

## CHAPTER 13. ZONING

### SECTION 1300 TITLE, PURPOSE, SCOPE AND INTERPRETATION

**1300.01 Title.** This Chapter shall be known and may be referred to as the "Circle Pines Zoning Ordinance of 1988" and may also be cited as "the Zoning Chapter" or "this Chapter".

**1300.02 Purpose.** This Chapter is enacted to promote the public health, safety and general welfare of the City through the following:

- a. encouraging the planned and orderly development of residential, commercial, industrial, recreational and public uses of land;
- b. providing for the compatible integration of different land uses and the most appropriate uses of land;
- c. conserving the natural beauty and environmental assets of the City;
- d. facilitating the provision of water, utilities and sewage disposal to property;
- e. protecting the City's population from fire and other matters relating to public safety;
- f. maintaining to a reasonable extent property values; and
- g. providing for the administration of this Chapter and prescribing penalties for violation of its provisions.

**1300.03 Scope.** From and after May 23, 1988, the use of all land and all buildings erected, altered, enlarged or relocated and every use accessory thereto shall be in conformance with the provisions of this Chapter.

**1300.04 Interpretation.** The provisions of this Chapter shall be minimum requirements. Where the conditions imposed by any provision of this Chapter differ from those required by any other provision of this Code, or any other ordinance, the section of either ordinance or code that places the greater restrictions or higher standard shall prevail. Words or terms defined in this Chapter shall have the meanings assigned to them unless such meaning is clearly contrary to the intent of this Chapter. Words in the singular number include the plural and words in the plural include the singular. The present tense shall include

past and future tenses. The word shall is mandatory and the word "may", is permissive. Words in the masculine gender include the feminine and neuter.

**1300.05 Zoning Districts.** For the purpose of this Chapter, the City is hereby divided into zoning districts as follows:

- R-A, Single Family Residential District
- R-1, Single Family Residential District
- R-2, Single Family Residential District
- R-3, Single Family Residential District
- R-4, Multiple Family Residential District
- C-1, Neighborhood Commercial District
- C-2, Shopping Center Commercial District
- C-3, Commercial Industrial District
- MU, Mixed Use Development

**1300.06 Official Zoning Map.** The boundaries of the zoning districts established by this Chapter shall be set forth in the zoning map, which shall be known as and may be referred to as the "zoning Map of Circle Pines" and may also be cited as the "zoning map". The map and all notations, references and data shown on it are incorporated by reference into this Chapter and shall be as much a part of this Chapter as if it were fully prescribed herein.

**1300.07 Illustrations.** Illustration 1 through 8 which are found in Appendix C of this Code are hereby incorporated into this Chapter to assist as guides in understanding the matters depicted in the illustrations. In the event of any conflict between the illustrations and the written provisions of this Chapter, the written provisions shall control.

**1300.08 Enforcement, Effect and Validity.**

Subd. 1 Enforcement of Chapter. The City Administrator or authorized representative shall conduct and supervise the enforcement of this Chapter with the assistance of the City Attorney, building official, Police Department and other designated staff. Enforcement actions to be taken by the City staff shall be authorized by the City Administrator.

Subd. 2 Orders by the City. Prior to the institution pursuant of legal proceedings, the City Administrator may, by written order, suspend, revoke or modify any permit or authorization issued pursuant to this Chapter on information and belief that the permit has been issued in error on the basis of incorrect or inadequate information, or that the work is not being performed in compliance with this Chapter or with the provisions of any permit issued pursuant hereto. The City Administrator, in addition, may issue an order to the owner or occupant of any premises to cease and desist the use of such premises immediately, when such premises are being used in a manner creating substantial hazard to the

public health, safety or welfare, or in violation of any permit issued pursuant hereto. The City Administrator shall have the power to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of lands or structures within the City and to restrain, correct or abate such violations, or to prevent the occupancy of buildings, structures or lands, or prevent any illegal act, conduct, business, or use on or about said premises and may use the City Attorney, police and other personnel in accomplishing these duties.

## SECTION 1305 - DEFINITIONS

**1305.01** Definitions. For the purpose of this Chapter, certain terms and words are defined as follows:

Subd. 1 Accessory Building. An uninhabited subordinate building located on the same lot as the main building. The use of such building is clearly subordinate to that of the main building or to the use of the premises.

Subd. 2 Accessory Use. A use subordinate to the principal use on the same premises and customarily incidental thereto.

Subd. 3 Apartment. A room or a suite of rooms within a building arranged, intended or designed for a place of residence.

Subd. 4 Applicant. Any person who wishes to obtain a building permit, zoning or subdivision approval.

Subd. 5 Basement. A basement is any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless the distance from the floor level to the average grade level is less than the distance from the average grade level to the ceiling. A basement is a story for the purposes of height regulations if one-half or more of the basement height is above the average ground elevation.

Subd. 6 Bicycle. A vehicle with two wheels, one in front of the other and having a saddle like seat for the rider. It is steered by turning a handlebar and driven by chains and pedals or peddle-started.

Subd. 7 Billboards. A sign located on premises other than where the establishment, product, service or activity is located manufactured, sold, offered, displayed or conducted.

Subd. 8 Block. A piece or parcel of land bounded by public highways, streets, streams, railway rights-of-way, exterior boundary or boundaries of a subdivision, un-subdivided acreage or parks, or a combination of thereof.

Subd. 9 Boathouse. A structure used solely for the storage of boats or boating equipment.

Subd. 10 Building. A structure having a roof supported by columns or walls and when separated by a division wall without opening, each portion of such building shall be deemed a separate building except as provided in the definition of apartment.

Subd. 11 Building Line. That line measured across the width of the lot at the point where the principal structure is placed in accordance with setback provisions.

Subd. 12 Building Official. The member or members of the City staff who enforce the City's Building Code.

Subd. 13 Building Permit. A license or instrument issued by the City to allow construction, alteration, or movement of a structure or building or part thereof.

Subd. 14 Clear-cutting. The removal of an entire stand of trees or natural vegetation.

Subd. 15 Cluster Development. Considered to be a type of Planned Unit Development or Community Unit Plan and is subject to the same criteria.

Subd. 16 Community Unit Plan (C.U.P.). A type of development which may incorporate a variety of land uses planned and developed as a unit. The Community Unit Plan is distinguished from the traditional subdivision process of development in that zoning standards such as density, height limits and minimum lot sizes may be altered by negotiation and agreement between the developer, the municipality and the Commissioner of Natural Resources.

Subd. 17 Comprehensive Plan. The official comprehensive municipal plan for guiding future physical, social and economical development of the City as required by the Metropolitan Planning Act.

Subd. 18 Detention Facility. A permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water

Subd. 19 Display Window. A window in a business establishment used to display wares or services.

Subd. 20 Dwelling. A building or portion thereof, designed, occupied, or to be occupied exclusively for residential purposes, including one-family, two-family, and multiple dwellings, but not including hotels and motels.

Subd. 21 Dwelling, Multiple Family. A building or portion thereof containing three (3) or more dwelling units.

Subd. 22 Dwelling, Single-family. A detached building arranged, intended or designed for occupancy by one family and used exclusively for occupancy by one family.

Subd. 23 Dwelling, Two-family. A building arranged, intended or designed for occupancy by two families and used exclusively for occupancy by two families living independently of each other.

Subd. 24 Dwelling Unit. One or more rooms which are connected together constituting complete, separate and independent living quarters, physically separated from any other room or dwelling unit which may be in the same building and containing permanent cooking, eating, sleeping and sanitary facilities for the exclusive use of a single family maintaining a household.

Subd. 25 Establishment. Any of the following definitions may apply: A distinct business entity located in a structure attached to other similar structures by common walls and ceilings or floors, or attached by means of an enclosed arcade; a distinct business entity contained within a single structure and not separated by walls or other physical barrier, but distinct because of its existence as a single lease space and operation by a separate entrepreneur, or by its singularity of purpose carried on by a single or separate proprietors.

Subd. 26 Expansion. An increase in the floor or land area or volume of an existing building.

Subd. 27 Family. An individual or one (1) or more persons related by blood, marriage or adoption including foster children, living together as a family unit.

Subd. 28 Fence. See Section 1315.08

Subd. 29 Finished Area. Completion of the interior area of a building to include taping, sheetrocking, electrical work and plumbing.

Subd. 30 Flood Fringe. The portion of the floodplain outside of the floodway.

Subd. 31 Flood Plain. The area subject to periodic inundation by a 100-year flood as designated on the official City flood plain map.

Subd. 32 Floodway. The channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplains that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.

Subd. 33 Floor Area. The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The floor area of a building shall include basement floor area, penthouses, attic space having head room of 7 feet or more, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses. However, any space devoted to mechanical equipment, stair wells, elevator shafts, parking or loading shall not be included in the floor area.

Subd. 34 Footing. That portion of the foundation of a structure which spreads and transmits bearing loads directly to the soil or pilings.

Subd. 35 Frontage. All the property lines abutting a street.

Subd. 36 Garage, Private. A building designed or used primarily for the storage or care of motor vehicles, including, but not limited to automobiles, pickup trucks and campers, owned and operated by residents of a principal structure on the same lot.

Subd. 37 Garage, Private-detached. A private garage that is entirely surrounded by open space on the same lot occupied by a dwelling unit.

Subd. 38 Garage, Public. Any premises, except those described as a private garage, used for the storage or care of self-propelled vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Subd. 39 Grade. An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure or the degree of use or descent of a sloping surface, expressed in percentage terms.

Subd. 40 Height of Building. The vertical distance from grade plane to the average height of the highest roof surface.

Subd. 41 High Water Mark. See Ordinary High Water Mark.

Subd. 42 Home Occupation. Any professional, employment, service, or business use, either for or not for profit, conducted by an occupant or resident entirely within a Dwelling or Private Garage, provided that the use is incidental and secondary to and does not change the primary residential use of the property.

Subd. 43 Hotel. Any building or portion thereof where lodging is offered to transient guests for compensation in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment, and where access to individual rooms is provided through an indoor lobby or office.

Subd. 44 Hydric Soils. Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Subd. 45 Hydrophytic Vegetation. Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Subd. 46 Junk Yard. An area, lot, parcel, building or structure or part thereof where used, waste, discarded or salvaged materials are bought, sold, exchanged, stored, abandoned, baled, cleaned, packed, disassembled or handled, including without limitation scrap iron and other metals, glass, paper, rags, rubber products, tires, bottles, building materials, vehicle parts, household appliances, brush and lumber. A junk yard includes an automobile wrecking or dismantling yard, but does not include accessory uses used in connection with a permitted manufacturing process when conducted within an enclosed area. The storage of unlicensed and/or inoperable motor vehicles for a period in excess of 30 days shall also be considered a junk yard.

Subd. 47 Kennel. Any establishment for the raising, training or boarding of dogs, cats or other small animals for hire or profit, or any establishment or residence, other than a pet shop or animal hospital, where more than three dogs or cats are harbored or kept.

Subd. 48 Land Disturbing or Development Activities. Any change of the land surface including removing vegetative cover, excavating, filling, grading, and the construction of any structure.

Subd. 49 Licensed Liquor Establishment. An establishment that is licensed for on-sale liquor and 30% or more of its gross sales are derived from the serving of food,

prepared and consumed on the premises. Where meals are regularly prepared on the premises, has a seating capacity of at least 30 guests, where full waitress/waiter table service is provided, where a customer orders food from printed menus and where the main food course is served and consumed while seated at a single location. A licensed liquor establishment must also have at a minimum 25 different food items on the menu.

Subd. 50 Lot. A separate parcel, tract or area of land undivided by any public street or improved private road, which has been established by plat, metes and bounds subdivision, or as otherwise permitted by law, and which is occupied by or intended to be developed for and occupied by a principal building or group of buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, including such open spaces and yards as are designed and arranged or required by this Chapter for such building, use or development.

Subd. 51 Lot Area. The area of a horizontal plane bounded by the front, side and rear lot lines.

Subd. 52 Lot, Corner. A lot abutting upon two (2) or more streets at their intersections. A corner lot shall be deemed to front on that street on which it has its least dimension with the exception when the street address is on the side having the largest dimension, the street address side will be considered the front yard.

Subd. 53 Lot, Coverage. That portion of a lot covered by buildings, driveways, parking areas and any other impervious surface.

Subd. 54 Lot of Record. Any legally recorded lot which at the time of its recording complied with all applicable laws and ordinances.

Subd. 55 Lot, Interior. A lot other than a corner lot.

Subd. 56 Lot, Through. An interior lot having frontage on two (2) parallel streets.

Subd. 57 Motel. A commercial establishment providing transient accommodations to the general public containing rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Subd. 58 Ordinary High Water Mark. A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that



point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Subd. 59 Person. Any Individual, firm, corporation, partnership, franchise, association, or governmental entity.

Subd. 60 Planned Unit Development. (see Community Unit Plan).

Subd. 61 Premises. A lot together with all of the buildings and structures located on it.

Subd. 62 Private Residential Swimming Pool. A swimming pool located within a residential district on private property, under the control of the owner, and intended to be an accessory use to a single-family dwelling for the use and enjoyment of the owner, the members of his family or invited guests, and for the use of which no charge or fee is imposed.

Subd. 63 Public Waters. Waters of the state as defined in Minnesota Statutes, section 103G.005, subdivision 15.

Subd. 64 Regional Flood. A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.

Subd. 65 Restaurant. An eating facility, under the control of a single proprietor or manager, where meals are regularly prepared on the premises, has a seating capacity of at least 30 guests, where full waitress/waiter table service is provided, where a customer orders food from printed menus and where the main food course is served and consumed while seated at a single location, and where 60% or more of its gross sales are derived from the serving of food, prepared and consumed on the premises. An establishment must also have a minimum of 25 different food items on the menu.

Subd. 66 Retention Facility. A permanent natural or man made structure that provides for the storage of storm water runoff by means of a permanent pool of water.

Subd. 67 Roof Line. In structures with a flat roof, the top line of the coping; in structures with pitched roofs, the intersection of the outside wall with the roof.

Subd. 68 Satellite Dish Antenna. Any dish-shaped antenna designed to receive satellite signals for the purpose of television or radio reception or any other similar type of communication.

Subd. 69 Sediment. Solid matter carried by water, sewage, or other liquids.

Subd. 70 Setback. The minimum horizontal distance between a structure or sanitary facility and the ordinary high water mark or between a structure or sanitary facility and a road, well, highway or property lines.

Subd. 71 Shorelands. Land located within the following distances from the ordinary high water mark of protected waters: 1) land within one thousand (1000) feet from the ordinary high water mark of a lake, pond or flowage; and 2) land within three thousand (300) feet of a river or stream or the landward extent of a flood plain delineated by ordinance on such a river or stream, whichever is greater.

Subd. 72 Sign. See Section 1330.

Subd. 73 Story. That portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. (Please see illustration #7)

Subd. 74 Street. A public right-of-way accepted or a private right-of-way approved pursuant to the requirements of the City, by public authority, which provides a legal primary means of public access to abutting property. The term street shall include a highway, thoroughfare, arterial, parkway, collector, avenue, drive, circle, road, boulevard or any other similar term describing an entity complying with the preceding requirements.

Subd. 75 Structure. Anything constructed or erected, which requires location on the ground, or attachment to something having a location on the ground. Structures include, but are not limited to, all buildings, bicycle and skateboard ramps, tree houses, swing sets, jungle gyms and any other device contemplated for more or less permanent location in or on a lot.

Subd. 76 Subdivision. The separation of an area, parcel or tract of land under single ownership into two or more parcels, tracts, lots or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads or alleys, for residential, commercial, industrial, or any other use or combination thereof, except those separations:

- a. where all the resulting parcels, tracts, lots or interests will be 20 acres or larger in size and 500 feet

in width for residential uses and 5 acres or larger in size for commercial and industrial uses;

b. creating cemetery lots; and

c. resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

Subd. 77 Substandard Use. Any use of shorelands existing prior to May 23, 1988 which is permitted within the applicable zoning district but does not meet the minimum lot area and length or water frontage, structure setbacks, or other dimensional standards of the Chapter.

Subd. 78 Swimming Pool. See Section 1335.

Subd. 79 Thoroughfare, Major. A collector street that carries traffic from one or more connecting streets.

Subd. 80 Use. The purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

Subd. 81 Uniform Building Code. The Uniform Building Code standards promulgated by the International Conference of Building officials, as adopted by this jurisdiction through the State Building Code.

Subd. 82 Yard. An open space on a lot which is free of buildings or structures

Subd. 83 Yard, Front. A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of any building extended to the side lot line nearest to that building.

Subd. 84 Yard, Rear. A yard extending across the full width of the lot and lying between the rear line of the lot and nearest line of any building extended to the side lot line nearest to that building.

Subd. 85 Yard, Side. A yard between the side line of the lot and nearest side line of any building and extending from the front property line to the rear property line.

Subd. 86 Wetlands. 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 definition, wetlands must have the following three attributes:

a) Have a predominance of hydric soils;

- b) Are inundated or saturated by surface 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 such vegetation.

## **SECTION 1310 - PERMITS, APPLICATION AND GENERAL REGULATIONS**

### **1310.01 Building Permit Procedure.**

Subd. 1 Necessity of Permit. Except for exempt work as defined in the State Building Code, no person shall erect, construct, alter, enlarge, repair, move or remove, any building or structure or part thereof without first securing a building permit.

Subd. 2 Application for Permit. An application for a building permit shall be made to the Building Official of the City on forms supplied by the City. When required by the Building Official, the application for a building permit shall be accompanied by two sets of a site plan meeting the requirements of Subsection 1310.02 of this Chapter.

Subd. 3 Issuance of Permit. No building permit shall be issued for activity in conflict with the provisions of this Chapter. The Building Official shall issue a building permit only after determining that the application and plans comply with the provisions of this Chapter, the State Building Code, and other applicable laws and ordinances.

Subd. 4 Void Permit. If the work described in any building permit is not begun within 90 days or substantially completed within one year following the date of the issuance of the building permit, or such shorter time as is set forth in writing by the Building Official, the permit may become void at the discretion of the Building Official. Written notice that the permit is void shall be transmitted by the City to the permit holder, stating that activity authorized by the expired permit shall cease unless and until a new building permit has been obtained.

### **1310.02 Site Plan Review.**

Subd. 1 Council Review. The Council, with the advice and recommendation of the Planning Commission, shall review and approve a site plan before issuance of a building permit in all C districts, in the R-4 district, the mixed-use

district and when required by the City, in all cases where an application for a conditional use permit has been made.

Subd. 2 Necessary Material. The site plan shall be filed not less than three weeks in advance of the Planning Commission meeting at which it is to be considered. The site plan shall be accompanied by evidence of ownership or an interest in the property and any application fee, as set by the Council. The site plans shall be signed by a registered architect, civil engineer, landscape architect or other design professional, and shall include the information required by the City, which may include, without limitation, the following:

1. General.

(a) Name of project.

