

AGENDA
REGULAR PLANNING COMMISSION MEETING
January 10, 2017 - 7:00 P.M.
9180 Lexington Avenue, Lexington, MN

1. CALL TO ORDER
 - A. Roll Call: Chairperson Olsson, Commissioners Bautch, O'Neil, Thorson and Vanderbloomer
2. CITIZENS FORUM
3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS
4. LETTERS AND COMMUNICATION
5. Building Permits for December 2016 pg. 1-3
6. APPROVAL OF PLANNING COMMISSION MINUTES
 - A. December 13, 2016 pg. 4-6
7. DISCUSSION ITEM:
 - A. Section 11.34. Dimensional Requirements pg. 7
under separate cover
8. NOTE COUNCIL MINUTES:
 - A. December 1, 2016 pg. 8-11
 - B. December 15, 2016 pg. 12-13
9. PLANNING COMMISSION INPUT
10. ADJOURNMENT

City of Lexington
Permits Issued & Fees Report - Detail by Address
Issued Date From: 12/1/2016 To: 12/31/2016
Permit Type: All Property Type: All Construction Type: All
Include YTD: Yes Status: Not Voided

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
Permit Type: Building													
Permit Kind: Commercial Remodel													
Permit Kind: Commercial Roofing													
Permit Kind: Commercial Structural													
Permit Kind: Residential Accessory Building													
Permit Kind: Residential Deck/Porch													
Permit Kind: Residential Demolition													
016-00102	12/27/2016	3854 Minuteman	0			100.00		1.00					101.00
016-00103	12/27/2016	3855 Minuteman	0			100.00		1.00					101.00
Permit Kind: Residential Fence/Wall < 6 FT													
Permit Kind: Residential Furnace/Water Heater													
Permit Kind: Residential New Construction													
Permit Kind: Residential Remodel													
016-00097	12/15/2016	8864 ARONA AVE	0		18,000.00	385.08	250.30	9.00					644.38
016-00093	12/08/2016	9338 DUNLAP AVE	0		1,500.00	71.10	46.22	0.75					118.07
016-00099	12/15/2016	9440 DUNLAP AVE	0		7,000.00	182.90		3.50					186.40
Permit Kind: Residential Repair													
Permit Kind: Residential Roofing													
016-00094	12/02/2016	4000 EDGEWOOD RD	0			145.00		1.00					146.00
Permit Type: Building - Totals													
Period			6	0	26,500.00	984.08	296.52	16.25					1,296.85
YTD			43	0	693,836.85	11,829.96	5,723.83	349.47		2	4,970.00		23,731.26

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
Permit Type: Mechanical													
	Permit Kind:	Commercial Demolition											
	Permit Kind:	Commercial Interior Remodel											
	Permit Kind:	Public Furnace/Water Heater											
	Permit Kind:	Public Repair											
	Permit Kind:	Residential Fireplace											
	Permit Kind:	Residential Furnace/Water Heater											
2016-00100	12/19/2016	9170 JACKSON AVE		0		80.00		2.00					82.00
	Permit Kind:	Residential Remodel											
	Permit Kind:	Residential Repair											
Permit Type: Mechanical - Totals													
	Period		1	0		80.00		2.00					82.00
	YTD		20	0	5,400.00	1,124.00	65.00	25.50					1,214.50
Permit Type: Plumbing													
	Permit Kind:	Commercial Furnace/Water Heater											
	Permit Kind:	Commercial Interior Remodel											
	Permit Kind:	Commercial Remodel											
	Permit Kind:	Commercial Sewer/Water Connection											
	Permit Kind:	Public Demolition											
	Permit Kind:	Public Furnace/Water Heater											
2016-00101	12/21/2016	9501 DUNLAP AVE		0		40.00		1.00					41.00
	Permit Kind:	Public Repair											
	Permit Kind:	Residential Furnace/Water Heater											
2016-00104	12/27/2016	3851 OAK LN		0		40.00		1.00					41.00
	Permit Kind:	Residential New Construction											
2016-00095	12/05/2016	9321 RYAN PL		0		150.00		1.00					151.00

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
Permit Type: Plumbing													
Permit Kind: Residential Remodel													
Permit Kind: Residential Repair													
2016-00096	12/05/2016	3836 EDGEWOOD RD	0	0		40.00		1.00					41.00
Permit Kind: Residential Sewer/Water Connection													
Permit Type: Plumbing - Totals													
	Period		4	0									
	YTD		15	0	15,476.00	270.00	128.38	4.00					274.00
						1,240.00		13.44					1,839.82
Permit Type: Zoning													
Permit Kind: Commercial Sign - Permanent													
Permit Kind: Residential Accessory Building													
Permit Kind: Residential Driveway													
Permit Kind: Residential Fence/Wall < 6 FT													
Permit Kind: Residential Fence/Wall over 6 feet													
Permit Kind: Residential Roofing													
Permit Kind: Residential Sign - Permanent													
Permit Type: Zoning - Totals													
	Period		0										
	YTD		16	0		893.00		2.00					895.00
Report Total													
	Period		11	0	\$26,500.00	1,334.08	296.52	22.25					1,652.85
	YTD		94	0	\$714,712.85	15,086.96	5,917.21	390.41		2	4,970.00		27,680.58

**Minutes
PUBLIC HEARING
&
REGULAR PLANNING COMMISSION MEETING
December 13, 2016 - 7:00 P.M.
9180 Lexington Avenue, Lexington, MN**

1. CALL TO ORDER

- A. Roll Call: Chairperson Olsson, Commissioners Bautch, O'Neil, Thorson and Vanderbloomer

Chairperson Olsson called to order the Public Hearing on December 13, 2016 at 7:00 p.m. Commissioners Present: John Bautch, John O'Neill, Ron Thorson, and Mark Vanderbloomer. Also present: John Hughes, Councilmember and Bill Petracek, City Administrator.

2. PUBLIC HEARING –

- Ordinance Amendments to 11.60 Performance Standards
- Amendments to Chapters 11 and 16 to Create Farmers Market Zoning Definition and Business License

Chairperson Olsson explained that the public hearing is being held to solicit citizen input to on ordinance amendments to 11.60 Performance Standards and amendments to chapters 11 and 16 to create farmers market zoning definition and business license.

No citizens were present to address the Planning & Zoning Commission

3. ADJOURNMENT PUBLIC HEARING

Olsson made a motion to adjourn at 7:05 p.m. The motion was seconded by Thorson. Motion carried 5-0.

REGULAR PLANNING COMMISSION MEETING

4. CALL TO ORDER

- B. Roll Call: Chairperson Olsson, Commissioners Bautch, O'Neil, Thorson and Vanderbloomer

Chairperson Olsson called to order the Regular Planning Commission meeting on December 13, 2016 at 7:05 p.m. Commissioners Present: John Bautch, John O'Neill, Ron Thorson, and Mark Vanderbloomer. Also present: John Hughes, Councilmember and Bill Petracek, City Administrator.

5. CITIZENS FORUM

No citizens were present to address the Planning Commission

6. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

A motion was made by Olsson to approve the agenda as typewritten. The motion was seconded by Bautch. Motion carried 5-0.

7. LETTERS AND COMMUNICATION

8. Building Permits for

- October 2016
- November 2016

Some discussion on October and November building permits.

9. APPROVAL OF PLANNING COMMISSION MINUTES

A. October 18, 2016

A motion was made by Bautch to approve the October 18, 2016 Planning Commission minutes as typewritten. The motion was seconded by O'Neill. Motion carried 5-0.

10. DISCUSSION/ACTION ITEM:

- A. Recommendation to City Council to approve Ordinance Amendments to
11.60 Performance Standards

A motion was made by Olsson to recommend to the City Council to approve ordinance amendments to 11.60 Performance Standards. The motion was seconded by Vanderbloomer. Motion carried 5-0.

- B. Recommendation to City Council to approve Amendments to Chapters 11
and 16 to Create Farmers Market Zoning Definition and Business License

A motion was made by O'Neill to recommend to the City Council to approve amendments to Chapters 11 and 16 to create farmer's market zoning definition and business license. The motion was seconded by Thorson. Motion carried 4-0. 1- Abstain – Vanderbloomer.

- C. Section 11.34 Dimensional Requirements

Olsson stated since the city attorney wasn't present for the discussion, he recommended tabling the discussion on Section 11.34 – Dimensional Requirements. Petrcek also recommended having Ron Wasmund at the next meeting. He felt that Wasmund's expertise would be important to the discussion. Petrcek added that he would check on Wasmund's availability for the January meeting. Discussion ensued.

Olsson made a motion to table the discussion on Section 11.34 – Dimensional Requirements. The motion was seconded by Vanderbloomer. Motion carried 5-0.

11. NOTE COUNCIL MINUTES:

- A. October 6, 2016
- B. October 20, 2016
- C. November 3, 2016
- D. November 14, 2016
- E. November 17, 2016

Some discussion was had by the Planning Commission on the City Council minutes.

12. PLANNING COMMISSION INPUT

Olsson asked Commission members if they wanted to maintain the same meeting schedule for 2017. Discussion ensued. The consensus was to maintain the current meeting schedule.

Olsson brought up 9270 Dunlap Ave address: He stated it is vacated and wanted to make sure the utilities were shut-off. Petracek stated he would look into it.

Thorson brought up 8864 Hamline Ave. address: He stated that the garage and house are falling down.

Thorson also brought up a flickering street light at Hamline Ave and South Service Drive on the corner.

13. ADJOURNMENT

Ollson made a motion to adjourn at 7:47 p.m. The motion was seconded by Bautch. Motion carried 5-0.

SECTION 11.34. DIMENSIONAL REQUIREMENTS.

SCHEDULE OF ZONING DISTRICT REGULATIONS FOR AREA, BULK, PLACEMENT AND LAND USE INTENSITY

	Minimum Lot Area in Square Feet	Minimum Lot Width in Feet (e)	Minimum Lot Depth in Feet	Maximum Lot Coverage (All structures & paved surfaces)	Minimum Front Yard in Feet (i)	Minimum Rear Yard in Feet (b) (i)	Minimum Side Yard in Feet (c)(f)	Maximum Height Principal Structure	Maximum Height Accessory Structure
B-1(a)	N.L.	N.L.	100	80%	35	30	15	2 stories	1 story
B-2	15,000	50	100	80%	25	40	10	2 stories	1 story
B-3 (a)(d)	N.L.	N.L.	300	80%	None	None	None	2 stories	1 story
B-4	15,000	50	100	80%	25	25	10	1 story	1 story
B-5	15,000	50	150	75%	25	25	20	3 stories	1 story
R-1	11,250	75	150	40%	35	20	5	3 stories or 40'	1 story
R-2(j)	10,000/sf 12,000/dup	75/sf 80/dup	130	45%	30	20 (h)	5	3 stories or 40'	1 story
R-3 (a)(g)	3,500/du or 12,000 (whichever is greater)	N.L.	80	60%	25	30	10	3 stories or 40'	1 story
R-4 (a)(g)	3,000/du or 12,000 (whichever is greater)	N.L.	N.L.	70%	25		25	4 stories or 45'	1 story
R-5 (a)(g)	3,500/du	35	100	45%	25	10	15/5 (f)	1 story	1 story
M-1 (a)	N.L.	N.L.	100	80%	35	30	15/5 (f)	45' (k)	1 story
M-2 (a)(g)	3,500/du or 12,000 (whichever is greater)	N.L.	N.L.	75%	25	25 (h)	15/5 (f)	40'	1 story

**Unapproved minutes
CITY OF LEXINGTON
PUBLIC HEARING – TRUTH IN TAXATION 7:00 PM
&
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
DECEMBER 1, 2016 - Immediately Following Public Hearing
9180 LEXINGTON AVENUE**

1. CALL TO ORDER: - Mayor Kurth

A. Roll Call - Council Members: DeVries, Hughes, Payment, Harris

Mayor Kurth called to order the Truth in Taxation Public Hearing for December 2, 2016 at 7:00 p.m. Councilmember's present: Devries, Hughes, and Payment. Excused Absence: Harris

Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Mike Murphy, Councilmember Elect; Mike McManus; Bamboo Betty's Owner; Don Sanders, Citizen.

