or property owner. When extensions are granted, the city shall require such additional security as it deems appropriate and or an addendum to an existing development agreement.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

LAND ALTERATION AND GRADING REGULATIONS

§ 153.143 LAND ALTERATION AND GRADING.

(A) Purpose. Land alteration and grading means the reclaiming of land by depositing or moving material so as to alter the grade. The purpose of these standards is to regulate the alteration or grading of land.

(B) Permit required. A land alteration and grading permit is required for any excavating, filling, grading, or other changes in the land's topography that results in the movement of 50 cubic yards or more of material.

(C) Permit not required. A land alteration and grading permit is not required for the following, but the city may require the submittal of a grading plan:

- (1) Excavation or grading resulting in the movement of less than 50 cubic yards of material;
- (2) Grading activities associated with a construction project, provided a building permit is issued;
- (3) Grading undertaken in accordance with an approved preliminary plat; or
- (4) Driveways permitted in conjunction with an approved building permit.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.144 PERMIT APPLICATION, REVIEW, AND APPROVAL PROCEDURE.

(A) A land alteration and grading permit requires review and approval by the City Engineer.

(B) Application requirements for all proposals:

- (1) A completed land alteration and grading permit and fee;
- (2) A design in accordance with Ch. 151, regarding regulations of land disturbing and development activities in order to protect water quality and environmentally sensitive land with existing and proposed final grades with 2 foot contour intervals and 1 foot contour intervals if the distance between contours is over 100 feet.

(C) The city shall determine if the proposed operation is of a scale and has the potential to cause, either on or off-site, significant soil erosion, vegetation destruction, or drainage damage during the land alteration process. If such a determination is made, the city shall establish further application requirements. Any mining operation shall require this further documentation, including, but not limited to, such plans as the following:

- (1) A Woodland Preservation Plan, as regulated in §§ 153.196 et seq., to assess the best possible layout to preserve significant trees and woodlands and to enhance the efforts to minimize damage to significant trees and woodlands;

(2) An annual staging plan, if the operation is expected to continue for more than 1 year, with grading plans for each year and an estimate of volume of material to be removed each year;

(3) A screening plan showing berms and/or landscaping to protect views from nearby properties and public streets and highways;

(4) A Storm Water Pollution Prevention Plan (SWPPP) as regulated by § 151.06.

(D) Review of the application shall be as stipulated in the conditional use permit (CUP) review procedure, with additional review and recommendation by the City Engineer and the Washington County Soil and Water Conservation District. Certain applications also require review, in accordance with other rules, by the Minnesota Department of Natural Resources, the Army Corps of Engineers, the Fish and Wildlife Service, and the appropriate Watershed District.

(E) Approval of the application shall be by the City Council as stipulated in the CUP approval process.

(F) The city may require the applicant to post a bond or other financial guarantee to ensure compliance with the permit.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.145 CONSTRUCTION SITE STANDARDS.

Construction site standards as described in § 151.08 shall be followed during construction.

(Ord. 537, passed 11-8-2004; Am. Ord. 580, passed 11-24-2008; Am. Ord. 596, passed 2-8-2010)

§ 153.146 EROSION CONTROL.

The erosion control measures outlined in § 151.08 shall be followed during construction.

(Ord. 537, passed 11-8-2004; Am. Ord. 580, passed 11-24-2008; Am. Ord. 596, passed 2-8-2010)

§ 153.147 SEDIMENT CONTROL.

The sediment control measures outlined in § 151.08 shall be followed during construction.

(Ord. 537, passed 11-8-2004; Am. Ord. 580, passed 11-24-2008; Am. Ord. 596, passed 2-8-2010)

§ 153.148 RESTORATION.

The restoration standards outlined in § 151.08 shall be followed for project completion.

(Ord. 537, passed 11-8-2004; Am. Ord. 580, passed 11-24-2008; Am. Ord. 596, passed 2-8-2010)

§ 153.149 PUBLIC WATERS.

No public water area shall be filled, partially filled, dredged, altered by grading or mining, or disturbed in any manner without first securing a permit from the Minnesota Department of Natural Resources, the United States Army Corp of Engineers, and a grading permit from the city.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.150 DRAINAGE.

(A) 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 materials on adjacent properties or water bodies. The runoff shall be properly channeled into a storm drain, a natural watercourse or drainageway, a ponding area, or other public facility.

(B) Upon inspection of any site that has created drainage problems or could create a drainage problem with proposed new development, the owner or contractor of the site may be required to complete a grading plan and apply for a grading permit.

(C) On any slope where the natural drainage pattern may be disturbed or altered, the owner or contractor may be required to obtain a grading permit.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.151 PRESERVATION OF NATURAL DRAINAGEWAYS/WATERWAYS AND WETLAND PRESERVATION.

The alteration of wetlands shall comply with the rules and regulations of federal, state, and local agencies. A “natural drainageway” is defined as a depression in the earth’s surface, such as ravines, draws, and hollows, that has definable beds and banks capable of conducting surface water runoff from adjacent lands.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.152 PRESERVATION OF NATURAL DRAINAGEWAYS/WATERWAYS.

The preservation of natural drainage/waterways outlined in § 151.08 shall be followed during construction.

(Ord. 537, passed 11-8-2004; Am. Ord. 580, passed 11-24-2008; Am. Ord. 596, passed 2-8-2010)

SIGN REGULATIONS

§ 153.162 SIGNS.

(A) Purpose. The purpose of this subchapter is to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications, including business identification. It is the intent of this subchapter to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs that meet the city's goals by authorizing:

- (1) Signs that establish a high standard of aesthetics;
- (2) Signs that are compatible with their surroundings;
- (3) Signs that are designed, constructed, installed, and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
- (4) Signs that are large enough to convey their intended message;
- (5) Signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
- (6) Signs representing the on-premise owner or occupant; and
- (7) Signs that create and maintain high quality through sign type and materials.

(B) Definitions. Signs are a permitted accessory use in all districts subject to the regulations found in this subchapter. For purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN. A sign which no longer identifies or advertises a bona fide business, tenant, service, owner, product or activity, and/or for which no legal owner can be found.

ADVERTISING COPY. The graphic content of a sign surface in either permanent or removable letters, pictographic, symbolic, or alphabetic form.

AWNING/CANOPY/SIGN. A sign constructed of flexible translucent or fabric-type material that incorporates a written message or logo on its exterior.

BALLOON SIGN. A sign consisting of a bag or similar device of lightweight material supported by helium, hot or pressurized blown air, which is greater than 18 inches in diameter.

BANNERS, FLYING BANNERS, PENNANTS, STREAMERS, and FESTOONS. A temporary sign or attention-getting device generally made of flexible materials, such as paper, cloth, plastic, or any non-rigid material, with no enclosing framework. National and state flags shall not be included in this definition.

BILLBOARD SIGN. Off-premises sign bearing a commercial message not exclusively related to the premises where the sign is located, or to which it is affixed.

BOXED CABINET SIGN. A sign mounted on a face of a building that is roughly rectangular in shape, and provides for internal illumination and the changing of the message of the sign by replacing a single transparent or translucent material such as a Plexiglas/Ilexan face. This is meant to distinguish between a BOXED CABINET SIGN that is a rectangular box, and one that follows the outlines of the letters of the sign, or an OUTLINED CABINET SIGN.

BUILDING WALL AREA. The building wall area fronting on an improved public road frontage is used to calculate the wall area by using the height of the building wall up to the lowest roof line multiplied by the width of the wall area to the outer most edges of its surface to calculate the total wall area. The maximum amount of total sign surface area allowed for a building is established by use of a percent of the total wall area calculated as determined by this subchapter.

CHANGEABLE ELECTRONIC COPY SIGN. Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

CHANGEABLE NON-ELECTRONIC COPY SIGN. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually.

COMMUNITY OR CIVIC PROMOTION SIGN. An attention-getting device, such as a banner, flag, or other sign type promoting events and activities, that is installed and maintained by the city or others.

CONSTRUCTION SIGN. Any sign that displays information regarding the construction or development of the site on which it is displayed.

DIRECTIONAL SIGN. A sign that serves primarily to direct traffic to the location of a place, area, or activity.

DYNAMIC DISPLAY BILLBOARD. Off-premises sign bearing a commercial message not exclusively related to the premises where the sign is located, or to which it is affixed, that appears to have movement or appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the billboard structure itself, or any other component of the billboard. This includes a display that incorporates a technology allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, digital ink, or any other technology that allows the sign face to present a series of images or displays.

FLASHING SIGN. See CHANGEABLE ELECTRONIC COPY SIGN.

FREESTANDING SIGN. A sign that is self-supporting and affixed to a frame structure and not attached to a building.

FREESTANDING SIGN SETBACK. The minimum horizontal distance between the freestanding sign structure and the street right-of-way, lot line, or other reference point as provided by this subchapter. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure.

FRONT, BUILDING. The primary building wall and main entrance, which may not necessarily front directly onto a public right-of-way.

FRONT, LOT LINE. The boundary of a lot that abuts an existing dedicated street. For lots abutting more than 1 street, the front shall be that which is the minimum frontage. For lots abutting more than 1 street with the same frontage, the city shall determine the front lot line.

GROSS AREA, SIGN.

(a) **AREA OF FREESTANDING SIGN.** The area of the actual sign. It does not include embellishments, such as the monument base, pole covers, framing, or decorative roofing, provided there is no advertising copy on or attached to the embellishments. If the freestanding sign is double-faced, only 1 face is used to calculate sign area.

(b) **AREA OF WALL SIGN.** That physical area of the sign constituted as the face upon which the advertisement is borne. The **NET SURFACE AREA** shall be that area enclosed within the smallest regular geometric figure needed to encompass completely all the letters, insignias, or symbols of the sign, including horizontal spacing between letters, insignias or symbols, and including the physical area constituting the face of the sign.

HEIGHT OF SIGN. The vertical elevation of a freestanding sign is measured from the elevation of the ground surface at the base of the sign to the top of the sign structure, limited to the lowest point of the roof or parapet of the principal building with which the freestanding sign is associated.

IDENTIFICATION SIGN. A sign containing principally the name of the individual or establishment occupying the premises, and which also may include the street address, telephone number, or other information identifying the use.

ILLUMINATED SIGN. Any sign that has characters, letters, figures, designs, or an outline illuminated by electric lights or luminous tubes as a part of the sign proper.

(a) **BACKLIT.** A light source contained within the sign element or sign cabinet that illuminates by shining through a translucent surface or sign face, except where only the letters of the sign copy are illuminated.

(b) **EXTERNAL.** A light source outside the sign element or sign cabinet that illuminates by directing light onto the sign surface, such as by floodlights or spotlight.

(c) **INTERNAL.** A light source contained within the sign cabinet or sign element that illuminates by directing light onto the sign surface, or that illuminates only the letters of the sign copy, and which is not backlighting.

(d) **NEON.** A light source supplied by neon or other gas in which the light tube is bent to form letters, symbols, or other shapes.

INSTITUTIONAL SIGN. A sign that identifies the name and other characteristics of a public or semi-public institution on the site where the sign is located.

