



NOTICE OF AGENDA

PLANNING COMMISSION MEETING

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

Forest Lake City Center – Council Chambers
Forest Lake, Minnesota

December 11, 2024 – 7:00 PM

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approve the Agenda (Action)
5. Open Forum - Citizen Petitions, Requests and Concerns: Please sign in at the front table.
The Open Forum is available for residents to express personal opinions for any item of business. Please limit your comments to three (3) minutes.
6. Consent Agenda Considerations (Action Items)*
 - a. Approve Minutes from Regular Meeting of November 13, 2024

**Planning Commission may remove any item from the consent agenda for specific consideration.*
7. Regular Agenda (Action Items)
 - a. **Public Hearing:** City of Forest Lake 2040 Comprehensive Plan Amendments
8. Discussion
 - a. Proposed Zoning Ordinance Text Amendments
9. Updates
10. Adjourn



Planning Commission

Regular Meeting

~ Minutes ~

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

Wednesday, November 13, 2024	7:00 PM	City Center - Council Chamber
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[City of Forest Lake - Livestream and Recorded Meetings](#)

1. Call to Order

The Meeting was called to order at 7:04 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 Young made a Motion to Approve the Agenda as presented.
Motion seconded by Commissioner Stehler. Motion carried 6-0.

5. Open Forum – Citizen Petitions, Requests, and Concerns

*The Open Forum is available for residents to express personal opinions for any item of business.
Please limit your comments to three (3) minutes.*

None.

6. Consent Agenda Considerations (Action Items)*

a. Approve Planning Commission Meeting Minutes from October 23, 2024

No comments on the Consent Agenda.

Motion: Commissioner Larson made a Motion to Approve Consent Agenda Item 6.a.
Motion seconded by Commissioner Wagner. Motion carried 5-0-1 (Stender Abstained).



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7. Regular Agenda (Action Items)

a. Public Hearing: Conditional Use Permit and Site Plan Review – Metropolitan Council Sanitary Sewer Lift Station – 20981 Forest Road N – Resolution No. 11-13-24-01 and Resolution No. 11-13-24-02

City Planner Roberts provided the background on the request for the conditional use permit and site plan review for the property located at 20981 Forest Road N. He explained that the Metropolitan Council is proposing to make changes to the property since the underground equipment was worn out and rusted. He summarized the criteria for conditional use permits and he reviewed the changes proposed for the site and commented that no one attended the neighborhood meeting.

Commissioner Young asked if there was an objection to stating in point 1 of each resolution that the normally required setbacks shall be met for the building and the parking lot. City Planner Roberts explained that he had proposed this requirement as a condition in both – 3C on the page top of 13 and 9A.

Commissioner Young asked if they were able to take action or if it needed to be listed as an action item on the agenda. She asked if they could act. City Attorney Johnson responded that they could take the action requested. For a regularly scheduled meeting, the agenda rules are different than a special meeting or emergency meeting.

Chair Girard invited the applicant to come to the podium.

John Hemming, an engineer with the Metropolitan Council at 3565 Kennebec Drive, Eagan, stated that City staff has been easy to work with regarding the application.

Public Hearing was opened at 7:18 p.m.

No comments.

Public Hearing was closed at 7:19 p.m.

Motion: Commissioner Young made a Motion to Adopt Resolution 11-13-24-01, a Resolution for the approval of the Conditional Use Permit (CUP) for the Metropolitan Council Environmental Services sanitary sewer lift station located at 20981 Forest Road North subject to the 13 conditions of approval as listed in the staff report.

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



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Motion: Commissioner Young made a Motion to Adopt Resolution 11-13-24-02, a Resolution for the approval of the site and project plans for the Metropolitan Council Environmental Services sanitary sewer lift station located at 20981 Forest Road North, subject to the 13 conditions of approval as listed in the staff report.

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

Chair Girard noted that this item will not go before the City Council for final action.

8. Discussion

a. Cannabis Zoning Regulations

City Attorney Johnson reviewed the background of the cannabis legislation in Minnesota. She provided examples of the cannabis products allowed, summarized the cannabis businesses licensed by the Office of Cannabis Management, and explained hemp-derived THC products.

Commissioner Young asked if THC beverages had the same requirements for concentration. City Attorney Johnson confirmed this information and explained that a THC beverage would impair an individual and that liquor stores could sell THC beverages could sell the drinks. She commented that an individual could not purchase alcohol and a THC beverage for on-site consumption.

City Attorney Johnson explained the maximum number of licenses to be issued before July 1, 2026.

Commissioner Young asked whether that would be if the City decided to control the licensing, but if the County would control the licensing, then the City would still be required to have the same number of establishments. City Attorney Johnson confirmed this information.

City Attorney Johnson explained the State social equity and standard license requirements.

Chair Girard asked if there would be one license per store. City Attorney Johnson answered that one license holder could hold up to five licenses, but it would be one license per store.

City Attorney Johnson stated they had not issued any pre-approval licenses. She reviewed the current ordinances in the City. She also reviewed the conversation about conversations with the City Council to date about the license requirements, including keeping the registration process.

Commissioner Young asked whether they could sell THC in a bar but asked about additional requirements. City Attorney Johnson clarified that cannabis products and THC products had different requirements.

Commissioner Young questioned whether there were two sets of ordinances – THC and cannabis. City Attorney Johnson responded that they were looking at ordinances for cannabis.

Commissioner Young asked if there was a limit on the licenses for liquor stores. City Attorney Johnson confirmed this information.



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Chair Girard asked if the stores would be like those in Illinois and Colorado. City Attorney Johnson confirmed this information.

Chair Girard requested clarification on the mezzobusiness and microbusiness. City Attorney Johnson responded that the City was not establishing a business per district, but a use. She presented definitions she created for indoor cultivation, outdoor cultivation, and industrial cultivation. She requested feedback about the City allowing these businesses by requiring an interim use.

Chair Girard provided an example of interim use and asked why they are using the language if they have a license. City Attorney Johnson answered that it seemed business friendly. If the business is operating within the standards of the State, it seems appropriate.

Commissioner Young voiced concern with someone with interim use pulling their equity out and the City not having the ability to ensure that they follow the rules and are beneficial for the community. She asked if it would be beneficial to use language about reviewing a business when there is a change in the permit holder. City Attorney Johnson responded that they could attach whatever appropriate conditions, but the City could not terminate a license unless the company did something wrong. She clarified that the license is transferable, but the registration is not.

Commissioner Young said that there are unknowns with cannabis businesses and regulations and that it was easier for the City to be strict at first and then loosen up rather than becoming stricter after running into problems.

City Attorney Johnson said that conditions might be dependent on where they are or what the applicants are doing. She said there would be one compliance check a year. She clarified that the City does not have to do anything with product compliance, but the City would be doing the compliance check. She reviewed where in the City they would allow these uses.

Commissioner Young said that there were areas where agriculture had relatively small acreage. She asked if there should be an acreage bottom limit. City Attorney Johnson answered that some cities are doing an acreage bottom limit. She reviewed the current proposed language about the view from the right-of-way, plants from the setback, and the screening.

City Attorney Johnson said there was an odor of low-potency hemp edibles that could be manufactured in certain areas. She asked for feedback about the assigned districts.

Commissioner Young asked for examples of businesses allowed in District B3 and BP. City Planner Roberts reviewed different businesses allowed in the B2 zoning district. He reviewed the different businesses allowed in the B3 zoning district.

