

CITY OF SCANDIA

ORDINANCE NO. 122

**AN ORDINANCE ADOPTING A NEW CHAPTER 1 (ADMINISTRATION)
AND A NEW CHAPTER 2 (ZONING REGULATIONS) OF THE
DEVELOPMENT CODE OF THE CITY OF SCANDIA**

The City Council of the City of Scandia hereby ordains as follows:

Section 1. Repeal. Chapters 1 and 2 of the New Scandia Development Code, as adopted by Ordinance No. 74 on January 8, 2002 and as subsequently amended are hereby repealed in their entirety.

Section 2. Amendment. A new Chapter 1 (Administration) and a new Chapter 2 (Zoning Regulations) are hereby adopted and added to the Development Code of the City of Scandia as hereinafter stated:

CITY OF SCANDIA DEVELOPMENT CODE

The City of Scandia has adopted official controls for the purposes of regulating the physical development of land in the City. These official controls are compiled into and hereafter known as the Scandia Development Code:

Chapter One	Administration
Chapter Two	Zoning Regulations
Chapter Three	Subdivision Regulations
Chapter Four	Mining and Related Activities Regulations
Chapter Five	Shoreland Management Regulations
Chapter Six	Floodplain Management Regulations

The City of Scandia also herein adopts the following chapters of the Washington County Development Code, with exceptions as may be noted in Chapters One through Six of the Scandia Development Code. These Chapters, as they may be amended from time to time by Washington County, shall remain in effect unless and until they are replaced with new regulations adopted by the City of Scandia:

Subsurface Sewage Treatment System Regulations (Washington County Development Code Chapter Four)

Lower St. Croix River Bluffland and Shoreland Management Regulations (Washington County Development Code Chapter Five)

CHAPTER ONE ADMINISTRATION

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SECTION 1.0 TITLE AND APPLICATION

- 1.1 Title. This Chapter shall be known, cited and referred to as Chapter One of the Scandia Development Code except as referred to herein, where it shall be known as “this Chapter.”
- 1.2 Purpose and Intent. This Chapter of the Scandia Development Code is adopted for the following purposes:
- (1) To implement the Scandia Comprehensive Plan.
 - (2) To protect the public health, safety and general welfare of the community.
 - (3) To provide rules and procedures for the administration of the Development Code
 - (4) To provide for amendments
 - (5) To define the powers and duties of the city staff, the Zoning Board of Adjustment and Appeals, the Planning Commission and the City Council in relation to the Development Code;
 - (6) To protect areas needed for future public use from further development through Official Maps.
 - (7) To prescribe penalties for the violation of the provisions of the Development code.
- 1.3 Relationship to the Comprehensive Plan. It is the policy of the City of Scandia that the enforcement, amendment, and administration of the Scandia Development Code be accomplished consistent with the recommendations contained in the City Comprehensive Plan, as developed and amended by the Planning Commission and City Council of the City. The Council recognizes the City Comprehensive Plan as the official policy for the regulation of land use and development in accordance with the policies and purpose herein set forth. In accordance with Minnesota Statutes Chapter 273, the City will not approve any rezoning or other change in these regulations that are inconsistent with the Comprehensive Plan.
- 1.4 Conformity with this Chapter
- (1) No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this Chapter.
 - (2) Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Chapter.
 - (3) Except as herein provided, no land subdivision shall be permitted that creates nonconformities.
- 1.5 Application.
- (1) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements necessary to accomplish the general and specific purposes of the

Development Code.

- (2) Where the conditions imposed by any provisions of this Chapter are either more or less restrictive than comparable conditions imposed by other law, ordinance, rule, or regulation of the city, state, or federal government, the law, ordinance, rule, or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.

1.6 Authority. This Chapter is enacted pursuant to the authority granted under the Municipal Land Planning Act, Minnesota Statutes, Section 462.351 to 462.363.

1.7 Separability. It is hereby declared to be the intention of the City that the several provisions of this Chapter are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

SECTION 2.0 ENFORCEMENT AND PENALTIES

- 2.1 Enforcement. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Chapter, the Zoning Administrator, in addition to other remedies, may institute any proper criminal action or proceedings in the name of the City of Scandia, and hereby shall have the powers of a police officer to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain or correct such violations, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises.
- 2.2 Penalties. Any person who violates a provision of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined or penalized not more than the maximum levels established by the State of Minnesota for misdemeanor offenses. Each act of violation and every day on which a violation occurs or continues is a separate violation.

SECTION 3.0 ZONING ADMINISTRATOR

- 3.1 Designation of Zoning Administrator. The City Council shall appoint the Zoning Administrator. The Zoning Administrator may delegate authority to staff and/or consultants as necessary to carry out the requirements of this and the other Chapters of the Development Code.
- 3.2 Duties of Zoning Administrator. The Zoning Administrator shall be responsible to:
- (1) Receive, review, file and forward all applications for amendments, variances, conditional uses, appeals or other matters to the designated official bodies.
 - (2) To recommend and collect fees, as established by city ordinance, for all applications, permits or other matters covered under the provisions of this Development Code
 - (3) Maintain permanent and current records as required by this Chapter, including but not limited to all maps, amendments, and conditional uses, variances, appeals, and applications therefore.
 - (4) Issue administrative permits as provided in this Development Code.
 - (5) Review all building permits issued for structures in the City to ensure compliance with the regulations contained in this Development Code.
 - (6) Conduct inspections of structures and use of land to determine compliance with the terms of this Development Code.
 - (7) Notify in writing persons responsible for violations, indicating the nature of the violation and the action necessary to correct it.
 - (8) Issue stop work orders for violations of this Development Code.
 - (9) Institute, with the advice and consent of the City Attorney, in the name of the City, any appropriate legal actions or proceedings against a violator as provided for in this Development Code.