(b) Name, address and telephone number of the applicant, engineer and owner of record.

(c) Legal description (certificate of survey may be required).

(d) Date proposed, north arrow, engineering scale, number of sheets and name of drawer.

(e) Vicinity map showing relationship of the proposed development to surrounding streets, rights-of-way, easements and natural features.

(f) Description of intended use of the site, buildings and structures including type of occupancy and estimated occupancy load.

(g) Existing zoning land use.

(h) Tabulation box indicating:

(1) Size of parcel in acres or square feet.

(2) Gross floor area of each building.

(3) Percent of site covered by building.

(4) Percent of site covered by impervious surface.

(5) Percent of site covered by parking area.

(6) Projected number of employees.

(7) Number of seats if intended use is a restaurant or place of assembly.

(8) Number of parking spaces required.

(9) Number of parking spaces provided including handicapped.

(10) Height of all buildings and structures and number of stories.

2. Site Plan.

(a) Property line dimensions, location of all existing and proposed structures with distances from boundaries, distance between structures, building dimensions and floor elevations.

(b) Grading and drainage plan showing existing natural features (topography, wetlands, vegetation, etc.) as well as proposed grade elevations and sedimentation and storm water retention ponds.

(c) All existing and proposed points of egress/ingress showing widths at property lines, turning radii abutting rights-of-way with indicated center line, width, paving width, existing and proposed median cuts, and intersections of streets and driveways.

(d) Vehicular circulation system showing location and dimensions for all driveways, parking spaces, parking lot aisles, service roads, loading areas, fire lanes, emergency access (if necessary), public and private streets, alleys, sidewalks, bike paths, direction of traffic flow and traffic control devices.

(e) Landscaping plan.

(f) Location, access and screening detail of trash enclosures.

(g) Location and screening detail of roof top equipment.

(h) Location and detail of signage.

(i) Lighting location, style and mounting.

(j) Building elevations from all directions.

(k) Utility plan identifying size and direction of existing water and sewer lines, fire hydrants, distance of hydrant to proposed building.

(l) List of proposed hazardous materials, use and storage.

(m) Proposed fire protection system.

Subd. 3 Review Procedure. The City Administrator shall assist the Planning Commission and the Council by reviewing all applications for site plan review in accordance with the standards contained in this Chapter. The City Administrator shall provide the Planning Commission and the Council with a report concerning each application for a site plan review. The Planning Commission shall, within 60 days after the submission of the application for site plan review, report its recommendation to the Council. A building permit may be issued if the proposed construction conforms to the site plan approval granted by the Council. A certificate of occupancy may be withheld if construction is not consistent with the terms of plan approval and will not be issued until the terms of plan approval are met.

Subd. 4 Site Plan Review Standards. The following standards shall be utilized in determining whether to approve a site plan. These standards are intended to provide a frame of reference for the applicant in the development of site plans as well as a method of review for the reviewing authority. When in the judgment of the Planning Commission or Council the standards would create an unobtainable requirement they may then encourage creativity, invention and innovation in order to allow the unique circumstances of the site in question to be considered in furthering the general goals and intent of this Chapter.

1. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

2. Relation of Proposed buildings to Environment. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and their creation of focal points with respect to avenues of approach, terrain features or other buildings.

3. Drives, Parking and Circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement of

parking areas that are safe and convenient and, insofar as practicable, that do not detract from the design of proposed buildings and structures and the neighboring properties.

4. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas. Sites one acre or larger must meet Rice Creek Watershed District requirements.

5. Utility Service. Electric, cable and telephone distribution lines shall be placed underground where existing utility lines are underground. Any utility installations installed where lines are existing above ground shall be located so as to have a harmonious relation to the neighboring properties and the site.

6. Advertising Features. The size, location and lighting of all permanent signs and outdoor advertising structures or features shall be consistent with the requirements of Section 1330 of this Chapter.

7. Special Features. Exposed storage areas, refuse disposal, electrical transformers, exposed machinery installations, service areas, truck loading area, utility buildings and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

8. On Site Lighting Requirements. On site lighting shall be in conformance with Section 1310.09, Subd. 2 of this Chapter.

### **1310.03 Board of Appeals and Adjustments.**

Subd. 1 Creation and Membership. There is hereby created a Board of Appeals and Adjustments (the Board). The Planning Commission shall serve as the Board.

Subd. 2 Powers and Duties. The Board shall have the following powers:



1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by a member of the City staff in administration of this Chapter.
2. To hear requests for variances from the literal provisions of this Chapter.
3. To hear appeals pursuant to Minn. Stat. 462.359, Subd. 4.

Subd. 3 Advisory Rule. The decisions of the Board on matters within its jurisdiction are advisory to the Council.

Subd. 4 Variances. A variance may be requested only by the owner of the property to which the variance would apply, or his or her approved representative. A variance may not be granted which would allow the use of property in a manner not permitted within the applicable zoning district. In granting any variance, the Board may prescribe conditions to ensure substantial compliance with this Chapter, and to protect adjacent property. The violation of any written condition of a variance shall constitute a violation of this Chapter. A variance shall become void within one year following issuance unless substantial action has been taken by the petitioner in reliance thereon. A variance may be granted for an indefinite duration or for any specified duration. A variance may be granted by the Board and the Council only if the following requirements are met:

- a. Variances shall only be permitted when they are in harmony with the general purpose and intent of city code and consistent with the comprehensive plan;
- b. Variances may only be permitted when the applicant establishes that there are practical difficulties in complying with the zoning ordinance, meaning the property owner proposes to use the lot or parcel in a reasonable manner not permitted by the zoning code.
- c. The plight of the property owner must be due to circumstances that are unique to the lot or parcel and is not created by the property owner.
- d. The variances must not alter the essential character of the locality.
- (e) That the variance will not alter the essential character of the City, will not be injurious to or adversely affect the health, safety or welfare of the residents of the City or the neighborhood in which the property is located and will be in keeping with the spirit and intent of this Chapter.

Subd. 5 Procedures.

(a) Form. Appeals and applications for variances shall be filed with the City Administrator on prescribed forms. Each application shall be accompanied by a fee, as established by the Council and, if required by the City, a registered survey of the land and buildings on the property to which the application relates. The application shall be completed in sufficient detail to clearly identify the variance applied for or the act appealed from and shall set forth the applicant's reasons why the application should be granted.

(b) Hearing. Upon the filing of an appeal or application for variance, the City Administrator shall set a time for a public hearing on the application before the Board. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the City at least 10 days prior to the day of the hearing. In addition, in the case of variance applications only, a similar notice shall be mailed at least 10 days before the day of hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the application relates. The applicant shall provide the names and addresses of all such owners.

(c) The Board shall keep a written record of all of its proceedings, including minutes of its meetings, its findings, and the actions taken on each matter heard by it, including the final recommendation. The Board may adopt such further rules for the conduct of its meetings as it shall deem necessary, including rules governing the dates of its meetings, the date by which applications must be filed to appear on the agenda of any particular meeting, provisions for the conduct of meetings, including the matter of giving oaths to witnesses at the hearings and the manner in which evidence may be presented, and provision for the filing of written briefs by the applicant or other interested parties. Any party may appear at a hearing in person or by his agent or attorney.

(d) Within a reasonable time following the hearing, the Board shall make its written recommendation and shall serve a copy of the same upon the applicant by depositing it in the United States Mail, postage prepaid, to the address of the applicant shown on the application. The recommendation of the Board shall also be reported to the Council. The Board shall report its findings with respect to the application and all facts in connection with it, and shall specifically and fully

set forth any adjustment or variance and designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulation or provision to which the adjustment or variance is granted.

(e) Upon receipt of such report, the Council shall by resolution approve and confirm the Board's recommendation with or without changes, whereupon the application may be approved, or shall refuse to approve or confirm the decision. In acting on the recommendation of the Board, the Council shall have all the powers of the Board, and may hold whatever public hearings it deems advisable.

#### **1310.04 Conditional Use Permits.**

Subd. 1 Permitted Uses. Conditional use permits may be issued for the following:

(a) Uses or purposes for which such permits are required by Subsections 1315.03, 1320.11, or any other provision of this Chapter.

(b) Commercial excavation in any district of natural materials used for building or construction purposes.

(c) Construction in any district of radio, citizen band, television or related towers.

Subd. 2 Application. Application for the issuance of a conditional use permit shall be made in writing to the City on forms provided by the City. Each application shall be accompanied by the payment of a fee as set from time to time by the Council, which fee shall be in addition to the required fee for the building permit application, if any. If required by the City, the application shall be accompanied by a site plan and supplementary graphic or written materials which contain the information required by the City pursuant to Subsection 1310.02 of this Chapter.

Subd. 3 The applicant must demonstrate that the following with regard to the requested conditional use permit:

- a. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity;
- b. The establishment of the conditional use will not impede the normal and orderly development and

- improvement of surrounding vacant property for uses allowed in the area;
- c. Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;
- d. The use is consistent with the purposes of the zone in which the applicant intends to locate the proposed use;
- e. The use is not in conflict with the comprehensive plan; and
- f. The use is not detrimental to the protection of the general public health, safety and welfare.

Subd.4 Standards. The Planning Commission and the Council shall consider to what extent the applicant's plan minimizes possible adverse effects of the proposed conditional use and what modifications to the plan and what conditions on approval could further minimize the adverse effects of the proposed use. The following development standards shall be considered general requirements for conditional use permits except as hereinafter provided.

(a) The land area and setback requirements of the property containing such a use or activity meet the minimums established for the district.

(b) When abutting a residential use, the property shall be screened and landscaped.

(c) All city, county, state and federal laws, regulations and ordinances shall be complied with and all necessary permits secured.

(d) Signs shall not adversely impact adjoining or surrounding residential uses.

(e) Adequate off-road parking and loading shall be provided. Such parking and loading shall be screened and landscaped from abutting residential uses.

(f) The road serving the use or activity must be of sufficient design to accommodate the proposed use or activity, and such use or activity shall not generate such additional extra traffic as to create a nuisance or hazard to existing traffic or surrounding land use.

(g) All access roads, driveways, parking areas and outside storage, service or sales areas shall be surfaced or grassed to control dust and drainage.

(h) All open and outdoor storage, sales and service areas shall be screened from view from public streets and from abutting residential uses or districts.

(i) All lighting shall be designed to prevent any direct source of light being visible from adjacent residential areas or from the public streets.

(j) The use or activity shall be properly drained to control surface water runoff.

(k) The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.

(l) The proposed water, sewer and other utilities shall be capable of accommodating the proposed use.

(m) The performance standards set forth in Subsection 1310-09.

These standards shall be strictly applied unless the Council finds in the particular case that the community safety, health and welfare can as well or better be served by modifying them. Any special requirements applicable to the particular case which are imposed elsewhere in this Chapter shall be met in each case.

Subd. 5 Conditions. In reviewing applications for conditional use permits, the Planning Commission and the Council may attach reasonable conditions to mitigate anticipated adverse impacts associated with these uses, to protect the value of other property within the district, and to achieve the goals and objectives of the Comprehensive Plan. Such conditions may include, but are not limited to, the following:

(a) Controlling the number, area, bulk, height and location of such uses.

(b) Regulating ingress and egress to the property and the proposed structures thereon with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control and access in case of fire or other catastrophe.

(c) Regulating off-street parking and loading areas where required.

(d) Utilities with reference to location availability and compatibility.

(e) Berming, fencing, screening, landscaping or other facilities to protect nearby property.

(f) Compatibility of appearance.

In determining such conditions, special consideration shall be given to protecting immediately adjacent properties from objectionable views, noise, traffic and other negative characteristics associated with such uses.

Subd. 6 Procedures. The Planning Commission shall hold a public hearing within 60 days of the date of filing of the application, or at the next regularly scheduled meeting thereafter. The City shall publish in its official newspaper notice of such hearing at least 10 days prior to the date of the hearing. In addition, a similar notice shall be mailed at least 10 days before the day of hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the application relates. The applicant shall provide the names and addresses of all such owners. Following the hearing, the Planning Commission shall submit its recommendation to the Council, which recommendation shall include all recommended conditions on the granting of the conditional use permit. The Council may hold whatever public hearings it deems advisable, or may return the application to the Planning Commission for further consideration. The Council may grant the application for the conditional use permit and may impose conditions additional to or different from those recommended by the Planning Commission. Applications for conditional use permits may be denied by resolution of the Council. The resolution denying the application shall state the reasons for denial, but may incorporate by reference the minutes and recommendations of the Planning Commission, staff reports, hearing testimony and other material relevant to the Councils decision.

Subd. 7 Termination. If compliance with all of the conditions of the conditional use permit have not taken place within the time prescribed by the Council, the permit is deemed terminated, unless the Council, in its sole discretion, extends the time for compliance for an additional period not to exceed one year. Any violation of a continuing condition shall be grounds for revocation of the conditional use permit, after notice of violation served upon the permit holder in the manner of a civil summons at least 10 days prior to hearing, and upon the Council finding at the revocation hearing that the condition violated remains necessary to carry out the purposes of this Section and that the permit holder is unable or unwilling to satisfy the condition. Such finding shall be made by majority vote, upon the preponderance of the evidence presented by the City staff and anyone appearing on behalf of the permit holder.

Subd. 8 Performance Bond. The Council may require a performance bond or other security, in form approved by the City Attorney, to guarantee performance of the conditions in any case where such performance is not otherwise guaranteed. Such security shall be provided prior to the issuance of building permits or initiation of work on the proposed

improvements or development and shall be in an amount 1.25 times the approved estimated costs of labor and materials for the proposed improvements or development.

**1310.05 Non-conforming Uses.**

Subd. 1 Non-conforming Buildings and Uses. The existing use of a building or land lawful on May 10, 1988, may be continued, although such use does not conform with the provisions hereof. Except as hereinafter provided, non-conforming uses shall not be extended or enlarged.

Subd. 2 Discontinuance.

(a) If a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located.

(b) If the use of a non-conforming advertising sign structure is discontinued or its normal operation stopped for a period of six (6) months, said structure shall be removed.

Subd. 3 Alterations.

(a) If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted intensity by conditional use permit. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed into a less restricted one. For the purposes of this Chapter, a more restricted use or intensity means a use that qualifies as a permitted use in a more restrictive district than the use to which it is being compared. By way of illustration, the R-1 District is more restrictive than R-2, and C-1 is more restrictive than C-2.

(b) Structural alteration or addition to an existing house which is only in non-conformance due to having less than the required thirty foot front yard setback may make structural alterations or additions which are in compliance with this Chapter, provided the existing house is judged by the building official to be substantially in line with adjoining homes and the alteration or addition does not further reduce the front yard setback.

Subd. 4 Restoration. No non-conforming use, building or structure may be restored, except single-family dwellings in a residential district, which has been damaged by fire, explosion, flood, act of God or other calamity to the extent of more than fifty percent (50%) of its assessed market value if a building permit has not been applied for within 180 days of when the property is damaged. A nonconforming use, building or structure which is damaged to a lesser degree may be restored and its previous use continued or resumed provided that restoration is completed within one (1) year following its damage and no enlargement occurs.

Subd. 5 Issued Permits. Nothing herein contained shall require any change in plans, construction or designated use of a building, or structure for which a building permit has been issued prior to May 10, 1988, provided, however, that the entire building shall be completed according to such plans as filed within twenty-four (24) months from the date of issuance of said permit or within such shorter time as required by the permit.

#### **1310.06 Text Amendments and Zoning District Changes.**

Subd. 1 Authority. The Council may from time to time by a majority vote the vote of all its members adopt amendments to Section 1300 through 1340 of this Chapter including the zoning map unless a two-thirds vote is required by Minnesota State Statutes.

Subd. 2 Procedure.

(a) Proceedings to amend this Chapter shall only be initiated by the Council, the Planning commission or a petition of the property owner(s).

(b) An application for an amendment shall be filed with the City. Petitions by property owners requesting change in a district boundary shall be accompanied by a map or plat showing the lands proposed to be changed and all land within three hundred fifty (350) feet of the boundaries of the property proposed for such rezoning together with the names and addresses of the owners of lands in such area.

Subd. 3 Public Hearing. No amendment shall be adopted until a public hearing has been held thereon by the Planning Commission. Notice of the time, place and purpose of an amendment hearing shall be published in the official newspaper at least ten (10) days prior to the day of hearing. When an amendment involves changes in one or more district boundaries affecting an area of five (5) acres or less, notice of the hearing shall be mailed at least ten (10) days



before the date of hearing to each owner of property within the area proposed to be changed and owners of property situated wholly or partially within three hundred fifty (350) feet of the property to which the amendment relates. The failure of a property owner to receive notice as specified herein shall not invalidate the public hearing or the amendment proceeding. Where appropriate, notice shall also be given to affected homeowner's associations. If a development is proposed adjacent to a lake or will affect the usage of the lake, the applicant shall provide the City with a list of property owners abutting the lake at the time of application. The City shall provide mailed notice to the lake homeowners in compliance with the procedures above. The applicant is responsible for meeting with affected homeowners.

Subd. 4 Commission Action. Following conclusion of the public hearing held by the Planning Commission, the commission shall report its findings and recommendations on the proposed amendment to the Council. If no report is transmitted by the Planning commission within sixty (60) days following referral of the amendment to the Commission, the Council may take action on the amendment without awaiting the report.

Subd. 5 Council Action. Following Planning Commission consideration or the expiration of its review period, the Council may adopt the amendment or any part thereof in such form as it deems advisable, reject the amendment, or refer it to the Planning Commission for future consideration.

#### **1310.07. Certificate of Occupancy.**

Subd. 1 Certificate Required. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or portion of building constructed, erected, enlarged, altered, converted or moved onto a lot within the City until a certificate of occupancy has been issued.

Subd. 2 Application. Application for a certificate of occupancy shall be made on forms provided by the City.

Subd. 3 Issuance. A certificate of occupancy shall be issued as soon as is practicable within 10 days of completion of the building, but only upon demonstration that the building and use are in conformance with all requirements of this Code and that all conditions of approval have been met. A record shall be kept of all certificates issued.

Subd. 4 Temporary Certificates. A temporary certificate of occupancy may be issued for a period not to exceed six months. Conditions may be imposed on the issuance of a temporary certificate of occupancy in order to ensure

compliance with this Chapter including posting a bond or other financial security acceptable to the City. Issuance of a temporary certificate shall not alter the rights or obligations of the owner, tenant or City with respect to full compliance with the requirements of this chapter or other regulations of this Code.

Subd. 5 Revocation. A certificate of occupancy may be revoked if the building or use is no longer in compliance with the provisions of this Chapter. The City shall have authority to enforce the revocation of the certificate of occupancy by appropriate means. Upon revocation the building shall not be used for any purpose until issuance of a new certificate of occupancy.