Commissioner Young clarified the location of the B3 zoning district. City Planner Roberts confirmed this information.



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Commissioner Young voiced concerns about I, since that is where the high-density residential would be located.

City Attorney Johnson stated there would be a proposed distance from residential if you are manufacturing. She reviewed the cannabis distribution locations and cannabis retail locations. She reviewed the locations of the microbusiness and mezzobusiness since there could be on-site consumption. She said there were questions about the low-potency hemp edibles. She clarified that retailers could not have on-site consumption.

Chair Girard asked about on-site consumption and whether it would be similar to current smoking regulations. City Attorney Johnson answered that it would be consumed as an edible overwhelmingly because of smoking laws.

Commissioner Young clarified that an event center could not have a cannabis event.

City Attorney Johnson asked if consumption should be allowed in agriculture and conservancy zones.

Commissioner Young asked if consumption should be considered for event centers like wedding venues. City Planner Roberts said there was nothing in the zoning code that addressed event centers. Commissioner Young requested feedback from the group about rules around event centers.

Commissioner Larson provided a hypothetical situation about an event held at the airport if they could serve the low-potency drink if they had a liquor license.

Commissioner Young said there had been events held at the airport previously.

Commissioner Stender stated there was a difference between serving a seltzer you could buy at a liquor store and serving gummies. He voiced concerns about allowing it at event centers. He would prefer this activity to happen in rural places rather than downtown.

Chair Girard commented that people shop at the stores and leave. He stated that you must present your ID at the facility, pick out your products, and pay with cash.

City Attorney Johnson stated that they could pull out the on-site consumption of cannabis. This would impact the microbusinesses and mezzobusinesses.

Commissioner Young asked where consumption was allowed based on the district. City Attorney Johnson responded that it depended on the use and what type of business they were operating.

Commissioner Young asked for clarification about B1 and B2 and allowing consumption there.

Commissioner Stender asked if they were expecting a lot of cannabis areas with on-site consumption. City Attorney Johnson answered that they are not anticipating many of these based on how many are allowed in the State of Minnesota.



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Commissioner Young voiced concerns about the legislature changing the number of allowed licenses in the future. City Attorney Johnson clarified that the demand for these places in the State of Minnesota does not exceed 125.

Chair Girard asked if on-site consumption was concerning. City Attorney Johnson answered that it did not concern her, because there is a distance requirement between cannabis businesses. There also was proposed to require 250 feet between schools, daycare facilities, and most parks. This allowed for restriction naturally.

Commissioner Young voiced concerns about the policy putting a lot of emphasis on the number of licenses and if that would change in the future. She voiced concerns about Memorial Park.

City Attorney Johnson said there could be a 500-foot distance from schools, commercial daycares, and parks aside from Memorial Park. She stated that tobacco and liquor had similar standards but had different places to be distanced from. She suggested changing the language for tobacco, liquor, and cannabis so it would be consistent. She asked if 250 feet was too small of a separation distance requirement.

Commissioner Stehler asked if other cities are in the 250 feet range. City Attorney Johnson responded that she was between 250 feet and 1000 feet. She thought 1000 feet was excessive.

Chair Girard suggested going with 500 feet for tobacco, liquor, and cannabis. He corrected the daycare location on the map, which was rezoned for commercial business.

City Attorney Johnson clarified they would like 500 feet from special things, such as schools and daycare centers. She clarified that they would like 500 feet between cannabis businesses.

Commissioner Young said it was easier to be strict now and then lessen requirements in the future.

City Attorney Johnson explained the restrictions for signage for the businesses. She explained that each location would need to meet parking requirements based on use. She said there had to be a safety plan submitted to the police chief and described the requirements of this plan. She stated that the stores were required to submit an odor regulation plan to the City. She said that these requirements would be put into the IUPs. She explained regulations for growers based on the districts.

Chair Girard asked if they would need a site plan review or a permitting process. City Attorney Johnson clarified some of the places would need a site plan review.

Commissioner Young said if they were to say they cannot be visible, it needs to be enforced for outdoor cultivation.

City Attorney Johnson said that there were better processes for code enforcement with administrative citations. She discussed the proposed retail hours, which lined up with liquor stores. She provided additional details about screening requirements and outdoor storage.



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Commissioner Stehler agreed with Commissioner Young that there should be stricter requirements.

Commissioner Larson said it would be nice to change things in the Code as they come up.

Chair Girard provided corrections to some of the numbers in the report.

Commissioner Young voiced concerns about relying on the small number of permits required. She suggested having it 500 feet from the schools.

City Attorney Johnson said that they could limit the number of businesses.

Chair Girard commented that he was not concerned about the number of businesses, since it was costly to get a business set up.

Commissioner Young thanked City Attorney Johnson for her work on the proposed zoning regulations.

9. Updates

Councilmember Roberts thanked City Attorney Johnson for her continued work to help Forest Lake. He congratulated Commissioner Larson for his election win for City Council. He thanked Commissioner Wagner and Commissioner Young for running as well. He said there would be vacancies on the Planning Commission that would need to be filled. He provided an update on the City Administrator search and stated he hoped there would be additional candidates in a week or two.

Commissioner Young asked about what company is helping with the search process. City Attorney Johnson answered that it was Karl Amlie with Express Service Professionals.

City Planner Roberts stated there would be no PC meeting on November 27, but there would be a meeting on December 11. He hoped that there would be phase two of the zoning code rewrite to review on December 11. He discussed the County Environmental Center was opening on December 3, but they are still getting additional equipment.

Chair Girard asked about the trees. City Planner Roberts answered that they could not be all planted this fall, so they would get additional review in the future.

City Planner Roberts stated that Forest Lake Ford and Mr. Car Wash were open.

Commissioner Young said that Community Thread from Stillwater has extended their transportation to Forest Lake.

10. Adjourn

Motion: Commissioner Stender made a Motion to Adjourn the meeting at 8:46 p.m.

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

STAFF REPORT



MEETING DATE: December 11, 2024

STAFF ORIGINATOR: Nathan Fuerst, Bolton and Menk

Abbi Wittman, Community Development Director

AGENDA ITEM: City-Initiated Comprehensive Plan Amendment Authorization

INTRODUCTION:

In 2023, upon seeing a rise in inquiries related to multiple family developments along the HWY 61 corridor, staff began to review the 2040 Comprehensive Plan's (2040 Plan) guidance for development in this area. The 2040 Plan guides much of this corridor for Mixed Use. Mixed Use areas are required to develop with a minimum of 50% of the land area as residential. However, there is no restriction that the land area may not be 100% residential. If development trends continue, the community may see exclusively medium to high density residential development instead of the mix of commercial and residential that was envisioned in the 2040 Plan.

Given this, staff requested Bolton and Menk review the 2040 Plan's residential housing densities to determine if there was the ability to reguide the HWY 61 corridor to require establishment of more commercial uses. Throughout their analysis, it was determined the data the City initially utilized to develop the 2040 Plan was outdated, and not aligned with what was on file with the Metropolitan Council (Met Council). The City can change the Mixed Use Future Land Use category's residential density requirements but the impacts on conformance with regional density requirements will not be understood.