SECTION 4.0 RULES AND DEFINITIONS

4.1 Rules of Word Construction. For the purposes of interpretation of the Development Code, certain terms or words herein shall be interpreted as follows:

- (1) The word “person” includes an owner or representative of the owner, firm, association, organization, partnership, trust, company or corporation as well as an individual.
- (2) The words “shall” and “must” are mandatory; the word “may” is permissive.
- (3) Unless the context clearly requires otherwise, the singular includes the plural, the plural includes the singular, and the use of past, present and future tense shall include the other tenses.
- (4) All measured distances expressed in feet shall be to the nearest tenth of a foot.
- (5) When calculating parking stall requirements, any fraction of a number shall constitute an additional parking space.
- (6) For terminology not defined in this Chapter, elsewhere in the Development Code, in another City ordinance, or in the Minnesota State Building Code, Merriam-Webster’s Collegiate Dictionary Tenth Edition shall be used to define such terms.
- (7) If a conflict arises between any graphic illustrations presented in this code and the text of this code, the text shall prevail.

4.2 Definitions. The following words and terms, wherever they occur in the Development Code, shall be interpreted as herein defined:

- (1) **Accessory Apartment:** A secondary dwelling unit within an existing owner-occupied single-family dwelling unit for use as a complete independent living facility. A density unit is not attributed to this dwelling unit when calculating density.
- (2) **Accessory Use or Structure.** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- (3) **Administrator:** The City Zoning Administrator.
- (4) **Agricultural Building:** A structure on agricultural land designed, constructed, and used to house farm implements, livestock or agricultural produce or products used by the owner, lessee or sublessee of the building and members of their immediate families, their employees and persons engaged in the pickup or delivery of agricultural produce or products.
- (5) **Agricultural Direct-Market Business:** A commercial enterprise in which agricultural products are produced on a site and marketed and sold directly to consumers without an intermediate wholesaler or distributor other than a farm co-op organization. Direct market business may include enterprises such as pick-your-own operations, and operations in which delivery of products is made directly to consumers.

- (6) Agricultural-Business, Seasonal: A seasonal business not exceeding six (6) months in any calendar year operated on a rural farm as defined offering for sale to the general public, produce or any derivative thereof, grown or raised on the property.
- (7) Agricultural Processing: Processing on the farm of horticulture, forestry, dairy, egg, or apiary products grown on the farm in the course of preparing the product for market. Agricultural processing shall not include animal slaughtering or meat/animal processing. Agricultural processing is subordinate and incidental to the farm operation. Agricultural processing includes activities such as cutting, drying, packaging, canning, milling, grinding, freezing, heating and fermenting of product.
- (8) Agricultural Production: Land uses including the production of horticulture and nursery stock, fruit of all kinds, vegetables, forage, grains, bees and apiary products and raising domestic farm animals. This activity does not need to be the principal source of income.
- (9) Agritourism Enterprise: A commercial enterprise on a working farm or plant nursery in which the public or invited groups participate in recreational or educational activities. These activities must be related to agriculture or natural resources and incidental to the farm operation. This term includes farm tours, hay rides corn mazes, and classes related to agricultural products or skills, and similar uses. Campgrounds or overnight camping shall not be considered an Agritourism Enterprise.
- (10) Alteration: To change or make different; to remodel or modify.
- (11) Animal Unit: A unit of measure used to compare differences in the production of animal wastes which has a standard as the amount of waste produced on a regular basis by a slaughter steer or heifer.
- (12) Animals, Domestic Farm: Cattle, hogs, bees, sheep, goats, llamas, chickens, turkeys, bison, horses (including miniatures) and other animals generally kept for commercial food or fiber production purposes and commonly accepted as farm animals in the State of Minnesota.
- (13) Animals, Domestic Pets: House pets such as dogs, cats, ferrets and birds (except those defined as farm animals or wild animals) that can be contained within a principal structure throughout the entire year, provided that containment can be accomplished without special modification to the structure requiring a building permit from the City. Includes rabbits normally sheltered outside the home.
- (14) Animals, Wild or Exotic: Any animal that is wild, ferocious, or vicious by nature, habit, disposition or character. Animals in this category include any ape (including chimpanzee, gibbon, gorilla, orangutan, or siamang), baboon, bear, bobcat, cheetah, crocodile, coyote, deer (including members of the deer family such as elk, antelope and moose), elephant, fox, hippopotamus, hyena, jaguar, leopard, lion, lynx, monkey, puma, also known as cougar, mountain lion or panther, rhinoceros, a snake which is poisonous, snow leopard, tiger, wolf, or hybrid mix of any of the wild animals such as wolf/dog mixes.
- (15) Antenna: That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon fiber, or other electromagnetically conductive rods or elements. Antennas are regulated to the extent the regulations are not preempted by the Federal Communications Commission.

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- (16) Antenna, Amateur Radio: That portion of any equipment used to radiate or receive radio frequency energy or electromagnetic signals for “Amateur Radio Service” communications as defined in 47 C.F.R. Part 97.3(4) and used in 47 C.F. R. Part 97.15(a). (from margin notes)
 - (17) Antenna, Household Radio, Television and Short-Wave Radio Receiving: A wire, set of wires or any device consisting of metal, carbon fiber or other electromagnetically conductive surfaces, rods, elements or open mesh, including television, receive only (TVROs) satellite dishes two meters or less in diameter, used in conjunction with the reception of household radio, television and short-wave radio receiving equipment. (from margin notes)
 - (18) Antenna, Satellite Dish: A device consisting of metal, carbon fiber or other electromagnetically conductive surfaces, rods, elements or open mesh and in the shape of a shallow dish, cone, horn or cornucopia. Such device is used to transmit and/or receive radio, television or electromagnetic waves between terrestrially and/or orbitally based uses. This definition shall include, but not be limited to, what are commonly referred to as satellite earth stations, television receive-only (TVROs) and satellite microwave antennas.
 - (19) Apartment: A room or suite of rooms with cooking facilities designed to be occupied as a residency by a single family.
 - (20) Applicant: Any person or entity that is required to submit an application for a permit or approval required by this Development Code.
 - (21) Appraised Valuation: The market value of a structure as determined by the current records of the County Assessor.
 - (22) Architectural Design Guidelines. The Architectural Design Guidelines of the City of Scandia dated September, 2009 as may be amended from time to time.
 - (23) Area, Net Developable: Those lands within a development parcel remaining after the deletion of flood plains, wetlands, slopes greater than 25%, unbuildable easements or rights-of-way, and required building setbacks.
 - (24) Assisted Living Facility or Assisted Living Residence: Housing establishment with services that is registered with the State of Minnesota and provides sleeping accommodations to more than 12 adult residents, at least 80% of whom are 55 years of age or older, and at a minimum provides or makes available health-related services under a class A or class F home care license issued by the State of Minnesota, whether offered or provided directly by the establishment or another entity.
 - (25) Attorney: The City Attorney.
 - (26) Bar or Tavern: A building with facilities for the serving of beer, liquor, wine, set-ups and short order foods.
 - (27) Basement: Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level/grade plane) on all four sides, regardless of the depth of excavation below ground level.