LOGO. An identifying graphic that may or may not be a registered trademark, but which is the official graphic identifier for a business organization.

MARQUEE SIGN. A building sign painted on or attached to a marquee.

MESSAGE CENTER/TIME/TEMPERATURE DISPLAY SIGN. A sign having electrically changing copy that displays current time, temperature, and/or public service announcements.

MONUMENT SIGN. A freestanding sign, not supported by exposed posts or poles, that is architecturally designed and located directly at grade where the base width dimension is at least as wide as the sign and has no more than 2 sides.

MULTI-TENANT CENTER. A group of commercial, retail, service, or professional establishments with a designed occupancy of 2 or more tenants, with shared parking and visual appearance as a contiguous structure that may or may not be planned, constructed, or managed as a total entity.

NAMEPLATE. A sign indicating the name and address of a building and/or the name of an occupant therein.

NONCOMMERCIAL SIGN. A sign which contains a message not classified as commercial speech, including, but not limited to, signs containing messages concerning political, religious, social, and ideological topics.

NONCONFORMING SIGN. A sign that does not conform to the requirements of this section.

(a) **ILLEGAL.** A sign which was constructed after the passage of this subchapter or amendments thereto, but which does not conform to the regulations of this subchapter, or a sign which existed prior to the adoption of this subchapter and which did not conform to regulations then in effect.

(b) **LEGAL.** A sign which lawfully existed at the time of the passage of this subchapter or amendments thereto, but which does not conform to the regulations of this subchapter.

OFF-PREMISES SIGN. A sign that directs attention to a business or profession or to a commodity, service, or entertainment not sold or offered upon the premises where the sign is located or to which it is attached.

ON-PREMISES SIGN. A sign that directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered on the premises where the sign is located or to which it is affixed.

ON-SITE DIRECTIONAL SIGN. A sign that serves solely to direct traffic to the location of a place, area, or activity on-site.

OUTLINED CABINET SIGN. A sign mounted on the face of a building, which roughly follows the shape of the text of the sign and provides for internal illumination. This definition is meant to distinguish between a cabinet sign that follows the outlines of the letters of the sign and one that is essentially a rectangular box, or a **BOXED CABINET SIGN**. An **OUTLINED CABINET SIGN** will be treated more like “individual letter signs,” where the area of the sign is based on the actual outlined shape of the letters enclosed within the smallest regular geometric figure to encompass all letters, insignias or symbols of the sign.

PORTABLE SIGN. A sign, with or without copy and/or graphics, that is constructed or placed upon a chassis with wheels, legs, or skids in order to be movable from one location to another, such as may be mounted on an automobile or trailer. This definition does not include permanent identification signs painted directly on vehicles, principally used for transportation, but does include such signs if the vehicles are not used for transportation purposes but are intended rather as a structure to support a sign.

PROJECTING SIGN. A sign with a face perpendicular to the wall of a building upon which it is attached.

PROJECTION SIGN. A sign that is projected by means of a light on an exterior wall or other exterior surface.

PYLON SIGN. Any permanent, freestanding sign mounted on posts or columns.

REAL ESTATE SIGN. Any sign pertaining to the sale, lease, or rental of land or buildings.

ROOF SIGN. A sign mounted on the roof of a building or projecting above the top of the wall or parapet of a building with a flat, gambrel, gable or hip roof, or deck line of a building with a mansard roof.

SANDWICH BOARD SIGN. A freestanding temporary sign with only 2 sides that is situated adjacent to a business with the intent to attract traffic to the business.

SIGN. Any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services. This includes symbols, flags, pictures, wording, figures, or other forms of graphics painted on or attached to windows, walks, awnings, freestanding structures, suspended by balloons or kites, or on persons, animals, or vehicles.

SIGN REFACING. As it pertains to on-premises, permanent wall and freestanding signs and billboard signs, replacing the existing advertising sign face area that is attached to or supported from the sign cabinet and/or main structure. This definition does not include any other rebuilding, reconstructing or reconfiguration of the existing sign cabinet and/or existing supporting structure.

TEMPORARY SIGN. A sign designed or intended to be displayed for a short period of time, and that is not permanently installed. This includes, but shall not be limited to, banners, flying banners, sandwich board signs, pennants, and flags other than community promotion signs, garage sale signs and flyers, for-sale real estate signs, and lawn/curb signs.

TRAFFIC VISIBILITY. The final location of a freestanding sign shall be approved by the city. Signs shall be placed in such a manner so as to not pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from the driveway or street right-of-way. Each sign location is reviewed by the city on a case-by-case basis as part of the sign permit process.

WALL-MOUNTED SIGN. A sign attached essentially parallel to and extending not more than 24 inches from the wall of a building, with no advertising copy on the sides or edges.

(C) General.

(1) Scope of regulations. The sign regulations set forth in this subchapter shall apply to all structures, properties and land uses in the city.

(2) Compliance with standards. No person shall place, erect, or maintain a sign, nor shall a lesser or owner permit property under his or her control to be used for any sign that does not conform to the requirements of this subchapter.

(3) Regulations. The following general regulations shall apply to all signs.

(a) Signs existing on the effective date of this subchapter that do not conform to the regulations set forth in this subchapter are considered nonconforming.

(b) Except for billboard signs as regulated by § 153.166, signs shall not be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

(c) The city may specify the hours any sign may be illuminated. The hours of illumination may be specified on the permit or any time during the life of the sign. Illuminated signs shall have a shielded light source and conform to the lighting requirements in § 153.130.

(4) Message substitution. In all districts, any sign allowed under this subchapter is allowed to contain noncommercial speech in lieu of a commercial message.

(5) Permission of property owner. Signs may not be posted on public or private property without the permission of the underlying property owner.

(6) Posting of noncommercial signs in state general election years. Pursuant to M.S. § 211B.045, notwithstanding any language to the contrary in this section, noncommercial signs of any size may be posted in any number beginning 46 days before the state primary in a state general election year until 10 days following the state general election. During this time period, noncommercial signs may be placed in unimproved areas of the public right-of-way provided that all portions of the sign are located at least 5 feet from any improved portion of the right-of-way and at least 2 feet from any sidewalk or trail. Signs may only be placed in the unimproved public right-of-way with the permission of the abutting property owner and shall not obstruct driver visibility. Signs may not be placed in or on roundabouts.

(D) Prohibited signs. The following signs and advertising devices shall be prohibited:

(1) Any sign that, by reason of its location, shape, movement, color, lighting intensity, or any other manner, interferes with the proper and safe functioning of a traffic sign or signal,

obstructs the vision of pedestrians, cyclists, or motorists traveling on or entering public streets, or otherwise constitutes a traffic hazard or a public nuisance, as defined by the city;

(2) Balloon signs or standard balloons greater than 18 inches in size;

(3) Pennants, ribbons, streamers, festoons, flying banners;

(4) Flashing signs;

(5) Portable signs;

(6) Roof signs, including signs mounted on a roof surface or projecting above the roofline or wall of a structure, if either attached to the structure or cantilevered over the structure, except as allowed by § 153.165(J);

(7) Signs painted on or attached to trees, rocks, or other natural surfaces or attached to public utility poles, bridges, or similar public structures;

(8) Signs painted on buildings or fences in any district, except for murals or artwork approved by the City Council;

(9) Search lights, strobe lights, or projection signs;

(10) Signs in the public right-of-way or easements or any type unless otherwise approved by this subchapter;

(11) Temporary or permanent off-premise signs, except as provided in § 153.167, Billboards, and § 153.167(C)(3), Temporary agricultural signs.

(E) Exempt signs. The following signs are exempt from the requirements of this subchapter:

(1) Official public notices or signs required by local, state, or federal regulations;

(2) Governmental signs, including but not limited to, traffic control and other regulatory purpose signs, street signs, informational signs, danger signs, local government park signs, local government building signs, and railroad crossings;

(3) Home security signs, "no trespassing," and "no parking" signs, provided the total signage on a zoning lot shall not exceed 2 square feet in area, the signs shall not be placed or maintained in the public right-of-way, and shall not be illuminated;

(4) Historical plaques by recognized historical agencies, provided the signs shall not be placed or maintained in the public right-of-way, shall not be illuminated, and shall not exceed 4 square feet in area;

(5) Permanent or temporary interior signs not visible from the exterior of a structure;

(6) Informational signs displayed strictly for the convenience of the public, including signs identifying restrooms, waste receptacles, addresses, doorbells, mailboxes, or building entrances;

(7) Permanent window signs occupying no more than 25% of the window area in commercial districts, mixed use commercial districts, industrial districts, and existing

nonconforming commercial uses fronting on a minor connector roadway as shown in the adopted Comprehensive Plan.

(F) Sign permit.

(1) Application procedure. No person shall erect, place, construct, reconstruct, alter, or relocate any sign without a permit. The application for a permit shall be submitted on a form furnished by the city. A sign permit is not required for signs specifically exempted by these regulations, the refacing of an existing wall or freestanding sign advertising sign face area, the changing of the temporary message content of a temporary or permanent sign, including but not limited to, temporary or permanent window signs, changeable electronic and non-electronic copy temporary messages, gasoline prices, and drive-thru menu board pricing and food items, provided that all other requirements of this subchapter are met.

(2) Issuance of sign permit. Upon filing of an application, the city shall examine the plans and accompanying data and determine if they are in compliance with the provisions of this subchapter. Sign permits shall expire 180 days from the date of issuance for all permanent signs if the sign has not been constructed or installed.

(3) Fee. The applicant shall pay a permit fee, which is a flat fee established by ordinance on an annual basis. In addition to the permit fee, an applicant for a billboard sign must pay an initial fee and an annual fee established by ordinance on an annual basis.

(4) Sign installer. No person, firm, or corporation shall engage in the business of erecting, placing, constructing, reconstructing, altering, or relocating permanent wall signs or freestanding sign structures within the city, without first having procured a license from the city for a fee established by ordinance payable on an annual basis, except that the owner, lessee or occupant of the property upon which the sign is located may perform the actual work, provided the person has obtained a permit for the sign. Any person who shall violate any provision of this division shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with § 10.99 of the City Code, and the person's license granted under this division may, in such case, be revoked by the City Council.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 616, passed 7-9-2012; Am. Ord. 678, passed 7-23-2018; Am. Ord. 722, passed 3-27-2023)

§ 153.163 CHANGEABLE ELECTRONIC COPY SIGNS.

Within all zoning districts except where prohibited by this subchapter, changeable electronic copy signs shall be permitted based on the following regulations:

(A) Changeable electronic copy signs are allowed only on a freestanding sign. Changeable electronic copy signs may occupy no more than the percentage allowed as determined in the appropriate zoning district for which the sign is located. Time, date, or temperature information shall be counted towards the total area of the changeable electronic copy area permitted. Price information for motor fuel stations shall not be counted towards the total area of the changeable electronic copy area permitted. The remainder of the sign must not have the capability to have changeable electronic copy even if not used. Only 1 contiguous changeable electronic copy area is allowed on a sign face;

(B) A changeable electronic copy sign may not change or move more often than once every 15 seconds.