Throughout 2024, the City of Forest Lake processed two landowner-initiated Comprehensive Plan Amendments (CPA); one was for the (former) daycare on HWY 8 and the other was for the Shadow Creek Estates townhomes project. During the Met Council's review of these requests, it was further determined the acreages and housing densities associated with the City's 2040 Plan Future Land Use designations were inconsistent with the Met Council's data. Bolton and Menk updated the acreage on the 2040 Plan tables. However, in order to rectify this matter, staff is proposing the City conduct a City-initiated CPA to align the City and Met Council's housing density tables with one another.

ANALYSIS:

As noted, inconsistencies between the City and the Met Council data exist. Staff analyzed the discrepancies in the data and determined it was necessary for the City and the Met Council to have the same data.

While the overall community density between the City and the Met Council is the same, data on how the City will achieve its overall net density are different. Distribution of acreages by Future Land Use category is the primary area where inconsistencies exist. In the years since adoption of the 2040 Plan, the City adopted several large amendments to its future land use map that changed the acreages of the future land use categories. These amendments were not tracked the same by the City and Met Council.

There are two approaches to rectify the issue:

1. The City accept the Met Council data; or
2. The City update its Future Land Use category acreages and associated housing densities to better position the City for future alteration.

A CPA (option 2, above) will not only rectify the obvious issue of aligning data, it will put the City in a better position to have discussions about and potentially make changes to the housing densities associated with each Future Land Use category. After the proposed CPA is completed, the City will have the ability to consider guiding its HWY 61 Corridor in conformance with both regional policy and the initial intent of the 2040 Plan.

Another benefit of the latter approach is that it will place the City in a better position when it has to update its Comprehensive Plan by 2030. During that planning process, staff anticipate conversations will take place with regard to (anticipated) increased regional density requirements, the accommodation of additional multiple family in the community, as well as the character and nature of the HWY 61 corridor.

PROPOSED AMENDMENTS:

Amendments NOT being proposed or recommended at this time:

- No future land use map (2040 Plan, Figure 2-3) amendments are proposed.
- No changes to the MUSA boundary (2040 Plan, Figure 2-4) or staging plan are proposed.

Also important, the proposed amendments will not create any new impacts on properties in the City. As noted in the previous section, the amendments are intended to realign City and Met Council data.

A review of the data within Chapter 3 of the 2040 Plan has resulted in a proposal to modify the following tables in the manner summarized by staff below:

Table 2-8 – Net Residential Density

Table Purpose: To summarize a picture of the current overall density of the City using existing conditions (therefore including undeveloped but developable land).

Proposed Change: Staff are seeking a more accurate picture of existing net density. Gross Acres and Acres of Development Constraints are recalculated using Forest Lake's GIS

data. Using a new assumption, undevelopable areas are assumed to include properties with improvements of over \$300,000 in value on less than 2.5 acres, since those properties are least likely to redevelop even if brought into the MUSA.

Table 2-12 – Planned Land Use Characteristics

Table Purpose: To summarize the total and percent of total land area occupied by each future land use category.

Proposed Change: Gross acres have been adjusted slightly to conform with 2023 GIS data.

Table 2-13 – Guided Land Use Acres for Developable Land Uses

Table Purpose: To summarize the amount of developable and undevelopable land in each development decade (depiction of the City's MUSA Staging map, Figure 2-4) both within and outside of the City's MUSA boundary.

Proposed Change: Acreages are reflective of current GIS data and are broken down by current Future Land Use Category areas. The approach to this table has changed from displaying the developable and non-developable acreages in a cumulative manner, to breaking down the developable and non-developable areas by development decade. This change more clearly shows the acreage within each decade that are expected to develop.

Table 2-15 – Residential Density Calculations

Table Purpose: This table demonstrates that there is enough land in each future land use category required to allow the City to attain a minimum of 3.0 units per acre in MUSA areas.

Proposed Change: The City's estimate of developable acreage has been updated to reflect current GIS data regarding developable acres and assumptions.

Table 2-16 – Employment Density Calculations

Table Purpose: To summarize acreages needed to accommodate new employment in the City through 2040. For consistency, the density range of jobs is based on the density used by the City in the initial 2040 Comprehensive Plan Update.

Proposed Change: Employment densities and required acres have stayed the same. Developable acreages reflect current GIS data and assumptions.

Table 2-17 – Future Land Use Units/Jobs/Acres

Table Purpose: This table summarizes the existing density of Forest Lake within and outside of the MUSA broken out by decade. It also summarizes expected jobs based on

developable land per decade. The City is projected to meet the requirement of 3.0 units per acre in MUSA areas within the 2040 planning horizon.

Proposed Change: The existing average units per acre was recalculated to more accurately reflect both existing density and what will be expected in future decades. A more accurate understanding of existing developable lands is provided by updated GIS data.

Table 4-7 – Development Potential for Affordable Housing Allocation

Table Purpose: To summarize the expected number of developable acres and an assessment of how the City will reach its Affordable Housing Allocation.

Proposed Change: This table has been updated to reflect updated GIS data and uses the updated estimates of developable land.

The above tables are appended to this staff memo for review.

NEXT STEPS:

Prior to the submittal of a CPA to the Met Council, the City must notify adjacent/affected communities of the proposed CPA and holding Planning Commission and City Council hearings. The following affected jurisdictions were identified by the Met Council and staff, and sent a notice on November 14, 2024 providing an opportunity to review and comment on the CPA:

- Scandia
- Hugo
- Columbus
- Washington County

To date, no comments have been received though the City has received notice from all three cities indicating they would not be providing comment.

After receiving a recommendation from the Planning Commission, the City Council will review this application on January 13, 2025. Following approval of the City Council, the CPA would be sent to the Met Council for review and approval prior to being placed into effect by the City. A full review (meaning non-administrative) by the Met Council is anticipated.

PUBLIC HEARING:

City staff have posted a public hearing for the Planning Commission's regular meeting on December 11, 2024. At the time of writing this report, no public comments have been received by the City.

PROPOSED FINDINGS:

Staff recommends approval of the proposed CPAs based on the following findings:

1. That the City of Forest Lake is considering a City-initiated amendment to its 2040 Comprehensive Plan in accordance with the procedures as established by applicable local and state requirements; and
2. That the request is to amend tables within the Land Use and Housing chapters of the Forest Lake 2040 Comprehensive Plan to better reflect developable lands within the City, and that no further amendments are considered to the Comprehensive Plan by the City at this time; and
3. That the proposed amendment is consistent with the overall goals and objectives of the Forest Lake 2040 Comprehensive Plan.

RECOMMENDATION:

The Planning Commission is asked to review the proposed amendments. Staff recommends the Planning Commission ***move to recommend approval of the text amendments proposed to Chapters 2 and 4 of the Forest Lake 2040 Comprehensive Plan as proposed and with the findings provided by Staff.***

ATTACHMENTS:

- Revised Comprehensive Plan Tables
- Future Land Use Map (Figure 2-3)
- MUSA Staging Map (Figure 2-4)
- Forest Lake 2040 Comprehensive Plan ([Link Only](#))

About this Table: The table below summarizes a picture of the current overall density of the City. It must be noted that the Emerging Suburban Edge Subtotal includes all parcels, including those that are currently undeveloped but are developable, within the MUSA (out to 2040).

What has changed: Gross Acres and Acres of Development Constraints are recalculated using Forest Lake's GIS data. Undevelopable areas are assumed to include properties with improvements of over \$300,000 in value on less than 2.5 acres, since those properties are least likely to redevelop even if brought into the MUSA.