**1310.08 Prohibited Uses.** No resident, industry, or business emitting foul odors, excessive smoke, vibration, noise or dust shall be deemed to be permitted.

**1310.09 Performance Standards.**

Subd. 1 Purpose. The purpose of performance standards is to establish specific and quantifiable limitations on identified types of pollution and other activities which have a high nuisance potential. The performance standards apply in all zoning districts unless specifically stated to the contrary.

Subd. 2 Exterior Lighting.

(a) Exterior lighting shall be designed and arranged to limit direct illumination and glare upon or into any contiguous parcel. Reflected glare or spill light shall not exceed five-tenths foot-candles as measured on the property line when abutting any residential parcel and one foot-candle on any abutting commercial or industrial parcel. Street lights installed in public right-of-way shall be excepted from these standards.

(b) Mitigative measures shall be employed to limit glare and spill light to protect neighboring parcels and to maintain traffic safety on public roads. These measures may include lenses, shields, louvers, prismatic control devices and limitations on the height and type of fixtures. The City may also limit the hours of operation of outdoor lighting if it is deemed necessary to reduce impacts on the surrounding neighborhood.

(c) No flickering or flashing lights shall be permitted.

(d) Direct, off-site views of the light source shall not be permitted except that globe and/or ornamental fixtures shall be approved only when the developer can

demonstrate that off-site impacts stemming from direct views of the bulb are mitigated by the fixture design and/or location.

(e) The City may require submission of a light distribution plan if deemed necessary to ensure compliance with the intent of this Chapter.

Subd. 3 Noise and Vibration.

(a) Noises emanating from any use shall be in compliance with and regulated by the standards of the Minnesota Pollution Control Agency. Any use established or remodeled after May 10, 1988 shall be so operated as to prevent vibration discernible at any point beyond the lot line of the site on which such use is located. The City may also limit the hours of operation of outdoor noise if it is deemed necessary to reduce impacts on the surrounding neighborhood.

(b) Ground vibration and noise caused by motor vehicles, trains, aircraft operations or temporary construction or demolition shall be exempt from these regulations. However, if deemed appropriate, the City may establish limits on the hours of operation of temporary construction or demolition operation to limit off-site impacts.

Subd. 4 Smoke and Particulate Matter. No use shall produce or emits Smoke, dust or particulate matter exceeding applicable regulations established by the Minnesota Pollution Control Agency.

Subd. 5 Odor. No use shall produce unreasonable or disturbing odors beyond the property line exceeding applicable regulations established by the Minnesota Pollution Control Agency.

Subd. 6 Toxic or Noxious Matter. No use or operation shall emit a concentration of toxic or noxious matter across the property line which exceeds applicable regulations of the Minnesota Pollution Control Agency.

Subd. 7 Radiation. No operations shall be conducted which exceed the standards established by applicable regulations of the Minnesota Department of Health.

Subd. 8 Heat and Humidity. No use shall produce any unreasonable, disturbing or unnecessary emissions of heat or humidity beyond the property line which cause material distress, discomfort or injury to persons of ordinary sensitivity.

Subd. 9 Electromagnetic Interference. No use shall produce electromagnetic interference with normal radio or television reception in any residential district or exceed applicable standards established by any applicable federal or state regulations.

Subd. 10 Fire and Explosive Hazards. All uses shall be subject to the fire prevention code of the City.

Subd. 11 Liquid or Solid Waste. All uses shall be subject to applicable regulations of the City and the Metropolitan Waste Control Commission governing discharge into a public storm or sanitary sewer, waterway or steam.

Subd. 12 Receive-only Satellite Dish Antennas and Other Antenna Devices. Receive-only satellite dishes and other antenna devices shall be subject to the following requirements:

(a) shall be in compliance with all City building and electrical code requirements;

(b) verification that the structural design has been approved by a professional engineer;

(c) verification that the mounting system and installation have been approved by a professional engineer;

(d) one per building or, if more than one antenna is proposed, the antennas shall be clustered in a single, screened location, or painted to blend in with an existing structure;

(e) submission of written authorization from the property owner;

(e) no advertising message shall be on the antenna structure;

(g) shall comply with setback requirements for principal structures and in no event shall be located between the principal structure and the front line;

(h) shall be screened to the greatest extent practicable to minimize visual impacts on surrounding properties. Screening shall include landscape materials for ground mounted antennas and materials compatible with those utilized on the exterior of the building for roof mounted antennas;

(i) freestanding antennas located closer to a property line than the height of the antenna shall be designed and engineered to collapse progressively within the distance between the antenna and the property line;

(j) shall be in compliance with all applicable Federal Communications Commission (FCC) requirements; and

(k) antenna height shall be no more than 60' as measured from the average ground elevation upon which it is located. Where antennas are located on existing structures they may exceed 60' in height as long as they do not extend more than 20' beyond the height of the existing structure.

## **SECTION 1315 - RESIDENTIAL DISTRICT REGULATIONS**

### **1315.01 Intent.**

a. Each of the residential districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts.

b. The purpose of the R-A, R-1, R-2, and R-3 Districts is to provide for single family detached dwellings in those areas where such development is consistent with the low density residential designation of the comprehensive plan and compatible with surrounding land use characteristics.

c. The purpose of the R-4 District is to provide for attached dwelling units in those areas where such dwellings are consistent with the low or medium density residential designation of the comprehensive plan and compatible with the development pattern of the surrounding area.

d. Uses of land, buildings and structures not permitted below as either principal, accessory or conditional are prohibited. District regulations as set forth below shall also be subject to the other provisions of this Chapter.

**1315.02 Table of Permitted Uses.** The table of Permitted Uses below should be read in close conjunction with the definitions of terms set forth in Section 1305 and other interpretative provisions.

Districts

USE	R-1	R-2	R-3	R-4	R-A
Single Family Dwelling	x	x	x	x	x
Two Family Dwelling		x			
Multi-family Dwelling		x		x	
Churches & Hospitals	x	x	x	x	x
Parks & Playgrounds (Recreational Areas)	x	x	x	x	x
Public Schools	x	x	x	x	
Fences as regulated in 1315.08	x	x	x	x	x
A state licensed resi- dential facility serving 6 or fewer persons, a lic- ensed day care facility serving 12 or-fewer persons, or a group family day care facility licensed under Minnesota Rules to serve 14 or fewer children.	x	x	x	x	x
State licensed residential facilities serving from 7 to					

Districts

USE	R-1	R-2	R-3	R-4	R-A
16 persons or a licensed day care facility serving from 13 to 16 persons.				x	
Greenhouses with no on-prem- ises sales	x	x	x	x	x
Libraries, museums, schools and public owned and/or controlled community, recreation  and memorial buildings include- ing name plates and bulletin boards placed in back of the prescribed setback lines, and accessory uses customary thereto.				x	
Philanthropic and charitable					

institutions						x
Public utility buildings and facilities, excepting warehouses and storage yards, necessary to that area; provided that such utility structures conform to the architecture of the buildings on the adjacent property.						x
Other uses customarily associated with, but subordinate to a permitted use by the City.	x	x	x	x	x	x

ACCESSORY USES

Accessory Buildings as regulated in Section 1315.07	x	x	x	x	x	x
Private Garages	x	x	x	x	x	x
Signs as regulated in Section 1330	x	x	x	x	x	x
Home Occupations as regulated in 1315.10	x	x	x	x	x	x
Roadside stands for the sale of garden products produced on premises only	x	x	x	x	x	x
Keeping of not more than two boarders and/or roomers by a resident family	x	x	x	x	x	x
Off-street parking as regulated by 1315.06	x	x	x	x	x	x
Satellite dish antennas as regulated by 1310.10						
Solar energy systems but not wind energy conversion systems or windmills	x	x	x	x	x	x

**1315.03** Table of Uses Requiring a Conditional Use Permit. The Table of Uses Requiring a Conditional Use Permit below should be read in close conjunction with the definitions of terms set forth in Section 1305 and the other interpretative provisions set forth in this Chapter. The uses set forth below are not permitted by

Conditional Use Permit or otherwise in districts not designated with an x.

USE	R-1	R-2	R-3	R-4	R-A
Institutions and facilities except for schools and churches	x	x	x	x	
Accessory apartments for elderly or disabled persons provided that the use requires no off-street parking in addition to off street parking permitted in the applicable district	x	x	x	x	
Mass transit facilities					
USE	R-1	R-2	R-3	R-4	R-A
including benches or shelters	x	x	x	x	
Private, recreational facilities including tennis courts and outdoor jacuzzis or spas	x	x	x	x	
Wind energy conversion systems including windmills	x	x	x	x	x
Public buildings or facilities or public utility buildings except warehouse or storage yards necessary to the area; provided that the buildings conform to the architecture of the adjacent property, and are consistent with the provisions of this Chapter.		x	x		
Day care in homes and churches of 13 or more children, except as allowed by state law as permitted uses in multi-family districts	x	x	x	x	x
Hospitals (except hospitals which contain chemical dependency units, which shall not be allowed by conditional use					



permit otherwise.)	x	x	x	x	x
Structures other than buildings as regulated by Section 1315.11	x	x	x	x	x

**1315.04 Table of Minimum Lot Sizes and Setbacks.**

a. The Table of Minimum Lot Sizes and Setbacks for all residential districts should be read in close conjunction with the definitions of terms set forth in Section 1305.01 and the other interpretative provisions set forth in this section, and with the setback requirements of the Shoreland Overlay District. Refer to Section 1315.12 of this code for percentages of minimum rear yard setbacks.

Table of Minimum Lot Sizes and Setbacks.

District	Lot Area (Sq.Ft)	Lot Width (Feet)	Front Yard Setback (Feet)	Rear Yard Setback (Feet)	Side Yard Setback (Feet)	Corner Setback (Feet)
R-1	12,000/Unit	80'	30'	See Sect 1315.12	10'	15'
R-2	12,000/Unit	80'	30'	See Sect 1315.12	10'	15'
R-3	10,000/Unit	80'	30'	See Sect 1315.12	10'	15'
R-A	1 Acre	140'	30'	30%	10'	15'
R-4 (a) Single & Two Family Dwelling	7,000/Unit	60'	30'	See Sect 1315.12	10'	15'
R-4 (b) Multiple Family Dwelling	2,500/Unit	60'	30'	See Sect 1315.12	10'	15'
R-4 (c) Pine Hollow Development	5,400		Refer to Res. 04-17	12% of Length Of side yard	5'	10'

(a.) Any institutional use or institutional building in any R District, other than a single family residence, shall not be located less than twenty-five (25) feet from any boundary line.

(b.) Any building other than a single-family residence shall not be located less than ten (10) feet from any boundary line of a lot used or intended for use as a residence.

Subd. 1 Permitted Encroachments. In residential districts and when attached to a dwelling, the following shall be permitted encroachments on the setback requirements that would otherwise apply:

- (a) An Unenclosed Porch or an Enclosed Porch may encroach ten feet into a required front setback and five feet into a required side setback.
- (b) For purposes of this subdivision, an "Unenclosed Porch" means a horizontal roofed platform attached to a dwelling that also meets the following criteria. An unenclosed porch has a wall system that consists of roof support members, may have railings, and must not have doors, screens or windows.
- (c) For purposes of this subdivision, an "Enclosed Porch" means a horizontal roofed platform attached to a dwelling that also meets the following criteria. Except for the side of the enclosed porch abutting the dwelling, the sides of an enclosed porch must be uninsulated and at least 50% of each of them must consist of screens, windows, doors, or some combination thereof.
- (d) In front yard steps, patio decks, terrace or similar features, provided they do not project more than ten (10) feet into the front yard and provided they do not extend above the height of the ground floor of the building.
- (e) Chimneys, flues, belt courses, sills, cornices, buttresses, ornamental features, eaves or structures similar to all the foregoing provided they do not project more than two (2) feet.
- (f) Wheelchair ramps are permitted encroachments in any yard as long as the ramp is located not less than one (1) foot from the front property line and not less than two (2) feet from the side and rear property line and is not located in an easement.
- (g) Open fire escapes provided they do not project more than three and one-half (3 1/2) feet.

**1315.05 Minimum Flooring and Maximum Building Heights for Residential Districts (See Illustration No. 7).**

Subd. 1 Minimum Square Feet. Every lot developed for residential purposes shall have the minimum square feet per dwelling unit indicated in the following table. In determining the number of dwelling units permissible on a tract of land, fractions shall be rounded to the nearest whole number.

District		First Floor (sq.ft.)	Total Fl. Area/Unit (sq.ft.)	Building Height (stories)
R-1	(a) One and one-half story Dwelling	1000	1300	35'
	(b) Split Entry Dwelling	No min.	1200	35'
	(c) Split Level Dwelling	No min.	1300	35'
	(d) Other Dwellings	1200	1300	35'
R-A	(a) One and one-half story Dwelling	1000	1300	35'
	(b) Split Entry Dwelling	1000	1200	35'
	(c) Split Level Dwelling	No Min.	1300	35'
	(d) Other Dwellings	1200	1200	35'
R-2	(a) Two Story Dwelling	760	1300	35'
	(b) Split Entry Dwelling	1000	1200	35'
	(c) Split Level Dwelling	No Min.	1300	35'
	(d) Other Dwellings	1200	1200	35'
R-3	(a) Two Story Dwelling	720	1300	35'
	(b) Split Entry Dwelling	800	1000	35'
	(c) Split Level Dwelling	No Min.	1200	35'
	(d) Other Dwellings	1000	1000	35'
R-4	(a) Two Story Dwelling	720	1300	45'
	(b) Split Entry Dwelling	800	1000	45'
	(c) Split Level Dwelling	No Min.	1200	45'
	(d) Other Dwellings	1000	1000	45'
		Minimum First	Minimum Total Fl.	Maximum Building

District	Floor (sq.ft.)	Area/unit (sq.ft.)	Height (stories)
Two Family Dwellings	-----	450 sq.ft./ family	45'
Multiple Family Dwellings	-----	450 sq.ft./ family	45'

Subd. 2 Height Exceptions.

a) Institutional buildings may be constructed to a height of seventy-five (75) feet if the front, rear and side yards are increased one (1) foot for each foot by which the building exceeds thirty-five (35) feet in height.

b) Church spires, finials, belfries, wireless towers, water towers or tanks, flag poles, chimneys, flues, elevator bulkheads, penthouses and scenery lofts may exceed the District limitations in R-4, C and MU Zones when the building is built upon approval of a conditional use permit, but may not exceed 75 feet.

**1315.06 Parking Requirements, Residence Districts.** Off-Street parking in residential districts shall be subject to regulations contained in Subsection 1320.17, except as hereinafter modified:

- a. Off-Street parking in residential districts shall be used only for the parking of vehicles, except as permitted in home occupations.
- b. The following parking spaces shall be required: Churches and Schools - one (1) parking space for each three (3) seats in a principle auditorium. When no auditorium is involved, one (1) parking space for every one (1) employee. Dwelling - two (2) parking spaces for each family or dwelling unit.
- c. Standards for residential driveways: The following shall apply to all driveways in residential areas.
  - 1. Construction, relocating or adding to a driveway requires a building permit
  - 2. Except as permitted in 1315.06 (c) 3, the maximum width of any driveway shall be no more than ten feet (10') wider than the garage but in no event shall it be wider than thirty six feet (36'). There is also a two foot (2') side yard setback required. In addition to the maximum width, at each side of the driveway where the driveway intersects the street, three feet (3') flares are permitted.
  - 3. Maximum length of a driveway shall be from street to the garage closest to the street.

4. Driveways on the side yard of the garage are permitted as long as there is a two foot (2') setback from the side and a five foot rear yard set back from the property line. The length of the driveway on the side yard shall not extend past the rear of the garage and shall not be more that twelve feet (12') in width.
5. Driveways must be made of an approved impervious surface as defined in Section 1110.01 Subd. 15 in the City Code.
6. In cases where the specific situation is not covered by this section an administrative review shall be conducted. The City Administrator or his/her designee shall make a determination regarding the appropriateness of the proposed driveway. The administrator or his/her designee may refer any such determination to the Planning Commission or City Council. An applicant may appeal a determination by the City Administrator or his/her designee as indicated in Section 1310.03 of the Zoning Code.
7. Any driveway which exists at the time of the adoption of this ordinance may be continued, including through repair, maintenance or improvement, but not including expansion, unless:
  - i. the nonconforming driveway is discontinued for a period of more than one year; or
  - ii. the nonconforming driveway is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. If a building permit is applied for within 180 days of when the property is damaged, the building inspector may impose reasonable conditions on the permit to mitigate any newly created impact on adjacent property.

### **1315.07 Accessory Buildings**

Subd. 1 Minimum Requirements. The table of minimum requirements for all accessory buildings in residential districts should be read in close conjunction with the definitions of terms set forth in section 1305 and the other interpretative provisions set forth in this Chapter.

Table of Requirements for Accessory Buildings  
(See illustration Nos. 3 and 4)

Use	Minimum Setbacks Side or Rear Lot Lines	Maximum Building Height	Maximum Building Size	Minimum Distance to Building
Detached Garage in R-1, R-2, R-3, R-4 and R-A District	5 Feet	17 Feet	No more than 15 percent of rear yard in R-1, R-2, R-3, R-4 or exceed 1000 square feet in area	5 feet
Storage Shed and Other Accessory Buildings, in R-1, R-2, R-3, R-4 and R-A Districts	5 feet	12 feet	No more than 10 percent of side yard or rear yard in R-1, R-2, R-3 & R-4 or exceed 150 square feet in area.	5 feet

Subd. 2 Other Requirements. In addition to the minimum requirements set forth in Section 1315.07, Subd. 1, all accessory buildings shall conform to the additional following requirements:

(a) All accessory buildings shall be anchored to ground.

(b) In any case that an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Chapter applicable to the main building.

(c) In the case of an interior lot abutting upon one (1) street, no detached accessory building shall be erected or altered so as to encroach upon the front half of the lot. In the case of a through lot, no such accessory building shall be erected or altered so as to encroach upon 30 feet of the lot nearest either street nor in any case to be nearer a street than the established building line.

(d) In the case of a corner lot, no accessory building shall be erected or structurally altered so as to encroach upon the front half of the lot nor to encroach upon the side yard that is required under the various circumstances, nor encroach upon the front or side yards when reversed.

Subd. 3 Clarification of Foregoing Rules The foregoing rules shall not require any detached accessory building to be more than seventy-five (75) feet from any line bounding the street.

Subd. 4 Temporary Family Health Care Dwelling. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Circle Pines opts-out of the requirements of Minn. Stat. § 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

### **1315.08 Fences.**

Subd. 1 Fence. Any partition, screen, structure, wall or gate erected as a divider, marker, barrier or enclosure.