2. PUBLIC HEARING: TRUTH IN TAXATION

No one was present to address the Council about the 2017 tax levy and budget.

3. ADJOURN PUBLIC HEARING

A motion was made by Councilmember Devries to adjourn the Truth in Taxation Public Hearing at 7:02 p.m. The motion was seconded by Councilmember Payment. Motion carried 4-0.

1. CALL TO ORDER: – Mayor Kurth

A. Roll Call - Council Members: DeVries, Hughes, Payment, Harris

Mayor Kurth called to order the Regular City Council meeting for December 2, 2016 at 7:00 p.m. Councilmember's present: Devries, Hughes, and Payment. Excused Absence: Harris

Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Chris Galiov, Finance Director; Mike Murphy, Councilmember Elect; Mike McManus; Bamboo Betty's Owner; Don Sanders, Citizen.

2. CITIZENS FORUM

Don Robert Sanders, 9501 Hamline Ave., Lexington, MN. was present to address the City Council about the standing water he has in his backyard and how he has asked the City of Lexington to address this problem over the years and has had no response. He states that he is being harassed by his neighbors and the building inspector about property maintenance issues, and because of the water in his backyard, he has no place to park his vehicles. He complained that his backyard was supposedly a holding pond for the City storm sewer system, and all of the

water from his neighbors, following rainstorms, collects in his back yard. As a result, he has to park all of his vehicles in his front yard. Discussion ensued.

Mayor Kurth explained to him that the previous owner's did have a storm water holding pond in their backyard, but they filled it in, and they were not supposed to. Discussion ensued.

Mr. Sanders stated that the City of Lexington gave him permission to fill-in his backyard. Petracek questioned the City authorizing him to fill-in a storm water retention pond. Discussion ensued.

Mayor Kurth asked that if the city administrator sets-up a meeting with the city engineer to inspect your back yard and advise you on some of the issues, would he be willing to clean-up his property? Mr. Sanders replied that he would. Petracek stated he would try to set up a meeting with the city engineer the following week sometime.

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

A motion was made by Councilmember Devries to approve the agenda as typewritten. The motion was seconded by Councilmember Payment. Motion carried 4-0.

4. INFORMATIONAL REPORTS:

- A. Airport (Councilmember Harris) – *No report.*
- B. Cable Commission (Councilmember Payment) – *Councilmember Payment stated the last meeting was cancelled. No report given.*
- C. City Administrator (Bill Petracek) – *Petracek asked Attorney Glaser to provide an update on the lawsuit between Parkview vs. City of Lexington. Glaser updated the Council on the lawsuit.*

Petracek also informed the Council of more issues dealing with the negotiations for the sale of the Lovell Building surrounding the tax credits issued by the Minnesota Housing Finance Agency (MHFA). He recommended, again, sending a copy of another draft letter provided to the Council explaining the City's position on the tax credits. Discussion ensued.

A motion was made by Councilmember Hughes to authorize the Mayor to sign the letter to MHFA, and send it to the appropriate officials. The motion was seconded by Councilmember Devries. Motion carried 5-0.

5. LETTERS AND COMMUNICATIONS:

- A. North Metro Telecommunications Commission/North Metro TV Services
- B. Council Workshop meeting minutes – November 17, 2016
- C. Centennial Lakes Police Department – Media Report:
 - 11-3-16 through 11-10-2016
 - 11-11-16 through 11-16-2016

No discussion on letters and communications.

6. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – November 14, 2016
Council Meeting – November 17, 2016
- B. Recommendation to Approve Claims and Bills:
Check #'s 13458 through 13468
Check #'s 41404 through 41445
Check #'s 11155 through 11176

A motion was made by Councilmember Payment to approve the consent agenda items. The motion was seconded by Councilmember Devries. Motion carried 4-0.

7. ACTION ITEMS:

- A. Recommendation to Approve Resolution NO. 16-26 A Resolution
Approving Bids For Firefighter Helmets

A motion was made by Councilmember Payment to approve Resolution No. 16-26 – A Resolution approving bids for firefighter helmets. The motion was seconded by Councilmember Devries. Motion carried 4-0.

- B. Recommendation to Approve Resolution NO. 16-27 A Resolution Certifying
2016 Tax Levy Collectable in 2017

A motion was made by Councilmember Payment to approve Resolution No. 16-27 – A Resolution certifying 2016 tax levy collectable in 2017. The motion was seconded by Councilmember Hughes. Motion carried 4-0.

- C. Recommendation to Approve Resolution NO. 16-28 A Resolution Adopting
Final 2017 Operating Budget For The City of Lexington

A motion was made by Councilmember Payment to approve Resolution No. 16-28 – A Resolution adopting the final 2017 operating budget for the City of Lexington. The motion was seconded by Councilmember Devries. Motion carried 4-0.

- D. Recommendation to approve Lexington Liquor License Application pending
approval by Minnesota Alcohol and Gambling Enforcement Division (a successful
background check has been completed by Centennial Lakes Police Department)

- Mike McManus – Bamboo Bettys

A motion was made by Councilmember Devries to approve the Lexington liquor license application pending approval by the Minnesota Alcohol and Gambling Enforcement Division for the new owner of Bamboo Betty's – Mike McManus. The motion was seconded by Councilmember Payment. Motion carried 4-0.

8. MAYOR AND COUNCIL INPUT

Councilmember Payment provided update on Santa Claus in Lexington

9. ADJOURNMENT

*A motion was made by Councilmember Devries to adjourn the meeting at 7:43 p.m.
The motion was seconded by Councilmember Hughes. Motion carried 4-0.*

**Unapproved minutes
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
DECEMBER 15, 2016– 7:00 P.M.
9180 LEXINGTON AVENUE**

1. CALL TO ORDER: – Vice Mayor Payment

- A. Roll Call - Council Members: DeVries, Harris, Hughes and Payment

Vice Mayor Payment called to order the Regular City Council meeting for December 15, 2016 at 7:00 p.m. Councilmember's present: Devries, Harris, and Hughes. Excused Absence: Mayor Kurth. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Quad Press Reporter.

2. CITIZENS FORUM

No citizens were present to address the council

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

A motion was made by Councilmember Devries to approve the agenda as typewritten. The motion was seconded by Councilmember Harris. Motion carried 4-0

4. LETTERS AND COMMUNICATIONS:

- A. Centennial Lakes Police Department Media Report 11-24 through 11-30, 2016
- B. Centennial Lakes Police Department Media Report 12-1 through 12-7, 2016
- C. 2017 Schedule of Meetings and Meeting Calendar
- D. Anoka County Parks & Community Services – December 2016 Connection
- E. CenterPoint Energy – PUC approves New Natural Gas Distribution Rates

No discussion on Letters and Communications

5. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – December 1, 2016
- B. Recommendation to Approve Claims and Bills:
Check #'s 13469 through 13472
Check #'s 41446 through 41506
Check #'s 11177 through 11199
Check #'s 11200 through 11215

A motion was made by Councilmember Harris to approve the consent agenda items. The motion was seconded by Councilmember Hughes. Motion carried 4-0.

6. ACTION ITEMS:

- A. Centennial Lakes Little League – 2017 Memorial Park Field Use Request

A motion was made by Councilmember Devries to approve Centennial Lakes Little League – 2017 Memorial Park Field Use Request. The motion was seconded by Councilmember Harris. Motion carried 4-0.

B. Early Lease Termination request – H&R Block

A motion was made by Councilmember Harris to approve the early lease termination request from H & R Block. The motion was seconded by Councilmember Hughes. Motion carried 4-0.

C. Recommendation to approve Well house Improvements Change Order #2
in the amount of \$1306.00

A motion was made by Councilmember Devries to approve the Well House Improvements change order #2 in the amount of \$1,306.00. The motion was seconded by Councilmember Harris. Motion carried 4-0.

D. Discuss Mayor Kurth's decision to appeal the potentially dangerous dog designation by the Centennial Lakes Police Department

Petracek explained that the Mayor's dog has been designated a potentially dangerous dog by the police department and is appealing the designation by CLPD. He added that a hearing with the Council would be scheduled for the first January meeting. Attorney Glaser recommended that the Council turn the appeals hearing over to a hearings officer to maintain transparency. Glaser added that he has a person in mind who is an attorney that has conducted these types of hearings previously. He added that if Mayor Kurth doesn't like the decision of the hearings officer, he would still have the ability to appeal his decision to the Council. Discussion ensued.

Councilmember Payment agreed that turning it over to a hearings officer is the right thing to do to maintain transparency. Discussion ensued.

A motion was made by Councilmember Payment to allow the city attorney to appoint a hearings officer to conduct Mayor Kurth's appeal process. The motion was seconded by Councilmember Harris. Motion carried 4-0.

7. MAYOR AND COUNCIL INPUT

Some input from the Council.

8. ADMINISTRATOR INPUT

Petracek explained that the settlement conference with Parkview on December 12th was cancelled. Attorney Glaser provided an update on the next process for the lawsuit. Discussion ensued.

9. ADJOURNMENT

A motion was made by Councilmember Hughes to adjourn the meeting at 7:16 p.m. The motion was seconded by Councilmember Devries. Motion carried 4-0.

ORDINANCE 520 – ZONING ORDINANCE

Section 520.10: OFF STREET PARKING

City of St. Joseph's

Subd. 1: Intent. The off-street parking regulations of this Section are intended to provide accessible, attractive, secure and well-maintained off-street parking and loading areas with the appropriate number of spaces in proportion to the needs of the proposed use, increase public safety by reducing congestion of public streets, The intent of this section of the zoning ordinance is to establish general standards for off-street parking. The regulations provided herein shall apply equally to all districts except where special provisions provide otherwise.

Subd. 2: Scope of Parking and Loading Requirements.

- a) In all zoning districts, off-street parking facilities for the storage of motor vehicles for the use of occupants, employees and patrons of the buildings or structures hereafter erected, altered or extended after the effective date of this Ordinance shall be provided and maintained as herein prescribed.

Subd. 3: General Parking Provisions.

- a) Loading space shall not be construed as supplying off-street parking space. Minimum parking dimensions shall meet the requirements of this Ordinance.
- b) When units or measurements used in determining the number of required parking spaces result in requirement of a fractional space, that fractional space shall be rounded up to the next highest whole number.
- c) Whenever a use requiring off-street parking is increased in floor area, and such use is located in a building existing on or before the effective date of this Ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
- d) For the purpose of this section, "Floor Area," in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, less ten (10) percent.
- e) Off-street parking facilities for dwelling shall be provided and located on the same lot or parcel of land as the building they are intended to serve.
- f) When off-street parking is required, it shall be designated for that purpose and the individual parking stalls appropriately striped.
- g) Where a use is not specifically mentioned, off-street parking requirements shall be

ORDINANCE 520 – ZONING ORDINANCE

the same as for similar use.

- h) In the B1, B2 and B3 zoning districts on land which contains existing buildings, nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses provided, collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table, and Subdivision 4 below, said buildings or uses are within 350 feet of the parking area.
- i) To accommodate redevelopment and/or expansion of existing structures or uses within the B-1 and B-2 zoning districts, the City Council may allow alternative parking arrangements such as a parking stall lease agreement or the presence of public parking. Alternately, the Applicant may provide a parking study completed by a qualified professional demonstrating the proposed use is adequately served by existing parking.
- j) Nothing in this section shall prevent the extension of, or an addition to, a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area.
- k) No curb cut access shall be located less than twenty (20) feet from the intersection of two (2) or more street right-of-ways for residential uses, and thirty (30) feet for commercial and industrial areas. This distance shall be measured from the intersection of lot lines.
- l) Curb cut openings, driveways, and parking pads shall be a minimum of six (6) feet from the side property line, except that on corner lots shall have a side yard setback of fifteen (15') feet from the property line on the intersecting street and in compliance with Subd. 3 k.
- m) All properties shall be entitled to at least one (1) curb cut. Single-family uses shall be limited to one (1) curb cut access per property measuring no more than 24 feet in width, along with three foot concrete aprons on each side for a total of 30 feet.
- n) Driveways in residential areas which abut a hard surface roadway must be constructed of a hard surface consisting of concrete, bituminous, or paver stone designed to drain and dispose of surface water. Recycled bituminous or concrete shall be prohibited except as permitted in an industrial area by special use permit.