Table 2-8 – Net Residential Density, 2023						
Future Land Use Designation	Single Family Number of Units	Multi-Family Number of Units	Gross Acres	Acres Development Constraints (Wetlands, slopes, ROW, etc.)	Net Residential Acres	Net Density Units/Acre
Agriculture	124	2	2,106	380	1,726	0.07
Rural Residential	588	0	3,758	1,100	2,658	0.22
Diversified Rural Subtotal	712	2	5,864	1,481	4,383	0.16
Not Intended for Additional Residential						
Low Density Residential	2,242	0	1,923	763	1,161	1.93
Low-Medium Density Residential	3,291	69	3,690	941	2,750	1.22
Medium Density Residential	499	93	146	50	96	6.15
High Density Residential	160	899	219	74	145	7.32
Mixed Use	44	183	492	85	407	0.56
Downtown Mixed Use	228	517	116	34	82	9.08
Emerging Suburban Edge Subtotal	6,464	1,761	6,586	1,946	4,640	1.8
Not Intended for Additional Residential						
Business Park	8	0	307	48	259	0.03
Conservancy	22	0	2,199	1,837	363	0.06
General Business	61	6	92	23	69	0.97
Highway Business	29	0	1,099	215	884	0.03
Neighborhood Commercial	0	0	18	1	17	0.00
Highway Commercial	8	6	569	204	365	0.04
Industrial	2	0	63	13	50	0.04
Public/Institutional	1	0	586	61	524	0.002
Total	7,307	1,775	17,382	5,828	11,554	0.79

*Undevelopable areas include development constraints, properties with building values over \$300,000, and parcels under 2.5 ac.

About this Table: The table below summarizes data from the City's GIS regarding developable and undevelopable land. Undevelopable land is considered land encumbered by wetlands, bluffs, or other natural features. Parcels that are less than 2.5 acres with structures over \$300K in value are also considered undevelopable.

2023 Future Land Use			
Future Land Use	Total Acres	Undevelopable Acres	Developable Acres
Agriculture	2106	380	1726
Business Park	307	48	259
Conservancy	2199	1837	363
Downtown Mixed Use	116	34	82
General Business	92	23	69
High Density Residential	219	74	145
Highway Business	1099	215	884
Highway Commercial	569	204	365
Industrial	63	13	50
Low Density Residential	1923	763	1161
LowMed Density Residential	3690	941	2750
Medium Density Residential	146	50	96
Mixed Use	492	85	407
Neighborhood Commercial	18	1	17
Park and Recreation	889	471	418
Public/Institutional	586	61	524
ROW	1195	411	784
Rural Residential	3758	1100	2658
Open Water	3251	3251	0
TOTAL	22716	9960	12756
	17382	5828	11554

About this Table: The table below summarizes the total and percent of total land area occupied by each future land use category.

What has changed: Gross acres have been adjusted slightly to conform with 2023 GIS data.

Table 2-12 - Planned Land Use Characteristics (2023)		
Land Use	Gross Acres	Percent of Total
Agriculture	2,106	9.3%
Rural Residential	3,758	16.5%
Low Density Residential	1,923	8.5%
Low-Medium Density Residential	3,690	16.2%
Medium Density Residential	146	0.6%
High Density Residential	219	1.0%
Mixed Use	492	2.2%
Downtown Mixed Use	116	0.5%
Business Park	307	1.4%
General Business	92	0.4%
Highway Business	1,099	4.8%
Highway Commercial	569	2.5%
Industrial	63	0.3%
Neighborhood Commercial	18	0.1%
Public/Institutional	586	2.6%
Road ROW	1,195	5.3%
Park and Recreational	889	3.9%
Conservancy	2,199	9.7%
Open Water	3,251	14.3%
Total	22,716	100.0%

About this Table: The table below summarizes data from the City's GIS regarding developable and undevelopable land. Undevelopable land is considered land encumbered by wetlands, bluffs, or other natural features. Parcels that are less than 2.5 acres with structures over \$300K in value are also considered undevelopable.

2023 Future Land Use			
Future Land Use	Total Acres	Undevelopable Acres	Developable Acres
Agriculture	2106.14	380.48	1725.66
Business Park	306.82	48.06	258.76
Conservancy	2199.22	1836.67	362.55
Downtown Mixed Use	115.62	33.59	82.03
General Business	92.28	23.07	69.21
High Density Residential	218.94	74.25	144.69
Highway Business	1098.66	214.87	883.79
Highway Commercial	568.51	203.71	364.80
Industrial	62.76	12.90	49.86
Low Density Residential	1923.40	762.74	1160.66
LowMed Density Residential	3690.17	940.54	2749.63
Medium Density Residential	145.95	49.65	96.30
Mixed Use	492.14	85.23	406.91
Neighborhood Commercial	18.03	0.89	17.14
Park and Recreation	888.74	470.53	418.21
PublicInstitutional	585.67	61.43	524.24
ROW	1194.55	410.57	783.98
Rural Residential	3757.83	1100.31	2657.52
Open Water	3251.00	3251.00	0.00
TOTAL	22716.43	9960.49	12755.94

About this Table: This table below summarizes the number of developable and undevelopable land in each development decade both within and outside of the City's MUSA boundary. It is supported by data from tables to the right.

What has changed: Acreages are reflective of current GIS data and are broken down by current Future Land Use Category areas. The approach to this table has changed from displaying the developable and non-developable acreages in a cumulative manner (as in the adopted 2040 Comp Plan), to breaking down the developable and non-developable areas by development decade. That change more clearly shows the acreages within each decade that are expected to develop.

Table 2-13 - Guided Land Use Acres for Developable Land Uses (2023)								
	2020 - 2030		2030 - 2040		Beyond 2040		Non-MUSA	
	Developable Acres	Non- Developable	Developable	Non- Developable	Developable Acres	Non- Developable	Developable Acres	Non- Developable Acres
	0%							
Agriculture	0	0	0	0	0	0	1,726	380
Rural Residential	42	52	1	0	0	0	2,618	1,055
Low Density Residential	1,074	752	86	6	0	0	1	5
Low-Medium Density Residential	1,669	723	376	48	694	129	11	42
Medium Density Residential	89	49	0	0	0	0	0	0
High Density Residential	141	74	0	0	0	0	0	0
Mixed Use	322	75	88	10	2	0	5	1
Downtown Mixed Use	82	34	0	0	0	0	0	0
Business Park	255	47	2	0	0	0	2	1
General Business	69	23	0	0	0	0	0	0
Highway Business	50	7	833	208	0	0	1	0
Highway Commercial	362	187	0	0	0	0	0	11
Industrial	50	13	0	0	0	0	0	0
Neighborhood Commercial	17	0	0	0	0	0	0	0
Public/institutional	524	61	0	0	0	0	0	0
Total	4,747	2,097	1,385	271	697	129	4,363	1,495

About this Table: This table indicates the desired distribution of residential development across the City's future land uses permitting residential. It is developed using the Number of Housing Units initially established by the City in the 2040 Comp Plan process.

What has changed: This table has not changed. It contains the same desired distribution of development for housing units in each FLU category.