(a) Fence - Interior. An interior fence is a fence not longer than seventy-five feet (75') that is placed within an existing lot so no portion of it is within five feet (5') from a property line running roughly parallel to it.

(b) Fence - Perimeter. A fence any portion of which is located within five feet (5') from a property line running roughly parallel to it; any fence longer than seventy-five feet (75'); and any fence extending off of a perimeter fence.

(c) Fence - Temporary. A fence that meets a specific limited time use, such as a seasonal fence to control the blowing of snow, or other fences designed to react to unusual occurrences such as fencing protecting a construction area. To be considered temporary, such fences must not be erected for more than 180 calendar days in any one year.

Subd. 2 Location. Fences shall be located entirely upon the private property of the owner constructing such fence.

Subd. 3 Construction. Every fence shall be constructed in a substantial, skillful manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used and meeting any minimum requirements listed in this Code. All perimeter fences require a building permit before construction. The fee for fences will be \$25.00.

Subd. 4 Maintenance. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become or remain in a condition of disrepair or create a danger or constitute a nuisance.

Subd. 5 Fence Height.

(a) General Requirements Fence Height. Fences erected in the front yard shall not exceed four feet (4') in height. Fences in yards other than a front yard shall not exceed six feet (6') in height, except in R-1 District. (See illustration No. 5).

(b) Corner Lot. In any corner lot no fence shall project greater than three feet (3') above the center line grades for the adjacent intersecting streets; nor shall it be erected in the triangle formed by the front lot line, side street lot line, or street right-of-way lines, if different, and a straight line joining points on such property or street right-of-way lines twenty-five (25) feet from their intersection at the corner of the lot. (See Illustration No.8).

(c) R-1 Fence Height. Fences erected in the R-1 District shall not exceed four feet (4') in height, except for fences required pursuant to Section 1335. (See Illustration No. 5).

Subd. 6 Permitted Fence Styles.

(a) Perimeter Fence Styles. The following are approved fence styles for construction as perimeter fences in all zones of the community. No perimeter fence may contain more than two approved fence styles.

- Alternating widths
- Alternating panel
- Post and rail
- Solid wood panel (must have raised features or be of abutting boards)
- Board on board
- Slat
- Gothic picket
- Chain link (woven wire)
- Louvre
- Grapestake
- Basketweave
- Wrought iron
- Solid stone
- Brick
- Split rail
- Diagonal
- Solid wood and lattice



- Invisible fence (dog control)
- Stone

(b) Other Permitted Fence Styles for Perimeter Fences.

A property owner who wishes to construct a perimeter fence using a style other than the approved fence styles listed in Section 1315.08, Subd. 5 (a) shall apply to the City Administrator for a permit authorizing the use of the alternative fence style on a form prescribed by the City. The City Administrator or the City administrator's designee may grant the permit only if the requested style is consistent with the intent of this Section 1315.08, and is similar to an approved fence style listed in Subd. 5 (a). The permit shall be deemed to have been denied, subject to the right of the applicant to appeal as set forth below, unless the City Administrator or the City Administrator's designee mails written notice of the approval of the application to the applicant by the end of the fifth working day following receipt of the application by the City Administrator. The applicant shall have ten working days from the date of the notice of permit denial, or expiration of the five-day period without a decision, to file an appeal with the City. If the permit is granted by the City Administrator or the City Administrator's designee, the City shall mail written notice to each owner of affected property situated wholly or partly within 350 feet of the property to which the application relates. Any party so notified shall have ten working days from the date of the notice to file an appeal to the City. Appeals pursuant to this Subd. 5(b) shall be heard by the City Council. In the event of any proper appeal to the City Council pursuant to this Subd. 5(b), the City shall mail, at least ten days prior to the City Council meeting at which the appeal will be heard, written notice of said meeting to the applicant and each owner of affected property and property situated wholly or partly within 350 feet of the property to which the application relates. The City Council may approve the application only if it finds on appeal that the requested fence style is consistent with the intent of this Section 1315.08, and is similar to an approved fence style listed in Section 1315.08, Sub. 5(a). Nothing in this Subd. 5(b) shall prevent an applicant from applying for a variance for a fence style which is not similar in style to an approved style.

(c) Temporary Fence Styles and Interior Fence Styles.

Such styles shall be consistent with the use of the fence, and shall not constitute a threat to health, safety or create a nuisance.

(d) Prohibited Fence Styles. Barbed wire fences in residential areas are not permitted in any circumstances. Also, no above-grade electric fences are allowed.

Subd. 7 Required Fencing Materials and Installation

(a) Perimeter Fencing Materials and Installation Requirements for Wood or Treated Wood Fencing. Wood fencing materials shall consist of redwood, cedar treated wood or an approved equal. Plywood is prohibited. Wood fences shall not use boards less than three-eighths inches ( $3/8$ ) in thickness, by less than three and one-quarter inch ( $3 \frac{1}{4}$ ) in width. The minimum post dimensions are three and one-quarter inch ( $3 \frac{1}{4}$ ) by three and one-quarter inch ( $3 \frac{1}{4}$ ). No greater than ten feet (10') will be allowed for post spacing. Posts must be bedded in concrete or crushed rock, or the post must have at least one-third ( $1/3$ ) of its length below ground. The framing material in residential districts shall be placed on the owner's side of the fence or equally on both sides. No more than two styles of fence are permitted on a single property line.

(b) Perimeter Fencing Material and Installation Requirements for Woven Wire Fence. The fence shall be of a chain link design, or have a two inch (2) or smaller mesh opening. The fence shall be a minimum of 13 gauge steel. The fence will be constructed with mesh fabric on the outside, so that the unfinished side, if any, faces the owner's side of the fence. The mesh fabric shall have the knuckles up and the cut edge looped towards the center of the fence. Materials are required to be of a hot-dipped galvanized equivalent. Line posts will not be any greater than ten feet (10') lineal distance between posts. In addition, the posts shall be a two and one-eighths inch ( $2 \frac{1}{8}$ ) tubular or approved equivalent design for corner posts, at a minimum, and a minimum of one and five-eighths inch ( $1 \frac{5}{8}$ ) diameter for line posts. Posts must be bedded in concrete or crushed rock, or the post must have at least one-third ( $1/3$ ) of its length below ground. Chain link and other mesh fences shall have at least a one-inch (1) diameter top rail. It shall be permissible to use a mesh fencing of a smaller diameter, or gauge, than permitted by the perimeter fencing standards on the interior side of any approved fence style up to the top rail.

(c) Required Fencing Materials for Interior and Temporary Fences. Such fences may be constructed of less than the required minimums for perimeter fencing. Any allowable fence material is permitted as long as it

is not a threat to individual safety or health. No temporary fence shall be installed for more than 180 days in any calendar year.

**1315.09 (Section Deleted)**

**1315.10 Home Occupations.** Home Occupations shall be governed by the following regulations:

Subd. 1 Home Occupation.

A. Permitted Home Occupation. Subject to Subd. 1(B), only those uses conforming to the standards set forth in Subdivision 2 of this Section and the definition of Home Occupation in Section 1305 may be permitted as a Home Occupation. The standards set forth in Subdivision 2 for Home Occupations are intended to insure compatibility with other permitted uses and with the residential character of residential zoning districts.

B. Prohibited Home Occupations. The following Home Occupations are expressly prohibited: (1) auto/vehicle/small engine repair; (2) general retail or wholesale businesses; (3) manufacturing businesses; (4) commercial food services; and (5) limousine or other businesses providing public transportation.

Subd. 2 Performance Standards/Conditions. No Home Occupation shall be permitted as an accessory use in residential zoning districts unless the use is in conformance with Subdivision 1 of this Section and all of the following conditions:

(a) Such occupation and all related activity shall be conducted solely by residents or occupants of the property entirely within their fully enclosed Dwelling Unit or Private Garage. A resident or occupant may not employ or otherwise retain the services of any non-resident or non-occupant in the operation of any Home Occupation.

(b) No more than (i) twenty-five (25) percent of the floor area of one floor level of a Dwelling Unit or (ii) twenty-five (25) percent of any attached or detached Private Garage, shall be used for the Home Occupation. Use of any accessory building other than a Private Garage for a Home Occupation is prohibited.

(c) No Home Occupation shall require internal or external alteration of a Dwelling Unit or Private Garage or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the Dwelling Unit or Private Garage.

(d) There shall be no outside storage of any kind related to the Home Occupation.

(e) All parking related to a Home Occupation shall be off-street and within the driveway and shall not exceed two (2) vehicles at any time. Overnight parking related to a Home Occupation is prohibited.

(f) A Home Occupation shall not create excessive vehicular traffic flow or parking congestion on adjacent or nearby public right of ways. If a Home Occupation uses a delivery service including, but not limited to, UPS or Federal Express, no more than six deliveries or pick-up trips per week are permitted.

(g) No Home Occupation shall be operated to so as to: create a nuisance as prohibited under Chapter 7 of the City's Code of Ordinances or applicable state law; to create a hazard to the public health, safety, or general welfare; or to otherwise create noise, dust, vibration, odor, glare, electrical interference, fire hazard, hazardous chemicals beyond the boundaries of the property or to any greater or more frequent extent than that usually experienced in an average Dwelling Unit or Private Garage.

(h) Customer visitation related to the Home Occupation shall be by appointment only. Service and teaching occupations shall serve no more than one party at a time and shall not serve groups or classes.

(i) Every Home Occupation must comply with all applicable city, county, state, and federal laws, rules and regulations. Home occupations which violate or cannot operate in compliance with all applicable city, county, state, and federal laws, rules and regulations are prohibited.

(j) No Home Occupation shall generate customer or vehicle traffic between the hours of 10:00 PM and 7:00 AM.

(k) Home occupations by or for disabled persons that do not meet the conditions in this Subd. 2 may be reviewed by the Board of Adjustments and Appeals, which may modify or waive this requirement to allow for accessible accommodations.

Subd. 3 Nameplate Allowed. The person or persons entitled to conduct a Home Occupation under this Chapter shall be allowed to display the name of the occupant and/or the name of the Home Occupation on the exterior of the Dwelling. The nameplate shall not exceed four (4) square feet in area, shall be non-illuminated, and shall be attached flat to the Dwelling or Private Garage, or visible through a window. The limitations contained in this Section respecting the size and quantity of nameplates shall apply to all lots, including corner lots.

### **1315.11 Structures Other than Buildings.**

Subd. 1 Minimum Requirements. The table of minimum requirements for all structures other than buildings in residential districts should be read in close conjunction with the definition of terms set forth in Section 1305 and the other interpretative provisions set forth in this Subsection. The following structures are specifically exempt from the requirements of Subdivision 1 and 2 of this Subsection: bird baths, bird houses, planters, flag poles, clothes lines, wood piles, and other similar structures. Fences and swimming pools regulated elsewhere in this Chapter are exempted from the requirements of this Subsection.

Table of Requirements For Structures Other Than Buildings

<u>Minimum Setbacks from Side or Rear Lot Line</u>	<u>Maximum Height of Structure</u>	<u>Maximum Structure Size</u>
5 feet	35'	750 square feet

Subd. 2 Structures Other than Buildings. Structures other than buildings exceeding any one of the following shall be permitted only by conditional use permit in accordance with Subsection 1310.04 of this Chapter.

- (a) Height in excess of 15 feet; or
- (b) Covering an area of greater than 250 square feet.

Subd. 3 Additions to Minimum Requirements. In addition to the minimum requirements set forth in Subdivisions 1 and 2, all structures other than buildings, and minimal structures typically occurring in the areas covered by this Subd. 3 shall conform to the following additional requirements:

- (a) In the case of an interior lot abutting on one street, no structure other than a building shall be erected, altered, used or stored so as to encroach upon the front yard of the lot.
- (b) In the case of a through lot, no structure other than a building shall be erected, altered, used or stored so as to encroach upon 50 feet of the lot nearest either street nor in any case be nearer a street than the established building line.
- (c) In the case of a corner lot, no structure other than a building shall be erected, altered, used or stored so as to encroach upon the front half of the lot nor to encroach upon the side yard that is required under the various circumstances, nor encroach upon the front or side yards when reversed.

**1315.12 Table of Rear Yard Setbacks.**

a. The table of minimum rear yard setbacks for all residential districts should be read in close conjunction with the definitions of terms set forth in Section 1305.01 and the other interpretative provisions set forth in this Section, and with the setback requirements of the Shoreland Overlay District. Lot area is to be rounded off to the nearest square foot.

Table of Minimum Rear Yard Setbacks

District	Lot area (sq. ft.)	Minimum rear Yd. as measured by percentage of average lot depth	Exception to required setbacks as percentage of Lot depth
R-1 & R-2	12,000-12,999	18%	Minimum Rear Yard Setback in R-1 and R-2 districts shall be no greater than 45' but not less than 15'. Section 1340 may impose greater setback requirements.
	13,000-13,999	20%	
	14,000-14,999	22%	
	15,000-15,999	24%	
	16,000-16,999	26%	
	17,000-17,999	28%	
	18,000-and above	30%	
R-3	10,000-10,999	18%	Minimum rear yard setback in an R-3 district shall be no greater than 45', but not less than 15'.
	11,000-11,999	20%	
	12,000-12,999	22%	
	13,000-13,999	24%	
	14,000-14,999	26%	
	15,000-15,999	28%	
	16,000-and above	30%	
R-A	All Lot Areas	30%	No exceptions
R-4	(a.) Single and Two-Family Dwelling		
	7,000-7,999	18%	Minimum rear yard setback in an R-4 district shall be no greater than 45', but not less than 15'.
	8,000-8,999	20%	
	9,000-9,999	22%	
	10,000-10,999	24%	
	11,000-11,999	26%	
	12,000-12,999	28%	
	13,000-and above	30%	

(b.) Multi-Family  
Dwelling

All Lot Areas

30%

No Exceptions.

## **SECTION 1316 - MIXED USE DEVELOPMENT**

**1316.01 - Purpose.** The Mixed Use Development Zoning District is intended to provide a range of retail and service commercial, office, public, open space, and multi-family dwellings that are organized and planned in a manner that is pedestrian friendly. The mixed use concept embodies traditional town planning concepts to create an urban environment allowing arrangements of mixed residential and commercial uses. A Mixed Use Development District will only be implemented upon approval of a Community Unit Plan. A high degree of aesthetic detail is to be provided in building and site design to promote a village community atmosphere.

### **1316.02 - Permitted Uses, MU District**

- a. Professional and public offices  
City, county and school administrative offices  
Chiropractors offices  
Dental offices  
Doctors offices  
Attorneys offices  
Financial institutions  
Libraries and art galleries
  
- b. Retail sales and services  
Antique shops  
  
Barber and beauty shops  
Bicycle sales  
Book/stationary stores  
  
Camera and photographic supply stores  
Catering services  
Clothing and apparel stores  
Candy and ice cream stores  
Coffee shops  
Coin stores  
Computer and computer accessory stores  
Custom dressmaking shops

Drug stores  
Dry cleaners

Flower shops  
Hobby shops

Locksmith shops  
Liquor stores

Meat markets  
Musical instrument stores  
Music and dance schools

Office supply stores  
Optical goods stores

Photo studios  
Picture Frame shops  
Pet grooming shops  
Printing and duplication shops

Real estate offices

Sewing machine shops  
Shoe stores

Tailor shops  
Tobacco shops  
Travel bureaus

Video rental/sales stores

- c. Restaurants excluding drive-thru (provided they do not offer and/or serve alcohol)
- d. Public and private parks
- e. Multiple family dwellings
- f. Single-family dwellings that were permitted uses as of December 1, 2001.

**1316.03 - Conditional Uses, MU District.**

- a. Permitted Uses with drive-thru services
- b. Day care center
- c. Animal hospital that does not board animals
- d. Restaurants that offer and/or serve alcohol



- e. Restaurants with outdoor seating that offer and/or serve alcohol
- f. School district facilities other than administrative offices

**1316.04 - Accessory Uses, MU District.**

- a. Pavilions and shelters
- b. Automatic teller machines
- c. Bus shelters
- d. Signs as regulated in City Code Section 1320.17
- e. Public telephone booths
- f. Telecommunications antennas, but only when attached to a building and as further regulated by City Code Section 1310.09, Subd. 12.
- g. Off-street parking and loading spaces
- h. Home occupations as regulated in Section 1315.10

**1316.05 - Use Not Listed.** In case of any use which is not specifically mentioned in this section, the Council may permit the use in the mixed use districts provided that it finds the use is compatible with other uses in the district.

**1316.06 - Development Standards.** The Community Unit Plan approval is the basis for the development standards in the Mixed Use Development District. In addition to the details provided in the Community Unit Plan, the following shall be minimum development standards; provided, however, that the City may impose more restrictive standards in the Community Unit Plan. Unless specifically noted in this section, other zoning regulations shall apply.

- a. Setbacks:
  - 1. Multiple-family dwellings, commercial buildings  
Or accessory buildings from single-family zoning  
districts (R-1, R-2, R-3). 50 feet
  - 2. Front yard from street. 30 feet
  - 3. Side and rear yard from street. 25 feet
  - 4. Side yard between similar use  
Buildings within the district. no minimum
  - 5. Side yard between residential and  
Commercial buildings within the  
District. no minimum
  - 6. All other yard and building set-  
backs are regulated by site plan

approval.

- b. Private street pavement widths shall be not less than 28 feet unless specifically approved by the City Council to assist with traffic circulation and safety issues.
- c. Off-street parking. The developer shall prepare a parking study consistent with the approved Community Unit Plan as approved by the City Council. The parking demand for the project will be based on the particular use and tenant mix using industry standard formulas such as those stated in *Shared Parking: Urban Land Institute*, 1983. Final parking requirements will be approved by the City during the site plan review process.
- d. Building material standards. Buildings and structures shall be constructed of durable, high-quality materials. Major exterior surfaces of all walls shall be face brick, wood or synthetic clapboard, stone, glass, stucco, architecturally treated concrete, cast in place or pre-cast panels, decorative block, or approved equivalent, provided that in any case exterior building materials shall be subject to approval by the City. The following may not be used in any visible exterior application except when specifically permitted by the City in areas with limited public view: Exposed cement ("cinder") blocks; exterior brick that is painted over; experimental materials with no proven record of durability or ease of maintenance in the intended application.
- e. Exterior design style for new construction, and remodeling and repair of existing construction, is subject to review and approval by Planning Commission and the City Council.
- f. Landscaping, streetscape and screening plans: As approved by the City.
- g. Public Spaces. All mixed-use development districts shall provide adequate public gathering space as determined by the City.
- h. Transit Oriented Design. The development shall be designed to accommodate transit service.
- i. Fences as regulated in City Code, Section 1315.08.
- j. Minimum flooring and maximum building heights for multifamily residential dwelling as regulated in City Code, Section 1315.05.