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- (28) Bed and Breakfast Inn: An owner-occupied private home where accommodations are offered for one or more nights to transients; in addition, a breakfast meal is served on the premises to no more than 10 persons.
 - (29) Best Management Practices (BMP's): Water quality and erosion and sediment control management practices that are the most effective and practicable means of controlling, preventing and minimizing degradation of surface water. BMP's include schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, surface waters, or stormwater conveyance systems. BMP's also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage
 - (30) Board of Adjustment and Appeals: A judicial type body that hears administrative appeals, requests for variances, and requests for building permits in Official Map Areas.
 - (31) Buffer: A strip of land intended to create physical separation between potentially incompatible uses of land.
 - (32) Buffer, Wetland: Undisturbed strip of land adjacent to shorelines and wetlands consisting of native or existing vegetation.
 - (33) Buildable Land: Land with a slope less than 25%, and situated outside of any required setbacks, and land situated outside of every floodway, drainageway, or drainage easement; except on a natural environment lake where a 200-foot structure setback is required, the buildable area calculation shall be measured from the 150-foot setback rather than the 200-foot setback.
 - (34) Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal or property of any kind. When any portion thereof is completely separated from every other part thereof by area separation, each portion of such building shall be deemed as a separate building.
 - (35) Building Code: The Minnesota State Building Code.
 - (36) Building Height: The vertical distance from the average of the highest and the lowest point of grade for that portion of the lot covered by the building, to the highest point of the roof for flat roofs, to the roof deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip or gambrel roofs. No structure shall exceed the maximum height permitted for the zoning district in which it is located, except for church spires, chimneys, agricultural silos, wind energy conversion systems, wireless communication antennas and towers and flag poles up to 45 feet in height. The height of a stepped or terraced building is the maximum height of any segment of the building.
 - (37) Building Official: The designated authority charged with the administration and enforcement of the State Building Code.
 - (38) Building Permit: A permit required from the responsible governmental agency before any site work, construction or alteration to structures can be started.

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- (39) **Building Setback Line:** A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line or a high water mark or line, behind which buildings or structures must be placed.
 - (40) **Building Setback:** The minimum horizontal distance between the building and the lot line.
 - (41) **Business:** Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
 - (42) **Campgrounds:** Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of 5 or more tents, or recreational camping vehicles, free of charge or for compensation.
 - (43) **Car Wash:** A building or area that provides hand or machine operated facilities for washing and cleaning motor vehicles.
 - (44) **Cellar:** Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined in the Building Code.
 - (45) **Cemetery:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbariums, mausoleums and chapels when operated in conjunction with and within the boundaries of such cemetery.
 - (46) **Certificate of Occupancy:** A certificate issued by the building official authorizing the use or occupancy of a building or structure.
 - (47) **Club or Lodge:** A non-profit association of persons who are members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing there is adequate dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable federal, state and local laws.
 - (48) **Cluster Developments:** See Open Space Conservation Subdivision.
 - (49) **Columbarium:** A structure, room, or other space in a building or structure containing niches for internment of cremated remains in a place used, or intended to be used, and dedicated for cemetery purposes.
 - (50) **Commercial Food Producing Farm Operations:** See “Farm” definition.
 - (51) **Commercial Recreation:** All uses such as tennis, racquet ball clubs, amusement centers, bowling alleys, golf driving ranges, miniature golf, movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment to the public.
 - (52) **Common Open Space:** Land held in common ownership used for agriculture, natural habitat, pedestrian corridors and/or recreational purposes which is protected from future development.
 - (53) **Comprehensive Plan:** The policies, statements, goals and interrelated plans for private and public land and water use, transportation and community facilities, including

recommendations for planned execution, documented in texts, ordinance and maps which constitute the guide for the future development of the City.

- (54) Conditional Use: A specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the Development Code, and upon a finding that certain conditions as detailed in the zoning ordinance exist and that the structure and/or land use conform to the comprehensive land use plan and are compatible with the existing neighborhood. See Chapter One, Section 8.
- (55) Condominium: An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building.
- (56) Conference Center: A hall or other building which is designed to hold meetings, public and private business and social events or conferences. May be included as part of a resort.
- (57) Conservation Easement: An interest in real property created in a manner that imposes limitations or affirmative obligations in regard to the use of property including the retention, protection and maintenance of natural resources, open space and agriculture.
- (58) Conservation Use: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character. Conservation uses include lands containing wetlands, hydric soils, woodlands, floodplain, native prairie, wildlife corridors, shorelands, steep slopes and their accessory uses such as interpretive centers, trails and management facilities.
- (59) Contiguous: Parcels of land that share a common lot line or boundary. Parcels that are separated by a road right-of-way, easement, or railroad right-of-way are considered contiguous for the purposes of this Development Code.
- (60) Construction Activity: Disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff and lead to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling excavating, building construction and landscaping
- (61) Conveyance: Conveyances shall have the meaning specified in Minnesota Statute 272.12.
- (62) Cost of Renovation, Repair or Replacement The fair market value of the materials and services necessary to accomplish such renovation, repair or replacement.
- (63) Crematorium or Crematory: A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.
- (64) Cultural Resource: The historic and archeological characteristics of the land, including buildings and landscapes, which provide information regarding the history of the area and its people.
- (65) Cutoff: The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.