Table 2-14 - Anticipated Residential Development (2023)		
Future Land Use Category	Desired Distribution	Number of Housing Units
Agriculture*	0%	0
Rural Residential*	5%	246
Low Density	9%	
		443
Low-Medium Density	58%	2903
Medium Density	1%	49
High Density	13%	648
Mixed Use	10%	492
Downtown Mixed Use	4%	199
Total	100%	4980

About this Table: This table demonstrates that there is enough land in each future land use category required to allow the City to attain a minimum of 3.0 units per acre in MUSA areas. This assumes the distribution of housing units established in Table 2-14 at the lowest densities allowed in each future land use area. **The City has greater land area than is required to meet the assumed distribution of housing units even at the lowest densities.**

What has changed: The City's estimate of developable acreage has been updated to reflect current GIS data regarding developable acres.

Table 2-15 – Residential Density Calculations (2023)						
Future Land Use Category	Planned Density Range (Units/Acre)	Desired Distribution	Number of Housing Units	Minimum Acres	Maximum Acres	Current (2023) Developable Acres
Agriculture*	0.05 to 0.1 unit/ acre	0%	0	0	0	1,726
Rural Residential*	0.16 to 0.2 unit/ acre	5%	246	1,230	1,537.5	2,658
Low Density	1.5 to 4 unit/ acre	9%	443	110.8	295.3	1,161
Low-Medium Density	3 to 6 units/ acre	58%	2,903	483.8	967.7	2,750
Medium Density	6 to 10 units/ acre	1%	49	4.9	8.2	96
High Density	15 to 20 units/ acre	13%	648	32.4	43.2	145
Mixed Use	10 to 15 units/ acre	10%	492	32.8	49.2	203
Downtown Mixed Use	20 to 30 units/ acre	4%	199	6.63	9.95	41
Total	-	100%	4,980	1,901	2,911	8,779
Average Density for Diversified Rural (Districts with *)		5%	246	Max Acres: 1,537.5		0.16 units/acre
Average Density for Emerging Suburban Edge (All Other Districts)		95%	4,734	Max Acres 1,374		3.4 units/acre

Note: 50% of the Mixed Use and Downtown Mixed Use acres in the 2021-2030 decade are planned for residential unit.

About this Table: The table below summarizes data from the City's GIS regarding developable and undevelopable land. Undevelopable land is considered land encumbered by wetlands, bluffs, or other natural features. Parcels that are less than 2.5 acres with structures over \$300K in value are also considered undevelopable.

2023 Future Land Use*			
Future Land Use	Total Acres	Undevelopable Acres	Developable Acres
Agriculture	2106.14	380.48	1725.66
Business Park	306.82	48.06	258.76
Conservancy	2199.22	1836.67	362.55
Downtown Mixed Use	115.62	33.59	82.03
General Business	92.28	23.07	69.21
High Density Residential	218.94	74.25	144.69
Highway Business	1098.66	214.87	883.79
Highway Commercial	568.51	203.71	364.80
Industrial	62.76	12.90	49.86
Low Density Residential	1923.40	762.74	1160.66
LowMed Density Residential	3690.17	940.54	2749.63
Medium Density Residential	145.95	49.65	96.30
Mixed Use	492.14	85.23	406.91
Neighborhood Commercial	18.03	0.89	17.14
Park and Recreation	888.74	470.53	418.21
PublicInstitutional	585.67	61.43	524.24
ROW	1194.55	410.57	783.98
Rural Residential	3757.83	1100.31	2657.52
Open Water	3251.00	3251.00	0.00
TOTAL	22716.43	9960.49	12755.94

About this Table: Table below (and to the right) summarize total acres as presented in the 2023 Future Land Use table to the left. This data is further split by location based on MUSA Staging (figure 2-4). Developable lands excludes open water, parks/recreation, and ROW.

2020 to 2030 MUSA				2030 to 2040 MUSA			
FLU	Acres	Undevelopable Acres	Developable Acres	FLU	Acres	Undevelopable Acres	Developable Acres
Agriculture	0.00	0.00	0.00	Agriculture	0.00	0.00	0.00
Business Park	301.78	46.97	254.81	Business Park	2.35	0.40	1.95
Conservancy	8.22	1.40	6.82	Conservancy	0.23	0.07	0.16
Downtown Mixed Use	115.62	33.59	82.03	Downtown Mixed Use	0.00	0.00	0.00
General Business	92.27	23.07	69.21	General Business	0.00	0.00	0.00
High Density Residential	215.82	74.25	144.69	High Density Residential	0.00	0.00	0.00
Highway Business	57.59	7.24	50.35	Highway Business	1040.14	207.60	832.54
Highway Commercial	548.70	192.79	364.79	Highway Commercial	0.00	0.00	0.00
Industrial	62.76	12.90	49.86	Industrial	0.00	0.00	0.00
Low Density Residential	1826.51	752.08	1074.43	Low Density Residential	91.22	5.53	85.69
LowMed Density Residential	2391.77	722.90	1668.87	LowMed Density Residential	423.16	47.51	375.65
Medium Density Residential	137.14	49.61	96.17	Medium Density Residential	0.04	0.03	0.02
Mixed Use	397.78	74.60	311.43	Mixed Use	97.77	9.54	88.23
Neighborhood Commercial	18.03	0.89	17.14	Neighborhood Commercial	0.00	0.00	0.00
Park and Recreation	524.30	254.93	269.37	Park and Recreation	0.05	0.00	0.04
PublicInstitutional	585.66	61.43	524.23	PublicInstitutional	0.00	0.00	0.00
ROW	873.45	305.23	568.23	ROW	31.53	7.75	23.78
Rural Residential	93.41	45.51	39.00	Rural Residential	0.75	0.00	0.75
Water	0.00	0.00	0.00	Water	0.00	0.00	0.00
Total	8250.82	2659.40	5591.41	Total	1687.23	278.42	1408.81
Developable Lands	6844.84	2097.84	4747.00	Developable Lands	1655.43	270.60	1384.83

Post-2040 MUSA				NonMUSA			
FLU	Acres	Undevelopable Acres	Developable Acres	FLU	Acres	Undevelopable Acres	Developable Acres
Agriculture	0.07	0.01	0.06	Agriculture	2106.08	380.48	1725.60
Business Park	0.40	0.08	0.32	Business Park	2.30	0.61	1.69
Conservancy	1.32	0.41	0.92	Conservancy	2189.46	1834.80	354.66
Downtown Mixed Use	0.00	0.00	0.00	Downtown Mixed Use	0.00	0.00	0.00
General Business	0.00	0.00	0.00	General Business	0.00	0.00	0.00
High Density Residential	0.00	0.00	0.00	High Density Residential	0.00	0.00	0.00
Highway Business	0.00	0.00	0.00	Highway Business	0.94	0.04	0.90
Highway Commercial	0.00	0.00	0.00	Highway Commercial	10.92	10.92	0.01
Industrial	0.00	0.00	0.00	Industrial	0.00	0.00	0.00
Low Density Residential	0.00	0.00	0.00	Low Density Residential	5.68	5.14	0.54
LowMed Density Residential	822.31	128.53	693.77	LowMed Density Residential	52.93	41.59	11.34
Medium Density Residential	0.13	0.02	0.12	Medium Density Residential	0.00	0.00	0.00
Mixed Use	2.16	0.01	2.16	Mixed Use	6.17	1.08	5.09
Neighborhood Commercial	0.00	0.00	0.00	Neighborhood Commercial	0.00	0.00	0.00
Park and Recreation	0.00	0.00	0.00	Park and Recreation	364.39	215.60	148.79
PublicInstitutional	0.00	0.00	0.00	PublicInstitutional	0.01	0.00	0.01
ROW	0.00	0.00	0.00	ROW	289.56	97.59	191.97
Rural Residential	0.00	0.00	0.00	Rural Residential	3672.57	1054.80	2617.77
Water	0.00	0.00	0.00	Water	3251.00	3251.00	0.00
Total	826.40	129.05	697.34	Total	11952.03	6893.65	5058.38
Developable Lands	825.07	128.64	696.43	Developable Lands	5857.61	1494.65	4362.96

About this Table: This table summarizes the acres needed to accommodate new employment in the City through 2040. For consistency, the density range of jobs is based on the density used by the City in the 2040 Comprehensive Plan Update.