- k. Utilities shall be installed underground unless a waiver is granted by the City.

**SECTION 1320 - COMMERCIAL AND COMMERCIAL/INDUSTRIAL DISTRICTS**

**1320.01 Intent, C-1 District.** For the purpose of this Section, a neighborhood commercial district is defined as a commercial district for local businesses or service establishments.

**1320.02 Permitted Uses, C-1 District.**

- a. Financial institutions
- b. Mortuaries and funeral homes
- c. Professional and public offices
  - city and county offices
  - chiropractors offices
  - dental offices
  - financial institutions
  - libraries and art galleries
- d. Real estate offices
- e. The following types of retail sales of goods and services
  - barber and beauty shops
  - bicycle sales
  - book/stationary stores
  
  - camera and photographic supply stores
  - catering services
  - clothing and apparel stores
  - candy and ice cream stores
  - coin stores
  - custom dressmaking
  
  - drug stores
  
  - flower shops
  
  - garden supply stores
  
  - grocery stores
  
  - hobby shops
  
  - locksmith
  
  - meat markets

nurseries (plants)

office supply stores  
optical goods stores

photo studios  
picture frame shops  
pet grooming shops  
public libraries

restaurants (provided they do not offer live  
entertainment or alcohol)

schools for music and dance  
sewing machine shops  
shoe stores  
sporting goods stores

tailor shops  
tobacco shops  
travel bureaus

video rental/sales stores

f. Schools

**1320.03 Accessory Uses, C-1 Districts**

- a. Off-street parking as regulated in Section 1320.17.
- b. Signs as regulated in Section 1330.
- c. Uses and structures customarily incidental to any permitted principal use.

**1320.04 Conditional Uses, C-1 District.**

- a. Animal Hospitals
- b. Automotive Services
- c. Post Office
- d. Service Garages
- e. Service Stations
- f. The following types of service occupations:

Car wash  
Contractors offices  
Day care center  
Repair shops

bicycles  
calculators  
cameras  
clocks  
computers  
electrical and service shops  
electrical supplies  
heating and plumbing equipment  
household appliances  
jewelry  
radios  
reupholstery  
shoes  
stereos  
television  
watches

Storage

**1320.05 Standards, C-1 District**

- a. Front yard setback - 25 feet
- b. Side and rear yard - 0 feet
- c. Side yard (adjoining any R district) - 25 feet
- d. Rear yard (adjoining any R district) - 25 feet
- e. Side or rear yard adjoining a street - 25 feet

**C-2 Shopping Center Commercial District**

**1320.06 Intent, C-2**

For the purpose of this section, a shopping center commercial district is defined as a commercial district that provides retailing and services of both a convenience and durable nature to shoppers.

**1320.07 Permitted Uses, C-2 District**

- a. Automotive services
- b. Bus depots
- c. Dry cleaning and laundry services
- d. Motels and hotels

- e. Mortuaries and funeral homes
- f. Professional and public offices
  - chiropractor offices
  - dental offices
  - financial institutions
  - libraries and art galleries
- g. Retail sale of food and beverage (including alcoholic beverages)
- h. The following types of retail sale of goods and services
  - antique shops
  - automotive accessory stores
  
  - barber and beauty shops
  - bicycle sales
  - book/stationary stores
  
  - camera and photographic supply stores
  - candy and ice cream store
  - car wash
  - catering services
  - clothing and apparel stores
  - computer and computer accessory stores
  - coin stores
  - custom dressmaking
  
  - daycare center
  - department stores
  - drug stores
  - dry cleaning and laundry
  
  - electrical and houseware appliance stores
  
  - flower shops
  - furniture and home furnishing stores
  
  - garden supply stores
  - grocery stores
  
  - hardware stores
  - hobby shops
  
  - jewelry stores
  
  - leather goods and luggage stores
  
  - locksmith

liquor store

meat markets  
musical instrument stores

nurseries (plants)

office supply stores  
optical goods stores

paint and wallpaper stores  
photo studios  
picture frame shops  
pet grooming shops  
post offices  
printing and duplication shops  
public libraries

repair shops  
    bicycles  
    calculators  
    cameras  
    clocks  
    computers  
    electrical and service shops  
    electrical supplies  
    heating and plumbing equipment  
    household appliances  
    jewelry  
    radios  
    reupholstery  
    shoes  
    stereos  
    television  
    watches

restaurants (provided they do not offer live  
entertainment and/or serve alcohol)

schools for music and dance  
sewing machine shops  
shoe stores  
sporting goods stores

tailor shops  
tobacco shops  
travel bureaus

i. Service garages and stations

**1320.08 Accessory Uses, C-2 District**

a. Off-street parking as regulated in 1320.17

- b. Signs as regulated in 1330
- c. Uses and structures customarily incidental to any permitted principal use

**1320.09 Conditional Uses C-2 District**

- a. Animal hospital
- b. Amusement and recreation
  - armory
  - assembly hall
  - bowling alley
  - dance hall
  - theater
  - skating rink
- c. Equipment rental
- d. Meeting/assembly hall
- e. Open sales lot
- f. Private clubs
- g. Restaurants with live entertainment and/or provide alcohol
- h. Restaurants with outdoor seating that offer and/or serve alcohol
- i. Licensed Liquor Establishments with or without outdoor seating that offer and serve alcohol.
- j. Vocation, technical and trade schools

**1320.10 Standards, C-2 District**

- a. Front yard setback - 25 feet.
- b. Side and rear yard - 0 feet.
- c. Side yard (adjoining any R district) - 25 feet.
- d. Rear yard (adjoining any R district) - 25 feet.
- e. Side or rear yard Adjoining a street - 25 feet

**C-3 Commercial-Industrial District**



**1320.11 Intent - C-3 District**

For the purpose of this section, a commercial industrial district is defined as a commercial district to serve and provide professional services to immediate residential neighborhoods and the city as well.

**1320.12 Permitted Uses- C-3 District**

a. Office, business and professional including:

accounting, auditing, bookkeeping offices  
advertising offices

bank and financial institutions  
business associations

catering services  
chiropractic offices  
contractor's office

dental offices

educational uses

educational and scientific research offices  
employment agency offices

finance offices

governmental offices

insurance offices  
investment offices  
labor unions  
legal offices  
library and art galleries  
loan institutions

medical offices  
medical and dental clinics  
meeting/assembly hall

post office

real estate offices

vocational/technical and trade

**1320.13 Accessory Uses, C-3 District**

- a. Off street parking as regulated in 1320.17.
- b. Signs as regulated in 1330.
- c. Uses and structures customarily incidental to any permitted principal use.

**1320.14 Conditional Uses, C-3 District**

The following light industrial uses may be permitted only in C-3 districts by means of a conditional use permit in accordance with provisions of Subsection 1310.04:

- a. Animal hospital
- b. Equipment rental
- c. Food and dairy processing, packing, canning or preserving.
- d. Laboratories, medical/dental with accessory researching and testing
- e. Light manufacturing
  - assembly of clothing
  - automatic screw machine
  - electrical appliances
  - electronic parts
  - furniture
  - leather products
  - metal stamping
  - millwork
  - patterns
  - plastics
  - products
  - puncheon
  - wooden ware
- f. Open sales
- g. Truck freight terminals, lumberyards.
- h. Warehousing: Storage in bulk of, or warehousing for such materials as...
  - clothing
  - drugs
  - dry goods
  - electronic components
  - furniture
  - groceries
  - hardware
  - household goods

building materials  
millinery  
paint and paint material  
paper and paper products  
rubber goods  
shop supplies

**1320.15 Lot Standards, C-3 District**

**Commercial**

- a. Front yard - 25 feet.
- b. Side yard (adjoining R district) - 25 feet.
- c. Rear yard (adjoining R district) - 25 feet.
- d. Rear and side (adjoining R district) - 0 feet.

**Industrial**

- a. Front yard - 50 feet.
- b. Side yard (adjoining R district) - 25 feet.
- c. Rear yard (adjoining R district) - 25 feet.
- d. Rear and side (adjoining C districts) - 0 feet.

**1320.16 Uses Not Listed**

In case of any use which is not specifically mentioned in this section, the Council may permit the use in applicable district provided that it finds the use is compatible with other uses in the district.

**1320.17 Off-street Parking**

Off-street parking requirements in the C-I, C-2 and C-3 Districts are as follows: A parking space shall consist of at least 200 square feet exclusive of drives or aisles.

- a. Banks and offices for service and professional businesses -  
(1) space for every one hundred seventy (170) square feet of floor area.
- b. Bowling alleys - five (5) parking spaces for each alley.
- c. Dance halls, assembly halls - one (1) space for every one hundred (100) square feet of floor gross area or one (1) space

for every three seats used for dancing or assembly.

d. Hotels and motels - one (1) parking space for each one (1) bedroom.

e. Manufacturing plants - one (1) parking space for each two (2) employees on the maximum working shift.

f. Restaurants and night clubs - one (1) parking space for every 100 square feet of useable floor area.

g. Retail stores - one (1) parking space for every two hundred(200) square feet of sales area.

h. Sports arenas, auditoriums, other than in schools - one (1) parking space for each six (6) seats.

i. Theaters, assembly halls with fixed seats - one (1) parking space for each five (5) seats.

j. Wholesale establishments or warehouses- one (1) parking space for every one (1) employee.

k. Uses not mentioned in this Subsection. The parking requirement for uses not listed in this Subsection may be established by the city based on the characteristics of the use and available information on parking demand for such use.

**1320.18 Alternate Provisions for Parking by Conditional Use Permit.**

- a. Off-street automobile storage or parking space shall be provided with vehicular access to streets and shall be considered required open space associated with the permitted use. Where such space cannot be reasonably provided on the same lot with the principal use, the Planning Commission may recommend and the Council may permit by conditional use permit such space to be located on other off-street property if the space is within five hundred (500) feet of the permitted use, measured along lines of public access.
- b. Off-street parking areas may be established by conditional use permit on a parcel of property in any Residential District that immediately joins a Commercial or Industrial district, or is directly across an alley from a Commercial or Industrial District, provided such parking shall be accessory to and for use of one or more business or industrial establishments located in the adjoining Commercial or Industrial District. Such transitional use shall not extend more than one hundred (100) feet from the boundary of the less restricted zone.

- c. Where off street-parking spaces are required but not utilized effectively due to the type of permitted use and where the owner can demonstrate through customer head counts, traffic surveys, or other similar objective information that the number of parking spaces otherwise required by this Ordinance exceeds the number actually needed, the Planning Commission may recommend and the Council may permit by conditional use permit a reduction in the required number of parking spaces.

### **1320.19 Parking Requirements - Bicycles**

- a. Bicycle parking facilities shall be required in an amount and design adequate to the demand generated by each use.
- b. Bicycle parking facilities shall observe the following minimum standards:
  - 1. Bicycle parking facilities shall include provisions for storage and locking of bicycles, either in lockers or in secure racks or equivalent installation in which the bicycle frame and wheels may be locked by the user;
  - 2. Fixed objects which are intended to serve as bicycle racks but not obviously intended for such purposes shall be clearly labeled as available for bicycles;
  - 3. Bicycle parking facilities shall have adequate drives, aisles and maneuvering areas for access and usability;
  - 4. Bicycle parking facilities need not be paved, but the outside ground surface shall be paved or planted in a way which avoids mud or dust;
  - 5. Care should be taken to locate the bicycle facility at least as convenient as the most convenient automobile parking, and as close to the desired entrances as possible without interfering with pedestrian traffic. Bicycle and automobile parking areas should be separated by some form of barrier to reduce the probability of a bike being hit by a car.
- c. The City shall have authority to review bicycle racks for design with respect to safety and convenience.

### **1320.20 Loading and Unloading Space Required**

In any commercial or industrial district, space for standing, loading or unloading of vehicles shall be provided on the same lot for every building used or designated to be used for commercial or industrial purposes. One(1) loading space of at least ten (10) by thirty-five (35) feet shall be provided for every twenty thousand (20,000) square feet

or fraction thereof in excess of three thousand (3,000) square feet of floor area in the building. Where such space is completely enclosed within a building, a height clearance of at least thirteen (13) feet four (4) inches shall be provided. Where such space is located wholly or in part outside of the building and is not completely enclosed, a height clearance of at least fourteen (14) feet shall be provided. These requirements may be increased, modified, or waived on appeal where conditions or circumstances justify such action.

### **1320.21 Surfacing**

Commercial off-street parking areas shall be of concrete or bituminous surface. The parking areas shall also be curbed and such curbing shall be of insurmountable design.

### **1320.22 Garbage and Rubbish Removal**

Subd. 1 Container Requirements. All premises in Commercial and Industrial Districts shall be provided with, at owner expense, an adequate number of approved containers to hold the garbage accumulated by such premises until such garbage is removed from the premises. Such containers shall be made of metal or other suitable material, shall be water tight, insect and rodent proof, and shall be of a material not easily corrodible and equipped with suitable handles and tightfitting covers and shall be kept covered when there is garbage stored therein.

Subd. 2 Container Location. Garbage and rubbish containers shall be placed in the rear of the premises or in such manner as to be out of view from the street. In no event shall containers or their enclosures be placed or maintained in such a way to unreasonably interfere with the use or enjoyment of adjoining property.

Subd. 3 Screening Containers. All garbage containers in a Commercial or Industrial district located adjacent to a residential district shall be screened with a suitable enclosure to screen the container from the residential district.

Subd. 4 Container Maintenance. Every garbage or rubbish container required shall be maintained in as sanitary a condition as is possible and shall be thoroughly cleansed as needed. If, upon inspection by the City a container is found to be in poor repair, corroded or otherwise defective the city shall notify, in writing, the provider or user of the container, of the deficiency and shall require the repair or replacement of the container within fifteen (15) days. All container enclosures shall also be kept in good repair.

### **1320.23 Dwelling Units in Commercial Districts**

It shall be a violation of this Chapter for any dwelling unit to be located in any Commercial or Industrial District, except pursuant to a conditional use permit issued in accordance with Subsection 1310.04, and only if the dwelling unit is part of a commercial building which is used primarily for commercial purposes.

## **SECTION 1325 - COMMUNITY UNIT PLAN AND PLANNED INDUSTRIAL PARK**

### **1325.01 Community Unit Plan.**

Subd. 1 Statement and Intent: There is hereby created a Community Unit Plan (CUP District. This district is intended and designed to provide a means for the development of large tracts of ground on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method provided in other sections of this Chapter. It is the intent of this Section that the basic principles of good land use planning including an orderly and graded relationship between various types of uses be maintained and that the sound zoning standards as set forth in the Chapter and statutes concerning population density, adequate light and air, recreation and open space, energy efficient design, and building coverage be preserved.

Subd. 2 Procedures. The owner or owners of any tract of land zoned for residential use comprising an area of not less than ten (10) acres may submit to the Council a plan for the use and development of the entire tract of land. Said development plan shall be referred to the Planning Commission for study and for report after public hearing. The Planning Commission shall review the conformity of the proposed development with the standards and recognized principles of civic design, land use planning and landscape architecture. The Planning Commission may recommend approval of the plan as submitted, or, before approval, may require that the applicant modify, alter, adjust or amend the plan as the Planning Commission deems necessary to the end that it preserve the intent and purpose of this Chapter to promote public health, safety, morals and general welfare. The development plan as approved by the Planning Commission shall then be reported to the Council, whereupon the Council may, after notice and public hearing, approve or disapprove said plan as reported or may require such changes there to as it deems necessary to effectuate the intent and purpose of the Chapter. Upon approval of the plan, the Council shall then initiate a change in zoning of the subject tract of land in accordance with amendment procedures.

Subd. 3 Standards. The land usage, minimum lot area, yard, height and accessory uses shall be determined by the requirements set out below, which shall prevail over conflicting requirements of this Chapter including the Subdivision Ordinance, (Section 1350).

a. The buildings shall be used for residential purposes and the following accessory uses, including garages, storage space, non-commercial recreational facilities, community activities including churches and schools, and retail convenience facilities designed to serve only the occupants of the planned development, provided, however, said commercial facilities be located within a residential building on the first floor or lower having no entrance to such place of business except from the inside of the building, and no display of any stock, goods or advertising shall be arranged that it can be reviewed from the outside of the building.

b. The minimum yard and height requirements of the zoning district in which the development is located shall not apply except that minimum yards specified in the district shall be provided around the boundaries of the area being developed, and the maximum height shall be 45 feet.

c. Uses along the project boundary lines shall not be in conflict with those allowed in adjoining or opposite property. To this end the City may require, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the project.

d. A plat of the development shall be recorded regardless of whether a subdivision is proposed, showing building lines, building locations, common land, streets, easements and other applicable items required by the Subdivision Ordinance (Section 1350) and Minnesota statutes.

e. No building permits shall be issued until the final plat of the development is approved and recorded and streets are constructed except by Council approval.

f. Final Plan. The final plan for a community unit plan shall not be modified, amended, repealed or otherwise altered unless approved in writing by the developer, the municipality and the Commissioner of Natural Resources.

Subd. 4 Deed Restrictions. In its review of the Plan, the Planning Commission or council may consider any deed



restrictions or covenants entered concerning the use of common or permanent open space. Common land as herein contained shall refer to land retained in private ownership but intended for the use of the residents of the development unit or the general public.

Subd. 5 Density Requirements. The maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district or districts in which the area is located. Net development area shall be determined by subtracting the area set aside for churches and schools, if any, and deducting the area actually proposed for streets from the gross development area. The area of land set aside for common land, open space or recreation shall be included in determining the number of dwelling units permitted. The maximum number of multiple dwelling units permitted shall be determined by the zoning district in which the development is located as follows:

Zoning District	Percentage of Total Units Allowable as Multiple Dwelling Units
R-1	30%
R-2	50%
R-3	70%

If the development area contains two or more different zoning classifications, the number of dwelling units permitted and the percentage of multiples allowed shall be determined in direct proportion to the area of each zoning classification contained in the entire tract.

Subd. 6 Completion. The Council may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time, provided, however, that in the determination of such period, the Council shall consider the scope and magnitude of the development project and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within said period of time shall be deemed sufficient cause for the Council to rezone the subject property to the classification effective at the time of original submission of the development plan, unless an extension is recommended by the Planning Commission and approved by the Council for due cause shown. Any proposed change in the development plan after approval by the Council shall be resubmitted and considered in the same manner as the original proposal.

**1325.02 Planned Industrial Park**. This district is intended and designed to provide for increased flexibility in the location of

certain commercial and industrial uses while maintaining protection for nearby residential districts. This district is characterized by a platted subdivision with large lots, landscaped grounds and ample provision for off-street parking and loading spaces, bicycle parking and facilities, and structures generally one or two stories in height.