(C) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;

(D) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign;

(E) Changeable electronic copy signs must be designed and equipped to freeze the device in 1 position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions. The sign owner must immediately stop the dynamic displays when notified by the city that it is not complying with the standards of this chapter;

(F) Changeable electronic copy signs shall be restricted in their illumination and brightness. All signs with electronic copy must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to assure at any time the sign's intensity does not exceed the lighting standards contained in § 153.130. If there is a violation of the brightness standards, the adjustment must be made within one 1 business day upon written and or verbal notification from the city.

(G) Operation of any changeable electronic copy sign not in compliance with § 153.163 in its entirety will require the changeable electronic sign owner or operator to turn off the display, within 1 hour of written and or verbal notification from the city, and make adjustments to meet all requirements of § 153.163. The sign may not be turned back on until all operating adjustments have been approved by the city.

(Ord. 596, passed 2-8-2010; Am. Ord. 616, passed 7-9-2012)

§ 153.164 SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS.

Within the residential districts, the following signs are permitted:

(A) Address/building name sign. One address/building name wall sign, not exceeding 10 square feet in area, for multi-family and non-residential uses.

(B) Wall sign for existing nonconforming commercial uses. The total aggregate square footage of all wall signs shall not exceed the sum of 15% of leased or owned building wall area on an improved public road frontage. No more than 2 wall signs shall be allowed on an improved public road frontage for an individual business. The maximum sign surface area for an individual wall sign may not exceed 200 square feet. See § 153.165(C) through (J) for additional commercial wall sign requirements.

(C) Home occupation sign. One non-illuminated home occupation sign, not to exceed 6 square feet, for single-family residential properties only.

(1) The sign must be located in the required front yard only.

(2) The sign shall be setback a minimum of 10 feet from the public right-of-way and a minimum of 5 feet from a side property line, and shall meet traffic visibility requirements as defined in § 153.162(B).

(3) The sign must be made of wood or metal. The sign shall be non-illuminated and supported by a wood or metal post and frame.

(4) The maximum height of the sign, from grade to the highest point of the sign, shall not exceed 6 feet.

(5) The sign must not have more than 2 sides.

(6) A sign permit is required. A certificate of compliance for a home occupation may be required to be obtained before a sign permit will be allowed by the city.

(D) Agricultural business sign. An agricultural business sign is permitted with the following regulations:

(1) The maximum sign area cannot exceed 32 square feet;

(2) The maximum height of the sign, from grade to the highest point of the sign, shall not exceed 6 feet;

(3) The sign shall be non-illuminated;

(4) The sign shall be made of wood, metal, or a combination thereof;

(5) The sign shall be located a minimum of 20 feet from the side or front property line, and shall meet traffic visibility requirements as defined in § 153.162(B);

(6) The sign shall be located within the required front yard;

(7) No more than 1 sign is permitted on any 1 property;

(8) The sign must not have more than 2 sides;

(9) Agricultural business signs shall be allowed in all districts where an agricultural business is permitted.

(E) Freestanding neighborhood identification sign. One freestanding neighborhood identification monument sign is permitted for residential developments, unless otherwise approved as part of a PUD, with the following regulations:

(1) The identification sign shall not exceed 32 square feet in area per surface;

(2) The maximum height shall be 6 feet;

(3) The sign must be located a minimum of 10 feet from the public right-of-way and a minimum of 5 feet from all other property lines, and shall meet traffic visibility requirements as defined in § 153.162(B);

(4) The sign may be externally illuminated and shall meet the lighting requirements of § 153.130;

- (5) The sign must be maintained by landlord/property owner or homeowners' association;
- (6) The sign must not have more than 2 sides.

(F) Freestanding sign for non-residential uses or existing nonconforming commercial uses. One freestanding sign is permitted for each permitted non-residential use and existing non-conforming commercial use, with the following regulations:

(1) Single- or multi-tenant building or development. One freestanding sign shall be allowed for a single- or multi-tenant building or development.

(2) Non-residential uses and existing nonconforming commercial uses. The surface area shall not exceed 80 square feet, and may include up to 50% of the total area as changeable electronic or non-electronic copy for signs fronting on a minor connector roadway as shown in the adopted Comprehensive Plan.

(3) Non-residential use. The surface area shall not exceed 40 square feet, and may include up to 50% of the total area as changeable electronic or non-electronic copy for signs fronting on a local street.

(4) Maximum height. The maximum height for a freestanding sign shall be the lowest point of the roof or parapet of the principal building with which it is associated.

(5) Base of a monument sign. The base of a monument sign shall be designed with compatible materials and color that architecturally match the principal structure with which it is associated. The width of the base shall not exceed the width of the sign face.

(6) Base of a pylon sign. The base of a pylon sign shall be designed with compatible materials and color that architecturally match the principal structure so that posts or column supports are not exposed.

(7) No more than 2 sides. A sign may not have more than 2 sides.

(8) Setbacks. The sign shall be located a minimum of 10 feet from the public right-of-way and a minimum of 5 feet from all other lot lines, and shall meet traffic visibility requirements as defined in § 153.162(B):

(9) Illumination and lighting requirements. The sign may be internally or externally illuminated and shall meet the lighting requirements of § 153.130.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 616, passed 7-9-2012)

§ 153.165 WALL SIGNS AND FREESTANDING SIGNS IN ALL COMMERCIAL, MIXED USE COMMERCIAL, AND INDUSTRIAL ZONING DISTRICTS.

Within the commercial, mixed use commercial, and industrial districts, wall signs and freestanding signs are permitted as follows:

(A) Address/building name sign. One address/ building name wall sign for each commercial building, not exceeding 10 square feet in area, is allowed. This sign does not count toward total aggregate square footage allowed for wall signs.

(B) Wall sign commercial and industrial uses. The total aggregate square footage of all wall signs shall not exceed the sum of 15% of leased or owned building wall area on an improved public road frontage. No more than 2 wall signs shall be allowed on an improved public road frontage for an individual business. The maximum sign surface area for an individual wall sign may not exceed 200 square feet.

(C) Individual letters/channel-raceway letters wall sign.

(D) Outline cabinet wall sign.

(E) Flatpanel wall sign.

(F) Logo as part of a wall sign.

(G) Projecting wall sign. Projecting signs are permitted with the following requirements:

(1) Projecting signs may encroach 5 feet into a required yard setback in the MU-1 Zoning District. In all other districts, a projecting sign must meet building setbacks;

(2) Projecting signs must be at least 8 feet above a public/private sidewalk;

(3) The maximum area of a projecting sign is 10 square feet;

(4) Projecting signs are calculated as wall signs.

(H) Awning sign. Awning signs are permitted and calculated as a wall sign.

(I) Master wall sign plan for multi-tenant buildings. A master sign plan may be proposed for existing or new multi-tenant buildings, shopping centers, and commercial and residential Planned Unit Developments (PUDs). In the case of a commercial multi-story building, a master sign plan is required. The master sign plan shall be submitted to the city and shall be of sufficient scope and detail to permit a determination as to whether or not the plan is consistent with the regulations of this subchapter or adopted as part of PUD standards. The purpose of the master sign plan is to determine the specific individual tenant sign requirements for the facility. Existing approved master sign plans for single-story multi-tenant buildings not part of a PUD may either follow the existing approved plan, or may follow current regulations provided in this subchapter. Building owner approval, in writing, will be required for all signs in a multi-tenant building, and shall be submitted with the required sign permit application.

(J) Location of wall signs on existing commercial buildings with residential architecture. Roof signs are prohibited by § 153.162(D)(6). Exception is made for existing commercial buildings that have residential architectural character to be placed above the lowest roof line. In the case of a hipped roof, mansard roof, gable-end roof, and dormers, wall signs may be placed above the lowest roof line of a building if no alternatives exist due to the architectural characteristics of the building. The final location of the wall sign above the lowest roof line shall be minimized and be approved by the city as part of the sign permit process.

(K) Illumination and lighting requirements. Wall signs may be internally or externally illuminated and shall meet the lighting requirements of § 153.130.

(L) Freestanding sign in the B-1 and NC Zoning Districts. One freestanding sign shall be allowed for a single- or multi-tenant commercial building, with the following regulations:

(1) The surface area shall not exceed 40 square feet for a single-tenant building and 80 square feet for a multi-tenant building, and may include up to 50% of the total area as changeable electronic or non-electronic copy.

(2) The maximum height for a freestanding sign shall be the lowest point of the roof or parapet of the principal building with which it is associated.

(3) The base of a monument sign shall be designed with compatible materials and color that architecturally match the principal structure with which it is associated. The width of the base shall not exceed the width of the sign face.

(4) The base of a pylon sign shall be designed with compatible materials and color that architecturally match the principal structure so that post or column supports are not exposed.

(5) The sign may be internally or externally illuminated and shall meet the lighting requirements of § 153.130.

(6) The sign may not have more than 2 sides;

(7) No freestanding sign, or any part thereof, shall be located closer than 10 feet from the public right-of-way and 5 feet from all other lot lines, and shall meet the traffic visibility requirements as defined in § 153.162(B).

(M) Freestanding sign in the MU-2, B-2, B-3, BP, and I Zoning Districts. One freestanding sign shall be allowed for a single- or multi-tenant commercial building, with the following regulations:

(1) The surface area shall not exceed 100 square feet and may include up to 50% of the total area as changeable electronic or non-electronic copy.

(2) Parcels fronting on Interstate Highway 35 are allowed 1 additional freestanding sign, not to exceed 100 square feet in area and a height of 30 feet. The secondary sign shall be located between the principal building and I-35, and shall be setback 20 feet from the I-35 right-of-way.

(3) Parcel(s) in the B-2 Zoning District fronting on West Broadway with a secondary road frontage on 1st Avenue NW west of 8th Street NW may have a second freestanding sign, with a surface area not to exceed 10 square feet and 4 feet in height.

(4) The maximum height for a freestanding sign shall be the lowest point of the roof or parapet of the principal building with which it is associated.

(5) The base of a monument sign shall be designed with compatible materials and color that architecturally match the principal structure with which it is associated. The width of the base shall not exceed the width of the sign face.

(6) The base of a pylon sign shall be designed with compatible materials and color that architecturally match the principal structure so that post or column supports are not exposed.

(7) The sign may be internally or externally illuminated and shall meet the lighting requirements of § 153.130.

(8) The sign must not have more than 2 sides,

(9) No freestanding sign, or any part thereof, shall be located closer than 10 feet from the public right-of-way and 5 feet from all other lot lines, and shall meet traffic visibility requirements as defined in § 153.162(B).

(N) Freestanding sign in the MU-1 Zoning District. No freestanding signage is permitted in the MU-1 District.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 573, passed 3-10-2008; Am. Ord. 596, passed 2-8-2010; Am. Ord. 616, passed 7-9-2012)

§ 153.166 BILLBOARD SIGNS.

BILLBOARDS are off-premises signs bearing a commercial message not exclusively related to the premises where the sign is located, or to which it is affixed.