What has changed: Employment densities and required acres have stayed the same. Developable acreages reflect current GIS data.

Future Land Use Category	Density Range (Jobs/Acre)		Minimum Acres	Maximum Acres	Current (2023) Developable
	Minimum	Maximum			
Business Park	11.4	50.7	5.1	22.7	258.8
Downtown Mixed Use	17.5	78	0.5	2.3	41.0
General Business	14	62.4	1.1	4.9	69.2
Highway Business	14	62.4	14.2	63.1	883.8
Highway Commercial	14	62.4	5.8	26.1	364.8
Industrial	14	62.4	0.8	3.6	50
Public/Institutional	14	62.4	8.4	37.4	524.2
Mixed Use	14	62.4	3.3	14.5	203
Neighborhood Commercial	17.5	78	0.2	1.0	17
Total	-	-	39.4	175.7	2,412.3

Note: 50% of the Mixed Use and Downtown Mixed Use acres in the 2021-2030 decade are planned for residential units

About this Table: The table below summarizes data from the City's GIS regarding developable and undevelopable land. Undevelopable land is considered land encumbered by wetlands, bluffs, or other natural features. Parcels that are less than 2.5 acres with structures over \$300K in value are also considered undevelopable.

Future Land Use	Total Acres	Undevelopable Acres	Developable Acres
Agriculture	2106.14	380.48	1725.66
Business Park	306.82	48.06	258.76
Conservancy	2199.22	1836.67	362.55
Downtown Mixed Use	115.62	33.59	82.03
General Business	92.28	23.07	69.21
High Density Residential	218.94	74.25	144.69
Highway Business	1098.66	214.87	883.79
Highway Commercial	568.51	203.71	364.80
Industrial	62.76	12.90	49.86
Low Density Residential	1923.40	762.74	1160.66
Low/Med Density Residential	3690.17	940.54	2749.63
Medium Density Residential	145.95	49.65	96.30
Mixed Use	492.14	85.23	406.91
Neighborhood Commercial	18.03	0.89	17.14
Park and Recreation	888.74	470.53	418.21
Public/Institutional	585.67	61.43	524.24
ROW	1194.55	410.57	783.98
Rural Residential	3757.83	1100.31	2657.52
Open Water	3251.00	3251.00	0.00
TOTAL	22716.43	9960.49	12755.94

About this Table: This table summarizes the existing density of Forest Lake within and outside of the MUSA broken out by decade. It also summarizes expected jobs based on developable land per decade. The City is projected to meet the requirement of 3.0 units per acre in MUSA areas within the 2040 planning horizon. For existing/developed density, see the table called *Developed Acres within the 2030 MUSA Boundary*, to the bottom right. **This table demonstrates that the City is currently meeting the Required 3 units/acre on developed land in the MUSA, and expects to continue doing so into the future.**

What has changed: The existing average units per acre was recalculated to more accurately reflect both existing density and what will be expected in future decades. A more accurate understanding of existing developable lands is provided by updated GIS data.

Revised Table 2-17 – Future Land Use Units/Jobs/Acres (2023)										
Within Urban Service Area	Planned Density Range		Existing/Developed (2023)		2020-2030		2031-2040		Post 2040/Non-MUSA	
	Min	Max	Units	Acres	Units	Acres	Units	Acres	Units	Acres
Residential Land Uses										
Low Density	1.5	4	2,242	1,209	1,612	1,074	129	86	1	1
Low-Medium Density	3	6	3,360	1,087	5,007	1,669	1,127	376	2,115	705
Medium Density	8	12	592	62	709	89	0	0	1	0.12
High Density	15	20	1,059	144	2,120	141	0	0	0	0
Mixed Use	10	15	227	81	1,611	161	441	44	11	1
Downtown Mixed Use	20	30	745	113	820	41	0	0	0	0
Residential Subtotal	-	-	8,225	2,696	11,880	3,175	1,697	505	2,128	707
Average Units/Acre	-	-		3.05		3.7		3.4		3.0
Commercial/Industrial Land Uses										
Business Park	11	51	48	2803	255	21	2	22	2	
Downtown Mixed Use	18	78	34	738	41	0	0	0	0	0
General Business	14	62	23	969	69	0	0	0	0	0
Highway Business	14	62	215	705	50	11656	833	13	1	
Highway Commercial	14	62	192	5067	362	0	0	0	0	0
Industrial	14	62	13	698	50	0	0	0	0	0
Mixed Use	14	62	86	2256	161	618	44	15	1	
Neighborhood Commercial	18	78	1	309	17	0	0	0	0	0
Commercial/Industrial Subtotal			612	13,544	1005	12,295	879	50	4	
Public/Semi Public Land Use										
Institutional	-	-	Acres	61	Jobs	81	Acres	568	Jobs	25
	-	-				81			0	0
Outside Urban Service Area										
	Density (Units/Acre)		Existing/Developed (2023)		2020-2030		2031-2040		Post 2040	
	Min	Max	Units	Acres	Units	Acres	Units	Acres	Units	Acres
Rural Residential	0.16	0.2	588	1106	7	42	0	1	419	2618
Agriculture	0.05	0.1	126	380	0	0	0	0	86	1726
Subtotal	-	-	662	2501	7	42	0	1	505	4343
Average Units/Acre	-	-		0.3		0.00		0.00		0.12
Total										
	-	-	Units	Acres	Units/Jobs	Acres	Units/Jobs	Acres	Units/Jobs	Acres
	-	-	8,887	5,197	11,886	4,791	1,697	1,385	2,633	5,054
					13,625		12,320		50	

Note: 50% of the Mixed Use and Downtown Mixed Use acres in the 2021-2030 decade are planned for residential units.