Subd. 1 Permitted Uses. Only the uses of structures or land as detailed in Section 1320 of this Chapter shall be permitted in this district, provided, however, that all manufacturing, assembling, compounding, processing, packaging or other comparable treatment, including storage of any and all materials and equipment, shall take place within completely enclosed buildings, except for parked motor vehicles and off-street parking and loading as required by this Chapter.

Subd. 2 Building Regulations. The following requirements shall be observed in this district:

- a. Minimum front yard: Fifty (50) feet. When fronting on the right-of-way of a major thoroughfare the front yard shall be measured from the proposed right-of-way line.
- b. Minimum side yard: Twenty (20) feet providing, however, that where adjacent to an "R" District or street right-of-way lines, a side yard of fifty (50) feet shall be required.
- c. Minimum rear yard: Fifty (50) feet.
- d. Maximum height: Thirty-five (35) feet or two (2) stories.

## **SECTION 1327 - LANDSCAPING PLAN**

**1327.01 Purpose**. This ordinance is established to set standards for installation of landscaping elements, which include screening and buffering in order to enhance the aesthetic appearance of properties within the City, ensure the quality, quantity and appropriateness of landscape materials, effect a functional and attractive design, improve compatibility between land uses and preserve the character of existing neighborhoods.

**1327.02 Exemptions**. Single-family detached dwelling lots are exempt from all the requirements of this section.

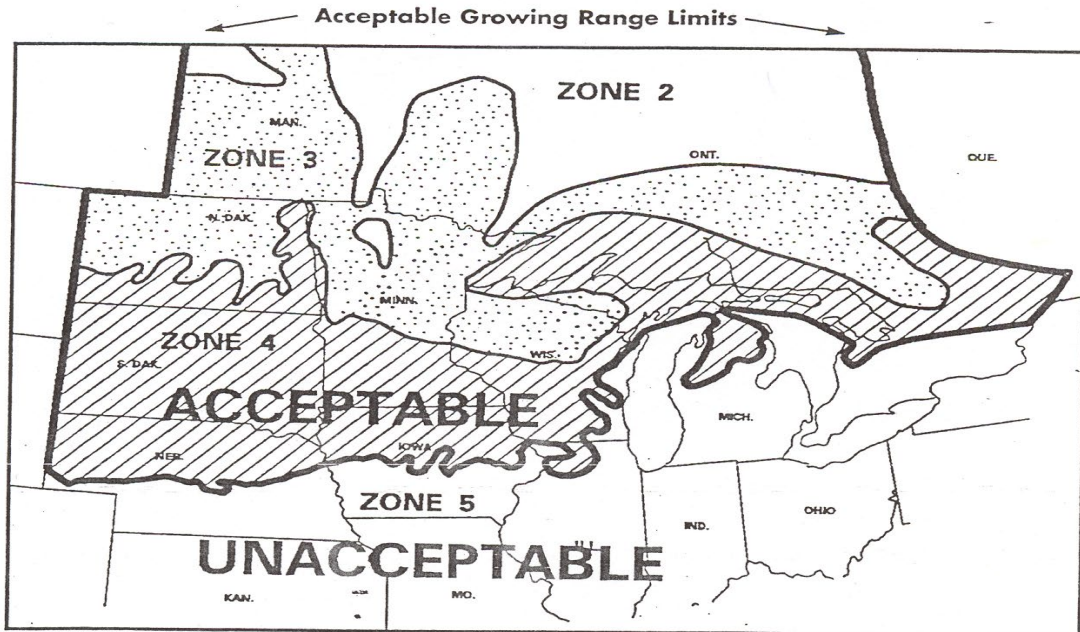
**1327.03 Required Landscaping Plan**.

- a. The applicant shall submit a Landscaping Plan to the City for review and approval for the site plan review. The plan shall have been prepared in accordance with the provisions of this section by a registered landscape architect or other qualified professional acceptable to the City. The Landscaping Plan shall locate and label all proposed site improvements, utilities and existing and proposed plant materials (including a schedule listing quantities, botanical and common names, sizes, root specification and on-center spacing where applicable).
- b. The extent of required landscape plantings shall be of such sizes, quantities, composition and arrangements that, at maturity, they will be in scale with the size of the building(s) and site, and will collectively provide a softening and enframement of architectural elements, articulation of space and use areas and screening of undesirable visual impacts. All required landscape plantings shall be located on or within the boundaries of the site being developed. As a minimum, fifteen (15) percent of the site shall be retained as an undeveloped area of landscape plantings.
- c. All undeveloped areas of the site shall be sodded. Exceptions to this requirement include those areas designated on the approved site plan as undisturbed areas of naturally established vegetation which may be preserved in its natural state and future expansion areas which may be seeded with an appropriate turf mix.

**1327.04 Standards**

- a. All plants shall be nursery grown, first-class typical representatives of their species or variety. They shall be sound, healthy, vigorous and free of defects or other degrading conditions.
- b. Plants shall have been consistently grown and cultivated for a period of at least two (2) years on State inspected growing fields within the boundaries shown on the accompanying USDA Hardiness Zone Map. Plant stock not grown inside acceptable boundaries for two years will only be acceptable if the seed source or rootstock is certified and documented as a northern source and Minnesota hardy.

## Acceptable Plant Stock Growing Range Limits Map



### U.S.D.A. Plant Hardiness Zones

Approximate Range of Average Annual Minimum Temperatures.

**ZONE 2: -45.5°C to -40.0°C (-49.9°F to -40.0°F)**

**ZONE 3: -40.0°C to -34.5°C (-40.0°F to -30.0°F)**

**ZONE 4: -34.4°C to -28.9°C (-29.9°F to -20.0°F)**

**ZONE 5: -28.8°C to -23.4°C (-19.9°F to -10.1°F)**

Revised 2/00

c. The substitution of plant materials for those specified in the approved Landscape Plan may be allowed subject to the written approval of the City. The applicant shall provide written documentation that the specified plant(s) is not available and that the substitute plant(s) meets the design objectives of the Landscape Plan.

d. Size classification and method of measurement shall conform to the code of standards set forth in the current edition of the "American Standards for Nursery Stock", as adopted by the American Nursery and Landscape Association, Inc.

e. Botanical and common plant names designated in the plant list (schedule) shall conform to the nomenclature of the latest edition of the International Code of Nomenclature for Cultivated Plants as adopted by the International Commission for the Nomenclature of Cultivated Plants.

f. All deciduous and coniferous trees shall be balled and burlapped. Shrubs and herbaceous plants shall be container grown and/or balled and burlapped in accordance with the "American Standards for Nursery Stock." Large trees may be transplanted using a size compatible mechanical tree spade subject to approval by the City.

#### **1327.05 Minimum Size Requirements for Plantings**

a. At the time of planting, deciduous, overstory trees shall have a minimum trunk caliper (diameter) of at least 2 ½ inches and understory trees shall have a trunk caliper (diameter) of at least 1 1 ¾. Coniferous trees shall have a minimum height of six(6) feet with a minimum trunk caliper (diameter) of 1 ½ inches. Coniferous trees shall never have been sheared. Deciduous shrubs shall have an average height of two (2) feet. Evergreen shrubs shall have an average crown spread of at least two(2) feet.

b. Plant materials larger in size than those specified in the Landscape Plan may be substituted without approval of the City.

#### **1327.06 Screening and Buffering.**

Subd. 1 Undesirable Visual Impacts. Undesirable visual impacts, which include but are not limited to truck loading areas, materials, storage, parking lots, large unadorned building massing, garage doors associated with auto-oriented uses and vehicular stacking aisles for drive-through or drive-up uses shall be screened to a height and depth consistent with the size and extent of the visual degradation. Such required screening may be satisfied by fencing, walls, earth berms, hedges or other appropriate plant materials.

Subd. 2 Walls and Fencing. All walls and fencing shall be architecturally harmonious with the principal building, and shall be enhanced by plantings of landscape materials along the outward-facing surfaces of such structures. Walls and fencing shall provide sufficient height to achieve screening any height higher than (6) feet in height shall be at the discretion of the City. Screening walls and fencing which are in disrepair shall be repaired or replaced.

Subd. 3 Earth Berm. Earth berms shall not exceed a slope of 3:1 unless covered by plant materials capable of minimizing maintenance and shall provide total blocking with a minimum year round density or opaqueness of ninety (90) percent at maturity.

Subd. 4 Buffering. A twenty (20) foot wide landscaped buffer area shall be provided and maintained within or in addition to the setback required where the regulated land use district abuts single-family residential lots. Any open parking lots containing more than six thousand (6,000) square feet of area (includes parking stalls and aisles) shall provide interior landscape plantings contained within curb enclosed peninsulas, islands and/or medians. Eight (8) square feet of interior landscaped area shall be provided for each one hundred (100) square feet of paved surface. All planted materials shall be placed so that at maturity the trunk of any tree or perimeter of any shrub will be no closer than six (6) feet of the back-of-curb of a parking lot.

Subd. 5 Additional Screening. Trash enclosures and trash handling equipment shall be stored within the principal structure, within an attached structure accessible from within the principal structure, or totally screened from eye level view from public streets and adjacent residential or commercial properties. If accessory structures are proposed, they shall be constructed of the same building material and otherwise complimentary as the principal structure and be readily served through doors.

**1327.07 Completion.** Where landscaping is required;

1. No building permit shall be issued until the required Landscaping Plan has been submitted and approved.

2. No Certificate of Occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Building Inspector, unless a financial guarantee acceptable to the City has been submitted. The City may allow an extended period of time for completion of all landscaping if the delay is due to conditions, which are reasonably beyond the control of the applicant. Extensions, which may not exceed nine (9) months, may be granted due to seasonal or weather conditions.

**1327.08 Maintenance of Landscape.**

- a. Planted areas shall be adequately maintained in a healthy attractive manner, including watering, weeding, pruning, trimming, edging, fertilizing and insect control. All stress, shrubs and plants which due to accident, damage, disease or other cause, fail to show a healthy successful and

established growth shall be replaced. Provisions of this section shall be applied for three (3) years from the date of issuance of the Certificate of Occupancy.

- b. Notwithstanding anything to the contrary in this Code, any fencing, walls, earth berms, hedges or other screening and buffering required by Section 1327.06 shall be maintained as originally approved until such time as the property for which the Landscaping Plan has been approved is used for single family dwellings.

**1327.09 Enforcement.** The Tree Inspector or the qualified designee shall be the enforcing official, charged with the duty of administering the provisions of this section and securing compliance therewith. The enforcing official shall make such inspections as may be necessary to effectuate the purposes and intent of this section, and investigate any complaints of alleged violations of this section. Whenever the enforcing official determines that a violation of this section exists, the official shall give written notice to the property owner. Such notice shall include the amount of time allowed to bring the property in compliance shall not be less than thirty (30) days or more than ninety (90) days from the date of the written notice. The City may allow an extended period of time for completion of all landscaping if the delay is due to conditions which are reasonably beyond the control of the developer. Extensions, which may not exceed nine (9) months, may be granted due to seasonal or weather conditions.

## **SECTION 1330 - SIGNS**

**1330.01 Purpose.** This Ordinance is established to protect and promote the health, safety, general welfare and order within the City of Circle Pines through the establishment of a comprehensive and impartial series of standards, regulations, and procedures governing the erection, use and display of devices, signs and symbols serving as visual communication media to persons situated within or upon public rights-of-way or properties. The provisions of this ordinance are intended to establish an opportunity for effective communication, and a sense of concern for visual amenities on the part of those designing, displaying or otherwise utilizing needed communicative media of the types regulated by this ordinance; while at the same time insuring that the public is not endangered, annoyed or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of such communicative media.

## 1330.02 Definitions.

Subd. 1 Area of Freestanding Sign. The area of a freestanding sign includes the frame and the area of the sign that contains the message. It does not include embellishments such as the monument base, pole covers, framing or decorative roofing provided that there is no advertising copy on or attached to such embellishments.

Subd. 2 Area of Wall Sign. The total area of the sign, including all structures framing of the sign, background embellishments or the display surface the message is drawn completely around.

Subd. 3 Banner Sign. Banner sign means a temporary sign constructed in the form of durable and weather resistant material upon which copy is written and supported either between poles or fastened to buildings or other structures.

Subd. 4 Bus Shelter Sign. Bus shelter sign means a sign on a bus shelter.

Subd. 5 City. City means the City of Circle Pines.

Subd. 6 City Council. City Council means the City Council of the City of Circle Pines.

Subd. 7 Clear Vision Triangle. Clear vision triangle means the area created by drawing an imaginary line between points twenty-five (25) feet back from where the property lines of the intersection meet.

Subd. 8 Construction Sign. Construction sign means on-site sign designed to guide vehicular or pedestrian traffic that does not promote or advertise a business, property, or product.

Subd. 9 Directory Sign. Directory sign means a sign listing the names and locations of occupants or activities conducted within a building or group of buildings that does not otherwise promote or advertise a business, property, or product.

Subd. 10 Flashing Sign. Flashing sign means an illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use or any sign which, by optical or mechanical means, appears to simulate a flashing sign.

Subd. 11 Freestanding Sign. Freestanding sign means any sign not affixed to a building including, but not limited to, a ground-mounted sign, detached sign, pole sign, or monument sign.

Subd. 12 Garage Sale Sign. Garage Sale sign or yard sign means a temporary sign advertising a garage, yard or similar sale.



Subd. 13 Governmental Sign. Governmental sign means a sign which is erected by a governmental unit for the purpose of directing, regulating, warning or guiding traffic or any sign owned or erected by the City.

Subd. 14 Ground Sign. Ground sign means a sign that is mounted on the ground attached either to footings or a base with no open space between the ground and the sign face.

Subd. 15 Home Occupation Sign. Home occupation sign means a sign that is located at a residence advertising a business conducted in the residence or by persons residing in the residence.

Subd. 16 Illuminated Sign. Illuminated sign means a sign illuminated with artificial light by any means, whether internal or external.

Subd. 17 Inflatable Sign. Inflatable sign means any object enlarged or inflated which floats, is tethered in the air, or is located on the ground or on a building and which promotes or advertises a business, property, or project or activity.

Subd. 18 Menu/Order Board Sign. Menu/order board sign means a sign installed in a drive-through facility and intended for drive-through customers that advertises the business, products or services available at the facility.

Subd. 19 Motion Sign. Motion sign means a sign that revolves, rotates, flashing or changing lights, reflective material, any material that gives the illusion of motion, has any moving parts, search lights used for advertising, or changes the message or display automatically.

Subd. 20 Non-Conforming Sign. Non-conforming sign means a sign which does not conform to the newly enacted requirements of the ordinance.

Subd. 21 Non-residential Sign. Non-residential sign is a sign that is not located in any R zones of the zoning map.

Subd. 22 On-site Directional Sign. On-site directional sign means an on-site designed to guide vehicular or pedestrian traffic that does not promote or advertise a business, property or product.

Subd. 23 Open House Directional Sign. Open house directional sign means a temporary sign, either on-site or off-site, which indicates the location of a private residence offered for sale.

Subd. 24 Painted Sign. Painted sign means signs painted directly on buildings, fences, trees, stone, wood, or similar objects.

Subd. 25 Political Sign. Political sign means a sign pertaining to an election to any public office, any ballot measure, or containing any social, ideological or religious information of a non-commercial nature.

Subd. 26 Portable Sign. Portable sign means a sign designed to be movable from one (1) location to another with or without wheels.

Subd. 27 Projecting Sign. Projecting sign means a wall sign which protrudes horizontally more than one (1) foot from the wall to which it is attached.

Subd. 28 Property. Property means a legal parcel of land or a lot of record.

Subd. 29 Property Line. Property line means the boundary of a property, lot or parcel. Buildings on the same parcel may have an assumed property line, as established by the City, for setback purposes.

Subd. 30 Real Estate Sign. Real estate sign means any sign pertaining to the sale, lease, or rental of land or buildings.

Subd. 31 Residential Sign. Residential sign is a sign that is located within the R zone of the zoning map.

Subd. 32 Right-of-Way. Means the area on, below, or above a public roadway, highway, street, cart-way, bicycle lane and public sidewalk in which the City or County has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the City and County.

Subd. 33 Roof Line. Roof line means (a) the top line of the outside wall on the flat roof building, whether the roof is at or below the wall line or (b) the soffits or (c) the line formed by the junction of the roof and the outside wall on a sloped roof without soffits.

Subd. 34 Roof Sign. Roof sign means a sign erected on the roof or above the roof line of a building or a sign painted on or attached directly to the roof.

Subd. 35 Sign. Sign means any structure, figure, character, picture, decorative lighting, neo lighting, attention-getting device and all of its component parts, which is used or intended to be used to announce, declare, display, advertise, or otherwise communicate to the public.

Subd. 36 Street Frontage. Street frontage means the proximity of the parcel of land to one (1) or more streets. An interior lot has one (1) street frontage and a corner lot two(2) street frontages.

Subd. 37 Safety Hazard. As used in this ordinance, Safety Hazard means any sign or advertising structure which is a possible source of harm or danger to the public.

Subd. 38 Temporary Sign. Temporary sign means any sign designed or intended to be displayed for a limited period of time.

Subd. 39 Wall. Wall means the vertical surface that defines the exterior boundary of the building.

Subd. 40 Wall Sign. Wall sign means a single-faced sign affixed to the exterior wall of the building or structure.

Subd. 41 Window Sign. Window sign means any sign placed on the interior of a window, or painted on a window such that it can be read from the outside of the building.

Subd. 42 Zoning Officer. The officer charged by the City Administrator with the administration and enforcement of this ordinance.

### **1330.02 Sign Permit Required.**

Subd. 1 Sign Permits. No sign shall hereafter be erected, re-erected or altered, including the replacement of the business message, except permitted changeable copy signs, unless a permit for each sign has been obtained, and unless no permit is required pursuant to Subsection 1330.034. Applications for sign permits shall be made in writing on forms furnished by the City. Such application shall contain the location by street and number of the proposed sign structure, the erector, a scale drawing of the sign indicating materials, copy, color, and location. The Zoning Officer may require filing of written plans to be reviewed or other pertinent information where such information is necessary to insure compliance with this Chapter and its intent. Maintenance of signs including repainting without changing the wording, composition, size or colors; or minor non-structural repairs, (except electrical repairs) shall not require a permit.

Sub. 2 Sign Permit Fees. Permit fees shall be in accordance with a fee schedule as adopted by the Council. In addition to other penalties provided by this Chapter, a double fee shall be charged if a sign is erected without first obtaining a permit for such sign and a permit is thereafter granted for the sign.