DYNAMIC DISPLAY BILLBOARD are off-premises signs bearing a commercial message not exclusively related to the premises where the sign is located, or to which it is affixed, that appear to have movement or appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the billboard structure itself, or any other component of the billboard. This includes a display that incorporates a technology allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, digital ink, or any other technology that allows the sign face to present a series of images or displays.

(A) Zoning. Billboards are allowed on properties in the B-2 and B-3 Zoning Districts only if they have direct frontage on Interstate 35 and conform to the conditions of this section.

(B) Existing billboards. Billboards along Interstate 35 that were in existence prior to the effective date of this section may be upgraded and modernized to the current technology for either a static or dynamic sign face(s) provided they can conform to the conditions of this section.

(C) Billboard permit. No billboard as permitted by this section shall be erected, altered, or relocated without first securing a permit from the city.

(1) The billboard sign permit application shall be signed by the applicant and the owner of the property, if different from the applicant.

(2) The submittal shall contain the following information:

(a) Plans and specifications and method of construction or attachment to the building or the ground, including all dimensions, all construction materials, a description of all light sources, wattage, types and color of lights, and details of any light shields or shades;

(b) Stress sheets and calculations, showing the structures as designed for dead load and wind velocity;

(c) Any electrical permit required; and

(d) Other information as may be required by the city.

(3) If the permit is for a dynamic display billboard, the applicant shall enter into an agreement providing the city with free time for public service announcements pursuant to division (G) below.

(4) The billboard shall meet the requirements of state and federal law before a permit is issued.

(5) If upgrading a billboard greater than 50% of its current market value, any existing exposed metal support columns must be concealed in accordance with the following standards:

(a) Support columns shall be concealed by materials that are primarily stone, brick, approved masonry or stucco panels, or similar materials;

(b) All updated billboard concealments should be a uniform shape, and uniform color scheme and design;

(c) Billboard shall have a sign bearing the words "Forest Lake" placed near the top of the support structure.

(D) Exceptions. The following operations do not require a billboard permit:

(1) Changing the advertising copy or message; or

(2) Painting, cleaning, and other maintenance and repair unless a structural change is made.

(E) Size, height, and distance requirements.

(1) The maximum size per face of a billboard shall be 672 square feet.

(2) Two faces per billboard shall be the maximum permitted, and double-faced signs shall be attached back-to-back or V-shape.

(3) The maximum height of a billboard is 40 feet above grade, measured to the top of the sign structure or from the elevation of the ground surface at the base of the sign to the top of the sign.

(4) The minimum distance between any two billboards shall be 1,300 feet, as measured in a 360 degree measurement, calculated as a straight line from one sign to another, including measurements across Interstate 35.

(5) The minimum setbacks for billboards shall be twice the billboard's height from all property lines.

(F) Performance standards for dynamic display billboards.

(1) Contain a single dynamic image on each sign face that has no animation or moving parts.

(2) The minimum duration of the single dynamic image shall be at least eight seconds. No portion of the image may flash, scroll, change color, imitate movement in any manner or otherwise meet the characteristics of a flashing sign.

(3) Dynamic sign messages shall not change at intervals less than once every eight seconds. The duration of the transition of the electronic image message change shall be instantaneous and include no fading, scrolling, or other special effects.

(4) The image must contain a complete message and not be continued to a subsequent image.

(5) Shall be equipped and operated with an ambient light monitor or a mechanism that automatically adjusts the brightness level of the sign in response to light conditions.

(6) All electrical equipment and wiring shall be enclosed in a shroud or other equipment box that is visually integrated into the sign structure.

(7) Shall be equipped with the means to immediately turn off the display and lighting in the event of a malfunction. The owner or operator of the dynamic display billboard shall turn off the sign and all associated lighting within one hour or as soon as reasonably possible after receiving notification that the sign does not meet the standards of this section. A violation of this section is a misdemeanor.

(8) Shall not exceed a maximum brightness level of 0.3 foot-candles above ambient light, as measured using a foot-candle meter at a horizontal distance of 250 feet.

(G) Integrated public alert and warning systems (IPAWS) and community service and safety messages.

(1) Dynamic display billboards shall display messages created as part of applicable state and national Integrated Public Alert and Warning Systems (IPAWS). IPAWS shall override commercial content in accordance with state and national guidance.

(2) The City Council recognizes that dynamic display billboards along Interstate 35 can provide an important public service function by alerting the public to local matters of public safety, service, and community events. Therefore, each dynamic display billboard shall provide the city a minimum of five hours (2,250 eight-second spots) per month for public service announcements. These spots shall be at no cost to the city and shall be equitably scheduled throughout the month.

(Ord. 722, passed 3-27-2023)

§ 153.167 TEMPORARY SIGNS.

Temporary signs as defined and regulated in this subchapter shall further comply with the following provisions.

(A) Temporary emergency or special situation signs. The city may approve the construction of a temporary sign not specifically defined in this subchapter if a valid need is shown to exist by virtue of an emergency or special situation. The duration, location, size, and other conditions regarding the sign shall be established by the city at the time of approval through the issuance of a temporary sign permit.

(B) Temporary sign permit exemption. The following signs do not require a permit or permit fee, but are still subject to the other standards of this section.

(1) Temporary noncommercial signs.

(2) Temporary on-site and off-site real estate signs pertaining to the sale, rental, or development of real property.

(3) The changing of a temporary message on a permanent changeable copy sign.

(4) Temporary construction signs designating the architects, lending institutions, engineers, or contractors, when placed on a site where a building is to be constructed within 60 days, shall be maintained on-site no more than 30 days after the issuance of a certificate of occupancy.

(5) Temporary window signs.

(6) Temporary residential signs advertising garage sales, provided the signage on a zoning lot shall not exceed 8 square feet in area, and the signs shall not be placed or maintained in the public right-of-way, and shall not be illuminated.

(C) Temporary signs in business, commercial, mixed use, and industrial districts.

(1) Temporary banner sign. No more than 1 temporary banner, not exceeding 40 square feet in area, may be located on an outside building wall and shall not be placed in any other location. Each temporary sign shall be permitted to be displayed for a maximum period of 30 consecutive days 4 times per year, with an approved temporary sign permit. No more than 1 banner, not exceeding 40 square feet in area, may be placed on the outside building wall between December 1 and January 3 without an approved temporary sign permit. A new permit must be obtained for every 30-day period. No fee is required for a temporary banner permit.

(2) Temporary sandwich board sign. A maximum of 1 sandwich board sign per business is permitted in business, commercial, and mixed use districts. Sandwich board signs shall be displayed only during open business hours and must be removed daily. A permit is not required.

(a) Sandwich board signs may be no more than 6 square feet in area.

(b) Sandwich board signs must leave a minimum of 5 feet of clearance for pedestrian access if placed on a public or private sidewalk. Sandwich board signs may not hinder the ability of persons to access vehicles parked at the curb and/or access to a building,

(c) Sandwich board signs shall be maintained in a good appearance at all times.

(d) No sandwich board sign shall be secured, tethered, or installed on traffic devices, utility equipment, street trees, street furniture, street lights, or any other public fixture.

(e) Sandwich board signs are temporary signs and shall not be counted towards the total sign area of the site for permanent signage.

(3) Agricultural business, off-premises, directional, temporary, sandwich board sign. One off-premises, temporary, agricultural business, directional sign is allowed, if the following criteria are met:

(a) The applicant has written permission from the property owner to place the agricultural business, off-premises, directional, temporary, sandwich board sign on the owner's property. The property on which the sign is to be placed must be adjacent to the property on which the agricultural business is being operated. A copy of the document granting permission to the sign owner for placement of the sign shall be provided to the city for record.

(b) The agricultural business, off-premises, directional, temporary, sandwich board sign shall meet the requirements of § 153.167(C)(2)(a), (c), (d) and (e).

(D) Other temporary sign requirements.

(1) Community and civic promotion signs. The size, location, frequency, and duration of such signs may vary, depending on the nature of the promotion or civic event. A temporary permit is not required.

(2) Responsibility for temporary signs. Temporary signs located on private property shall have the express consent of the property owner.

(3) Temporary real estate signs. It is the intent of this provision to prohibit the use of long-term real estate signs to advertise units or space in multiple-family residential structures or business and industrial structures or development that are periodically or perpetually available for sale, rent, or lease. Short-term real estate signs shall be removed when 85% of the project is sold or leased.

(a) Signs which advertise the sale or lease of property in any district may be placed within the required front yard of any property to be sold or leased, and shall not be more than 32 square feet per surface. The signs shall not be less than 10 feet from the right-of-way line unless flat against the structure.

(b) For the purpose of selling or promoting a residential project of 6 or more dwelling units, any commercial area or an industrial area, 2 signs, not to exceed 64 square feet of advertising surface, may be erected upon the project site at each entrance to the project. The sign shall not be less than 10 feet from any public right-of-way line.

(c) Temporary, off-site, open house directional signs, advertising the sale of residential real property are allowed with the consent of the property owner on whose property the signs are placed. The signs shall be promptly removed at the completion of the open house and no later than 6:00 p.m. on the same day. Off-site open house signs may not be placed in the public right-of-way.

(d) Temporary, off-site, real estate directional signs are allowed, but shall be limited to 2 square feet, and shall include the name and telephone number of the person or company responsible for the signs. The signs shall be promptly removed upon the sale of the property. Off-site real estate signs may not be placed in the public right-of-way.

(4) Temporary noncommercial signs.

(5) Temporary window signs. No more than 50% of the total window area may be used for the display of a temporary sign message.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 616, passed 7-9-2012; Am. Ord. 678, passed 7-23-2018)

§ 153.168 SIGN CONSTRUCTION AND MAINTENANCE.

(A) Conformance with the Building Code. The construction of all signs permitted by this subchapter shall be made in accordance with the provisions of the Building Code as administered by the city.

(B) Safety. No sign or structure shall be erected in such a manner that any portion of its surface and/or supports will interfere in any way with the free use of any fire escape, exit, or standpipe. No sign shall obstruct any window. Signs shall be so located as to maintain all required clearances from overhead power and service lines.

(C) Posts and columns. Sign support structures for all freestanding signs, except monument signs, shall be limited to posts or columns not in excess of that commonly required to support the size and weight of the sign.

(D) Sign maintenance. All signs and sign structures shall be properly maintained and kept in a safe and presentable condition. Vegetation around, in front of, behind, and underneath the base of any freestanding sign shall be neatly kept and free of weeds. No accumulation of rubbish or debris shall be permitted.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 616, passed 7-9-2012)

§ 153.169 ADMINISTRATION, COMPLIANCE, AND ENFORCEMENT.

(A) Nonconforming signs.

(1) Legal, nonconforming, permanent signs. Legal, nonconforming, permanent signs, such as pylon and flashing signs, lawfully existing at the time of adoption of this subchapter, shall be allowed to continue as determined by state law.

(2) A nonconforming sign may be repaired, replaced, and maintained, but cannot be enlarged or altered in a way which increases its nonconformity.