Subd. 4: Required Off-Street Parking. The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified previously, shall be determined in accordance with the following, and the space so required and shall be irrevocably reserved for such use, except these requirements shall not apply to uses in existing buildings within the Central Business District of St. Joseph. The amount of required

ORDINANCE 520 – ZONING ORDINANCE

off-street parking in the Central Business District for existing or new uses and improvements to existing buildings which do not increase the area used for commercial or residential/rental use shall be determined by the Planning Commission with approval by the City Council prior to the issuance of a building permit. The amount of parking space required shall be based on the anticipated demand for parking and loading space, the length of visits generated by the particular business, and the availability of other parking spaces in the Central Business District. The Central Business District shall be located within the boundaries of the official zoning map of the City of St. Joseph.

- a) Single family, two family, and townhome non-rental residential units. Two (2) spaces per unit.
- b) Boarding house, rooming house, bed and breakfast, multiple family dwellings and rental residential dwellings. One and one-half (1 1/2) spaces for each single-bedroom dwelling, two and one-half (2 1/2) spaces for each two-bedroom dwelling, four (4) spaces for each three-bedroom dwelling, and an additional 1.25 spaces for each additional bedroom within the dwelling. Any bedroom larger than 140 square feet shall be considered as two bedrooms for the purpose of determining the total number of bedrooms within a dwelling. Fractional numbers shall be rounded up to the next highest whole number.
- c) Motels, hotels. One (1) space per each rental unit and one (1) space for each employee on any shift.
- d) Church, theater, auditorium, community center or similar places of assembly. At least one (1) parking space for each four (4) seats based on the design capacity of the main assembly hall.
- e) Hospitals. Two (2) spaces per each bed.
- f) Medical, chiropractic, dental clinics. Six (6) spaces per doctor/dentist.
- g) Nursing Home, Long Term Care Facilities, Assisted Living Centers, Rest Homes and Retirement Homes. One (1) space for each six (6) beds and one (1) for each employee on the largest shift.
- h) Elderly (senior citizen) housing. One (1) space per unit.
- i) Fast Food restaurant and convenience food. At least one (1) parking space for each fifty (50) square feet of gross floor area, plus one (1) space per employee, plus six (6) off-street stacking spaces per drive-through lane.
- j) Office buildings and professional offices, other than medical, chiropractic, or dental clinics. One (1) space for each two hundred fifty (250) square feet of floor area.
- k) Bowling alley. At least five (5) parking spaces for each lane.

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- l) Automotive Service Station. At least three (3) parking spaces for each service stall, plus one (1) space per each attendant of the largest shift.
- m) Restaurants and cafes. At least one (1) space for each four (4) seats plus one (1) space per two (2) employees.
- n) Private clubs serving food and/or drinks, bars, taverns, nightclubs. At least one (1) space for each one hundred (100) square feet of gross floor area, plus one (1) space per employee on the largest shift.
- o) Funeral home and Mortuary establishments. At least twenty (20) parking spaces for each chapel or parlor, plus one (1) parking space for each funeral vehicle maintained on the premises.
- p) Manufacturing, fabricating or processing of a product or material. Three (3) spaces per 1,000 square feet of gross floor area, plus one (1) space per 300 square feet of floor area of office.
- q) Car wash. (In addition to required stacking space.)
 - 1. Automatic drive through, serviced. Ten (10) spaces per bay for stacking purposes plus one (1) space for each employee on the maximum shift.
 - 2. Self-service. Three (3) spaces per bay for stacking purposes, plus a minimum of two (2) additional spaces.
- r) Convenience/Gas Store. One (1) space per 250 square feet of net floor area.
- s) Retail Business. One (1) space per two hundred and fifty feet (250) of net floor area.
- t) Shopping Center. Five (5) spaces per 1,000 square feet of net floor area.
- u) Day Care/Nursery School. One per six (6) children plus one space per employee on largest shift.
- v) Warehousing, Wholesale & Distribution. One (1) space per 1,000 square feet of gross floor area, plus one (1) space per 300 square feet of gross floor area of office.
- w) Mixed Uses. In the cases of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this Section. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use except that the governing body may consider the joint use of a parking area (other than residential) where it is known that because of a time element, the parking facilities

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will not be needed by more than one of the uses thereof at one time.

x) Other Structures or Uses. For any and all uses or structures not specifically provided for in the foregoing, such parking spaces as the governing body shall determine to be necessary, considering all the parking generating factors involved.

y) Parking Study. The City Council may approve a “proof-of-parking” plan which allows for a portion of the required parking, and demonstrates that the minimum number of required parking spaces can be accommodated on the property and meet setback requirements. The plan must demonstrate that all other applicable ordinances can be met if the full amount of required parking were to be constructed. The area for future parking must be maintained as green space (sodded with grass or natural plant materials). Any changes to use and/or building size could invalidate the approval for “Demonstrated Parking”. Demonstrated parking may reserve the right to require installation of the additional parking spaces.

Subd. 5: Parking Lot Standards. In all districts where off-street parking lots are permitted or required such off-street parking shall be constructed and maintained subject to the following regulations:

- a) These standards shall not be applicable to parking provided for single family or two family residences, public parks or other publicly owned property. Parking lot standards for industrial uses may be subject to variance or modification by the conditional use permit for the specific industrial use. In considering a request for variance or modification, the City shall consider the location of the property, size of the parking area, use of the parking area, adjacent property uses and the impact on the general well being of the community. Alternative surfaces which may be permitted in an industrial area are limited to Class 2 crushed granite which conforms to the requirements of MN/DOT specification 3138 with visual evidence of further consolidation.
- b) Parking lots existing on or before January 1, 1996, do not have to be brought into compliance with these standards until such time as any of the following events occur. (a) a new structure is constructed on the property served by the parking lot; (b) an addition is constructed to any existing structure located on the property served by the parking lot; (c) A change in use of the property served by the parking lot occurs which results in a remodeling of the structure requiring the issuance of a building permit.
- c) Adequate ingress and egress shall be provided.
- d) Such parking lots shall be constructed and maintained in a useable condition, with a hard surface consisting of concrete, bituminous, pavement or paver stone designed to drain and dispose of surface water. Recycled bituminous or concrete shall be prohibited except as permitted in an industrial area by special use permit or variance.

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- e) Whenever such parking lot boundary adjoins property zoned for residential use, a setback of fifteen (15) feet from said lot line shall be required, and maintained.
- f) Necessary curbs or other protection against damages to adjoining properties, streets and sidewalks shall be provided and maintained. Concrete curbs to MnDOT Design B612 specifications shall be used for all automobile stops and for all drive and parking areas.
- g) For the purpose of promoting redevelopment of property, parcels within the Central Business District may be exempted from perimeter curbing requirements provided:
 - 1. The City Engineer finds the area is reasonably serviced by area storm water structures/facilities.
 - 2. The development application illustrates that:
 - i. Reasonable visual separation from adjoining properties, streets, and sidewalks is provided and maintained through the employment of alternate treatments such as landscaping or striping; or,
 - ii. The site is subject to a unified design/development that contains joint parking or public parking facilities.
- h) No sign shall be so located as to restrict the sight, orderly operation and traffic movement within any parking area. Only signs necessary for the orderly operation of traffic movement or parking regulation shall be permitted in any parking area (e.g. visitor parking, deliveries, handicap parking). Such signs shall not be considered part of the permitted advertising space and shall be subject to signage regulations.
- i) All parking lots shall be screened and landscaped from abutting residential uses or districts by a wall, fence or densely-planted compact hedge or tree cover not less than four (4) feet.
- j) Except in the case of single-family, two-family, and townhouse developments, parking areas shall be designed so that circulation between parking aisles or driveways occurs within the designated parking lot and does not depend upon a public street or alley and such design does not require backing onto the public street.
- k) Except in the cases of single-family, two-family and townhouse developments, a parking space shall be at least nine feet wide by twenty feet long (9'x 20'). In areas where the parking space may accommodate for the overhang of the front or rear bumper, such as the perimeter of the parking lot, the parking space may be a minimum of nine feet by 18 feet (9'x 18').
- l) Drainage and Surfacing. Driveways shall not exceed a grade of six (6) percent and all parking lots except those for less than four (4) vehicles shall be graded

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according to a drainage plan which has been approved by the City Engineer.
Catch basins, sumps and underground storm sewers may be required.

- m) Striping. All lots for five (5) or more vehicles shall have the organization of spaces painted on the surface according to the plan approved by the City.
- n) Circulation. Lots shall be so designed that internal circulation shall be available without utilizing the public street.
- o) Maintenance. It shall be the responsibility of the lessee and/or owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking area, striping, landscaping and screening.
- p) Lighting. All lighting used to illuminate an off-street parking area shall be shaded or diffused so as to reflect the light away from the adjoining property and away from abutting traffic flow.

Subd. 6: Parking in the E/E Educational and Ecclesiastical District.

- a) Parking intended to be used by students, guests, employees, the public, residents, and visitors within the E/E District shall be illustrated on a Master Parking Plan which is consistent with this Ordinance.
- b) The number of parking stalls required may be reduced from the requirements of this Ordinance provided a parking study by a qualified individual finds proposed parking in adequate.
- c) Areas suitable to accommodate emergency vehicles and accepted by the Fire Marshal shall be required for each structure.

Subd. 7: Parking pads for Residential Units in All Zoning Districts

- a) Any off-street parking facilities to residential uses shall feature improved surfaces as defined in this Ordinance and shall be made part of or adjacent to the existing driveway and/or located in the side yard. For the purposes of this section a driveway shall be defined as a private way for vehicles leading from a public right-of-way to an off-street parking facility.
- b) Off-street parking facilities located in the side yard as defined in this code shall be improved to provide a durable and dust-free surface consisting of concrete, asphalt, pavers or similar materials. Class 5 material is not an accepted material. Off-street parking shall not be permitted in easement areas.
- c) Existing driveways not currently improved to a durable and dust free surface are not required to be upgraded unless it is determined that the current driveway surface materials are washing into the public street causing a nuisance or a building permit application is submitted for an improvement to the property. Any

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expansion to an existing gravel driveway shall be improved to a hard surface roadway and must be constructed of a hard surface consisting of concrete, bituminous, or pavers which could be designed to drain and to dispose of surface water.

- d) In no circumstances shall the site coverage exceed the maximum impervious surface for each specific zoning district. For R1, Single Family Zoning Districts, the impervious surface shall not exceed the limits identified in section 520.30 subd. 9(b) of this code.

Subd. 8: Required Loading Berths. In connection with any structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, with a gross floor area of five thousand (5,000) square feet or more, there shall be off-street loading provided on the basis of the following:

Gross Floor Area <u>square feet</u>	Minimum required <u>loading berths</u>
5,000 to 16,000	1
16,000 to 40,000	2
40,000 to 70,000	3
70,000 to 100,000	4
each additional 40,000	1 additional

Loading space required under this Section shall be at least fifty (50) feet long and ten (10) feet wide.

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Section 520.30: R-1 SINGLE FAMILY RESIDENCE DISTRICT

Subd. 1: Intent. It is the intent of this district to provide for the orderly development of residential areas and to avoid urban sprawl within the City; permit the development of single family dwellings; to provide reasonable standards for such development; to avoid overcrowding; and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of such districts.

Subd. 2: Permitted Uses.

- a) Single family dwellings - non-rental occupancy.
- b) Parks and playgrounds.
- c) Horticulture, not to include the retail sale of products.
- d) Licensed residential group care facility with 1,300 feet between it and a similar facility and not to exceed six boarders.
- e) Licensed day-care facility serving 12 persons or less.