**1330.04 Exclusions**. The following signs are not required to obtain a sign permit:

- a. Contractor's vans or trailer parked at a construction site during actual construction, provided the primary use of the vehicle is for storage or office and that the advertising matter pertains only to the contractor.
- b. Owner's name or other advertising on service or delivery vehicles.
- c. Official traffic signs and signals.
- d. Governmentally authorized historical markers and signs essential to provision of governmental services.
- e. Official governmental information signs.
- f. Interior signs and building directories not readily visible from a public-right-of-way.
- g. Name plates or identification signs under two (2) Square feet in area bearing the name and/or address of the occupant.
- h. Small signs.
  - 1. Signs shall not exceed four (4) square feet in area containing no advertising and displayed for convenience of the public to identify rest rooms and freight and service doors.
  - 2. Entrances and exit signs may contain name of business and proper directional information; i.e. enter or exit; and shall not exceed four, (4) square feet in area.
- i. Signs for garage, yard, or similar household sales.
  - 1. Signs shall be placed only on private property with the consent of the property owner.
  - 2. The signs shall not exceed six(6) square feet in area and may not exceed four(4) feet in height.
  - 3. The signs may be displayed for no more than ten (10) days.
- j. One temporary, unlighted identification sign may be installed upon a construction site in any district denoting the name of the owner, architect, engineer, financial institution, contractor and subcontractor, provided that such signs do not

exceed district area requirements for ground signs.

k. Political Signs.

1. Political signs shall be permitted on private property only, provided that the property owner's permission has been obtained.
2. A maximum area of nine (9) square feet for each premise in a residential zone and maximum area of thirty-two (32) square feet in a commercial or industrial zone.
3. These signs shall be located on private property and shall not be less than fifteen (15) feet from the nearest edge of the pavement and fifty (50) feet from the nearest curb line intersection of any street or road.
4. These signs may be erected beginning 46 days before a primary or general election and removed no later than ten (10) days following the general election.
5. Signs placed in violation of this Section are Subject to immediate removal.

l. Open House Directional Signs. Off-site open house directional signs for individual homes are allowed subject to the following:

1. Signs shall be erected for not more than forty-eight (48) continuous hours.
2. Such sign shall be freestanding, and shall not exceed six(6) square feet.
3. Maximum height shall be four(4) feet.
4. No more than three(3) signs for any single open house shall be displayed within the City at any given time.
5. Open house directional signs shall not be Placed on vehicles.
6. Signs shall be at least ten(10) feet from The curb or shoulder of the road.

m. Real Estate Signs. On-site real estate signs for the sale or lease of property are allowed subject to following regulations:

1. One(1) sign per street frontage is allowed.
  2. Residential signs are allowed six(6) square feet in area and six(6) feet maximum height.
  3. Non-residential signs are allowed thirty-two Square feet maximum in area and twelve (12) Feet maximum height.
  4. Real estate signs shall be removed upon sale or lease of the property.
  5. Signs shall be at least ten(10) feet from the curb or shoulder of the road.
- n. Security system signs. Signs identifying the presence of a security or alarm system are allowed on the property containing the security or alarm system in question but may not exceed two(2) square feet.
- o. Home Occupation Signs. Signs that are advertising A business located at a residence may have one(1) non-illuminated sign not exceeding two(2) square feet and no more than six(6) feet in height.

**1330.05 Prohibited Signs.** It is unlawful to erect, reconstruct, alter, maintain or place the following types of signs:

- a. Bench signs.
- b. Bus shelter signs.
- c. Motion signs
- d. Painted signs, signs painted directly on a building, fence, tree, stone, or similar objects.
- e. Projecting signs, except for multiple occupancy buildings.
- f. Right-of-way signs prohibited in public right-of-way except for government signs or other signs specifically allowed by this chapter.
- g. Roof signs.
- h. Signs on utility poles
- i. Flashing signs.
- j. Exterior neon light signs.
- k. Portable signs.
- l. Searchlights or beacons..

**1330.06 Permitted Signs - Districts.**

Subd. 1 Ground Sign. One (1) ground sign not exceeding eighty (80)square feet in area may be displayed advertising the business, service or product sold on the premises, and must be located on the business, industrial or shopping center property.

- a. The sign must be fifteen(15) feet from all property lines.
- b. No sign shall be erected or maintained within the 25 foot clear vision triangle.
- c. Maximum height of a ground sign is twenty(20) feet.
- d. The sign shall not be erected or maintained any closer than three(3) feet to any building.

Subd. 2 Wall Sign. No more than one (1) wall sign is permitted on any one face of a business. On properties with more than one street side, each business may display one (1) sign on each street on which the land for such business abuts.

- a. The size of any such wall sign shall not exceed the lesser of fifty(50) square feet or five(5) percent of the exterior wall area. In multiple use buildings, where the applicant does not have frontage area, the wall sign shall not exceed the lesser of ten(10) percent of the floor area of their business or fifty(50) square feet.
- b. When a business has properties with more than one street side, one side of the building may have a wall sign that shall not exceed lesser of fifty (50) square feet, or five(5) percent of the exterior wall area, whichever is less. On the other street sides the wall sign may not exceed twenty-five(25) square feet or two and one-half(2.5%) percent of the wall space.
- c. Wall signs may be attached flat to or may project no more than twelve(12) inches.
- d. No part of any wall sign shall extend above or beyond the peak of the roof, or beyond the outline of the building or roof, as viewed from the front of the sign.

Subd. 3 On-Site Directional Signs.

- a. One(1) directional sign is allowed for each one-way driveway.
- b. One(1) directional sign is allowed for each drive through aisle.
- c. One(1) directional sign is allowed for each service or delivery entrance.
- d. Additional directional signs may be allowed if a need is demonstrated for proper traffic flow.

- e. The area of each sign shall not exceed six(6) square feet.
- f. The height of the sign, including the pole or base, shall not exceed four(4) feet from grade to the top of The sign.
- g. The sign shall not be located so as to impair the vision of the driver of a vehicle traveling either into, or out of, or through the site.

Subd. 4 Menu/order Board Signs.

- a. Every business with a drive-through restaurant facility is allowed two(2) menu/order board signs.
- b. The area of each sign shall not exceed fifty(50) square feet.
- c. The height of the sign including the pole or base shall not exceed six(6) square feet from grade to the top of the sign.
- d. The sign shall be at least fifteen(15) feet from the property line and adjacent to the drive-through aisle.
- e. The sign shall not be located as to impair the vision of the driver of the vehicle traveling either into, out of, or through the drive-through aisle.

Subd. 5 Gasoline Service Stations. In addition to the signs allowed by this section, the following signs are allowed:

- a. Signs that are part of the gasoline dispenser.
- b. Signs identifying the location or operation of gas services, including but not limited to, vacuum dispenser, air dispenser, ice, telephone, car wash, propane, self-serve, full-serve, operating instructions and safety instructions shall not exceed six(6) square feet.
- c. Gasoline price or other advertisement not to exceed two(2) square feet per pump. Such signs must be located on or within five(5) feet of the pump island.
- d. Gasoline price or other advertisement not to exceed two (2) square feet per pump. Such signs must be located on or within five(5) of the pump island.

Subd. 6. Window Signs. The total area of window signs may not exceed fifty(50) percent of the area of the window in which they are displayed.



Subd. 7 Commercial Buildings Having Multiple Occupancy.

- a. Buildings having two (2) or more activities carried on by different occupants shall have wall signs of similar design. Future wall sign permits for multiple use buildings, including shopping centers, shall be issued only after the building owners have submitted a comprehensive building wide sign plan approved by the City Council.
- b. Multiple business buildings may be identified by a single ground sign. They may also be identified by one wall and one projected sign per occupant.
- c. Multiple business signs in the same building should be uniform in placement and height.
- d. Projecting signs must be no greater than twelve (12) square feet and have maximum width of three (3) feet and cannot extend beyond the first floor of the building. No less than ten (10) feet of clearance shall be provided between the sidewalk elevation and the lowest point of the projecting sign. The maximum distance between the sign and building face is one (1) foot. Signs cannot block or obliterate design details, windows or cornices of the building upon which they are placed. If lighted must be externally illuminated.

**1330.07 Temporary Signs.** All zoning districts are regulated according to the requirements set forth below:

- a. Temporary banner advertisement in the form of durable, weather resistant banners may be erected with a sign permit provided:
- b. All temporary banners shall be set back at least ten(10) feet from all property lines and in no case shall be permitted within the twenty-five(25) foot clear vision triangle at public or private streets or driveway intersections.
- c. The total area of all temporary signs in the form of banners shall not exceed two-hundred(200) square feet.
- d. Banners shall be allowed on existing fences, accessory buildings, and principal building facades.
- e. Each business shall be allowed a maximum of four(4) permits in the calendar year. Each permit shall be for the maximum of one(1) calendar month. No permit shall be issued less than thirty(30) days from the expiration. The permit fee shall be set by the City Council. No

temporary sign permit shall be issued to any business found to have violated the provisions of the sign code two or more times in any twelve month period.

- f. Temporary Signs. All zoning districts are regulated according to the requirements set forth. Temporary special event signs may be displayed upon an issuance of a permit for not more than seven(7) days and not more than one(1) time a year. Such signs include banners, air inflatable devices, streamers and other signs approved by the City. All temporary signs shall be set back at least ten(10) feet from all property lines and in no case shall be permitted within the twenty-five(25) foot clear vision triangle at public or private streets or driveway intersections. All temporary signs shall be in the form of durable construction, weather resistant and in good condition.

**1330.08 Areas of Added Design.**

- a. It is recognized that regulations provided in this chapter cannot address all potential sign situations.
- b. The Council may or may not permit a sign with special regulations for signs which are either more or less restrictive than those provided by this Chapter.

**1330.09 Non-conforming Signs.** On properties where non-conforming signs existed prior to the adoption of this Ordinance, the erection of new signs or relocated signs shall only be permitted when the sign(s) is/are consistent with this Chapter. Erection of new signs, improvements of existing signs, repair of signs other than routine maintenance, or relocated signs shall be permitted only when all signs at that location are consistent with the terms of this Chapter.

**1330.10 Enforcement.**

- a. If the Zoning Officer shall find that any permanent sign regulated herein is unsafe or insecure, or adversely affects the health, safety, and general welfare of the public, or has been constructed or erected, or is being maintained, in violation of the provisions of this ordinance; the Zoning Officer shall give written notice by mail to the permittee and/or owner of the sign thereof.

- b. If the permittee or owner of the sign fails to remove or alter the structure so as to comply with the standards herein set forth within fourteen(14) days after such mailing notice, such sign or other advertising structure may be removed or altered at the expense of the permittee or owner of the property upon which it is located or legal action may be taken to force compliance with this ordinance. The Zoning Officer shall refuse to approve and the City of Circle Pines shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed.
  
- c. The Zoning Officer may cause any sign or other advertising structure which is a safety hazard to persons to be removed summarily and without notice. The Zoning Officer may cause any temporary sign erected not in conformance with the Sign Ordinance to be removed summarily and without notice or legal action may be taken to force compliance with this ordinance.

**1330.11 Violations and Fines.**

Subd. 1 If the Zoning Officer shall find any permanent sign in violation of the terms of this ordinance, a written notice shall be issued to the owner, and/or possessor (tenant in possession, operator or manager of the premises on which the sign is located), specifying the violation and allowing the time period specified in Section 1330.10 above in which to correct or remove the violation. After the expiration of the time period specified by written notice, if the violation is not corrected or discontinued, the owner and/or possessor of said property shall be guilty of a misdemeanor, and each day of violation after the initial time period as specified by written notice shall constitute a separate offense.

It shall be unlawful to display any temporary sign in violation of the terms of this ordinance. The owner, and or possessor (tenant in possession, operator, or manager of the premises on which the sign is located) of said property shall be guilty of a misdemeanor and each day of the violation shall constitute a separate offense.

**1330.12 Appeals.** A permit applicant or permit holder may appeal any order or determination made by the City Zoning Officer pursuant to this Ordinance by filing a notice of appeal with the City Administrator requesting a hearing before the City Council. The City Council will hear:

- a. Appeals where it is alleged that there is an error in any order, requirement, decision, or determination made

by the Zoning Officer in the enforcement of this Ordinance.

- b. Requests for variances from the literal provisions of this Ordinance as provided for in Section 1310.03.

**1330.13 Non-conforming Signs**

- a. Any temporary or portable sign that was non-conforming prior to the adoption of this Ordinance shall be made to comply with the requirements set forth herein or shall be removed within 10 days after the adoption of this Ordinance.
- b. Any permanent sign that was non-conforming prior to the adoption of this Ordinance shall be made to comply with the requirements set forth herein or shall be removed within 180 days after adoption of this Ordinance.

**SECTION 1335 - SWIMMING POOLS**

(See Illustration No. 6)

**1335.01 Requirements.**

Subd. 1 Swimming Pool Definition. Any structure, basin, chamber or tank containing an artificial body of water for swimming, diving or recreational bathing, more than one hundred fifty (150) square feet in area or more than thirty (30) inches in depth or 5,000 gallons, above or below the ground. A swimming pool is deemed to be a structure within the meaning of this Chapter.

Subd. 2 Permit Requirements. A building permit shall be required for any swimming pool to be constructed within the City that is more than thirty (30)" in depth or that is 5,000 gallons.

Subd. 3 Application; Contents. An application for a building permit for a swimming pool shall contain, among other items as requested by the building inspector, the following:

- a) Type and size of pool
- b) Site plan
  - 1) Location of pool

- 2) Location of house, garage, fencing and other features on the lot
- 3) Location of structures on all adjacent lots
- 4) Location of filter unit, pump and wiring involving type
- 5) Location of back-flush and drainage outlet
- 6) Grading plan, finished elevations, and final treatment (decking, landscaping, etc.) around pool
- 7) Location of existing overhead or underground wiring, utility easements, trees and similar features

Subd. 4 Approval of Plans Required. No person shall begin construction of a swimming pool or alter or reconstruct any swimming pool without first having submitted the plans and specifications required by this Chapter to the City for review and approval.

Subd. 5 Format and Detail of Plans Required. The plans shall be drawn to scale and accompanied by proper specifications so as to permit a comprehensive engineering review of the plans including the piping and hydraulic details and shall include:

- a) Plan and sectional views with all necessary dimensions of both the pool and surrounding area.
- b) A piping diagram showing all the appurtenances including treatment facilities in sufficient detail, as well as pertinent elevation data to permit a hydraulic analysis of the system.
- c. Specifications shall contain details on all treatment equipment, including catalog identification of the pumps, chlorinates and related equipment.

#### **1335.02 Location of Swimming Pools and Accessory Equipment.**

Subd. 1 Location, Utility Lines. A swimming pool shall not be located beneath overhead electric utility lines, nor over underground utility lines of any type, and shall be located in such manner that complies with the provisions of the City's Building Code.

Subd. 2 Location, Easement. A swimming pool shall not be located within any private or public utility, walkway, drainage or other easement.

Subd. 3 Location, Lot Lines. A swimming pool located within a residential district shall not be located within ten (10) feet of any side or rear lot line, nor within ten (10) feet of any principal structure or frost footing, unless the pool is a part of the principal structure.

Subd. 4 Location, Residential Structures. The outside perimeter of all swimming pool structures, including all accessories such as filter unit, pump, heating unit and any other mechanical equipment, shall be located at least twenty-five (25) feet from any adjacent residential structure and at least ten (10) feet from any lot line. A swimming pool shall not be located within any required front yard.

Subd. 5 Screening. Adequate screening, including both fencing and landscape treatment, shall be placed between swimming pool structures and adjacent single-family lot lines.

Subd. 6 Deck Areas. All deck areas, adjacent patios or similar areas used in conjunction with the swimming pool shall be located at least five (5) feet from any side lot line.

### **1335.03 Construction of Swimming Pools.**

Subd. 1 Site Access. All access to the site of construction of a swimming pool shall be limited to the applicant's land, and due care shall be taken to avoid damage to public streets and adjacent private property.

Subd. 2 Interference with Adjacent Property. The swimming pool shall be designed and constructed in such a manner so as not to endanger the health or safety of its users and not to unduly interfere with the use and enjoyment of adjacent property.

Subd. 3 Care and Maintenance. The swimming pool shall have adequate provisions to properly recirculate, filter, algaecide and germicide the water of the pool and instructions for maintenance of the same.

Subd. 4 Excavated Material. During the construction of underground swimming pools, due care shall be taken in stockpiling excavated material to avoid erosion, dust or other infringement or interference with the use of adjacent property.

Subd. 5 Pool Drainage. Back-flush water or water from pool drainage shall be directed onto the pool owner's property or into approved public drainage ways and shall not drain onto adjacent private land. Drainage onto public streets or other

public drainage ways shall require the approval of the Director of Public Works.

Subd. 6 Electrical and Utility installations. All wiring, installation of heating units, grading, installation of pipes, and all other installations and constructions relating to a swimming pool shall be subject to inspection by the appropriate City inspectors.

#### **1335.04 Fencing and Lighting.**

Subd. 1 Fencing. All outdoor swimming pools existing and hereafter constructed, altered or reconstructed shall be completely enclosed by a non-climbable fence or barrier. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence and gates shall be at least five (5') in height but no more than six (6') in height and shall be constructed of materials approved by the building inspector. In the case of an above ground pool, and there is no non-climbable fence around the pool, a four (4)' non-climbable fence will be required around the deck area. All pools shall be provided with safeguards to prevent children from gaining uncontrolled access thereto. All gates shall be equipped with self-closing and self-latching devices placed on the top of the gate or otherwise inaccessible to small children. All fence posts shall be decay or corrosion-resistant and shall be set in concrete bases, or other suitable protection. No more than four (4) inches of space shall be permitted between the bottom of the fence or barrier and the ground or other surface.

Subd. 2 Lighting. Lighting for the swimming pool shall be directed into or onto the pool and not onto adjacent property. Swimming pool lighting shall measure no more than one (1) foot candle power at any point on the boundary line of any adjacent property.

#### **1335.05 Use of Pools.**

Subd. 1 Nuisances Prohibited. A swimming pool shall not be located, designed, operated or maintained so as to unduly interfere with the property rights of others. It shall be unlawful for any person to make, continue or cause to be made or continued at any swimming pool, any loud or unusual noise, or any noise which annoys, disturbs, injures or endangers the comfort, repose, peace or safety of others. The use, or permitting the use of, or the operation of radio receiving sets, musical instruments, phonographs or other machines or devices for the production or reproduction of sound in such manner or volume as to disturb the peace, quiet and comfort of the public shall be unlawful.

Subd. 2 Filling of Swimming Pools. Filling of swimming pools directly from fire hydrants, or other similar municipal water outlets, shall require appropriate City permit.

**1335.06 Variance.** Any person seeking a variance from the standards and requirements of this Section may apply for a variance in accordance with the procedures specified in Subsection 1310.03 of this Chapter, except that the written material provided in support of the variance application shall be the plans and specifications required for a swimming pool building permit required under this Section.