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- (66) **Cutoff Angle:** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
- (67) **Cutoff Type Luminaire:** A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than 90 degrees.
- (68) **Decibel:** The unit of sound measured on the "A" weighing scale of a sound level meter, set on slow response, the weighing characteristics of which are specified in the a "Standards on Sound Level Meters of the USA Standards Institute".
- (69) **Delicatessen/Coffee House:** A shop where ready to serve food, such as cooked meats, salads, sandwiches, etc. which are prepared in advance, and coffee, tea or other non-alcoholic beverages are sold.
- (70) **Density:** The number of dwelling units permitted per acre of land.
- (71) **Density Units:** The number of individual dwelling units that can be developed on a parcel of land as established thorough the use of a yield plan. For the purpose of this Development Code, a multi - family residential dwelling is considered as having as many density units as there are individual dwelling units, regardless of whether those units are attached or detached.
- (72) **Depth of Lot:** The horizontal distance between the frontage right-of-way line and rear lot line. On a corner lot, the side with the largest frontage is its depth, and the side with the lesser frontage is its width.
- (73) **Depth of Rear Yard:** The horizontal distance between the rear building line and the rear lot line.
- (74) **Development Agreement:** An agreement with the owner of the whole parcel as charged on the tax lists of the County specifying the number of density units allocated amongst the parcels being created, the zoning district the particular parcels are located in, the fact that the use and development and further conveyance of the parcels is subject to the regulations contained in the Development Code.
- (75) **Development Code:** The official controls adopted by the City of Scandia regulating the physical development of land.
- (76) **Disposal Area, On-Site Sewage Treatment:** See Washington County Subsurface Sewage Treatment Regulations.
- (77) **Drainageway:** A channel that provides for the drainage of stormwater runoff from a watershed or subwatershed area.
- (78) **Dredging:** The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.
- (79) **Drive-In:** Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the

automobile occupants is offered regardless of whether service is also provided within a building.

- (80) Drive-through: Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car.
- (81) Driveway Access Permit: A permit required from the responsible governmental agency that allows access onto a public road. Such permit must be acquired prior to the issuance of a building permit.
- (82) Dwelling: A building or 1 or more portions thereof occupied exclusively for human habitation, but not including rooms in hotels, motels, nursing homes. (Also see Dwelling Unit.)
- (83) Dwelling, Duplex or Two Family: A residential building containing 2 complete dwelling units.
- (84) Dwelling, Multiple Family: A residential building, or portion of a building, containing 2 or more dwelling units.
- (85) Dwelling, Seasonal: A residential building not capable of year-round occupancy due to non-winterized construction or inadequate non-conforming year-round on-site sewage treatment systems.
- (86) Dwelling, Single: A residential building containing 1 detached dwelling unit.
- (87) Dwelling Unit: A residential accommodation including complete kitchen and bathroom facilities, permanently installed, which is arranged, designed, used or intended for use exclusively as living quarters for 1 family.
- (88) Engineer: The City Engineer.
- (89) Environmental Assessment Worksheet or Environmental Impact Statement: That document that might be required under Minnesota Statute Chapter 116C and D. See Chapter One, Section 12.0.
- (90) Equestrian Uses: Those uses commonly associated with the raising, maintaining and training of horses for riding, racing or breeding.
- (91) Erosion: The wearing away of the ground surface as a result of the movement of wind, water and/or ice.
- (92) Erosion Control: Methods employed to prevent erosion, such as soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.
- (93) Essential Services: Underground or overhead telephone, gas, electrical, steam, waste, or water transmission services, including necessary structures and accessories such as poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment. Essential Services shall not include Wireless Communication Antennas or Wind Energy Conversion Systems.

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- (94) Essential Services—Transmission Facilities: A facility that transforms, converts, or switches telephone, gas, electrical, steam, waste, or water transmission services, such as electrical power lines with a voltage of 35 kv or greater; utility substations; bulk gas or fuel being transferred from station to station and not intended for en route consumption ; or other similar equipment, related buildings, storage and accessories, including necessary structures and accessories for electric substations, gas substations, and telephone switching and relay facilities.
- (95) Exterior Storage: The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
- (96) Family: An individual, or 2 or more persons each related by blood, marriage, adoption, or foster care arrangement, living together as a single housekeeping unit, or a group of not more than 6 persons not related, maintaining a common household, exclusive of servants.
- (97) Farm: Land whose use is primarily devoted to agricultural uses or the raising and/or breeding of livestock.
- (98) Farmers' Market: Three or more vendors coordinated by a single organization for the purpose of outdoor display and direct sale of Christmas trees, and nursery and horticultural products (fruits, vegetables, flowers, shrubs, and the like) to consumers.
- (99) Feed and Seed Sales: A retail establishment which offers for sale bulk packages or quantities of feed for farm animals and/or seeds used in agricultural production.
- (100) Feedlot: A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.
- (101) Fence: A partition, structure, wall or gate erected as a dividing marker, visual or physical barrier, or enclosure.
- (102) Fill: Any act by which soil, earth, sand, gravel, rock or any similar material is deposited, placed, pushed or transported and shall include the conditions resulting there from.
- (103) Final Plat: A drawing or map of an approved subdivision, meeting all requirements of Chapter Three, Subdivision Regulations and in such form as required by the community for purposes of recording.
- (104) Flag Lot: A lot with access provided to the bulk of the lot by means of a narrow corridor.
- (105) Flashing Light: A light source that is not constant in intensity or color at all times while in use.
- (106) Flood: A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