Subd. 3: Conditional Uses. The following uses shall require a Conditional Use Permit based on the procedures set forth in this Ordinance:

- a) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.
- b) Public or semi-public recreational buildings and community centers.
- c) Licensed day-care centers serving 13 or more persons.
- d) Licensed residential group care facilities with seven or more boarders.
- e) Public libraries.
- f) Public and private schools provided that the location and off-street parking has been reviewed and approved by the Planning Commission.
- g) Institutions of a religious eleemosynary or philanthropic nature.
- h) Nurseries and greenhouses.

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- i) Planned use residential development.
- j) Bed and breakfast.
- k) Uses which in the judgment of the Planning Commission and City Council are similar to those listed in this zoning district.

Subd. 4. Permitted Accessory Uses.

- a) Parking spaces and carports for passenger cars, trucks, recreational vehicles and equipment.
- b) Structures used for storage of domestic equipment and non-commercial recreational equipment.
- c) Swimming pools, tennis courts, detached screen porch or gazebo, provided that the maximum lot coverage requirement is not exceeded. All swimming pools must be fenced around the perimeter. The fence must meet the requirements of this Ordinance.
- d) No accessory building nor structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- e) Fences.
- f) Home occupations.
- g) Accessory building(s) and/or private garage(s), either attached or detached, subject to the general requirements of Section 520.12.
- h) A pet shelter or a structure designed and used exclusively for play by children in which it shall not be considered an accessory building.
- i) Signs as regulated within this Ordinance.

Subd. 5: Interim Uses. The following are Interim Uses allowed by permit based upon the procedures and criteria set forth in this Ordinance.

- a) Residential rental provided the unit is owner-occupied and provided the room(s) rented does not contain separate kitchen facilities and is not intended for use as an independent residence. For purposes of establishing if the property is owner occupied, the owner must be a natural person, and all owners occupy the property as their principal residence. The owners may not exceed two in number. For purpose of determining ownership, the owner/owners must provide a copy of a recorded deed or recorded contract for deed. A purchase agreement will not be accepted as evidence of ownership. In addition,

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1. The property must satisfy the parking requirements contained in this Ordinance.
 2. The rental unit(s) must:
 - A. Have a ceiling height of at least seven (7) feet;
 - B. Contain adequate ventilation and fire escapes as determined by the Building Official; and,
 - C. Meet all applicable rental codes as outlined in St. Joseph Ordinance 505 and Ordinance 505.06, Subd. 1.
- b) Residential Rental provided the property owner is relocating and the dwelling has been actively for sale on the market for at least three months. For purposes of establishing if the property is owner occupied, the owner must be a natural person, and all owner (s) occupy the property as their principal residence and have for at least two years. The owners may not exceed two in number. For purpose of determining ownership, the owner/owners must provide a copy of a recorded deed or recorded contract for deed. A purchase agreement will not be accepted as evidence of ownership.

For the purpose of determining applicability, the property owner must provide a copy of the current listing agreement, with a licensed realtor, showing the property, is currently being marketed. In addition,

1. The property must satisfy the parking requirements contained in this Ordinance.
2. The rental unit(s) must:
 - A. Have a ceiling height of at least seven (7) feet;
 - B. Contain adequate ventilation and fire escapes as determined by the Building Official; and,
 - C. Meet all applicable rental codes as outlined in St. Joseph Ordinance 505 and Ordinance 505.06, Subd. 1.
3. Conditions of the Interim Use Permit
 - A. If granted, the Interim Use Permit shall have a term of one year, which can be renewed for one additional one year. The property owner must make application for renewal and complete the rental license process as well.
 - B. Under no circumstances shall the Interim Use Permit extend beyond two years and a renewed Interim Use Permit will expire

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and the end of the two year period.

Subd. 6: Lot Area Requirements.

- a) Minimum Area: 20,000 square feet where municipal sanitary sewer and water services are not available.
- b) Minimum Area where served by municipal sewer and water: 11,000 square feet.
- c) Average width of not less than 75 feet and an average depth of not less than 125 feet.

Subd. 7: Setback Requirements.

- a) Front yard setbacks of not less than 30 feet from the property line, unless:
 - 1. 30 percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a greater or less depth of front yard in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of proposed structure or,
 - 2. If there are residences upon only one side, then beyond the straight line projected from the front of the nearest residences.
 - 3. Nothing in this regulation shall be interpreted to require a front yard of more than 50 feet.
 - 4. Where the street is curved, the line shall follow the curve of the street rather than to be a straight line.
- b) Side yard setbacks shall be ten (10) feet from the property line, except that where the side yard abuts a public right of way, the side yard setback shall be thirty (30) feet from the property line.
- c) Rear yard shall have a depth of not less than 20 percent of the depth of the lot.
- d) No part of the structure including footings, soffits, gutters or other overhangs shall encroach on easement areas.

Subd. 8: Height Requirements.

- a) No building shall exceed shall exceed 35 feet in height. Berming the building does not allow a building to be constructed higher than 35 feet. Elevation for the building shall be determined by the average grade of the land.

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Subd. 9: Site Coverage.

- a) No structure or combination of structures shall occupy more than 30% of the lot area.
- b) Impervious surfaces shall not exceed 50% of the lot area. Impervious surfaces shall include all structures, parking spaces and driveway connecting the parking space with a street or alley.

Subd. 10: Yard Cover. Every yard on a premise on which a dwelling stands shall, within 3 months of issuance of a certificate of occupancy, be provided with lawn or combined lawn cover of vegetation, gardens, hedges, shrubbery, and related decorative materials and such yards shall be maintained consistent with prevailing community standards. If a certificate of occupancy is issued between the months of November and April, the 3 month period shall begin to run on May 1st.

Subd. 11: Additional Requirements. Uses may be subject to additional requirements contained in this Ordinance including, but not limited to the sections governing parking, home occupation, floodplain, signs, etc.

Section 520.42: R-4: TOWNHOUSE/PATIO HOME RESIDENTIAL DISTRICT

Subd. 1: Intent: It is the intent of the R-4 Townhouse/Patio Home District to accommodate a variety of single-family housing types, including patio homes and single-family common wall attached housing units such as townhouses or rowhouses at low to moderate residential densities. The R-4 District is intended for those areas designated as medium and/or high density residential areas or residential planned unit developments under the Comprehensive Plan. The R-4 District shall be developed by Planned Unit Development in accordance with the provisions of this Ordinance except that the provision requiring a minimum of twenty (20) acres will not apply. For the purpose of this ordinance, the following definitions will apply:

- a) Patio home: A single-family attached or detached unit consisting of one level living area with open space setbacks on two (2) sides and the ability to have a bonus room above the garage.
- b) Bonus Room: A single room in a house that is created from constructing a garage, which can be used as a multi-purpose area, such as a family room, sewing or hobby room, game room, theater room, office, or den. A bonus room is not a separate dwelling unit or accessory apartment and cannot include kitchen facilities.
- c) Dwelling Unit: A residential accommodation including complete kitchen and bathroom facilities, which is arranged, designed, used or intended for use exclusively as living quarters for one family.
- b) Rowhouse: One of a series of essentially identical single family residential structures situated side by side and joined by common walls.
- c) Townhouse: A single-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.
- d) Twin Home: Two dwelling units each located upon separate, abutting lots; each attached side to side but not having a side yard setback from one lot line; each sharing only one common, unpierced from ground to roof wall; and separated from any other building or structure by space on all sides.

Subd. 2: Permitted Uses:

- a) Patio homes.

- b) Townhouses of not more than two stories each.
- c) Row Houses of not more than two stories each.
- d) Twin Home

Subd. 3: Conditional Uses: The following uses shall require a Conditional Use Permit based on the procedures set forth in this Ordinance.

- a) Governmental and public utility buildings and structures necessary for the health, safety, and general welfare of the community.
- b) Public or semi-public recreational buildings and community centers.
- c) Licensed day-care centers serving 13 or more persons
- d) Licensed residential group care facilities with seven or more boarders.
- e) Nursing Homes and Board and Care Homes, provided that adequate parking is provided and the site is accessible to commercial service areas.
- f) Public Libraries
- g) Public or private schools, providing, however, that the area and location of any school and off-street parking heretofore shall be subject to the approval of the Planning Commission.
- h) Churches
- i) Institutions of a religious, eleemosynary or philanthropic nature.
- j) Nurseries and greenhouses.
- k) Planned Unit Residential development
- l) Bed and Breakfast
- m) Uses which in the judgment of the Planning Commission and City Council are similar to those listed in this zoning district.
- n) Non-owner occupied rental provided the housing is elderly housing.
- o) Manufactured homes as defined by this Ordinance.
- p) Manufactured Home Parks, in accordance with this Ordinance.

Subd. 4: Permitted Accessory Uses.

- a) Private garages, parking spaces and carports for passenger cars, trucks, recreational vehicles and equipment.
- b) Home Occupations per Section 520.16.
- c) Houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment.
- d) Swimming Pools, tennis courts, and detached screen porch or gazebo, provided that the maximum lot coverage requirement is not exceeded. All swimming pools must be fenced around the perimeter. The fence must meet the requirements of this Ordinance.
- e) Fences
- f) Accessory building (s) and/or private garage (s), either attached or detached, shall be subject to the general requirements of this Ordinance, except that up to fifteen (15) percent of the total lot area may be used for accessory buildings for townhouse, group or row house development.

Subd. 5: Lot Area Requirements.

	Land Use	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth
a)	Detached Patio Home	6,000	60'	100'
b)	Townhouse, group or row houses	12,000	75'	120'
c)	Churches, chapels, temples, synagogues	22,000	100'	
d)	Public Buildings	40,000	100'	
e)	Day care facilities serving 15 or more persons and residential facilities serving more than 6 persons	9,000	75'	120'
f)	Schools	22,000	100'	120'
g)	The minimum lot area per townhouse, group or row house unit shall be four thousand square feet (4,000 sq. ft.)			
h)	The net housing density within the district is six (6) units per acre of net buildable area of the subdivision. Net buildable area shall be the total area less public street			

right-of-way, wetlands, drainage ways, water bodies and slopes greater than twelve (12) percent.

Subd. 6: Setback Requirements.

	Land Use	Front Yard setback	Interior Side Yard setback	Street Side Yard setback	Rear Yard setback
a)	Patio Home*	30'	10'	20'	20'
b)	Townhouse, group or row houses	30'	10'	25'	20'
c)	Churches, chapels, temples, synagogues	30'	20'	30'	35'
d)	Day care facilities serving 15 or more persons and residential facilities serving more than 6 persons	30'	10'	25'	35'
e)	All other uses	50'	50'	50'	50'
f)	Accessory Uses	Same as principal	Same as principal	Same as principal	10'

*Attached patio homes would be relieved from the setback requirements where attachments occur at the lot line.

Subd. 7: Building Requirements.

- a) Building Height shall not exceed two (2) stories or 35 feet as measured from the average grade.
- b) No more than 8 dwelling units shall be constructed within one structure.
- c) Each dwelling unit shall have two or more individual, separate entrances.
- d) All dwelling units shall have a minimum roof pitch of 4:12 as defined by the building code.
- e) All dwelling units shall have a frost free foundation as defined by the building code, or an engineered concrete slab with concrete above-grade exterior foundations walls.
- f) The exterior of townhouse and rowhouse dwelling units shall include a variation in building materials, which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an

architecturally balanced appearance. The preferred materials are: brick, stucco, stone, steel/vinyl/aluminum and fiber-cement siding. In addition, a minimum of 25 percent of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone. For the purpose of this section, the area of the building façade shall not include the area devoted to windows, entrance doors, garage doors or roof areas.

- g) Buildings shall be designed to prevent the appearance of straight, unbroken lines in their horizontal and vertical surface. There shall be no more than two contiguous townhouse dwelling units without a break in the horizontal and/or vertical elevations of at least thirty-two (32) inches.
 - h) Where more than one (1) principal use building is to be located upon the same site, the separation between buildings shall not be less than forty (40) feet.
 - i) Provision shall be made for possible decks, porches or additions as part of the initial dwelling unit building plans. The site plan for each dwelling unit shall be configured and sized to include decks, patios or porches.
 - j) All dwelling units shall have a minimum floor area of 676 square feet.
 - k) Provisions for shelter in the event of severe weather for each dwelling unit shall be demonstrated either in the form of the construction of a free-standing severe weather structure, a reinforced concrete safe room within each dwelling unit and/or basement/crawl space sufficient to house four (4) adults per dwelling unit.
1. The entrance to a development shall be one that abuts a collector or arterial road.