(3) Should such sign or sign structure be destroyed by any means to an extent greater than 50% of its replacement cost, and no building permit has been applied for within 180 days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this subchapter.

(4) Should such sign or sign structure be moved for any reason, it shall thereafter conform to the regulations for the zoning district in which it is located.

(B) Variances. Requests for variances from sign size of a sign, number of signs, and setback requirements of this section may be made pursuant to § 153.036.

(C) Violations.

(1) Written order to alleged violator. When, in the opinion of the city's Zoning Administrator, a violation of this subchapter exists, the Zoning Administrator shall provide written notice to the property owner of record where the sign is located and the owner or person responsible for the erection of the sign, if known, which may include an order directing the removal of any sign erected or maintained in violation of this subchapter. The notice shall describe the violation and shall state that the property owner, owner, or person responsible for the erection of the sign, if known, has 15 days from the date of the notice in which to correct the alleged violation or appeal the decision of the Zoning Administrator in the manner provided in this code. In the case of a temporary sign violation, the property owner of record where the sign is located and/or the owner or person responsible for the erection of the sign, if known, shall have 24 hours (or less as determined by the Zoning Administrator) from the date of notice to correct the alleged violation. Upon failure to remove or to comply with the notice, the city may remove the sign. Any costs of removal incurred by the city shall be assessed to the owners of the property on which the sign was located, and may be collected in the manner of ordinary debt or in the manner of taxes with all costs assessed against the property. Temporary signs located on city-owned property or located in the public right-of-way may be removed without notice to the owner or the person responsible for the erection of the sign and may be immediately disposed of by the city.

(2) Defective or unsafe signs. If upon inspection the city finds that a sign is abandoned or structurally, materially, or electrically defective, or in any way endangers the public, the city shall issue a written order to the owner of the sign and occupant of the premises, stating the nature of the violation and requiring the repair or removal of the sign within 30 days of the order.

(3) Emergency. In cases of emergency, the city may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety or welfare. The city may cause the removal of any temporary sign that has not been promptly removed as specified in this subchapter or by the specific sign permit, or for failure to comply with written orders of removal or repair, or which has been placed in a prohibited location.

(4) Mailed notice of removal. After removal or demolition of the sign, a notice shall be mailed to the property owner of record where the sign was located and sign owner, if known, stating the nature of the work and the date on which it was performed, and demanding payment of the costs as certified by the city. The removal of temporary signs placed in the public right-of-way or on city property shall require no notice and such signs shall be discarded by the city.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 616, passed 7-9-2012; Am. Ord. 678, passed 7-23-2018)

ENVIRONMENTAL REGULATIONS

§ 153.180 PURPOSE.

The purpose of these regulations is to protect the environment.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.181 EXPLOSIVES.

Uses involving the commercial storage, use, or manufacture of materials or products that could detonate by decomposition are not permitted.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.182 RADIATION AND ELECTRICAL INTERFERENCE.

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

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.183 NOISE, ODOR, AIR, AND WATER POLLUTION.

Notwithstanding anything contained herein to the contrary, the standards of the Minnesota Pollution Control Agency and other adopted city ordinances regulating noise, odor, air, and water pollution shall be the standards applied in those areas.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.184 VIBRATIONS.

(A) Any vibration discernible (beyond the property line) to the human sense of feeling for a 3 minute or more duration in any 1 hour is prohibited.

(B) Any vibration resulting in any combination of amplitudes and frequencies beyond the "safe" range of the most current standards of the United States Bureau of Mines on any structure is prohibited.

(C) These standards do not apply to vibrations created during the process of construction.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.185 GLARE OR HEAT.

Any operation producing an intense heat, light transmission, or glare shall be performed with the necessary shielding to prevent such heat or light from being detected at the lot line of the site on which the operation is located.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.186 PUBLIC HEALTH.

The following are declared to be nuisances endangering public health and are prohibited:

(A) Causing or allowing the effluent from any cesspool, septic tank, drain field, or human sewage disposal system to discharge upon the surface of the ground, or dumping the contents thereof at any place except as authorized by the Minnesota Pollution Control Agency;

(B) Causing or allowing the pollution of any public well, cistern, stream, lake, canal, or body of water by sewage, industrial waste, or other substances;

(C) Failing to dispose of carcasses of animals within 24 hours after death;

(D) Any use that discharges through evaporation into the atmosphere, on the soil surface or in the subsoil, within or beyond the boundaries of the lot wherein such use is located, toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, or welfare, or cause injury or damage to property or business;

(E) The ownership, possession, or control of any unused refrigerator or other container with doors which fasten automatically when closed, of sufficient size to retain any person, and which is exposed and accessible to the public, without removing the doors, lids, hinges, or latches, or providing locks to prevent access by the public.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.187 REFUSE.

In all districts and on all construction sites (except for agricultural uses and crop residue), all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping the land free of refuse. Waste material shall not be washed into either the public storm sewer system or the public sanitary system without first receiving permission to do so from the city. If the permission is not granted, a method of disposal shall be devised which will not require continuous land acquisition for permanent operation and will not cause a detrimental effect to the adjacent land. Should the waste be of a solid form rather than a liquid, the storage area shall be so located and fenced to be out of public view.

(A) Refuse not consisting of motor vehicles. The notice provided by the city of illegally stored or piled garbage or refuse not including motor vehicles shall state that if within 15 days of receipt of the notice the violation has not been corrected, the city, at its discretion, may dispose of the refuse or garbage and bill the property owner for the city's disposal and reasonable administrative costs incurred. If repayment of the city cost is not forthcoming within 30 days of actual disposal, the City Council shall cause all costs of the disposal to be assessed against the property in accordance with the procedure for assessment.

(B) Refuse consisting of motor vehicles. In the event refuse consisting of a motor vehicle is illegally stored, the city shall give the owner of the vehicle notice of the violation and 15 days to take corrective action. An owner has taken corrective action when the vehicle is legally parked and licensed, mechanically operable, and in compliance with all state requirements for an operable vehicle on public roads. In the event corrective action is not taken within 15 days from the notice of the violation, the city may take the vehicle into custody, impound it, and sell it immediately at public auction.

(C) Right of entry. The city is hereby authorized and directed to enter onto private property to investigate any complaint for violation or any apparent violation of this chapter or to dispose of any garbage or refuse stored or piled in violation of this chapter. The property owner and every property occupant shall give the city free access to the property at all reasonable times for the purpose of the investigation or disposal.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.188 VACANT LAND.

(A) The owner of vacant land is responsible for keeping the land free of weeds, refuse, debris, and other unsightly, noxious, or dangerous conditions.

(B) Vacant land cannot be used for exterior storage unless contiguous to a lot under the same ownership having a principal use or approved permit. All storage must meet all other requirements of this chapter.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.189 HAZARDOUS WASTE.

Any use that generates, processes, stores, or disposes of hazardous waste shall comply with the standards and regulations of the Washington County Hazardous Waste Management Ordinance, Minnesota Pollution Control Agency (MPCA), and any other federal, state, and local agencies.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.190 VEHICLES.

(A) Vehicles, boats, trailers, and other equipment in an inoperable state and/or unlicensed shall not be parked and/or kept in any district, except in a location authorized by this chapter or in an enclosed building.

(B) Recreational vehicles, including but not limited to trailers, campers, motor homes, boats, pop-up campers, and trailers that transport snowmobiles, wave runners, ATV's, and the like are restricted as follows:

(1) Recreational vehicles exceeding 30 feet in length may not be stored in any residential district.

(2) No recreational vehicles or equipment shall be parked in the public right-of-way.

(3) Recreational vehicles exceeding 30 feet in length may be temporarily parked in residential driveways for a maximum of 72 hours for trip preparation and unloading purposes.

(4) Recreational vehicles shall be parked meeting accessory structure setback requirements.

(5) No recreational vehicle shall be used for living, sleeping, or housekeeping purposes in any zoning district unless otherwise authorized by this chapter.

(6) This section does not apply to recreational vehicles offered for sale in any approved outdoor sales and display area of a motor vehicle or recreational equipment sales dealership.

(B) No more than 1.5 vehicles per licensed driver within the household may be stored on a residential parcel unless kept within an enclosed building. All vehicles shall be licensed to a member of the household. This does not pertain to guest parking.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.191 OUTDOOR WOOD BOILER SYSTEMS.

(A) Purpose. This section is intended to ensure that outdoor wood boiler systems are utilized in a manner that does not create a public nuisance and is not detrimental to the health, safety, and general welfare of the residents of the city.

(B) Definitions. For purposes of this section, the following terms shall have the definitions indicated unless the context clearly calls for or indicates a different meaning.

CLEAN FUEL. Natural dry wood which has not been painted, varnished, or coated with a similar material, has not been pressure-treated with preservatives, and does not contain resins or glues as in plywood or other composite wood products and other Environmental Protection Agency approved fuels.

OUTDOOR WOOD BOILER SYSTEM. An appliance installed out-of-doors and designed to transfer or provide heat, via liquid or other means, through the burning of clean fuel for heating purposes. OUTDOOR WOOD BOILER does not include a fire pit or wood-fired barbeque.

PUBLIC NUISANCE. As defined in § 96.01.

(C) Area of operation. An outdoor wood boiler system may be installed and used in the conservancy, agriculture, rural residential, and industrial zoning districts only.

(D) Certificate of compliance. A certificate of compliance shall be obtained from the city prior to installing, altering, or relocating a wood boiler system.

(E) Application for a certificate of compliance.

(1) An application for a certificate of compliance shall be made to the city upon forms furnished by the city. The application shall include the following data:

(a) Name and address of applicant and property owner;

(b) Legal description of the property;

(c) A site plan or survey, if deemed necessary by the city, illustrating the dimensions of the property, including location of buildings and the wood boiler relative to the lot lines and distances from neighboring residences that are within 300 feet; and

(d) Manufacturer's specifications for installation.

(2) All applications shall be accompanied by an application fee.

(F) Application for building permit. A building permit must be obtained to assure that all outdoor wood boiler systems meet all building and fire codes, and manufacturer's specifications for installation.

(G) Minimum requirements for all outdoor wood boiler systems.

(1) All requirements for installation and maintenance shall be met including but not limited to local, state, and federal regulations and manufacturer's specifications.

(2) An outdoor wood boiler system shall be located at least 300 feet from any residence or principal building which is not on the same property as the outdoor wood boiler system.

(3) An outdoor wood boiler system shall only be placed in a location meeting the minimum required setbacks of an accessory structure within the applicable zoning district.

(4) An outdoor wood boiler system shall have an attached permanent stack extending 2 feet higher than the roof line of the structure being served and residential or principal buildings within a 500-foot radius of the wood boiler system.

(5) An outdoor wood boiler system shall not be operated or maintained in a manner which creates a public nuisance.

(6) An outdoor wood boiler system shall burn clean fuel only. An outdoor wood boiler system shall not be operated in a manner which creates any dense smoke, noxious fumes or noxious gas or releases soot or cinders in unreasonable quantities.

(7) An outdoor wood boiler system shall be equipped with properly functioning spark arresters.