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- (107) Flood Frequency. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- (108) Flood Fringe. That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Washington County.
- (109) Flood Plain. The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- (110) Flood Proofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- (111) Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
- (112) Floor Area: The gross area of the main floor of a residential building measured in square feet and not an attached garage, breezeway or similar attachment.
- (113) Floor Area, Gross: The sum or the gross area of the various floors of a building measured in square feet. The basement floor area shall not be included unless such area constitutes a story.
- (114) Floor Area Ratio: The numerical value obtained through dividing the gross floor area of a building or buildings by the net area of the lot or parcel of land on which such building or buildings are located.
- (115) Floor Plan, General: A graphic representation of the anticipated use of the floor area within a building or structure.
- (116) Flower Shop: A building or premises used primarily for the retail sale of potted or cut flowering plants, vegetable and herb plants, flower care and handling, floral design or flower arranging, merchandising, and display and flower delivery and related products and services to consumers.
- (117) Food and Beverage Processing: The manufacture or packaging of food and beverage products primarily from raw materials, or bulk storage and handling of the products and materials, but not including meat processing.
- (118) Foot Print: The length and width of the building's foundation and the building's height.
- (119) Foot-candle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
- (120) Frontage: That boundary of a lot that abuts a public street or private road.
- (121) Funeral Home: A building or part thereof used for funeral services. Such buildings may contain space and facilities for a) embalming and the performance of other services used in preparation of the dead for burial; b) the storage of caskets, urns, and other related funeral

supplies; and c) the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall NOT include facilities for cremation.

- (122) Garage, Private: A detached one-story accessory building, or portion of the principal building, including a carport, which is used primarily for the storing of passenger vehicles, trailers or farm trucks.
- (123) Garage, Storage: Any premises, except those described as a private or public garage used exclusively for the storage of power-driven vehicles.
- (124) Garden Supply Store: A place of business where retail and wholesale gardening, landscaping, or farming products are sold to the retail customer. These centers import the majority of the items sold. These items may include plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, hose, rakes, shovels, decorative rock, stone, gravel, mulch, and other similar materials and tools.
- (125) General Store: A retail store for the sale of more than one type of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories and similar consumer goods.
- (126) Golf Course: An area of land laid out for golf with a minimum series of 9 holes each including a tee, fairway, and putting green and often one or more natural or artificial hazards.
- (127) Governing Body: The City Council.
- (128) Government Uses, Buildings and Storage: An area of land or structures used for public purposes, storage, or maintenance and which is owned or leased by the U.S. federal government, State of Minnesota, Metropolitan Council, Washington County, or City of Scandia for purposes of carrying out governmental duties. The definition does not include publicly or privately operated school facilities
- (129) Grade Plane: A reference plane representing the average of finished ground level adjoining a building at exterior walls.
- (130) Grocery Store: A retail establishment which offers for sale food products, household items and other goods associated with the same.
- (131) Hazardous Material: Hazardous material means a chemical or substance, or a mixture of chemicals or substances, which:
- (A) is regulated by the federal Occupational Safety and Health Administration under Code of Federal Regulations, title 29, part 1910, subpart Z; or
 - (B) is either toxic or high toxic, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, pyrophoric, pressure-generating, a compressed gas, a carcinogen, a teratogen, a mutagen, a reproductive toxic agent, or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance.

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- (132) Health/Recreation Facility: An indoor facility including uses such as game courts, exercise areas and equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.
- (133) High Power Transmission Line: A 69 KV or greater electric transmission line with towers a minimum of 75 feet in height.
- (134) Historic Building and Structure: A structure which has been identified by the Washington County History Network Inventory or the State Historic Preservation Office and other undesignated structures such as residences and barns having public value due to its notable architectural or historic features relating to the cultural heritage of the community.
- (135) Home Occupation: A use of a residential or agricultural property for gainful employment which is clearly incidental and subordinate to the use of the property as residential or agricultural and in compliance with all performance standards of the Scandia Development Code.
- (136) Homeowners Association: A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating and maintaining the common open space and facilities.
- (137) Homesteaded Dwelling: A dwelling that is occupied and used for the purposes of a homestead by its owner pursuant to Minnesota Statutes § 273.124.
- (138) Horse Show: An event where horses not boarded on the subject property are shown to the general public and guests.
- (139) Horse Training Facility, Commercial: The use of an accessory building in which horses not owned by the property owner are kept for commercial use including boarding, breeding, hire, sale, show, and training.
- (140) Horse Training Facility, Private: The use of an accessory building incidental to the existing residential, principal use in which horses owned by the property owner are kept for private use and training.
- (141) Hotel: Any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing 3 or more guest rooms, used, designated, or intended to be used, let or hired out to be occupied, or which are occupied by 3 or more individuals for compensation, whether the compensation be paid directly or indirectly.
- (142) Illicit Connection: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including any non-stormwater discharge such as sewage, process wastewater, wash water and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by an authorized enforcement agency.
- (143) Illicit Discharge: Any direct or indirect non-stormwater discharge to the storm sewer system, except as exempted in this code.
- (144) Impervious Surface. A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an

increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

- (145) Individual Parcel: A parcel as a whole as charged on the tax lists, or two or more contiguous parcels under common ownership on the effective date of this Development Code.
- (146) Infiltration: The passage or movement of water into the soil surface.
- (147) Inoperative: Incapable of movement under its own power.
- (148) Interim Use: See Chapter One, Section 9.
- (149) Kennel, Commercial: Any place where 4 or more dogs over 6 months of age are boarded, bred, trained or offered for sale. This term does not include pet shops or veterinary establishments
- (150) Kennel, Private: Any place where 4 or more dogs over 6 months of age are owned by any member of the household.
- (151) Land Alteration: The reclaiming of land by depositing or moving material so as to alter the grade or topography.
- (152) Land Clearing: The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within any 12 month period.
- (153) Landscaping: Planting trees, shrubs and turf covers such as grasses and shrubs.
- (154) Light Fixture, Outdoor: Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot and flood lights for a) buildings and structures, b) recreational areas, c) parking lot lighting, d) landscape lighting, e) billboards and other signs, f) street lighting, g) product display area lighting, and h) building overhangs and open canopies.
- (155) Light Manufacturing: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products. Such uses include, but are not limited to, the following lumber yard, machine shops, products assembly, sheet metal shops, plastics, electronics, motor vehicle repair, body work and painting, contractor shops and storage yards, food and nonalcoholic beverages, signs and displays, printing, clothing, textiles and used auto parts.
- (156) Light Source: A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.
- (157) Lighting, Outdoor: Any light source or collection of light sources, located outside a building, including but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on free standing poles.