Subd. 8: Parking Provisions. All driveways and parking areas shall be hard surfaced and each dwelling unit shall be provided with a minimum of two parking spaces one of which shall be in an attached garage.

Subd. 9: Site Coverage. On lots developed for townhouse or rowhouse or attached patio home units, no structure or combination of structures shall occupy more than 50% of the lot area. On lots developed for detached patio home units, no structure or combination of structures shall occupy more than 35% of the lot area.

Subd. 10: Signs as regulated within this Ordinance.

Subd. 11: Yard Cover. Every yard on a premise on which a dwelling stands shall, within 3 months of issuance of the certificate of occupancy, be provided with lawn or combined lawn cover of vegetation, gardens, hedges, shrubbery, and related decorative materials and such yards shall be maintained consistent with prevailing community standards. Motor vehicles may not be left parked or unattended on or within a yard. Grass shall be maintained so as not to exceed a height of 6 inches.

Subd. 12: Additional Requirements. Uses may be subject to additional requirements contained in this Ordinance including, but not limited to the sections governing parking, home occupation, floodplain, signs.

Subd. 13: Common Areas. All common areas within an R-4 development, including but not limited to, open space, wetlands, greenways, drainage ponds, driveway, parking areas, play areas, etc., shall be owned and maintained by a condominium, association, cooperative or other common interest community created pursuant to Minnesota Statute, Chapter 515B and approved by the City Attorney. The agreement shall provide for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common.

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Section 520.12: GENERAL PERFORMANCE STANDARDS

The intent of this section of the zoning ordinance is to establish general development performance standards. The regulations provided herein shall apply equally to all districts except where special provisions provide otherwise.

Subd. 1: Accessory Buildings in Residential Districts.

- a) Detached accessory buildings shall be located in the rear yard.
- b) Detached accessory buildings which are greater than fifty (50) square feet, but less than one-hundred-twenty (120) square feet shall require a zoning permit. The Zoning Permit Fee shall be established and amended from time to time by resolution of the City Council.
- c) Detached accessory building greater than one-hundred-twenty (120) square feet shall require a building permit.
- d) Attached accessory buildings and structures shall comply with the setback regulations in the respective zoning district. Detached accessory buildings shall be setback a minimum of ten feet (10') from the rear and side yard lot lines, except that on corner lots shall have a side yard setback of twenty feet (20') feet from the property line on the intersecting street. Accessory buildings shall not be located over any easement.
- e) Accessory buildings shall not to exceed over one (1) story of sixteen (16) feet in height.
- f) All garages shall, if the vehicle entrance backs upon a public alley, be setback at least ten (10) feet from the public alley right-of-way.
- g) In no case shall the door of any structure, building, fence or improvement be erected or constructed so as to extend beyond any lot line.
- h) In business and manufacturing districts, accessory buildings and uses may occupy any of the ground area which the principal building is permitted to occupy. Accessory buildings such as buildings for parking attendants, guard shelters, gate houses and transformer buildings, may be located in the front or side yard in the Industrial District.
- i) Within the R-1, R-2 and R-4 districts no accessory structures, excluding decks, porches and patios but including attached garages, or any combination of accessory structures shall exceed 1,350 square feet or ten percent (10%),

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whichever is the lesser, of the total lot area. In addition, lot coverage requirements outlined within the respective districts shall be adhered to.

- j) Within the R-1, R-2, and R-4 districts no lot may have more than two (2) accessory buildings, excluding decks, porches and patios.
- k) Accessory building of less than fifty (50) square feet shall not be considered when computing the limitations of paragraph i. and j. above; but the combined area of accessory building of less than 50 square feet shall not exceed a total of 100 square feet.
- l) The same or similar exterior building materiel (such as siding, shingles, etc.) shall be used on the accessory building and the principal building.
- m) Pole barns and/or post frame construction and hoop tubular frame buildings are prohibited.

Subd. 2: Carport. A shelter for a vehicle consisting of a roof built out from the side of a building and supported by a wall, with a minimum of two open sides.

- a) The structure shall meet the Minnesota Building Code and City Ordinances for accessory buildings.
- b) Post frame construction is prohibited.
- c) Structural wall must be set on footings.
- d) The parking pad shall consist of a durable and dust free surface consisting of concrete, asphalt, paving stones, or similar material.
- e) The structure shall meet the side and rear yard setbacks for the zoning district for which the carport is located.
- f) The carport area shall be included in the maximum allowed accessory area per lot for the zoning district for which the carport is located.

Subd. 3: Fencing. See Ordinance 506.00, Fence Ordinance which applies to the construction and maintenance of all walls, fences, to include living fences.

Subd. 4: Swimming Pools, Spas, Hot Tubs

- a) The swimming pool, spa or hot tub shall meet all required setbacks for the zoning district for which they are located.
- b) The swimming pools or yard around the pool shall be enclosed by a wall, fence or combination thereof which is at least [6] feet in height with a self-closing gate

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capable of being secured with a lock so as to prevent uncontrolled access. All points of access shall be made lockable.

- c) For in-ground pools, required fencing shall be of durable material and shall be so designed as to discourage climbing.
- d) For above ground pools, pools sides that are vertical or slanted outward may contribute to the required fencing, provided all points of access are controlled, including the removal of all ladders or stairs when the pool is not in use.
- e) If access to the pool is via a deck or porch, then no access from the ground is permitted to the deck areas unless the property or ground access to the deck is fenced. Entrances shall be equipped with self-closing, latching and lockable gates, and be placed on the top of the gate.
- f) Temporary pools do not require safety fencing.
- g) All out door spas and hot tubs require safety covers; therefore safety fencing is not required.

Subd. 5: Screening and Landscaping.

- a) Landscape/Vegetation Covering Required. In all zoning districts the lot area remaining after providing for parking, driveways, loading, sidewalks or other requirements shall be planted and maintained in grass, sodding, shrubs or other acceptable vegetation or landscaping techniques. Prior to any turf establishment, the portion of the lot to be established with turf must have a minimum of four (4) inches of black dirt as a base.
- b) Grass and Ground Cover.
 - 1. Open Areas: All open areas of the site not occupied by building, parking, walkways, other permitted structures or storage shall be grass or approved ground cover. Ground cover shall be planted in such a manner as to present a finished appearance.
 - 2. Undisturbed Areas: Exception to this is the undisturbed areas containing natural vegetation, which can be maintained free of foreign and noxious materials.
- c) Minimum Size of Trees and Shrubs. The following minimum standards shall be required for industrial, commercial, institutional, public/semi-public, and multiple family residential uses:
 - 1. Overstory deciduous trees - 1 ½ inch diameter
 - 2. Ornamental trees - 1 ½ inch diameter
 - 3. Coniferous trees - 4 feet tall

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4. Major shrub planting – 2 gallons

- d) Performance Standards. A landscape plan must be submitted with each project and such plan must be prepared by an experienced landscape person. In order to achieve landscaping which is appropriate to scale with the site of a building and site, the minimum standards apply to all districts except A, R-1, R-2, R-4, and B-1

1. Trees: One tree for every one thousand (1,250) square feet of total building floor area or one tree for every one hundred feet (100') of site perimeter, whichever is greater. A minimum of twenty-five percent (25%) of the trees required will be coniferous.

2. Ornamental Trees: One ornamental tree can be substituted for every six-tenths (6/10) overstory deciduous shade tree. In no case shall ornamental trees exceed fifty percent (50%) of the required number of trees.

3. Understory Shrubs: One understory shrub for every four hundred fifty (450) square feet of building or one shrub for every seventy five feet (75') of site perimeter, whichever is greater.

4. R-1, R-2, R-4, and R-5 Districts: Minimum standards set above apply to R-1, R-2, R-4 and R-5 Districts in these instances:

- A. Double frontage lots.
- B. Anything other than a single-family home.

- e) Credit for Large Trees. The total number of required overstory trees may be reduced by one-half (1/2) tree for each new deciduous trees measuring four and one-half inches (4 1/2") or more in diameter or each new coniferous tree measuring eighteen feet (18') or more in height. In no event, however, shall the reduction be greater than twenty five percent (25%) of the total number of trees required.

- f) Credit for Existing Trees. The total number of required new overstory trees may be reduced by the retention of existing overstory trees; provided, that the following conditions are met:

1. Size and Species: Such trees fulfill the minimum requirements of this Ordinance as to condition, size and species. City staff shall decide the amount of the credit for such exiting trees based upon their condition, location and distribution in the lot.

2. Protection during Development. Proper precautions to protect trees during development shall be indicated on grading plans submitted for plan review. These precautions shall be included in the landscape surety.

- g) Maintenance. The property owner shall be responsible for replacement of any dead trees, shrubs, ground covers and sodding.

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- h) Methods of Installation. All deciduous and coniferous trees shall be planted in accordance with American Nursery and Landscape Association standards.
- i) Landscaping/Planting in Easements. Plantings such as trees and bushes may be placed in and utility easements at the risk of the property owner, provided they are approved through the process identified in St. Joseph Ordinance No. 302, and they do not change or interfere with the drainage. The city does not encourage extensive plantings or landscaping in the easement area because of potential drainage problems and the possibility of utility work in the easements. The city or utility service providers shall not be required to replace plantings or landscaping removed or damaged during work within the easement area.
- j) Double Fronted Lots. Double fronted residential buildings and lots adjacent to collector or arterial streets shall be screened. A fifteen-foot (15') area for landscaping shall be provided. Screening shall be accomplished by a combination of earth berming and planting. Other requirements may be imposed on a case-by-case basis. The required screening must be placed within the fifteen-foot (15') buffer area and designed by an experienced landscape person.
- k) Light Encroachment. The light from automobile headlights and other sources shall be screened whenever it may be directed onto adjacent residential windows.
- l) Buffer Requirements. Where a business development and/or parking lot exceeding five (5) spaces abuts upon a Residential District or use there shall be a protective strip of not less than 15 feet in width established as a buffer zone. Landscaped buffer must contain a fence or evergreen hedge.
- m) Multi-Family Developments (R-3 and PUD). When adjacent to a lower density residential use, all multifamily developments shall provide a landscaped area within the minimum setback area. The landscaped area shall provide plantings within the setback as a buffer between structures and the lower density residential property line.
- n) Planting Screens. A planting screen shall consist of healthy, fully hardy plant materials and shall be designed to provide a minimum year-round opaqueness of eighty percent (80%) at the time of maturity. The plant material shall be of sufficient height to achieve the required screening.
- o) Screening Fence or Wall. A fence or wall may be used for screening when plant materials are provided along the outside of the fence or wall for aesthetic appeal. A screening fence, different from residential yard fence or wall shall be constructed of attractive, permanent finished materials, compatible with those used in the construction of the principal structure. Such screens shall provide a minimum year-round opaqueness of eighty percent (80%) and be of sufficient height to achieve screening but not to exceed six feet (6') in height, except that in business and industrial districts may be allowed up to eight feet (8').

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- p) Earth Berms. An earth berm may be allowed for screening when used in combination with plantings following a review by city staff and approval by the Planning Commission. A height minimum of twenty five percent (25%) of the required screen must be provided with trees or shrubs or other acceptable plant materials. Earth berms shall be of sufficient height to achieve screening but shall not exceed three to one (3:1) slope.
- q) Waste Handling Screening. For industrial, commercial, institutional, public/semi-public, and multiple family residential uses, excluding townhome developments, all waste, recycling and related handling equipment shall be stored and kept in a four sided enclosure constructed of a brick, stone, decorative concrete material or a material compatible with the material of the principle structure.

Subd. 6: Building and Lot Restrictions.