(8) An outdoor wood boiler system may not be operated from April 1 to October 1 in each year.

(H) Right of entry and inspection.

(1) An officer, agent, employee or representative of the city may inspect any property for the purpose of ascertaining compliance with the provisions of this section.

(2) If the city determines that the operation of a wood boiler system is creating a nuisance or is being operated in a manner hazardous to persons or property, or not meeting the requirements of this section, the city may revoke the certificate of compliance after a hearing is held by the City Council upon 10 days' written notice given to the owner.

(I) Existing outdoor wood boiler systems. Outdoor wood boiler systems installed prior to the adoption of this section shall be operated in compliance with the minimum requirements of this section except that the distance requirement of division (G)(2) above shall not apply; and for any existing outdoor wood boiler system not located in a conservancy, agriculture, or rural residential district, the requirements of division (C) above shall not apply. The owner(s) of the property on which the outdoor wood boiler system is installed shall make an application for a certificate of compliance within 30 days of adoption of this section.

(Ord. 570, passed 12-10-2007; Am. Ord. 596, passed 2-8-2010)

§ 153.192 DRILLING OF WELLS IN DRINKING WATER SUPPLY MANAGEMENT AREA.

(A) Purpose. The purpose of this section is to protect the city's drinking water supply by prohibiting the drilling of wells within the city's drinking water supply management area.

(B) Connection to city water supply for properties with existing wells. The owner of property improved with a building located within the city's drinking water supply management areas (DWSMA) as defined in the city's Wellhead Protection Plan (on file at City Hall) where a public water supply is available, or becomes available, shall connect the buildings to the public water supply, subject to the following conditions.

(1) A private property with a functional well shall not be required to connect to a public water supply until the well becomes non-functioning such that new drilling is required.

(2) At the time connection to the public water supply is completed, all existing private wells no longer in use shall be sealed by a licensed well contractor according to the rules of the Minnesota Department of Health.

(C) Prohibition. No well, as that term is defined in M.S. Ch. 103I, other than a public water supply well or a well drilled for dewatering or groundwater monitoring purposes, may be drilled or otherwise established within the city's drinking water supply management areas (DWSMA) as defined in the city's Wellhead Protection Plan (on file at City Hall) unless the property on which the well is to be drilled does not have reasonable access to the city's water supply system. For the purpose of this section, a property will be deemed to have reasonable access to the city's water supply system if any part of the property is located within 500 feet of access to the city's water supply system.

(Ord. 668, passed 9-11-2017)

§ 153.194 SUSTAINABILITY REQUIREMENTS FOR ALL BUSINESS, COMMERCIAL, INDUSTRIAL, MIXED USE, NON-RESIDENTIAL USES IN A RESIDENTIAL DISTRICT AND THE MULTI-FAMILY RESIDENTIAL DISTRICT.

To achieve the principles and objectives presented in the Comprehensive Plan and implement the city's Sustainability Action Plan, sustainable design and development elements shall be incorporated into all commercial/industrial, mixed use and non-residential development in residential districts, and applied to apartments and multi-family structures. A developer must select a minimum of 1 item from each of the following categories and provide a detailed narrative as to how this requirement is being satisfied:

(A) Storm water mitigation. The city supports the use of the following techniques for storm water mitigation; however, final approval and permitting authority must be obtained from the appropriate Watershed District.

(1) Pervious paving: Use of pervious surface system technology within 50% or more of paved surface area.

(2) Rain gardens: Move water from building or hardscape runoff on-site into planted areas specifically designed for infiltration.

(3) Green roof: Use a vegetated roof or rooftop garden to reduce runoff.

(4) Water collection from building or hardscape surfaces: Retain water on-site for irrigation or building use through cisterns or other containment systems.

(5) Other techniques approved by appropriate Watershed District.

(B) Heat island reduction.

(1) Shade trees over hardscape areas: Use overstory trees in medians and parking lot perimeter planting areas where the canopy will intercept sun from the pavement.

(2) Roofing materials: Use white roofing materials or other roofing material solar reflective index meeting acceptable sustainability standards and benefits.

(C) Water use reduction.

(1) Use native landscaping techniques and a high efficiency irrigation system to minimize long term water usage.

(2) Use captured surface runoff from other areas on-site to serve landscaped areas.

(D) Landscaping.

(1) Use best management practices for tree plantings in order to encourage maximum canopy growth. See §§ 153.134 et seq. for additional landscaping requirements.

(2) Landscaping shall be designed to provide shading and cooling during the summer months while minimizing reduction of solar heat penetration during the winter months. See §§ 153.134 et seq. for additional landscaping requirements.

(3) Landscaping is to be environmentally sensitive and should include native drought resistant plants and turf, and a reduced need for chemical fertilizers and pest control. See §§ 153.134 et seq. for additional landscaping requirements.

(4) Where irrigation is required in §§ 153.134 et seq., use recycled gray water, roof water, collected site run-off, or an irrigation system that will deliver up to 95% of the water supplied.

(E) Energy efficiency. All buildings and sites are to be sited and developed in such a way as to maximize the benefits of the site for solar heating and passive cooling through the following techniques, where feasible:

(1) Buildings are to be oriented on the site to optimize passive solar heating and cooling opportunities.

(2) Buildings are to be oriented so as to minimize wind loads on the structure.

(3) Windows are to be placed, and appropriately shaded, to maximize solar penetration during the winter months and minimize solar penetration during the summer months.

(4) Install solar panels in conformance with § 153.092 (TT) to provide at least 10% of the project's estimated electricity demand.

(5) A minimum of 50% of all exterior light fixtures used on-site shall be powered by solar panel energy.

(6) All lighting shall be downcast and use LED fixtures meeting requirements in § 153.130.

(7) Daylight sensors or timers shall be installed on all exterior lighting.

(Ord. 596, passed 2-8-2010)

§ 153.194 WETLAND BANKS.

(A) Purpose. The purpose of this section is to protect the limited land resources that exist within the city. The real estate that exists within the city limits includes a significant amount of property that is defined as "wetlands" by either the Wetland Conservation Act or the Clean Water Act, and as a result the impacted property is generally unavailable for development. The remaining supply of property within the city that is eligible for development is limited. It is therefore critical for the future growth, livability, economic sustainability and economic development of the city, that this limited supply of developable land be protected.

(B) Authority. The city has wide authority to regulate the uses of property within the city. The legislature recognized in M.S. § 462.351 the importance of the city's authority to adequately conduct and implement municipal planning. Pursuant to M.S. § 462.351, Subd. 1, the city may regulate the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil, conservation, water supply conservation, and conservation of shorelands.

(C) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

WETLAND MITIGATION BANK. The creation, restoration, enhancement, or (in certain circumstances) preservation of wetlands, stream, or other aquatic resource to be sold in exchange for compensation, as permitted under local, state, and federal regulations, to mitigate the unavoidable impacts to aquatic resources caused by an off-site development, redevelopment, or similar project.

(D) Wetland mitigation bank. Wetland mitigation banks made by creation, restoration, enhancement, or preservation are prohibited within the city.

(E) Exception. Nothing in this section shall be construed to prohibit project specific and/or permittee responsible wetland mitigation accomplished through restoration, enhancement, or preservation, provided it is required for part of a development or redevelopment located within the city.

(Ord. 724, passed 6-12-2023)

WOODLAND PRESERVATION REGULATIONS

§ 153.196 PURPOSE.

The purpose of this subchapter is to govern the preservation and protection of trees and woodlands within the city. The city recognizes the value of trees and woodlands for absorbing air pollutants, reducing noise, providing shade, providing wildlife habitat, providing visual amenity, and preventing soil erosion and siltation. This section is adopted to ensure that development occurs in a manner that protects and preserves these valuable resources.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.197 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. Any person or entity that is required to submit and implement an approved Woodland Preservation Plan under this chapter.

CALIPER INCH. The diameter of a tree measured at 4.5 feet above ground level.

CONIFEROUS TREES. A wood plant which, at maturity, is at least 12 feet or more in height and has foliage on the outermost portions of the branches year round.

CONSTRUCTION ZONE. Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or other change in the natural character of the land occurs because of the site preparation, grading, building construction, or any other construction activity.

CRITICAL ROOT ZONE (CRZ). An imaginary circle surrounding the tree trunk radius distance of 1 foot per 1 inch of tree diameter (a 20 inch diameter tree has a CRZ with a radius of 20 feet).

DRIP LINE. The farthest distance away from the trunk that rain or dew will directly fall to the ground from the leaves or branches of the tree.

EXEMPT TREE. Eastern Cottonwood (*Populus deltoids*), Ash (any *fraxinus* species), willow (any *Salix* species), any species of the genus Elm, except those bred to be immune to Dutch Elm Disease, Common Buckthorn (*Rhamnus cathartica*), Russian Olive (*Elaeagnis angustifolia*), Black Locust (*Robinia pseudoacacia*), and Box-elder (*Acer negundo*) trees. These trees are not protected under the provisions of this Chapter unless the tree is located in the Shoreland Overlay District, and, unless located in the Shoreland Overlay District, shall not be included in the definition of a Significant Tree for purposes of this chapter.

HARDWOOD DECIDUOUS TREE. Includes ironwood, oak, maple (hard), walnut, ash, hickory, birch, black cherry, hackberry, locust, and basswood.

SIGNIFICANT TREE. A healthy tree measuring a minimum of 6 caliper inches for all hardwood deciduous trees, a minimum of 20 caliper inches for all softwood deciduous trees, or a minimum of 12 feet in height for all coniferous trees.

SIGNIFICANT WOODLAND. A grouping or cluster of coniferous and/or deciduous trees with contiguous crown cover, occupying 15,000 or more square feet of property, and is comprised of deciduous trees of 6 caliper inches or more, and coniferous trees over 12 feet in height.

SOFTWOOD DECIDUOUS TREES. Includes catalpa, cottonwood, poplars/aspen, box elder, willow, silver maple, and elm.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 655, passed 5-23-2016)

§ 153.198 WOODLAND PRESERVATION PLAN.

(A) General submission requirements. A Woodland Preservation Plan required hereunder shall be submitted when the subject property is three acres or greater in size and:

- (1) Preliminary subdivision plan is required within Ch. 152; or
- (2) A project is proposed for which a city grading permit is required by § 153.144 and significant woodlands exist on-site; or
- (3) An application for a single-family residential building permit when significant woodlands exist on-site.

(B) All properties located within the Shoreland Overlay District must comply with provisions for vegetation alteration as required in § 153.089.

(C) Plan requirements.

(1) All Woodland Preservation Plans, except for individual single-family residential lots, shall be certified by a forester, landscape architect, or other qualified professional retained by the applicant.

(2) All applicants shall submit a Woodland Preservation Plan prepared in accordance with the provisions of this chapter. The Woodland Preservation Plan shall include the following information:

(a) The name(s), telephone number(s), and address(es) of applicant's property owners, developers, and/or builders;

(b) Delineation of the buildings, structures, or impervious surfaces situated thereon or contemplated to be built thereon;

(c) Delineation of all areas to be graded and limits of the construction zone;

(d) Surveyed boundaries of all existing significant trees and woodlands located within the area to be platted or within the parcel of record;

(e) Identification of all significant trees and woodlands proposed to be removed within the construction zone;

(f) Measures to protect significant trees and woodlands;

(g) Size, species, and location of all replacement trees proposed to be planted on the property in accordance with the tree replacement schedule; and

(h) Signature of the person preparing the plan.