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- (158) Livestock: Cattle, hogs, bees, sheep, goats, llamas, chickens, turkeys, bison, horses (including miniatures) and other animals generally kept for commercial food or fiber production purposes and commonly accepted as farm animals in the State of Minnesota.
- (159) Livestock Operations: A lot or structure or combination of lots and structures intended for the breeding, raising or holding of 11 or more animal units.
- (160) Loading Space: A space, accessible from a street, alley or way, in or outside of a building, for the use of trucks while loading and unloading merchandise or materials.
- (161) Lodging Room: A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms without cooking facilities, each room that provides sleeping accommodations shall be counted as 1 lodging room.
- (162) Lot: A parcel of land designated by metes and bounds, registered land survey, plat or other means, and which description is either recorded in the Office of the Washington County Recorder or Registrar of Titles or used by the County Treasurer or County Assessor to separate such parcel from other lands for tax purposes.
- (163) Lot Area: The area of a horizontal plane within the lot lines.
- (164) Lot Area, Minimum per Dwelling Unit: The minimum number of square feet or acres of lot area required per dwelling unit.
- (165) Lot Averaging: Allows the property owner to create parcels smaller than those of a conventional subdivision plan provided the density of the development does not exceed the maximum density permitted for the zoning district and the density that can be achieved with a yield plan.
- (166) Lot, Buildable: A lot that meets or exceeds all requirements of the City of Scandia Development Code without the necessity of variances.
- (167) Lot, Corner: A lot situated at the junction of and abutting 2 or more intersecting streets; or a lot at the point of a deflection in alignment of a single street, the interior angle of which does not exceed 135 degrees.
- (168) Lot Coverage: That portion of a lot containing an artificial or natural surface through which water, air or roots cannot penetrate. This definition includes, but is not limited to, driveways, structures, patios and decks.
- (169) Lot Depth: The mean horizontal distance between the front and rear lines of a lot.
- (170) Lot, Interior: A lot other than a corner lot, including through lots.
- (171) Lot Line: A lot line is the property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.
- (172) Lot Line, Front: That boundary of a lot that abuts a public street or a private road. In the case of a corner lot, it shall be the shortest dimension of a public street. If the dimensions of a

corner lot are equal, the front lot line shall be designated by the owner. In the case of a corner lot in a non-residential area, the lot shall be deemed to have frontage on both streets.

- (173) Lot Line, Rear: That boundary of a lot that is opposite to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
- (174) Lot Line, Side: Any boundary of a lot that is not a front lot line or a rear lot line.
- (175) Lot, Through: Any lot other than a corner lot that abuts more than 1 street. On a through lot, all property lines abutting the road right-of-way shall be considered the front lines.
- (176) Lot Width: The horizontal distance between the side lot lines of a lot measured at the setback line.
- (177) Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
- (178) Major Highway: Those highways and/or roadways which are classified as Minor Arterials and County Collectors in the Thoroughfare Plan of the City Comprehensive Plan.
- (179) Manufactured Home: A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under Minnesota Statutes, Chapter 327
- (180) Manure: Any solid or liquid containing animal excreta.
- (181) Mausoleum: A structure for the entombment of the dead in crypts or vaults in a place used, or intended to be used, for cemetery purposes.
- (182) Meat Processing: The processing of a product usable as human or animal food and made wholly or in part from meat or a portion of the carcass of animals.
- (183) Medical Uses: Those uses concerned with the diagnosis, treatment and care of human beings. These include hospitals, dental services, medical services or clinics, nursing or convalescent home, orphan's home, rest home and sanitarium.
- (184) Mining: The excavation, removal, storage or processing of sand, gravel, rock, soil, clay, or other deposits. For the purposes of this Development Code, mining shall not include the excavation, removal, or storage of rock, sand, dirt, gravel, clay, or other material for the following purposes:

- (A) Excavation for the foundation, cellar, or basement of some pending structure for which a permit has been issued and which is to be erected immediately following the excavation, removal or storage.
 - (B) On-site construction of approved roads, sewer lines, storm sewers, water mains, surface water drainage approved by the local unit of government, agriculture or conservation purposes, sod removal, or other public utilities.
 - (C) Landscaping purposes on a lot used or to be used as a building site.
 - (D) Grading/excavation of less than one acre of land in conjunction with improvement of a site for lot development, providing activities will be completed in 1 year.
 - (E) The removal of excess materials in accordance with approved plats or highway construction.
- (185) Motel: A building or group of detached, semi-detached or attached buildings containing three (3) or more guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests traveling by automobile.
- (186) Motor Freight Terminal: A building or area in which freight brought by motor truck is transferred and/or stored for movement by motor truck.
- (187) Motor Vehicle, Recreational Vehicle, or Boat Sales: Any place where motor vehicles, recreational vehicles, or boats and boat trailers or other marine related products, are sold to the general public. Business activities accessory to this use include motor vehicle repair, car wash, fuel dispensing, and the rental of vehicles.
- (188) Motor Vehicle Repair, Major: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame or fender straightening or repair; overall painting and upholstering; vehicle steam cleaning.
- (189) Motor Vehicle Repair, Minor: Repairs, incidental body and fender work, replacement of parts and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not to include any operation specified under "Motor Vehicle Repair, Major".
- (190) Motor Vehicle Service Station: A place for the dispensing, sale or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of, and minor repair of, motor vehicles.
- (191) Motorized Track Inspection Vehicle: A wheeled vehicle used for track maintenance that is powered by a motor sized to propel the vehicle only and which is not designed to pull other rolling stock.
- (192) Moving Permit: A permit required from the responsible governmental agency prior to the moving of any partially or wholly erected structure from one location to another.
- (193) Municipality: A city or township, however organized.