About this Table: The table below summarizes data from the City's GIS regarding developable and undevelopable land. Undevelopable land is considered land encumbered by wetlands, bluffs, or other natural features. **Parcels that are less than 2.5 acres with structures over \$300K in value are also considered undevelopable.**

2023 Future Land Use			
Future Land Use	Total Acres	Undevelopable Acres	Developable Acres
Agriculture	2108.14	380.48	1725.66
Business Park	306.82	48.06	258.76
Conservancy	2199.22	1836.67	362.55
Downtown Mixed Use	115.62	33.59	82.03
General Business	92.28	23.07	69.21
High Density Residential	218.94	74.25	144.69
Highway Business	1098.66	214.87	883.79
Highway Commercial	568.51	203.71	364.80
Industrial	62.76	12.90	49.86
Low Density Residential	1923.40	762.74	1160.66
LowMed Density Residential	3690.17	940.54	2749.63
Medium Density Residential	145.95	49.65	96.30
Mixed Use	492.14	85.23	406.91
Neighborhood Commercial	18.03	0.89	17.14
Park and Recreation	888.74	470.53	418.21
PublicInstitutional	585.67	61.43	524.24
ROW	1194.55	410.57	783.98
Rural Residential	3757.83	1100.31	2657.52
Open Water	3251.00	3251.00	0.00
TOTAL	22716.43	9960.49	12755.94

About this Table: To calculate the existing/developed density, the City analyzed the developable land within the current development decade (2020-2030 MUSA Boundary) and removed vacant parcels (parcels between 2.5 and 10 acres with less than \$300K in improvement value, and parcels over 10 acres with improvement value less than \$650K)

Developed Acres within 2030 MUSA Boundary			
FLU	Acres	Undeveloped or Undeveloped Acres	
Business Park	301.78	295.42	6.36
Conservancy	8.22	7.56	0.66
Downtown Mixed Use	115.62	2.30	113.32
General Business	92.27	4.45	87.82
High Density Residential	215.82	71.89	143.93
Highway Business	57.59	36.42	21.17
Highway Commercial	548.70	299.04	249.66
Industrial	62.76	41.82	20.94
Low Density Residential	1826.51	617.53	1208.98
Low-Medium Density Residential	2391.77	1305.25	1086.52
Medium Density Residential	137.14	75.29	61.86
Mixed Use	397.78	316.71	81.08
Neighborhood Commercial	18.03	17.61	0.42
Park and Recreation	524.30	488.83	35.47
Public Institutional	585.66	222.82	362.84
ROW	873.45	346.82	526.63
Rural Residential	93.41	83.11	10.29
Water	2752.15	2747.43	4.72
	11002.97	6980.31	4022.66

About this Table: This table summarizes the expected number of developable acres and an assessment of how the City will reach its Affordable Housing Allocation. **Within the 2020-2030 development decade, the City will meet the minimum number of units to attain its required affordable housing allocation.**

What has changed: This table has been updated to reflect updated GIS data and uses the updated estimates of developable land.

Table 4-7 – Development Potential for Affordable Housing Allocation (2023)				
Land Use	Current (2023) Developable Acres	Min Units/Acre	Min % Residential	Units
High Density	141	15.0	100%	2115
Mixed Use	418	10.0	50%	2,089
Downtown Mixed Use	82	20.0	50%	820
Total	641	-	-	5,024
Staged Acres from 2020 - 2030				
High Density	74	15.0	100%	1117
Mixed Use (Only Residential Acres)	75	10.0	50%	377
Downtown Mixed Use (Only Residential)	34	20.0	50%	336
Total	184	-	-	1830

Table 4.5– Affordable Housing Allocation	
At or below 30 AMI	335
From 31 to 50 AMI	164
From 51 to 80 AMI	149
Total Number	648

About this Table: The table below summarizes data from the City's GIS regarding developable and undevelopable land. Undevelopable land is considered land encumbered by wetlands, bluffs, or other natural features. **Parcels that are less than 2.5 acres with structures over \$300K in value are also considered undevelopable.**

2023 Future Land Use			
Future Land Use	Total Acres	Undevelopable Acres	Developable Acres
Agriculture	2106.14	380.48	1725.66
Business Park	306.82	48.06	258.76
Conservancy	2199.22	1836.67	362.55
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Highway Commercial	568.51	203.71	364.80
Industrial	62.76	12.90	49.86
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Low/Med Density Residential	3690.17	940.54	2749.63
Medium Density Residential	145.95	49.65	96.30
Mixed Use	492.14	85.23	406.91
Neighborhood Commercial	18.03	0.89	17.14
Park and Recreation	888.74	470.53	418.21
Public/Institutional	585.67	61.43	524.24
ROW	1194.55	410.57	783.98
Rural Residential	3757.83	1100.31	2657.52
Open Water	3251.00	3251.00	0.00
TOTAL	22716.43	9960.49	12755.94

Date: December 11, 2024

To: Chair Girard and Planning Commission Members

From: Ken Roberts, City Planner

Re: Zoning Code Ordinance Amendments – Text Amendments

Introduction/Background

On February 28, 2024, the Planning Commission heard a presentation from the City's consulting planners from MSA Professional Services (MSA) Claire Stickler and Kate Eynck. 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.

On April 10, 2024, the Planning Commission considered a proposed ordinance amendment that reorganized 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. On April 22, 2024, the City Council approved the reorganized Zoning Code as presented.

With the reformatting of the Zoning Code in place, the City is in a better position to clean up sections of the Zoning Code. I have enclosed two memos from MSA that have the first round of proposed zoning ordinance text amendments for Chapter 153 of the City Code.

Discussion

A summary of the proposed changes is as follows:

1. City staff and the Planning Consultants are proposing additions, corrections and deletions to the definitions in the zoning code. The proposed changes to the definitions will:
 1. Remove redundant or unnecessary definitions.
 2. Clarify existing definitions.
 3. Ensure the definitions are consistent with the Building Code and State Law.
 4. Add several new definitions to the Zoning Code.

It is our opinion these changes will clarify and strengthen the definitions.

2. The City's Planning Consultant and City staff proposing the City reorganize the location of the lighting and landscaping standards in the Code. The current zoning code has several sections with references to lighting and landscaping standards. We are proposing to combine and standardize the landscaping standards and lighting standards into one section for each in the code for easier reference.

At the Commission's meeting, MSA staff will present the Planning Commission with an overview of the proposed Zoning Ordinance text amendments. The Commission should hear the presentation from MSA about the proposed Zoning Ordinance amendments and then be ready to ask questions of staff and the consulting team about the proposed text amendments. Based on the discussion of the Commission, City staff will make any necessary changes to the proposed text amendments and schedule these proposed changes for a public hearing with the Planning Commission.

Recommendation

Staff recommends the Planning Commission hear the presentation from the Planning Consultants and City staff and discuss the enclosed proposed Zoning Ordinance Amendments. After all discussion has occurred, staff recommends the Commission direct City staff and the Planning Consultants as to what changes they wish to see in the proposed Zoning Ordinance text amendments for consideration at the public hearing.

Attachments:

1. MSA memo dated December 4, 2024 (Definitions)
2. MSA memo dated December 3, 2024 (Landscaping and Lighting)

To: Forest Lake Planning Commission

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

From: Claire Stickler, MSA Professional Services

Subject: Proposed Zoning Text Amendments for Definitions

Date: December 4, 2024

Proposed Amendments

Bold and underline are proposed additions to the code and ~~strikeout~~ are proposed removal of language from the code. These proposed amendments pertain to the definitions. We are proposing removal, amendments to the existing and adding some new definitions.

Staff and MSA are proposing the removal of certain definitions that are either irrelevant to the zoning code or outdated. Additionally, new definitions that were previously missing but are essential for administration of the Zoning Code have been introduced. The proposed amendments to existing definitions aim to enhance clarity and ensure alignment with state statute requirements.

For consistency, all references to other sections of the code have been removed. References to specific state statute requirements have been generalized, as law numbers frequently change.

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

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.

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

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 take action 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.~~ **Official Building Code as adopted by the City.**

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~~ **official Building Code as adopted by the City.**

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

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.

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. **The facility may provide dining, kitchen, and event space for 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.

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

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 in regard to 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.

CONVEYANCE. As defined in Minnesota Statutes.

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.

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.