(D) Review process. The Woodland Preservation Plan shall be reviewed by the city to assess the best possible layout to preserve significant trees and woodlands and to enhance the efforts to minimize damage to significant trees and woodlands. The applicant shall meet with the city prior to submission of the development application, or prior to application for the grading permit, whichever is sooner, to determine the most feasible and practical placement of buildings, parking, driveways, streets, storage, and other physical features in order that the fewest significant trees and woodlands are destroyed or damaged. Once a plan is approved by the city, the plan shall be recognized as the approved Woodland Preservation Plan.

(E) Compliance with plan.

(1) The applicant shall implement the Woodland Preservation Plan prior to and during any construction. The woodland protection measures shall remain in place until all grading and construction activity is terminated, or until a request is made to, and approved by, the city.

(2) No significant trees or woodlands shall be removed until a Woodland Preservation Plan is approved and accepted in accordance with the approved Woodland Preservation Plan. If a significant tree or woodland that was intended to be preserved is removed without permission of the city, or damaged so that it is in a state of decline within 1 year from date of project closure, reforestation or restitution shall be required as described in § 153.200.

(3) The city shall have the right to inspect the development and/or building site in order to determine compliance with the approved Woodland Preservation Plan. The city shall determine whether compliance with the Woodland Preservation Plan has been met.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 655, passed 5-23-2016)

§ 153.199 PERMITTED TREE REMOVALS.

The city recognizes that a certain amount of tree removal is an inevitable consequence of the urban development process and therefore will likely result in the removal of some significant trees. Consequently, the city requires that significant tree removal beyond the following thresholds shall require reforestation or restitution as described below in § 153.200.

(A) Trees may be removed within 30 feet from the face of the foundation of buildings, required parking areas, driveways, well areas, drain fields, essential utility areas, essential drainageways, easements, and rights-of-way.

(B) All diseased, hazardous, dead and dying trees may be removed. Except in the Shoreland Overlay District, all exempt trees may be removed.

(C) Up to 10% of significant trees may be removed from existing improved parcels.

(D) On parcels where a significant woodlands exist, a percentage of the woodland may be removed without any obligation for reforestation or restitution, but only up to and including the threshold percentage of woodland listed for that zoning district.

Zoning District	Threshold
Conservancy	10%
Agriculture	25%
Rural Residential	30%
SF, MXR-1, MXR-2, MXR-3, MF	50%
All Other Zoning Districts	60%

(E) Trees and woodlands within the Shoreland Overlay District are subject to the requirements stated in §§ 153.089 et seq., in addition to the regulations of this chapter.

(F) After tree removal the parcel must still meet the minimum requirements of §§ 153.134 et seq. of this chapter.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 655, passed 3-14-2016)

§ 153.200 MITIGATION PROCEDURES.

Trees or woodlands removed beyond the permitted threshold(s), as described above in § 153.199, shall be mitigated by the applicant through either of the following methods as determined by the city:

(A) Replace the trees or woodlands in accordance with the tree replacement provisions as outlined below in § 153.201; or

(B) Pay to the city the sum per caliper inch calculated from the total amount of caliper inches of the required replacement trees in accordance with the tree replacement provision in § 153.201. The fee per caliper inch shall be set forth in the city fee schedule, and the payment thereon shall be deposited into an account designated specifically for tree mitigation.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.201 TREE REPLACEMENT PROVISIONS.

(A) Schedule.

<i>Size of Tree Damaged or Destroyed</i>	<i>Number of Replacement Trees</i>		
	<i>Category A</i>	<i>Category B</i>	<i>Category C</i>
Coniferous, 12 to 24 feet high	1	2	4
Coniferous, 24 feet or higher	2	4	8
Hardwood deciduous, 6 to 20 inches diameter	1	2	4
Softwood deciduous, 20 to 30 inches diameter	1	2	4
Softwood deciduous, greater than 30 inches diameter	2	4	8

(B) Significant woodland replacement. Where replacement of a significant woodland is required, the applicant shall be responsible for furnishing and installing 1 Category A replacement tree, 2 Category B replacement trees, or 4 Category C replacement trees for every 125 square feet of significant woodland damaged or destroyed, or any increment thereof.

(C) Size of replacement trees.

(1) Category A trees shall be no less than the following sizes:

- (a) Deciduous trees, not less than 4 caliper inches;
- (b) Coniferous trees, not less than 12 feet in height.

(2) Category B trees shall be no less than the following sizes:

(a) Deciduous trees, not less than 2-1/2 caliper inches;

(b) Coniferous trees, not less than 6 feet in height.

(3) Category C trees shall be no less than the following sizes:

(a) Deciduous trees, not less than 1-1/2 caliper inches;

(b) Coniferous trees, not less than 4 feet in height.

(D) Species requirement. Where 10 or more replacement trees are required, not more than 50% of the replacement trees shall be of the same species of tree without the approval of the city. No replacement tree shall be an exempt tree.

(E) Warranty requirement. Any replacement tree which is not alive or healthy, as determined by the city, or which subsequently dies due to construction activity within 1 year after the date of project closure, shall be removed by the applicant and replaced with a new healthy tree meeting the same minimum size requirements within 8 months of removal.

(F) Additional requirements. The replanting of trees for mitigation shall be in addition to any other landscape requirements of the city.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 655, passed 3-14-2016)

§ 153.202 REQUIRED PROTECTIVE MEASURES.

The following measures shall be utilized to protect significant trees and woodlands during any type of grading or construction:

(A) Installation of snow fencing or polyethylene laminate safety netting placed at the drip line or at the perimeter of the critical root zone (CRZ), whichever is greater, of significant trees and woodlands to be preserved. No grade change, construction activity, or storage of materials shall occur within this fenced area;

(B) Identification of any oak trees requiring pruning between April 15 and July 1. Any oak trees so pruned shall be required to have any cut areas sealed with an appropriate non-toxic tree wound sealant;

(C) Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.203 ADDITIONAL PROTECTIVE MEASURES.

The following tree protection measures are suggested to protect significant trees and woodlands that are intended to be preserved:

(A) Installation of retaining walls or tree wells to preserve trees;

(B) Placement of utilities in common trenches outside of the drip line of significant trees or use of tunneled installation;

(C) Use of tree root aeration, fertilization, and/or irrigation systems;

(D) Transplanting of significant trees into a protected area for later moving into permanent sites within the construction area;

(E) Therapeutic pruning.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

RESPONSIBILITIES, ENFORCEMENT, AND APPEALS

§ 153.210 GENERAL RESPONSIBILITIES OF COMMUNITY DEVELOPMENT DEPARTMENT.

The responsibilities of the Community Development Department as they relate to administration and enforcement of this chapter shall be as follows:

(A) Administer and enforce this chapter;

(B) Create and maintain a system of current and permanent records of this chapter, including, but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications;

(C) Receive, file, and forward all applications for appeals, variances, conditional uses, amendments, or other matters to the designated official bodies;

(D) Determine the completeness of applications. Notify applicants of incomplete applications within 15 days of receipt of the application;

(E) Maintain a system of records to ensure that the City Council acts on applications within 60 days of being deemed complete. Notify the applicant in writing if the city needs an additional 60 days to act on the application;

(F) Provide public notice of all applications that require a public hearing;

(G) Act as liaison between the Planning Commission and City Council;

(H) Review and determine that all building permits, certificates of compliance, and certificates of occupancy comply with the provisions of this chapter;

(I) Periodically inspect buildings and land uses in the city for compliance with the provisions of this chapter;

(J) Notify, in writing, any person responsible for violating a provision of this chapter indicating the nature of the violation and ordering the action necessary to correct it and a time frame for compliance;

(K) Initiate, in the name of the city, appropriate actions or proceedings against any violator of the provisions of this chapter as provided by law as may be necessary to insure compliance with or to prevent violation of its provisions. Cooperate with the City Attorney in the prosecution of complaints.

(Ord. 537, passed 11-8-2004; Am. Ord. 549, passed 5-22-2006; Am. Ord. 596, passed 2-8-2010)

§ 153.211 GENERAL RESPONSIBILITIES OF THE CITY ADMINISTRATOR.

The responsibilities of the City Administrator as they relate to this chapter shall be to implement City Council policies and to administer the affairs of city government.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.212 GENERAL RESPONSIBILITIES OF THE PLANNING COMMISSION.

The responsibilities of the Planning Commission as they relate to the administration of this chapter shall be to assist and advise the City Council in administration of the City Zoning Code to conduct public hearings on matters as required by provisions of the zoning/subdivision ordinances, and any other matters referred to it by the City Council or by ordinance. Following the required public hearings, the Planning Commission shall, to the extent possible, make its reports and recommendations to the City Council.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.213 GENERAL RESPONSIBILITIES OF THE CITY COUNCIL.

The responsibilities of the City Council as they relate to the administration of this chapter shall be to exercise the legislative power of the city, to determine all matters of policy to act on recommendations of the Planning Commission and other boards, and to enforce the provisions of this chapter.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.214 DEVELOPMENT AGREEMENTS AND FINANCIAL GUARANTEES.

(A) To guarantee completion of exterior facilities and amenities as shown on the approved plans or any conditions imposed as part of an application granted under this chapter, applicants may be required to provide a financial guarantee and/or development agreement before the issuance of a building permit.

(B) The content of the development agreement must be approved by the city and must define the required work, reflect the terms to the required guarantee for the performance of the work by the applicant, and provide for the forfeiture of the financial guarantee to the city to correct a

default or to reimburse the city for the cost of enforcement measures. Landscaping improvements may not be deemed complete until the city has verified survivability of all required plantings through 2 winter seasons.

(C) Any financial guarantee required by the development agreement guarantees conformance and compliance with the conditions of the application approval and this chapter.

(D) The amount of the financial guarantee must be established by the city, based upon an itemized estimate of the cost of all required work as documented by the applicant. A cash deposit or an irrevocable letter of credit or similar financial security as approved by the City Attorney must be in the amount of 125% of the approved estimated cost.

(E) The applicant may submit a separate financial guarantee for that portion of the required work consisting solely of landscaping improvements with another financial guarantee for all other exterior amenities and improvements that comprise the work.

(F) The city may hold a financial guarantee for a period of time as determined by the development agreement. The financial guarantee may be periodically reduced and ultimately released by the City Council.

(G) Failure to comply with the conditions of the application approval, the development agreement or this chapter may result in forfeiture of the financial guarantee to the extent necessary to achieve compliance with the approved plan.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

§ 153.215 PROCEDURES TO APPEAL DECISIONS OF THE CITY.

Except as otherwise provided in this chapter, the procedures to appeal decisions of the city are as follows:

(A) The following appeals from decisions of the city are allowed:

(1) To the Planning Commission for decisions made by the Community Development Director.