- (194) Natural Drainageway: A depression in the earth's surface, such as ravines, draws and hollows, that has definable beds and banks capable of conducting surface water runoff from adjacent lands.
- (195) Natural Resources: The physical values of the land supplied by nature including, but not limited to, animal life, plant life, soil, rock, minerals and water.
- (196) Noise, Ambient: The all-encompassing noise associated with a given environment, being either a composite of sounds transmitted by any means from many sources near and far or a single predominate source.
- (197) Nominal Parcel: A parcel not reduced by more than 10% of its lot area due to road right-of-way dedication.
- (198) Nonconforming Lot: A separate parcel or lot of record on the effective date of this Development Code, or any amendments thereto, which lot or parcel does not conform to the regulations, including dimensional standards, contained in this Development Code or amendments thereto.
- (199) Nonconforming Use: Any legal or lawful use of land or any legal or lawful use of a structure existing on the effective date of this Development Code, or any amendments thereto, which does not conform to the regulations for the district in which it is located after the effective date of this Development Code or such amendment.
- (200) Noxious Matter: Material which is capable of causing injury or is in any way harmful to living organisms or is capable of causing detrimental effect upon the physical or mental health of human beings.
- (201) Nursery, Day: A use where care is provided for 3 or more children under kindergarten age for periods of 4 hours or more per day for pay.
- (202) Nursing Home: A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder.
- (203) Office: Those commercial activities that take place in office buildings, where goods are not produced, sold or repaired. Such activities include, but are not limited to banks, professional offices, governmental offices, insurance offices, real estate offices, telephone exchanges, utility offices, radio broadcasting and similar uses.
- (204) Official Control: Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of the city, or any part thereof, or any detail thereof, and the means of translating into ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include, but are not limited to ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes and official maps and have been adopted by City of Scandia as the Development Code.
- (205) Official Map: A map adopted in accordance with the provisions of Minnesota State Statutes, 394.361.

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- (206) Open Sales Lot: Lands devoted to the display of goods for sale, rent, lease or trade where such goods are not enclosed within a building.
- (207) Open Space: Land used for agriculture, natural habitat pedestrian corridors and/or recreational purposes that is undivided and permanently protected from future development.
- (208) Open Space Conservation Subdivision: A grouping of residential structures on smaller lots than allowed in the specific zoning district, leaving some land dedicated as open space. Major subdivisions where bonus lots are allowed providing for the maximum possible protection of agricultural lands, ecologically significant areas, natural landscapes, scenic attributes, open space, and cultural features.
- (209) Open Space Development: See Open Space Conservation Subdivision.
- (210) Open Storage: Storage of any material outside of a building.
- (211) Ordinance: The City of Scandia Development Code.
- (212) Outdoor Temporary Seasonal Sales: A temporary outdoor display and/or sale of the following: Christmas trees, nursery products, and horticultural products (fruits, vegetables, flowers, shrubs, and the like).
- (213) Overlay District: A zoning district shown as an overlay on the zoning map.
- (214) Owner: Includes all persons interested in a property as fee simple owner, life estate holder, encumbrancer.
- (215) Park and Recreation Committee: An appointed advisory board of the City used to address matters relating to parks, recreation facilities and programs within the City. This Committee also makes recommendations for dedication of land or fees for subdivisions within the City.
- (216) Parking Space: A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store 1 standard automobile.
- (217) Pasture: Areas where grass or other plants are grown for grazing and where the concentration of animals is managed so that a vegetation cover is maintained during the growing season.
- (218) Pedestrian Way: A public or private right-of-way across or within a block or tract, to be used by pedestrians.
- (219) Performance Standards: The minimum development standards as adopted by the governing body and included in this Code and file in the office of the zoning administrator.
- (220) Person: Any person, corporation or association, including governmental agencies and political entities.
- (221) Place of Worship: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory

buildings and uses is maintained and controlled by a religious body organized to sustain public worship.

- (222)Planned Unit Development: All developments having two or more principal uses on a single parcel of land; and may include townhomes, multi-use structures, recreational uses, mixed residential and commercial type developments, commercial type developments and industrial type developments. See Chapter Two, Section 7.
- (223)Planning Commission: The duly appointed planning and zoning commission of the City.
- (224)Plant Community: A grouping of plants with common environmental requirements living in a common geographic area, i.e., wetlands, grasslands, boreal forests.
- (225)Plant Nursery: A building or premises used for the retail sale of trees, shrubs, flowers or other plants. The use may include the sale of accessory products, including products that are used in the culture, display and decoration of lawns, garden, farms and indoor plants; but does not include the sale of power tools, tractors and other vehicles, decorative rock, stone, gravel, retaining walls and similar materials, except as an incidental use
- (226)Platted Land: Lands with legal descriptions described as lot, block, plat name.
- (227)Prime Farmland: Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods.
- (228)Pollutant: Any substance which, when discharged, has potential to or does interfere with state-designated water uses; obstruct or cause damage to surface waters; change water color, odor or usability as a drinking water source through causes not attributable to natural processes; add an unnatural surface film on the water; adversely change other chemical, biological, thermal or physical conditions in any surface water; degrade the quality of groundwater; or harm human life, aquatic life, or terrestrial plants and wildlife.
- (229)Principal Structure or Use: All uses or structures that are not accessory uses or structure.
- (230)Private Recreational Area: A recreation use particularly oriented to utilizing the outdoor character of an area including hiking and riding trails, interpretative areas and other passive forms of recreation and not open to the general public.
- (231)Protective or Restrictive Covenant: A contract entered into between private a party that constitutes a restriction of the use of a particular parcel of property.
- (232)Public Land: Land owned and/or operated by a governmental unit, including school districts.
- (233)Public Recreation Facility: An outdoor recreation facility owned or operated by a governmental or non-profit organization in which athletic activities are permitted to be played by the general public. Examples of such a facility would be a softball complex, soccer fields, etc.
- (234)Public Waters: Any water as defined in Minnesota Statutes, Section 103.G.005 (15.)