- a) No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
- b) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.
- c) No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
- d) The minimum yards and other open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of passage of this Ordinance or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building.
- e) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building on one lot unless provided in this Ordinance.
- f) On a through street, a lot fronting on two parallel streets, or a corner lot, both street lines shall be front lot lines for applying yard, setback and parking requirements, except that for the purpose of determining the location of the rear yard, the following rules apply:
 - 1. For a corner lot, the rear yard shall be that portion of the yard opposite the yard frontage as defined by this Ordinance;
 - 2. For a through lot, the rear yard shall be that portion of a lot opposite the street from which the principal structure derives its address.

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3. Any use generally permitted within the rear yard of a lot may be permitted in the rear yard of a through lot or corner lot so long as the use meets all setback requirements, assuming that the front yard setback applies to all streets abutting the property.
- g) Manufactured homes as defined in this Ordinance shall be limited to locations provided in the district provisions.
- h) Any dwelling constructed in an area zoned R-1, on a lot of a plat approved by the City on or after July 15, 1991, shall include an attached or detached private garage of at least 20 feet in width and 22 feet in depth. For purposes of this ordinance, width shall be measured on the side of the garage having an overhead garage door for motor vehicle access.
- i) Residential lots shall have no more than a single curb cut providing access to the lot. The curb cut shall not be more than 30 feet in width.
- j) No galvanized or unfinished steel, galvalum or unfinished aluminum buildings (walls or roofs) (except those specifically intended to have a corrosive designed finish such as corten steel) shall be permitted in any zoning district except in association with farming operations.
- k) Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the public health, safety and general welfare.
- l) Residential dwellings in the R-1, R-2 and R-3 Districts, except those within approved manufactured home subdivisions:
 1. Shall have a minimum roof pitch of 4:12, and each roof shall be shingled or feature approved materials.
 2. Shall maintain a minimum width of twenty-two (22) feet throughout a minimum of seventy percent (70%) of the structure.
 3. Shall be placed on permanent foundations of wood or concrete.

Subd. 7: Height and Yard Exceptions.

- a) Chimneys, cooling towers, elevator bulk heads, fire towers, drive-in movie theater screens, grain elevators, silos, penthouses, stacks, tanks, water towers, pumping towers, radio or television towers, monuments, cupolas, steeples and mechanical appurtenances pertaining to and necessary to the permitted use of the district in which they are located, shall not be included in calculating the height of the principal structure. Wind energy towers and solar collectors will be allowed by the variance procedure provided under this Ordinance.

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- b) Outside stairways, fire escapes, fire towers, porches, platforms, decks, balconies, boiler flues and other similar projections shall be considered as part of the building and not allowed as part of the required space for yards, courts or unoccupied space, provided, however, that this provision shall not apply to one (1) fireplace or one (1) chimney, not more than eight (8) feet in length and projecting not more than thirty (30) inches into the allowable side yard space nor cornices not exceeding sixteen (16) inches in width nor to platforms, terraces or steps below the first floor level, nor to unenclosed porches or other ground level unenclosed projections not over one (1) story in height which may extend into a front or rear yard not more than five (5) feet, or into a side yard not more than four (4) feet, but such platform shall be restricted from the five (5) foot required side yard in the residence district.

Subd. 8: Independent Sewage Treatment System Provisions.

- a) Once available, all sewage and water facilities shall be connected to the Municipal sewer and water facilities within ninety (90) days of when said services become available. Where sewers are not constructed or in operation all sewage facilities shall be connected to approved septic tanks and disposal fields. This provision shall not apply to temporary construction sites, or portable units.
- b) Where access to a public sanitary sewer is not available hereunder, the building sewer shall be connected to an independent sewage treatment system complying with rules and regulations contained herein; as prescribed by the Minnesota Pollution Control Agency; and, as contained in all other local, state, or federal mandates.
- c) Rules and regulations applicable to independent sewage treatment systems contained within Minnesota Rules are hereby incorporated.
- d) The building owner/lessee shall be required to operate and maintain the Independent sewage treatment system in a sanitary manner, at all times, without City expense.
- e) Existing ISTS which are failing shall be required to be upgraded, replaced, or repaired in compliance with provisions herein contained and as set forth in Minnesota Rules, as applicable, within 180 days.
- f) All ISTS design, installation, alteration, repair, maintenance, pumping, and inspection activities shall be completed under a license or by a qualified employee, or as exempted under part 7080.0700, subpart 1 (Minnesota Rules).
- g) At such time as a public sewer becomes available to a property served by an independent sewage treatment system, and a direct connection is made to the public sewer and any septic tanks, cesspools, leaching pits, dry wells, seepage pits, privies, and similar private sewage disposal facilities shall be abandoned in

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compliance with Minnesota Rules, Chapter 7080.0176.

- h) No statement contained herein shall be construed to interfere with any additional requirements that may be imposed by the City or other authority.
- i) Permit Requirement. Prior to commencement of the construction or the alteration or repair of an independent sewage treatment system, an applicant must obtain a written permit from the City. The permit application shall include:
 - 1. Site evaluation report by a licensed septic system designer including items identified in MN Rules Chapter 7080, and including a certified statement from the entity that conducted the evaluation.
 - 2. A design report and drawings created by a licensed septic system designer including calculations and summaries for all system component sizing.
 - 3. Additional information as requested and provided for within this Ordinance.
- j) The City shall not issue a zoning permit for a bedroom or bathroom addition, or a system replacement on a property served by an ISTS unless the individual sewage treatment system is in compliance with applicable requirements hereunder as evidenced by a certificate of compliance.
- k) A permit for an ISTS shall not become effective until installation has been completed as certified by the City. The City shall be allowed to inspect the work at any stage of construction with or without notification. The applicant shall notify the building inspector when the ISTS is ready for final inspection, and before any underground portions are covered.
- l) Recordkeeping.
 - 1. The City shall maintain copies of certificates of compliance, notices of noncompliance, permit applications, issued permits, enforcement proceedings, variance requests, and other actions taken. Said records shall be available for review as defined in MN Rules 7080.
 - 2. The City shall submit an annual report to the commissioner to demonstrate enforcement of this Chapter, provided application has been made thereto.

Subd. 9: Lighting Standards. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, where from floodlights or from high temperature processes such as combustion to welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on

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a public street shall not exceed one (1) foot candle (meter reading) as measured from the center line of said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 foot candles (meter reading) as measured from said property.

Subd. 10: Pollution. All uses shall comply with all federal, state and local pollution and nuisance laws and regulations, including, but not limited to, glare, smoke, dust, odors and noise. The burden of proof for compliance of appropriate performance standards shall lie with the applicant.

Subd. 11: Dwelling Unit Restrictions.

- a) No cellar, basement, garage, tent or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently.
- b) Basements may be used as living quarters or rooms as a portion of residential dwellings. Rental unit(s) in basements shall be subject to provisions of the appropriate zoning district as well as the provisions of Ordinance #550 governing rentals.
- c) Tents, play houses or similar structures may be used for play or recreational purposes, but shall not be independent residences or dwelling units, except as provided for via license in licensed recreational camping areas.
- d) No dwelling shall hereafter be erected or altered unless there is direct access to it from a public street.

Subd. 12: Outdoor Storage and Refuse.

a) Outside storage. Residential Uses.

- 1. All outside storage of materials and equipment for residential uses (excluding farms) shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following:
 - A. Clothes line pole and wire.
 - B. Any combination of two or fewer licensed and operable recreational vehicles (RV's, boats, snowmobiles on a trailer, etc.) and/or seasonal automobiles may be parked or stored on property outside a home, provided:
 - i. If they are stored in the front yard they are stored entirely on an established driveway, entirely on the owner's property.
 - ii. If stored in the side yard they are at least five feet from the property line.

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- iii. If stored in the rear yard they are at least ten feet from the rear lot line and five feet from a side lot line.
 - iv. If stored on a corner lot they are not closer than twenty feet from the property line abutting a side street.
 - v. Storage and/or parking of commercial vehicles and/or equipment, or any combination thereof, is prohibited. This section will not apply to light trucks classified as ½ ton and ¾ ton pickups, panels and sedans.
- C. Construction and landscaping material currently being used on the premises.
 - D. On and off street parking of currently registered and operable passenger vehicles and trucks.
 - E. Lawn furniture or furniture used and constructed explicitly for outdoor use.
 - F. Rear or side yard exterior storage of firewood for the purpose of consumption only by the person(s) on whose property it is stored.
- b) Commercial/Industrial Uses. Except as allowed by district use provisions, outside storage of equipment, materials and inventory as a principal or accessory use for commercial and industrial uses shall require a conditional use permit subject to the provisions of this Ordinance and all non-residential outside storage shall conform to the following conditions:
- 1. The area occupied is not within a required front or required side yard.
 - 2. The storage area is totally fenced, fully screened, and landscaped according to a plan approved by the Zoning Administrator.
 - 3. If abutting a Residential District, or a residential use, screening and landscaping is provided according to a plan approved by the Zoning Administrator.
 - 4. The storage area is covered to control dust and storm water drainage with bituminous surfacing, concrete or a comparable substitute approved by the City.
 - 5. All lighting shall be directed away from the public right-of-way and from neighboring residences.
- c) Refuse. All lots within all zoning districts shall be maintained in a neat and

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orderly manner. No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open, when the same is construed by the City Council to be a menace or nuisance to the public health, safety, or general welfare of the City, or to have a depressing influence upon property values in the area.

- d) Waste Materials. Waste materials are to be picked up and disposed of in accordance with any and all city standards applicable to refuse/waste materials. Excluded waste materials must be disposed of in a safe and appropriate manner in accordance with local, state, and federal law. Release of excluded waste materials to public or independent sewage treatment systems, the environment, or the solid waste stream is strictly prohibited. The Disposal Service shall, upon collection, immediately assume title to and liability for solid waste materials, recyclables, and demolition debris.

Subd. 13: General Building and Performance Standards:

- a) **Residential Dwellings:** All residential dwellings shall meet the following design criteria:
1. All structures shall have permanent type foundations that are designed and constructed in accordance with all applicable provisions of the State Building Code as adopted in the State of Minnesota.
 2. The exterior wall finish of all single family residences shall be similar in appearance to normal wood, stucco, stone veneer or masonry material. Vinyl and metal siding is permitted with no exposed fasteners and overlapping in sections not wider than 12 inches. Sheet metal siding is not permitted.
 3. All roofs shall be covered with materials as approved by the State Building Code as adopted by the State of Minnesota and shall be similar in appearance to asphalt shingles, wood shakes, slate, and concrete tile. Sheet type metal roofing is an approved alternative provided all of the following are met:
 - A. A metal material which is an approved type in accordance with the State Building Code.
 - B. Be standing-seam profiled metal.
 - C. Constructed of corrosion resistant material or have a corrosion resistant coating.
 - D. Have concealed fasteners.

Subd. 14 Development/Site Plan Review. All site and building plans for multiple family residential, commercial, industrial, institutional or public/semi-public uses shall require review

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and approval by the Zoning Administrator. Plans shall be prepared by a qualified and licensed civil engineer and architect.

- a) Applications and Submittal Requirements: Applications for site and building review shall be filed with the Zoning Administrator and shall be accompanied by the appropriate fee and the following submittal information:
 1. Proof of title and contract/purchase agreement and property owner signature on the application form when applicable.
 2. Four (4) large scale copies, twelve (12) reduced (11"x17") copies of detailed written materials, plans and specifications and one electronic copy.
 3. Site Plan depicting the following:
 - A. Name of project or development.
 - B. Name and address of developer and/or owner and engineer/architect.
 - C. Scale (engineering only) at not less than one (1) inch equals one hundred feet.
 - D. North point indication.
 - E. Existing boundaries with lot dimension and lot area.
 - F. Existing buildings, structures and improvements.
 - G. Easements of record.
 - H. Delineated wetland boundary, to include the OHWL of any lakes or DNR waters.
 - I. All encroachments.
 - J. Legal description.
 - K. Location, setback and dimensions of all proposed buildings and structures.
 - L. Location of all adjacent buildings and structures within one hundred (100) feet of the exterior boundaries of the subject property.
 - M. Location, number, dimensions of all proposed parking stalls, loading areas, fire lane, drive aisles, with curbing shown.