(2) To the City Council for final decisions made by the Planning Commission.

(B) Any person or entity aggrieved by any decision or action may appeal to the appropriate entity by filing a written notice with the City Administrator within 7 days of the date of the decision stating the specific grounds on which the appeal is made. If the last day of the 7-day period in which the appeal is to be filed falls on a Saturday, Sunday or legal holiday, the period runs until the end of the next day that is not one of the aforementioned days.

(C) The entity hearing the appeal shall cause notice of the hearing on the appeal to be mailed to all appellants at least 10 days prior to the hearing. In the event the matter involves a determination of district boundary lines or interpretations of the text of this chapter, the notice shall also be published in the official newspaper once at least 10 days prior to the hearing.

(D) The entity hearing the appeal shall expeditiously render its decision with written findings supporting the decision.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010; Am. Ord. 638, passed 4-14-2014)

§ 153.216 VIOLATIONS.

(A) General. The violation of any provision of this chapter, or the violation of the conditions or provisions of any permit issued pursuant to this chapter, shall be a misdemeanor and, upon conviction thereof, the violator shall be subject to a fine, imprisonment, or both as provided in the City Code, plus, in either case, the cost of prosecution.

(B) Penalties. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues, constitutes a separate offense.

(C) Application to city personnel. The failure of any officer or employee of the city to perform any official duty imposed by this chapter shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for the failure.

(D) Equitable relief. In the event of a violation or the threatened violation of any provision of this chapter or any provision or condition of a permit issued pursuant to this chapter, the city, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate the violation or threatened violation and to impose a lien upon the affected property for the cost thereof to be collected as a special assessment.

(Ord. 537, passed 11-8-2004; Am. Ord. 596, passed 2-8-2010)

Section 2. Summary Publication. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This is a repeal and replace of the entirety of Chapter 153 Zoning Code that has modified the order of the subsections resulting in a code that is more user friendly with the addition of a Comprehensive Use Table that shows the entirety of all zoning districts and their corresponding permitted uses in the City.

Section 3. Effective Date. This Ordinance shall be in full force and effect upon its publication as provided by law.

Passed in regular session of the Forest Lake City Council on the ____ day of _____, 2024.

CITY OF FOREST LAKE

By: _____

Mara Bain

Its: Mayor

Attested:

By: _____

Kristina Handt

Its: Interim City Administrator

(Published in the *Forest Lake Times* on March 28, 2024)

P = Permitted AP = Accessory Permitted COC = Certificate of Compliance CUP = Conditional Use Permit IUP = Interim Use Permit																
	C	A	RR	SF	MXR-1	MXR-2	MXR-3	MF	NC	B-1	B-2	B-3	I	BP	MU-1	MU-2
Agriculture																
Agricultural seasonal sale									AP	AP	AP	AP				
Agricultural uses	P	P	P		IUP		IUP				IUP			P		
Agriculture building	COC	COC	COC													
Agriculture business	AP	AP	AP													
Feed lot	CUP	CUP	CUP													
Horse training facilities, commercial	CUP	CUP	CUP													
Horse training facilities, private	COC	COC	COC													
kennel, commercial	CUP	CUP	CUP								CUP	CUP	CUP			
kennel, private - 3 pets or fewer	AP	AP	AP	AP	AP	AP	AP									
kennel, private - more than three pets	COC	COC	COC		CUP											
Pasture	AP	AP	AP													
Plant nursery, commercial											P	P				
Plant nursery, wholesale	P	P	P								P	P				
Topsail removal					IUP											
Residential																
Accessory apartment within a single-family detached building	COC	COC	COC	COC	AP	COC	COC									
Accessory dwelling		AP			AP											
Accessory structure		AP	AP													
Accessory structure on adjacent non-riparian lot			CUP	CUP												
Detached accessory structure				AP		AP	AP	AP					CUP			
Dwelling, apartment/condominium								P								P
Dwelling, duplex or two family																
Dwelling, multi-family, row house style townhome															CUP	P
Dwelling, multiple-family (apartment, condominium, cooperative, townhouse) when located above the street level floor															P	
Dwelling, single-family attached - 8 units per building max.					P		P									
Dwelling, single-family detached	P	P	P	P	P	P	P	P (existing)								
Dwelling, temporary care facility	IUP	IUP	IUP	IUP												
Dwelling, temporary during construction	IUP	IUP	IUP	IUP												
Home occupations	COC	COC	COC	COC	AP	COC	COC	COC								
Industrial condominium/multi-tenant structure														P		
Manufactured home park								CUP								
Nursing home								CUP			CUP					
Residential facility, licensed - serving 6 or fewer persons	AP	AP	AP	AP	P	AP	AP	AP								
Residential facility, licensed - serving 7-10 persons.	COC	COC	COC	COC		COC	COC	COC								
Residential facility, licensed - serving more than 10 persons	CUP	CUP	CUP	CUP		CUP	CUP	CUP								
Commercial/Retail																
General Office/Commercial/Retail																
Attached smoking facility associated with a principal use									AP	AP	AP	AP	AP	AP	AP	AP
Cafeterias not open to the general public														P		
Coffee shops, cafeterias, medical facilities, and athletic/fitness facilities (if located within principal structure)														P		
Data processing														P		
Daycare facility, group family - serving 14 or fewer persons					P											
Daycare facility, licensed									CUP	P	P	P				
Daycare facility, licensed - serving 12 or fewer persons					P											
Daycare facility, licensed - serving 7 to 14 persons	COC	COC	COC	COC		COC	COC	COC								
Daycare facility, licensed - serving more than 14 persons	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP								
Daycare facility, unlicensed - serving 6 or fewer persons	AP	AP	AP	AP		AP	AP	AP								
Daycare, freestanding														CUP		
Exterior employee break areas														AP		
Financial institutions and banks - no drive-thru facilities															P	P
Financial institutions and banks - with drive-thru facilities														CUP		
Funeral home										CUP	P	P			CUP	
Garden supply store and nursery yard		CUP	CUP								P	P				
Healthy/recreation facility											P	P		CUP		P
Marina, public/private															CUP	
Medical uses									P	P		P	P	CUP	P	P
Movie theater																P
Office									P	P	P	P	P	P	P	P

P = Permitted AP = Accessory Permitted COC = Certificate of Compliance CUP = Conditional Use Permit IUP = Interim Use Permit																
	C	A	RR	SF	MXR-1	MXR-2	MXR-3	MF	NC	B-1	B-2	B-3	I	BP	MU-1	MU-2
Permitted uses with a drive-thru									CUP	CUP					CUP	CUP
Radio/tv studios, sound stages, multi-media, post-production studio and support facilities/equipment														CUP		
Recreation, commercial		CUP	CUP	CUP	CUP						CUP	P	CUP			
Research and development														P		
Research and technology center													P	P		
Retail sales and service									P	P	P	P		P	P	P
Retail/office/multi-tenant structures									P	P	P	P			P	P
Self-service storage											CUP	P				
Telecommuting center														P		
Trash enclosure service structure									AP	AP	AP	AP	AP	AP	AP	AP
Travel agencies														P		
Veterinary clinic									CUP	P	CUP	P				
Veterinary clinic, large animal		CUP														
Wholesale office and showroom											P	P				
Wholesaling													P	P		
Hospitality																
Bed and breakfast inn	CUP	CUP	CUP	CUP		CUP									CUP	
Brewery									P	P	P	P		P	P	P
Club or lodge										CUP	P	P			P	P
Hotel											P	P		CUP	CUP	P
Micro distillery									P	P	P	P		P	P	P
Motel												P				
Outdoor seating accessory to a restaurant									AP	AP	AP				AP	AP
Restaurant (full service or fast food) - no drive-thru									P	P	P	P		CUP	full service on	P
Restaurant (full service or fast food) - with drive-thru											P	P				
Taproom									P	P	P	P		P	P	P
Tavern or bar															P	P
Transportation																
Bicycle and public/private transit shelters														AP		
Motor vehicle, convenience store											P	P				
Motor vehicle, fuel stations																CUP
Motor vehicle, parts sales											P	P				P
Motor vehicle, repair and service										P (existing)	P	P				P (existing)
Motor vehicle, service station									CUP		P	P				
Motor vehicle, wash									CUP		P	P				
New auto dealership - licensed											P	P				P (existing)
On-site removal/installation of minor motor vehicle parts																AP
Open sales lot											CUP	P				
Park and ride lots/transit hubs														CUP		
Parking facilities and structures - public															P	AP
Parking facilities and structures - public															AP	
Truck stop											P	P				
Used auto dealership - licensed											P	P				P (existing)
Civic/Institutional																
Cemetery		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP							
Essential services, government buildings and storage		CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		CUP	P / AP	CUP	P		P
Museums/art galleries															P	P
Place of worship		CUP	CUP	CUP	CUP	CUP	CUP			CUP	CUP	CUP				CUP
Place of worship - columbarium		CUP	CUP	CUP		CUP	CUP			CUP	CUP	CUP				
Place of worship - leasing space											IUP	IUP	IUP	IUP		IUP
Public airport and related facilities													P			
Public open space plaza, square, or related uses															AP	AP
Public parks					P											
Public studios or performance theaters															P	
Recreation, public	P	P	P	P		P	P	P					P	P	P	
School			CUP	CUP	CUP	CUP	CUP									CUP
School - leasing space											CUP	IUP	IUP	IUP	IUP	
School, specialty									P	P	P	P / CUP		P	P	CUP

P = Permitted AP = Accessory Permitted COC = Certificate of Compliance CUP = Conditional Use Permit IUP = Interim Use Permit																	
	C	A	RR	SF	MXR-1	MXR-2	MXR-3	MF	NC	B-1	B-2	B-3	I	BP	MU-1	MU-2	
Industrial Uses and Waste Management																	
Light Manufacturing											CUP	P		P			
Manufacturing													P	P			
Mining		CUP	CUP														
Public compost facility													P				
Recycling center													CUP				
Transportation/motor freight terminal													CUP				
Warehousing and distribution											CUP	P	P	P			
Contracters Yard													CUP				
Yard waste facility		CUP	CUP	CUP													
Utilities																	
Amature radio antenna	P	P	P	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	
Essential services, utility substation	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP			P / AP	CUP	P			
Small Wireless Facilities																	
Solar energy systems - ground-mounted	COC	COC	COC	COC	AP	COC	COC	COC							AP		
Solar energy systems - roof-mounted	COC	COC	COC	COC	AP	COC	COC	COC	AP	AP	AP	AP	AP	AP	AP		
Towers - Accessory	COC	COC			IUP						CUP	CUP	CUP	CUP	CUP		
Towers - Principal	CUP	CUP	CUP		IUP						CUP	CUP	CUP	CUP			
Miscellaneous																	
Commercial overnight delivery drop box															AP		
Gate security detached building															AP		
Information kiosk															AP		
Outdoor storage tanks and equipment for products that are used in conjunction with the primary use															CUP		
Accessory Storage Container											AP	AP	AP			AP	