## **Section 1340 - SHORELAND OVERLAY DISTRICT**

**1340.01 Shoreland Management Classification.** This section is adopted pursuant to the authorization contained in the Laws of Minnesota 1973, Chapter 379, and in furtherance of the policies declared in Minn. Stat. 1976, Chapters 105, 115, 116 and 462. In order to guide the wise development and utilization of shorelands of protected waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, certain protected waters in the City, have been given a shoreland management classification. These protected waters of the City have been classified by the commissioner of Natural Resources as follows:

- a. Natural Environment Lakes.
  1. Unnamed, D.N.R. I.D. No. 2-41
  2. Unnamed, D.N.R. I.D. No. 2-47
- b. Recreational Development Lakes.
  1. Baldwin Lake.
  2. Golden Lake.
- c. General Development Streams.
  1. Rice Creek.

**1340.02 Shoreland Overlay District.** The shorelands of the City, are hereby designated as a Shoreland Overlay District. The purpose of the Shoreland Overlay District is to provide for the wise utilization of shoreland areas in order to preserve the quality and natural character of these protected waters of the City.

Subd. 1 Permitted Uses. All permitted uses allowed and regulated by the applicable zoning district underlying this shoreland overlay district as indicated on the official zoning map of the City.



Subd. 2 Conditional Uses.

a. All conditional uses and applicable attached conditions allowed and regulated by the applicable zoning district underlying this shoreland overlay district as indicated on the official zoning map of the City, and as required by Subsection 1340.04 of this Chapter.

b. Boathouses.

Subd. 3 Substandard Uses. Any uses of shorelands in existence prior to the date of enactment of this Chapter which are permitted within the applicable zoning district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this Chapter are substandard uses. Substandard uses shall be allowed to continue. However, any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.

Subd. 4 Prohibited Uses. Any uses which are not permitted or conditional uses as regulated by the applicable zoning district underlying this shoreland overlay district as indicated on the official zoning map of the City.

**1340.03 General Provisions.** The following standards shall apply to all shorelands of the protected waters listed in Section 1340.01 of this Chapter within the City. Where the requirements of the underlying zoning district as shown on the official zoning map are more restrictive than those set forth herein, then the more restrictive standards shall apply:

	<u>NATURAL ENVIRON. WATERS</u>	<u>RECREATIONAL DEVELOPMENT WATERS</u>	<u>GENERAL DEVELOPMENT WATERS</u>
1. <u>Unsewered Areas:</u>			
Lot Area (Sq. ft.)	80,000	40,000	20,000
Water frontage and lot width at building line (ft.)	200	150	100
Structure Setback from Ordinary High Water Mark (ft.)	200	100	75

Structure setback ----- 50 Fed., State or Cty.-----  
 from roads and ----- 20 Municipal or Priv. -----  
 highways (ft.)

Structure height  
 limitation (ft.) ----- 35 -----

Maximum lot area covered by imper- vious surface	30	30	30
Sewage system set- back from ordinary High Water Mark (ft.)	150	75	50

2. Sewered Areas: All provisions for unsewered areas shall apply to sewerred areas except for the following, which shall supersede the provisions applied to unsewered areas:

Lot Area (sq.ft.) waterfront lots	40,000	20,000	15,000
other lots			

Water frontage and lot width at build- ing line (ft.)	125	75	75
---	-----	----	----

Structure setback from Ordinary High Water Mark (ft.)	150	75	50
---	-----	----	----

3. Sewered & Unsewered Areas: Regulatory provisions for all lots, sewerred and unsewerred.

a) Substandard Lots:

1) Lots of record in the office of the County Recorder or Registrar of Titles prior to May 23, 1988 which do not meet the requirements of 1340.03 may be allowed as building sites provided:

(a) Such use is permitted in the zoning district.

(b) The lot is in separate ownership from abutting lands.

(c) All other sanitary and dimensional requirements of this Chapter are complied with insofar as practical.

2) The minimum size and length of water frontage for substandard lots of record shall be:

(a) An area no less than 12,000 square feet, except a lot of record constructed prior to August 13, 1970, or lots with approved variances prior to the enactment of this Chapter.

(b) A width not less than 80 feet at the building setback line, except a lot of record constructed prior to August 13, 1970, or lots with approved variances prior to the enactment of this Chapter.

3) Roads and Parking Areas: Roads and parking areas shall be located to retard the runoff of surface waters and nutrients in accordance with following criteria:

a) Where feasible and practical, all roads and parking areas shall meet the setback requirements established for structures in 1340.03.

b) In no instance shall any impervious surface be placed less than 50 feet from the ordinary high water mark.

c) Natural vegetation or other natural materials shall be used in order to screen parking areas when viewed from the water.

4) Elevation of Lowest Floor:

a) No structure, except boathouses, shall be placed at an elevation such that the lowest floor, including basement, is less than the Regulatory Flood Protection Elevation and shall not be located in a designated floodway as defined by Chapter 14 (Flood Plain Management ordinance).

b) Where a Regulatory Flood Protection Elevation has not been established, no structure, except boathouses, shall be placed at an elevation such that the lowest floor, including basement, is less than three (3) feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the ordinary high water level shall be used.

5) Exceptions to Structure Setback Requirements

a) Setback requirements from the ordinary high water mark shall not apply to boathouses, piers and docks. Location of piers and docks shall be controlled by applicable state and local regulations.

b) On undeveloped shoreland lots that have two (2) adjacent lots with existing principal structures on both such adjacent lots, any new residential structure may be set back the average setback of the adjacent structures from the ordinary high water mark or fifty (50) feet, whichever is greater, provided all other provisions of the shoreland overlay district are complied with.

**1340.04 Shoreland Alterations.**

Subd. 1 Removal of Natural Vegetation. The removal of natural vegetation shall be restricted to prevent erosion into protected waters, to consume nutrients in the soil, and to preserve shoreland aesthetics. Removal of natural vegetation in the shoreland overlay district shall be subject to the following provisions:

a. Selective removal of natural vegetation shall be allowed, provided that sufficient vegetative cover remains to screen cars, dwellings and other structures when viewed from the water.

b. Clear-cutting of natural vegetation shall be prohibited.

c. Natural vegetation shall be restored insofar as feasible after any construction project is completed in order to retard surface runoff and soil erosion.

d. The provisions of this Section shall not apply to permitted uses which normally require the removal of natural vegetation.

Subd. 2 Grading and Filling. Grading and filling in shoreland areas or any alteration of the natural topography where the slope of the land is toward a protected water or a watercourse leading to a protected water must be authorized by a conditional use permit applied for and granted in accordance with Subsection 1310.04. The permit may be granted subject to the conditions that:

- a. The smallest amount of bare ground is exposed for as short a time as feasible;
- b. Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is established;
- c. Methods to prevent erosion and trap sediment are employed; and
- d. Fill is stabilized to accepted engineering standards.

Subd. 3 Excavation. Excavations and shorelands where the intended purpose is connection to a protected water shall require a permit from the City before construction is begun. Such permit may be obtained only after the Commissioner of Natural Resources has issued a permit to work in the beds of protected waters.

Subd. 4 Course of Water Alteration. Any work which will change or diminish the course, current or cross-section of a protected water or wetland shall be approved by the Commissioner of Natural Resources, and such approval shall be construed to mean the issuance by the Commissioner of Natural Resources of a permit under the procedures of Minn. Stat., S 105.42 and other related statutes.

#### **1340.05 Subdivisions.**

Subd. 1 Prohibited Subdivision. No land shall be subdivided which is held unsuitable by the City for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities, or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community.

Subd. 2 Plats Submitted. Copies of all plats within the shoreland overlay district shall be submitted to the Commissioner of Natural Resources within ten (10) days of final approval by the City.

Subd. 3 Community Unit Plan (CUP). Altered zoning standards may be allowed as exceptions to this Chapter for CUP's provided preliminary plans are approved by the Commissioner of Natural Resources prior to their approval by the City, and further provided:

- a. Central sewage facilities shall be installed which meet applicable standards of the Minnesota Pollution Control Agency or the CUP is connected to a municipal sanitary sewer.

b. Open space is preserved through the use of restrictive deed covenants, public dedications, or other methods.

c. The following factors are carefully evaluated to ensure the increased density of development is consistent with the resource limitations of the protected water:

1. suitability of the site for the proposed use;
2. physical and aesthetic impact of increased density;
3. level of current development;
4. amount and ownership of undeveloped shoreland;
5. levels and types of water surface use and public accesses;
6. levels and types of water surface use and public accesses;
7. possible effects on overall public use.

d. Any commercial, recreational, community or religious facility allowed as part of the community unit development shall conform to all applicable federal and state regulations including, but not limited to the following:

- 1) licensing provisions or procedures;
- 2) waste disposal regulations;
- 2) water supply regulations;
- 4) building codes;
- 5) safety regulations;
- 6) regulations concerning the appropriation and use of Protected Waters as defined in Minn. Stat. Chap. 105; and
- 7) Applicable regulations of the Minnesota Environmental Quality Board.

Subd. 4 Final Plan. The final plan for a community unit plan shall not be modified, amended, repealed or otherwise

altered unless approved in writing by the developer, the municipality and the Commissioner of Natural Resources.

Subd. 5 Centralized Shoreline Recreation Facilities. There are centralized shoreline recreation facilities such as beaches, docks and boat launching facilities.

#### **1340.06 Variances and Conditional Uses.**

Subd. 1 Notice to Commissioner, Variances. A copy of all notices of a public hearing to consider a variance to the provisions of the Shoreland Overlay District or a conditional use in the Shoreland Overlay District shall be sent to the Commissioner of Natural Resources such that the notice is received by the Commissioner at least ten (10) days prior to such hearings.

Subd. 2 Notice to Commissioner, Amendments. A copy of all amendments to this Chapter and final decisions granting variances or conditional uses within the Shoreland Overlay District shall be sent to the Commissioner of Natural Resources within ten (10) days of the amendment or final action.

### **Section 1350-Stormwater Management Ordinance**

1350.01 Findings. The City of Circle Pines hereby also adopts by reference, and as amended, Rice Creek Watershed District Rule C related to Stormwater Management Plans. The rules and regulations related to the review of Stormwater Management Plans will be reviewed by the Local Governing Unit (LGU) in accordance with Rice Creek Watershed District Rules.

**1350.02 Purpose.** The purpose of this ordinance is to promote, preserve and enhance the natural resources within the City of Circle Pines and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land disturbing and development activities and water quality and environmentally sensitive lands; and by requiring detailed review standards and procedures for land disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas.

**1350.03 Scope and Effect.** Variances. Minnesota Statutes 103B.211, subdivision 1(a)(3), any variance must be approved by the RCWD Board.

**1350.04 Penalty.** Any person, firm or corporation violating any provision of this ordinance shall be fined not less than five dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**1350.05 Other Controls.** In the event of any conflict between the provisions of this ordinance and the provisions of an erosion control or shoreland protection ordinance adopted by the City Council the more restrictive standard prevails.

**1350.06 Severability.** The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

### **Section 1360 - Regulation of Discharge into Storm Sewer System**

**1360.01 Statutory Authorization and Purpose.** The purpose of this section is to provide for the health, safety, and general welfare of the citizens of the City of Circle Pines through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This section establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the MS4 permit issued to the City of Circle Pines by the Minnesota Pollution Control Agency (MPCA) under the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this section are:

- a) To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.
- b) To prohibit illicit connections and discharges to the MS4.
- c) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this section.
- d) This Section is adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B and 462; Minnesota Rules, Parts 6120.2500-6120.3900, Minnesota Rules Chapters 8410, 8420 and 7050.0210.

**1360.02 Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Best Management Practices (BMPs)* are schedules of activities, prohibitions of practices, general good housekeeping practices,



pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

*Construction Activity* is activity subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

*Hazardous Materials* means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Illegal Discharge* means any direct or indirect non-stormwater discharge to the storm drain system.

*Illicit Connections* are defined as either of the following:

- a) Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to sewage, process wastewater, wash water and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

*Industrial Activity* means activities subject to NPDES Industrial Stormwater Permits as defined in 40 CFR, Section 122.26 (b) (14).

*Municipal Separate Storm Sewer System (MS4)* means the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the City of Circle Pines and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.

*National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit* means a permit issued by Minnesota Pollution Control Agency that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

*Non-Stormwater Discharge* means any discharge to the storm drain system that is not composed entirely of stormwater.

*Person* means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

*Pollutant* means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

*Premises* means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

*Storm Drainage System* means publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

*Stormwater* means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

*Stormwater Management Plan* means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

*Wastewater* means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

*Watercourse* means a ditch, stream, creek, or other defined channel intended for the conveyance of water, runoff, groundwater discharge or similar hydraulic or hydrologic purpose.

**1360.03 Applicability.** This section shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by the City of Circle Pines.

**1360.04 Responsibility for Administration.** The City of Circle Pines shall administer, implement, and enforce the provisions of this section. Any powers granted or duties imposed upon the City of Circle Pines may be delegated in writing by the city administrator to persons or entities acting in the beneficial interest of or in the employ of the city.

**1360.05 Compatibility with Other Regulations.** This section is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this section are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**1360.06 Severability.** The provisions of this section are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this section.

**1360.07 Ultimate Responsibility.** The standards set forth herein and promulgated pursuant to this section are minimum standards; therefore this section does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

**1360.08 Discharge Prohibitions.**

Subd 1. Prohibition of Illegal Discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- a) The following discharges are exempt from discharge prohibitions established by this section: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, and street wash water.

- 1) Discharge of swimming pools, crawl spaces, sump pumps, footing drains, and other sources that may be determined to contain sediment or other forms of pollutants may NOT be discharged directly to a gutter or storm sewer. This discharge must be allowed to flow over a vegetated area to allow filtering of pollutants, evaporation of chemicals, and infiltration of water consistent with the stormwater requirements of the City of Circle Pines.
- b) Discharges or flow from firefighting, and other discharges specified in writing by the City of Circle Pines as being necessary to protect public health and safety.
- c) Discharges associated with dye testing; however, this activity requires a verbal notification to the City of Circle Pines prior to the time of the test.
- d) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Minnesota Pollution Control Agency (MPCA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Subd. 2 Prohibition of Illicit Connections.

- a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- c) A person is considered to be in violation of this section if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
- d) Improper connections in violation of this section must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City of Circle Pines.
- e) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City of Circle Pines requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these

investigations are to be documented and provided to the City of Circle Pines.

**1360.09 Watercourse Protection.** Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within their property free of trash, debris, yard waste generated by the owner and/or lessee, excessive planted vegetation, and other manmade obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse with the exception of natural vegetation and trees.

**1360.10 Industrial or Construction Discharges.**

Subd. 1 Submission of NOI to the City

- a) Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Circle Pines prior to the allowing of discharges to the MS4.
- b) The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial activity shall submit a copy of the Notice of Intent (NOI) to the City of Circle Pines at the same time the operator submits the original Notice of Intent to the EPA as applicable.
- c) The copy of the Notice of Intent may be delivered to the City of Circle Pines either in person or by mailing it to:

Notice of Intent to Discharge Stormwater  
City of Circle Pines  
200 Civic Heights Circle  
Circle Pines, MN 55014

- d) The Failure to provide a copy of the Notice of Intent to the City of Circle Pines as required herein shall be a violation of this Ordinance.

**1360.11 Compliance Monitoring.**

Subd. 1 Right of Entry. On behalf of the City of Circle Pines, the City Administrator, or his or her designee shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this section.

Subd. 2 Search Warrants. If the City of Circle Pines, the City Administrator, or the designee has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that

there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City of Circle Pines may seek issuance of a search warrant from any court of competent jurisdiction.

**1360.12 Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices.** On behalf of the City of Circle Pines, the City Administrator, or his or her designee will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs.

Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

**1360.13 Notification of Spills.** Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City of Circle Pines in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Failure to

provide notification of a release as provided above is a violation of this ordinance.

**1360.14 Violations and Penalties.** Any person violating any provision of this article is guilty of a misdemeanor.

a) Emergency cease and desist orders. When the City Administrator or his or her designee finds that any person has violated, or continues to violate, any provision of this section, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the state which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City Administrator or his or her designee may issue an order to the violator directing it immediately to cease and desist all such violations.

b) Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. Such suspension may also be imposed if it is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger.

c) Violations deemed a public nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense; and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**1360.15 Remedies Not Exclusive.** The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City of Circle Pines to seek cumulative remedies. The City of Circle Pines may recover all attorney's fees, court costs and other expenses associated with enforcement of this section, including sampling and monitoring expenses.

## **1370.00 Floodplain Management.**

### **1370.01 Regulation**

Subd. 1 The City of Circle Pines adopts by reference Rice Creek Watershed District Rule E regarding Floodplain Management.

Subd. 2 The application for the modification or alteration of Floodplain will be reviewed by the Local

Governing Unit (LGU) in accordance with Rice Creek Watershed District Rule E.

**1370.02 Penalty.**

Subd. 1 Any person, firm or corporation violating any provision of this ordinance shall be fined not less than five dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**1370.03 Other Controls.**

Subd. 1 In the event of any conflict between the provisions of this ordinance and the provisions of an erosion control, stormwater management, wetland, or shoreland protection ordinance adopted by the City Council the more restrictive standard prevails.

**1370.04 Severability.**

Subd. 1 The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

**1380.00 Erosion and Sediment Control.**

**1380.01 Regulation**

Subd. 1 The City of Circle Pines adopts by reference Rice Creek Watershed District Rule D regarding Erosion and Sediment Control.

Subd 2. The application for the modification or alteration of Erosion and Sediment Control will be reviewed by the Local Governing Unit (LGU) in accordance with Rice Creek Watershed District Rule D.

**1380.02 Penalty**

Subd. 1 Any person, firm or corporation violating any provision of this ordinance shall be fined not less than five dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**1380.03 Other Controls.**



Subd. 1 In the event of any conflict between the provisions of this ordinance and the provisions of a floodplain, wetland, stormwater management, or shoreland protection ordinance adopted by the City Council the more restrictive standard prevails.

**1380.04 Severability.**

Subd. 1 The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

**1390.00 Wetland Management.**

**1390.01 Regulation**

Subd. 1 The City of Circle Pines adopts by reference Rice Creek Watershed District Rule F regarding Wetland Alteration.

Subd. 2 The application for the modification or alteration of Wetland Management will be reviewed by the Local Governing Unit (LGU) in accordance with Rice Creek Watershed District Rule F, and the Wetland Conservation Act. (WCA)

**1390.02 Penalty.**

Subd. 1 Any person, firm or corporation violating any provision of this ordinance shall be fined not less than five dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**1390.03 Other Controls.**

Subd. 1 In the event of any conflict between the provisions of this ordinance and the provisions of an erosion control, stormwater management, floodplain, or shoreland protection ordinance adopted by the City Council the more restrictive standard prevails.

**1390.04 Severability.**

Subd. 1 The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