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- N. Location, width and setbacks of all proposed street accesses and driveways and existing accesses within 100 feet of the property.
 - O. Location, width and setbacks of all proposed sidewalks, walkways and trails.
 - P. Location and type of all proposed lighting, including fixture details.
 - Q. Provisions for storage and disposal of waste, garbage and recyclables, including details for enclosing and screening exterior containers.
 - R. Calculations for impervious/pervious surfaces.
4. Architectural Plans showing the following.
- A. Date of plan preparation and dates of any subsequent revision.
 - B. Architectural elevations, in color, of all principal and accessory buildings (type, and materials used in all exterior surfaces).
 - C. Typical floor plan and room plan drawn to scale with a summary of square footage by use or activity.
5. Grading Plan depicting the following:
- A. Existing contours at two (2) foot intervals.
 - B. Proposed grade elevations at two (2) foot maximum intervals.
 - C. Drainage plan, including the configuration of drainage areas and calculations.
 - D. Spot elevations.
 - E. Surface water ponding and treatment areas.
 - F. Erosion control measures.
 - G. Wetland replacement plan (when applicable).
 - H. Soil borings.
 - I. Drainage calculations for 2, 10, and 100 year storm events.
 - J. Delineated wetland boundary, to include OHWL of any lakes or DNR waters.
 - K. Date of plan preparation and dates of any subsequent revisions.
6. Screening of heating, ventilation and air-conditioning equipment.
7. Landscaping material including the location, type of plant and size.
8. Utility Plan showing the following:
- A. Location of hydrants, valves and manholes, if any.

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- B. Location, sizing, and type of water and sewer system main and proposed service connections, hydrants, valves, and manholes; or,
 - C. Location and size of proposed primary and secondary on-site treatment systems, when allowed.
 - D. Storm sewer, catch basins, invert elevation, type of castings and type of materials.
9. A description of provisions which shall be made on the site for adequate open space and recreational areas to properly serve residents of the facility.
10. Any other fencing, screening, or building accessories to be located in the development area.
- b) Design Standards: Plans which fail to meet the following criteria shall not be approved.
- 1. The proposed development application must be consistent with the St. Joseph Comprehensive Plan, city policies and plans, including:
 - A. Land Use Plan
 - B. Utility (Sewer and Water) Plans
 - C. Local Water Management Plan
 - D. Capital Improvement Plan
 - E. Transportation Plan
 - 2. The proposed development application conforms to this Ordinance and other applicable City Codes.
 - 3. The proposed development shall be served with adequate and safe water supply.
 - 4. The proposed development shall be served with an adequate and safe sanitary sewer systems.
- c) Review and Required Fee.
- 1. The Zoning Administrator shall forward copies of application and site and building plans to the appropriate staff, consultants and governmental agencies for review and recommendation. The Community Development Department shall perform a review and approve or deny the application. The Community Development Department may also suggest conditions as they deem necessary to the approval of the site and building plans.
 - 2. The applicant may appeals any denial or decision by the Department to the Planning Commission and City Council according to the appeals process in this Ordinance.

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3. The Community Development Department shall provide to the Planning Commission and City Council reports summarizing submitted site and building plan applications and outcomes regarding approval or denials as they occur.
4. Fees payable under this section for site plan review shall be in an amount as established by resolution of the City Council. Preparation and review of all elements of the required development plan, as listed and described above, is to be at the sole expense of the developer and at no expense to the public. The fee is payable at the time of filing a petition and is not refundable. In addition to the above fees and in the event the City incurs professional fees, either legal, engineering or professional planners, or any other cost, including but not limited to, postage and publication expenses, the applicants shall reimburse the City for those fees, and the City officials may require an escrow deposit, cashier's check or letter of credit for these fees prior to the final action on the application for development plan review. Such escrow or letter of credit shall be in the form approved by the City Attorney.

Subd. 15: Additional Requirements. Uses may be subject to additional requirements contained in this Ordinance including, but not limited to the sections governing parking, home occupation, floodplain, signs, etc.

- a) A Lock Box shall be installed on all buildings before a Certificate of Occupancy will be issued.
- b) A copy of proposed covenants and/or homeowner's association agreement (s).
- c) When required, evidence of completion of National Pollutant Discharge Elimination System (NPDES) permitting program and/or the City of St. Joseph Storm Water Pollution Prevention Program (SWPPP).
- d) If applicable, evidence of compliance with federal, state and local pollution and nuisance laws and regulations, including, but not limited to glare, smoke, dust, odors and noise. The burden of proof for compliance with appropriate standards shall lie with the applicant.

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Section 520.34: R-2 TWO FAMILY RESIDENCE DISTRICT

Subd. 1: Intent. It is the intent of this district to provide for the orderly development of residential areas and to avoid urban sprawl within the City; permit the development of single and two family dwellings; to provide reasonable standards for such development; to avoid overcrowding; and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of such districts.

Subd. 2: Permitted Uses.

- a) Single family dwellings, owner occupied as defined in this Ordinance.
- b) Two family dwellings, owner occupied. For the purpose of determining if the property is owner occupied, the owner must be a natural person, and all the owners must occupy the property as their principal residence.
- c) Parks and playgrounds.
- d) Horticulture, not to include the retail sale of products.
- e) Licensed residential group care facility with 1,300 feet between it and a similar facility and not to exceed six (6) boarders.
- f) Licensed day-care facility serving 12 persons or less.

Subd. 3: Conditional Uses. The following uses shall require a Conditional Use Permit based on the procedures set forth in this Ordinance.

- a) Governmental and public utility buildings and structures necessary for the health, safety, and general welfare of the community.
- b) Public or semi-public recreational buildings and community centers.
- c) Licensed day-care centers serving 13 or more persons.
- d) Licensed residential group care facilities with seven or more boarders.
- e) Nursing Homes and Board and Care Homes, provided that adequate parking is provided and the site is accessible to commercial service areas.
- f) Public libraries.

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- g) Public or private schools, providing, however, that the area and location of any school and off-street parking heretofore shall be subject to the approval of the Planning Commission.
- h) Churches.
- i) Institutions of a religious, eleemosynary or philanthropic nature.
- j) Nurseries and greenhouses.
- k) Planned unit residential development.
- l) Bed and breakfast.
- m) Uses which in the judgment of the Planning Commission and City Council are similar to those listed in this zoning district.
- n) Non-owner occupied rental to a Family as defined by this Ordinance.
- o) Manufactured homes as defined by this Ordinance.
- p) Manufactured Home Parks, in accordance with this Ordinance.

Subd. 4: Permitted Accessory Uses.

- a) Private garages, parking spaces and carports for passenger cars, trucks, recreational vehicles and equipment.
- b) Home Occupations.
- c) Houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment.
- d) Swimming pools, tennis courts, and detached screen porch or gazebo, provided that the maximum lot coverage requirement is not exceeded. All swimming pools must be fenced around the perimeter. The fence must meet the requirements of this Ordinance.
- e) Fences.
- f) Accessory building(s) and/or private garage(s), either attached or detached, subject to the general requirements of this Ordinance.
- g) Signs as regulated in this Ordinance.

Subd. 5: Lot Area Requirements.

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- a) Minimum area for Two Family Dwelling Unit not served by municipal sewer and water: 24,000 square feet.
- b) Minimum Area for Two Family Dwelling Unit served by municipal sewer and water: 10,000 square feet.
- c) Average width of not less than 75 feet and an average depth of not less than 125 feet.

Subd. 6: Setback Requirements.

- a) Front yard setbacks of not less than 30 feet from property line, unless:
 - 1. 30 percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a greater or less depth of front yard in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of proposed structure; or
 - 2. If there are residences upon only one side, then beyond the straight line projected from the front of the nearest residences.
 - 3. Nothing in this regulation shall be interpreted to require a front yard of more than 50 feet.
 - 4. Where the street is curved, the line shall follow the curve of the street rather than to be a straight line.
- b) Side yard setbacks shall be ten (10) feet, except that where the side yard abuts a public right of way, the side yard setback shall be thirty (30) feet from the property line.
- c) Rear yard shall have a depth of not less than 20 percent of the depth of the lot.
- d) No part of the structure including footings, soffits, gutters or other overhangs shall encroach on easement areas.

Subd. 7: Height Requirements. No building shall exceed 2 stories or shall it exceed 35 feet in height. Berming the building does not allow a building to be constructed higher than 35 feet. Elevation for the building shall be determined by the average grade of the land.

Subd. 8: Site Coverage.

- a) No structure or combination of structures shall occupy more than 30% of the lot area.

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- b) Impervious surfaces shall not exceed 50% of the lot area. Impervious surfaces shall include all structures, parking spaces and driveway connecting the parking space with a street or alley.

Subd. 9: Yard Cover. Every yard on a premise on which a dwelling stands shall, within 3 months of issuance of a certificate of occupancy, be provided with lawn or combined lawn cover of vegetation, gardens, hedges, shrubbery, and related decorative materials and such yards shall be maintained consistent with prevailing community standards. Motor vehicles may not be left parked or unattended on or within a yard. Grass shall be maintained so not to exceed a height of 6 inches.

Subd. 10. Additional Requirements. Uses may be subject to additional requirements contained in this Ordinance including, but not limited to the sections governing parking, home occupation, floodplain, signs, etc.

City of Circle Pines

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)

(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'
District		Minimum First Floor (sq.ft.)	Minimum Total Fl. Area/unit (sq.ft.)	Maximum Building 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.

Empire Township

ORDINANCE NO. 410-GG

**AN ORDINANCE AMENDING ORDINANCE NO. 410
THE EMPIRE TOWNSHIP ZONING ORDINANCE**

The Board of Supervisors of Empire Township Ordains as Follows:

SECTION I. Subsection f.3. of Section 7.4.2 Agricultural Preservation District Permitted Uses and Structures of the Empire Township Zoning Ordinance is amended in its entirety to read:

3. One driveway is permitted for each non-farm residential parcel. Driveways shall be setback a minimum of 50 feet from a side yard property line on Township roads, unless a shared driveway on a common lot line with another residence has been approved by the Township. Driveway separation from intersections and existing driveways on County or State Highways are intended to be a minimum of 300 feet, but are determined by the affected jurisdiction. Driveway permits are required by the affected jurisdiction on all roads. Driveways shall be a minimum of 12 feet in width and a maximum of 24 feet in width at the right of way line. Culverts are required for all driveways and the specific standards are determined by the affected jurisdiction.

SECTION II. Section 7.6.4 Mixed Residential District of the Empire Township Zoning Ordinance is amended by adding the following to subsection c. Performance Standards:

15. Driveways. A maximum of one driveway is permitted on each single family detached dwelling lot. Driveways shall be surfaced with bituminous, concrete, or brick. Driveways shall be a minimum of 12 feet in width and a maximum of 24 feet in width at the right of way line. Driveways shall be setback a minimum of 5 feet from the side yard property line or the width of a side yard drainage and utility easement, whichever is greater. Driveway locations, dimensions, and standards for single family attached dwellings shall be determined on a case by case basis in the subdivision review process. Driveway permits are required by the Township for all driveways.

SECTION III. Ordinance No. 410-GG was adopted on December 9, 2008 and shall become effective upon publication in the official newspaper.

ATTEST:

Terry L. Holmes, Chair

Kathleen B. Krippner, Clerk-Treasurer

Published in the Farmington Independent _____, 2008.

- J. Identification of any wetland or floodplain encroachments and detailed mitigation plans.
- K. The Township may request additional information necessary to process the building permit application. The Township may also waive information not deemed necessary to process the building permit application.
- L. The applicant shall furnish the Township with ten (10) sets of plans for review and referral.

4.08 Street Access Required

All permitted buildings and structures shall be located on property with direct access to a public road, unless as otherwise specifically permitted in this Ordinance. Driveway or right-of-way access permits are required by the Township, Dakota County, or State of Minnesota, depending on the jurisdictional ownership of the roadway. Access locations shall be consistent with the access spacing guidelines of the roadway jurisdiction.