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.

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 **of the driveway** 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) **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.**

(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.~~
The right of a person, entity, government agency, private or public utility company to use public or private land owned by another for a specific purpose.

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 disturbing, 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.

FARM LAND. 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.~~ **Is the sum of the gross horizontal areas of all floors of a building or portion thereof devoted to a particular use, however, the “floor area” shall not include floor area other than area devoted to retailing activities, the production or processing of goods, warehousing, and business or professional offices.**

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 abut 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.

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

HOME OCCUPATION. ~~See § 153.092(L).~~ **the use of a dwelling, or an attached accessory building on the same lot, for commercial activities; these activities must be clearly secondary to the primary use of the structure as a residential dwelling.**

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, **pools** 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.~~ **Any vehicle that cannot be driven or propelled under its own power in its existing condition, or because its wrecked, junked, or partially dismantled condition, or that cannot be driven because necessary licenses or authorizations have not been obtained and displayed on the vehicle.**

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.

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 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. An unobstructed area and 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~~ **net** 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.

(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.

(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.

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.

MANUFACTURED HOME PARK. Real property under single ownership that is used as the location for two or more manufactured homes that are, or are intended to be, occupied as dwellings, upon lots that are not conveyable.

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.

MANUFACTURING, LIGHT. The manufacture of products where the process does not create and emit fumes, smokes, vapors, vibrations, noise, glare, or other factors that are regarded as nuisances which would cause adverse effects to the users of adjacent land.

MANURE. Any solid or liquid containing animal excreta.

MARINA. Either an inland, shoreline, or off-shore 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 pump out, 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 **including but not limited to hospitals, dental services, medical services or clinics.**

METROPOLITAN URBAN SERVICE AREA (MUSA): The area where public utilities including sanitary sewer and water are available and is identified in the City's Comprehensive Plan.

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.

MOORING. Any containment of free-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 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 FUEL STATION: A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, vehicle accessories, and replacement items, washing and lubrication services; and the performance of minor automotive maintenance and repair.

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.

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 five or more persons** ~~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, **clinic, doctors office, diagnostic or treatment center or a residential program licensed pursuant to MN State Statute.**

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 **zoning** 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.

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.

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. **The service of food and, meals on such premises may be provided if secondary and incidental to the promotion of some other common objective of the organization and adequate dining room space and kitchen facilities for the purpose of serving food and meals are available.**

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.

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 constitute 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, play houses 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 which meets all of 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. **This definition includes shopping centers.**

RETAIL SALES AND SERVICES. Stores and shops selling goods over the counter for use away from the point of purchase or offers 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. A 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 facility where rooms or lockers are rented to tenants, usually on a monthly basis, in which tenants can store and access their goods. The rented spaces are usually secured by the tenant's own lock and key. Unlike in a warehouse, self-storage facility employees do not have casual access to the contents of the space.**

SENIOR HOUSING. **As defined by Minnesota statutes providing sleeping accommodations to one or more adult residents, at least eighty percent (80%) of which are fifty five (55) years of age or older, and offering or providing, for a fee, one or more regularly scheduled health related services or two (2) or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment**

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.

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.

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.

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

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 **indoors and outdoors**

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 **Minnesota state law** 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 purpose or activity for which land or a building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained, and shall include the performance standards of this Title.**

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

(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.

(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, LARGE ANIMAL. Those uses concerned with the diagnosis, treatment, and medical care of animals like cows, horses sheep, goats and pigs including animal or pet hospitals.

VETERINARY, SMALL ANIMAL. Those uses concerned with the diagnosis, treatment, and medical care of animals like cats, dogs, birds, hamsters 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.

WATER BODY: Any lake, stream, pond, wetland or river.

WATER DEPENDENT USES: Uses that in order to exist or function, require a location or use of the riverfront, including, but not limited to, barge loading and barge fleeting areas, marinas, industries that receive or ship goods or materials by water as an essential part of their operation, boat and barge construction, dismantling and repair, riverfront recreation, intakes and outfalls, and water monitoring and measuring facilities.

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)

To: Forest Lake Planning Commission

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

From: Claire Stickler, MSA Professional Services

Subject: Proposed Zoning Text Amendments for Ordinance Clean Up

Date: December 3, 2024

Proposed Zoning Code Text Amendments

Bold and underline are proposed additions to the code and ~~strikeout~~ are proposed removal of language from the code. These proposed amendments pertain to the lighting and landscaping regulations. There were several additional regulations within minimum design standards (Sections 153.074, 153.080, 153.084, 153.085) that staff felt were better placed fully within the lighting and landscaping sections (153.130 and 153.137) of the Zoning Code.

§ 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 with the exception of 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 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. The NC District must follow** 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 with the exception of 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. **The B-1 District must follow** 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. **The B-1 District must follow** 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 with the exception of 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. **The B-2 District must follow** ~~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 with the exception of 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. **The B-3 District must follow** ~~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 with the exception of 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)

§ 153.080 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 with the exception of 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, with the exception of 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. **The I and B-3 Districts must follow** ~~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 with the exception of 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. **The BP District shall be subject to the** ~~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. **The BP District shall be subject to** ~~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 with the exception of 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.

§ 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 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, with the exception of 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 with the exception of 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. **The MU 2 District shall follow** ~~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 with the exception of 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)

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 in excess of 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) Additional performance standards for NC, B-1, B-2, B-3, BP, I Zoning Districts.

(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.

(4) Additional performance standards for MU-1 and MU-2 Zoning Districts.

(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) Lighting fixtures shall be compatible with the architecture of the building.

(d) Wall mounted lighting shall be used on building fronts to illuminate entry points and highlight architectural features.

(5) 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.

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 landscaped 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.

(H) Landscaping in the Neighborhood Commercial (NC) Zoning District shall incorporate the following additional elements:

(a) Use a wide variety of plants in informal arrangements.

(b) Landscaping shall be arranged and grouped to signify key site locations, such as building and site entrances, walkways, and around monuments.

(c) Use layering to promote informality with a variety of plants with differing mature heights.

(d) Use of plants or trees that have seasonal color.

(I) Landscaping in the Broadway Business (B-1) Zoning District shall incorporate the following additional elements:

(a) 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.

(b) Window boxes, hanging flower baskets, and planters shall be used to identify primary entrances.

(J) Landscaping in the Business Park (BP) District shall incorporate the following additional requirements

(a) Use landscaping to buffer objectionable views and to break up the apparent size and monotony of parking areas.

(b) Landscaping shall be clustered into features areas, such as corners, entryways, buffer zones, and screening rather than distributed thinly throughout the site.

(K) Landscaping in the Mixed Use 1 (MU-1) and Mixed Use 2 (MU-2) Zoning Districts shall incorporate the following additional elements.

(a) 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.

(b) Planting areas should be located and designed to avoid visual interference with public signage and private commercial communication.

(c) 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.

(L) Landscaping for sustainability requirements for all business, commercial, industrial, mixed use, non-residential uses in a residential district and the multifamily residential districts. The applicant must select a minimum of one of the following items and provide a detailed narrative as to how this requirement is being satisfied.

(1) Use best management practices for tree plantings in order to encourage maximum canopy growth.

(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.

(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.

(4) Where irrigation is required in this section use recycled gray water, roof water, collected site run-off, or an irrigation system that will deliver up to 95% of the water supplied.

(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, in particular, 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)

§ 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)