4.09 Relocated Structures

No existing building or structure shall be moved or relocated within or into the Township without approval by the Township and without a permit. Upon consideration of the findings and recommendations by the Building Official, the Planning Commission shall not approve the relocation of any building or structure without certifying the following:

- A. The building or structure is compatible in appearance and character with other buildings and structures on the same property.
- B. The building or structure is compatible in appearance and character with other buildings and structures on surrounding properties.
- C. The building or structure can meet all current building code requirements.
- D. The placement of the building or structure is consistent with all other requirements of this Ordinance.

4.10 Single Family Dwellings

- A. All single family dwellings shall meet the following standards:
 - 1. Minimum structure width and depth of 24 feet.
 - 2. Minimum 4/12 pitch roof.
 - 3. Permanent frost-free footings.
- B. The use and occupancy of a tent, recreational vehicle, unfinished dwelling, or other temporary dwelling for the purpose of living quarters or residency is prohibited.

4.11 Home Occupations

- A. Home occupations shall be conducted solely by persons residing in the residence.
- B. All business activity shall take place within authorized structures and shall be clearly incidental to the principal residential use of the property.
- C. There shall be no alteration to the exterior of the residential dwelling, accessory building or yard that in any way alters the residential character of the premises.

- H. Subdivision Development Fencing. Fencing that is approved as a part of a subdivision development may be exempt from some of the dimensional requirements of this section, subject to recommendation of the Planning Commission and approval by the Town Board.

4.14 Nonconforming Uses and Structures

- A. A nonconforming use or structure existing at the time of the adoption of this Ordinance, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless (1) the nonconforming use is discontinued for a period of more than one year; or (2) unless the nonconforming use or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged.
- B. The Township may consider the temporary expansion of a nonconforming use through the Interim Use Permit process, provided reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety are included within the permit and a date to eliminate the use or eliminate all nonconformities is included in the permit.

4.15 Height Exceptions

Height regulations set forth in other sections of this Ordinance may be increased for certain accessory uses as follows:

- A. Chimneys, flagpoles, church towers, radio antennae, and television antennae: 50 percent in excess of the maximum height allowed in the Zoning District.
- B. Power poles: one hundred ten (110) feet.
- C. Wireless telecommunication towers and wind energy conversion systems: less than two hundred (200) feet.
- D. Public emergency 800 MHz radio tower: not exceeding 325 feet.

4.16 Structure Setback Provisions

- A. Principal and accessory structure setback dimensions are measured from property lines to the outer edge of the structure footing or foundation. In the absence of permanent footings or foundations, the setback shall be measured from the outer wall of a building or closest part of a structure to the property line. Unless otherwise specified in this Ordinance all structures shall meet the setback requirements established for principal structures. No structure with permanent footings or foundations, including any overhangs or fixed protrusions, shall be located within any public easement area.
- B. The yard area abutting public right-of-way shall be considered the front yard. Corner lots shall have front yards abutting both public rights-of-way.
- C. On corner lots, both yard areas opposite the public rights-of-way shall be considered side yards.
- D. In any instance where a lot abuts parallel public rights-of-way, the front yard shall be the area abutting the public right-of-way where access is gained. The opposite yard area shall be considered the rear yard.
- E. The following are exceptions to structure setback requirements:

- b. The quarter-quarter section from which a residential building right is to be transferred from must become encumbered with a recorded conservation easement or other acceptable deed restriction that indicates the eligible residential building right has been used.
- c. The quarter-quarter section into which a residential building right is to be transferred must contain a buildable area, must have public road access or other Township approved access, and must be used on a parcel meeting all other dimensional standards and performance standards required in this Ordinance.
- d. Clustering is permitted on contiguous quarter-quarter sections owned by different parties, provided the requirements of this subsection are met.

F. AG District Dimensional Standards

- 1. Minimum Lot Area: 2.0 acres
 - Single Family Residence 2.0 acres
 - CUP Uses 5.0 acres
- 2. Minimum Lot width: 220 feet
- 3. Minimum Lot depth: 220 feet
- 4. Front yard/street structure setback:
 - State Highway 130 feet from centerline
 - County Highway 110 feet from centerline
 - Township Road 80 feet from centerline
- 5. Side yard structure setbacks: 10 feet
- 6. Rear yard structure setbacks: 30 feet
- 7. Maximum structure height: 35 feet
 - Agricultural uses 120 feet
 - Electric utility poles 110 feet
 - Telecommunication towers <200 feet
 - Wind Energy Conversion Systems <200 feet
 - Business & institutional uses 50 feet
 - Residential uses 35 feet
- 8. Maximum lot coverage: 25%

5.06 MXR – Mixed Residential District

A. Purpose and Scope

In addition to the general purposes stated in Section 2, the MXR District is intended to allow a density of three dwelling units per acre (3 DUA) and a mix of single-family detached and single family attached residential dwellings, where public utilities are available. Total density is calculated by multiplying net site acres, excluding existing roadways, wetlands,

surface waters and floodplain areas, by three. The mix of detached and attached housing units is intended to reflect a minimum sixty percent (60%) detached dwelling to a maximum forty percent (40%) attached dwelling ratio in any given residential subdivision. Lot areas, development densities, and ratios of housing types may be modified through Planned Unit Development procedures.

B. Permitted Uses

1. Single-family detached and attached dwellings.
2. Customary residential accessory uses and structures.
3. Parks.
4. A state licensed residential facility or a housing with services establishment registered to serve six (6) or fewer persons, except those as provided for under Minnesota Statute 462.357, subdivision 7.
5. A state licensed day care facility serving twelve (12) or fewer persons or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
6. Essential services.

C. Conditional Uses

1. Churches
2. Schools
3. Open space design subdivisions

D. Interim Uses

1. Expansion of legal nonconforming accessory structures on parcels greater than one (1) acre in size, not to exceed twenty-five percent (25%) of the existing structure.

E. Conventional Single Family Detached Residential Developments

1. A development consisting only of single-family detached homes may be platted as a conventional subdivision, subject to the applicable dimensional standards for detached dwellings and the platting requirements of the Empire Township Subdivision Ordinance.
2. Family Accessory Housing Quarters.
 - a. Intent. It is the intent of this provision to allow consideration for the inclusion of an accessory housing quarter located within a single family detached dwelling. Such family accessory housing quarters are specifically intended to be used by parents, siblings, adult children and other family members with special age-related, physical, or mental disabilities or needs. Such provisions are not to be misconstrued as single family attached housing units or to be used as separate rental units.
 - b. Standards. Family accessory housing quarters will only be considered at the time of initial single family home construction through the site plan review and approval process by the Planning Commission. All family accessory housing quarters shall meet the following minimum standards:

- (1) Family accessory housing quarters shall be incorporated into the design and appearance of the primary residence and shall not detract from the design or the scale of the prominent housing styles in the immediate neighborhood.
- (2) Family accessory housing quarters shall be allowed a single attached garage stall with individual access into the accessory living quarters. The accessory garage shall be attached to the primary garage or shall be designed in a manner that does not accentuate or highlight any prominence of a family accessory housing quarter or diminish the design integrity of the primary residence. No exterior access door to a family accessory housing quarter shall be visible from the street on the front elevation of the primary residence.
- (3) The maximum size of family accessory housing quarters, excluding the accessory garage, shall not exceed twenty-five percent of the finished primary residence square footage.
- (4) Family accessory housing quarters shall be limited to first floor or at-grade occupancy.
- (5) Family accessory housing quarters shall not have independent HVAC systems or individually metered public and private utility services.
- (6) Family accessory housing quarters may include separate bathroom facilities, living quarters, sleeping quarters, and kitchenette.
- (7) Family accessory housing quarters shall not be separated from the primary dwelling by fire-rated walls or similar separations required in attached residential housing.
- (8) Family accessory housing quarters shall not be internally separated from the primary dwelling by deadbolts intended to prevent access from either living quarter to the other.
- (9) Family accessory housing quarters shall share the same postal address as the primary residence.
- (10) Family accessory housing quarters shall not be inconsistent with any other Township ordinance provisions or regulations.
- (11) Family accessory housing quarters shall not cause nor result in perpetual on-street parking from any occupants of the primary and accessory dwelling. Perpetual shall mean on-street parking for more than seven consecutive days or more than ten days in any calendar month.
- (12) No home with a family accessory housing quarter shall be located within two lots on the same side of the street or within five lots of the opposite side of the street containing a single family dwelling with a family accessory housing quarter (Draft note: this could result in an accessory quarter located every six homes, staggered across the street, on the same street – or less than 15% of the total lots).
- (13) No home with a family accessory housing quarter shall be located on a lot less than 15,000 square feet, unless the lot is included in a Planned Unit Development and the lot is specifically approved for such use.

F. Mixed Residential Developments

1. Required Review. Mixed residential developments are processed and reviewed as Planned Unit Developments.

2. Performance Standards. A mixed residential development must comply with the following standards:

- a. Housing unit mix: A ratio of a minimum of sixty percent (60%) detached housing units to a maximum of forty percent (40%) attached housing units shall be maintained in each individual subdivision, unless modified and approved during Planned Unit Development review by the Township.
- b. Maximum density: Three (3) units per acre overall average within the MXR development, unless modified according to PUD provisions outlined in (7.6.5) below. The maximum density for attached residences within a portion of the development area shall be six (6) units per acre, unless modified and approved during Planned Unit Development review by the Township.
- c. Minimum lot area/lot width:

	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
<u>Structure Type</u>		
Detached	15,000 sq. ft.	100 feet
Duplex	7,500 sq. ft. per unit	75 feet per unit
Attached	6,000 sq. ft. per unit	No established
Church/School – no minimum	of private or common site area	minimum lot width

3. Minimum structure separation:

<u>Structure Type</u>	<u>Minimum Structure Separation</u>
Detached	20 feet
Duplex	20 feet
Attached/Church School	30 feet or height of building, whichever is greater

4. Maximum site coverage (maximum impervious surface):

<u>Structure Type</u>	<u>Maximum Site Coverage*</u>
Detached	25%; 30% with additional drainage features
Duplex	25%; 30% with additional drainage features
Attached/Church School	50% (includes private and common ownership areas)

* additional drainage features include rain gardens and other infiltration techniques considered on a case by case basis by the Township Engineer

5. Maximum height: 35 feet
6. Roadway setbacks: apply to all lot frontages (corner lots have double setback standards)

<u>Road Type</u>	<u>Minimum Setback – All Structures</u>
Arterial	150 feet from centerline or 50 feet from right-of-way, whichever is greater
Collector	50 feet from right-of-way
Local	40 feet from right-of-way
Private	30 feet from curb

7. Side yard setbacks: (corner lots have two front yards and the two yards opposite the street frontages are considered side yards)

<u>Structure Type</u>	<u>Minimum Side Yard Setback-All Structures</u>
Detached	10 feet
Duplex	10 feet
Attached	20 feet or the height of the building, whichever is greater

8. Rear yard setback:

Principal structures (including attached decks/enclosures)	30 feet
Detached accessory structures/pools	10 feet

9. Garage parking: 2 stalls/unit

10. Surface parking: 2 stalls/unit

11. Additional parking: Attached residential structures which do not directly abut public streets with permitted on-street parking shall be required to designate common or guest parking areas equal to one stall per two units, in addition to the garage and surface parking requirements. A modification of the total parking requirements may be made in instances where the surface parking areas are not in tandem with required garage parking.

12. Private Streets. Whenever it does not contradict the provisions of this Ordinance as it relates to an adopted transportation plan or the protection of opportunities for reasonable development of surrounding land adjacent to a development proposed in the application, streets which are intended to be kept continuously closed to public travel or are at all times posted as private streets may be retained as private streets and so reflected upon the final plat made a part of the permit; provided an agreement is entered into between the owner of said private streets and the community assuring that the construction, operation and maintenance of said streets will be executed in accordance with the approved PUD.

13. Accessory Buildings (Garages).

- a. Accessory buildings within single family attached and duplex residential properties shall be reviewed according to the process utilized for consideration of a preliminary plat or PUD.