- (235) Quarter-Quarter Section: A tract of land legally described as a full quarter-quarter section or a 40-acre parcel not reduced by more than 10% due to road right-of-way dedication.
- (236) Recreation Equipment: Personal property (non-vehicular) used primarily for recreation and leisure time activities and purposes, including sports equipment, picnic tables, barbecue grills, bird feeders, patio furniture, and the like.
- (237) Recreation Facilities: Accessory structures and/or uses that are customary and incidental to the principal use of the site, including swing sets, play structures, sand boxes, skate board ramps, tennis courts, sport courts, swimming pools and their related aprons, and the like, intended for the enjoyment and convenience of the residents of the principal use and their occasional guests.
- (238) Recreation, Indoor Commercial: A privately-owned business directed toward the general public that offers recreational entertainment within buildings, such as bowling alleys, billiard halls, and roller skating, operated with the intention of earning a profit.
- (239) Recreation, Outdoor Commercial: A privately-owned business directed toward the general public that offers non-motorized recreational activities in outdoor areas, such as waterslides, golf, miniature golf, driving ranges, and skiing and operated with the intention of earning a profit. Campgrounds or overnight camping shall not be considered a Recreation, Outdoor Commercial use.
- (240) Recreation Vehicle: A vehicle, machine, or device used primarily for recreation and leisure time activities and purposes, including recreational camping vehicles, classic cars, cars used for racing, motor boats, sailboats, row boats, canoes, snowmobiles, all-terrain vehicles, and the like, together with any trailer appurtenant thereto.
- (241) Recreation Vehicle, Camping: Any vehicle or structure which meets the following qualifications:
- (A) Any vehicular, portable structure mounted on wheels to be towed by a self-propelled vehicle, and designed to be used as temporary living quarters for travel, vacation uses or for recreational uses. Such structures include travel trailers, pop-up (including folding and retractable) campers, ice-fishing houses, and the like.
 - (B) Any vehicular, portable structure designed to be mounted on a truck upon a self-propelled vehicle for use as temporary living quarters for travel, recreation, or vacation uses. Such structures include, but are not limited to, pick-up campers.
 - (C) Any vehicular, portable structure mounted on wheels, designed to be used as temporary living quarters for travel, recreation, or vacation uses, and which is constructed as an integral part of a self-propelled vehicle. Such vehicles include motorhomes, mini-motorhomes, buses converted into campers, and the like.
- (242) Recyclable Materials: Materials that are separated from mixed municipal solid waste for the purpose of recycling. For the purpose of this Development Code, these materials are limited to paper, glass, plastics and metals. Refuse derived fuel (RDF) is not a recyclable material under the provisions of this Development Code.

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- (243) Recycling: The process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.
- (244) Recycling Center: A facility where recyclable materials are collected, stored, flattened, crushed, or bundled prior to shipment to others who will use those materials to manufacture new products.
- (245) Refuse: Putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.
- (246) Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.
- (247) Research: Medical, chemical, electrical, metallurgical or other scientific research and quality control, conducted in accordance with the provisions of this Development Code.
- (248) Residence, Assisted-living: Housing establishment with services that is registered with the State of Minnesota and provides sleeping accommodations to more than 12 adult residents, at least 80% of whom are 55 years of age or older, and at a minimum provides or makes available health-related services under a class A or class F home care license issued by the State of Minnesota, whether offered or provided directly by the establishment or another entity.
- (249) Residential facility: Any facility, public or private, which for gain or otherwise regularly provides one or more persons with a 24-hour per day substitute for care, food, lodging, training, education, supervision, habitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include, but are not limited to, state institutions under the control of the commissioner of public welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, or schools for handicapped children.
- (250) Resort: Any structure or group of structures containing more than 2 dwelling units or separate living quarters designed or intended to serve as seasonal or temporary dwellings on a rental or lease basis for profit with the primary purpose of said structure or structures being recreational in nature. Uses may include a grocery for guests only, fish cleaning house, marine service, boat landing and rental, recreational area and equipment and similar uses normally associated with a resort operation.
- (251) Resource Inventory: A survey of the land's features including its natural resources, cultural resources, scenic views and viewsheds, and physical characteristics.
- (252) Restaurant: A business establishment whose principal business is the preparing and selling of unpackaged food to the customer in a ready-to-consume state.
- (253) Retail Business: Stores and shops selling personal services or goods over a counter.

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- (254) Road, Private: A road that is owned and maintained by a private landowner, group of landowners, or association.
- (255) Road, Public: A road owned and maintained by a government jurisdiction.
- (256) Scenic Resources: That part of the landscape that provides a picturesque view and may contain outstanding recreational, natural, historic, scientific and manmade values.
- (257) School: A facility that provides a curriculum of pre-school, elementary, secondary, post-secondary and other instruction including, but not limited to, child day care centers, kindergartens, elementary, junior high, high schools and technical or college instruction.
- (258) Screening: Screening includes earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers); used in combination or singularly, so as to block direct visual access to an object throughout the year.
- (259) Security Lighting: Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.
- (260) Sediment: The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, wind or ice, and has come to rest on the earth's surface either above or below water level.
- (261) Sediment Control: The methods employed to prevent sediment from leaving a site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.
- (262) Self-Service Storage: A structure or structures containing separate storage spaces of varying sizes which are leased or rented individually.
- (263) Septic Permit: A permit required from the responsible governmental agency for the installation of any new or replacement on-site sewage disposal system.
- (264) Setback: The minimum horizontal distance between a structure and street right-of-way, lot line or other reference point as provided by Ordinance. Distances are to be measured perpendicularly from the property line to the portion of the structure closest to the property line.
- (265) Sewage: Any water-carried domestic waste, exclusive of footing and roof drainage of any residence, industry, agricultural or commercial establishment whether treated or untreated.
- (266) Shielding: A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture.
- (267) Shipping Container: A reusable transport and storage unit for moving products and raw materials between locations or countries. A typical container has doors fitted at one end and is constructed of corrugated weathering steel or steel panels. Includes "intermodal shipping container" or "freight container."

- (268) Shopping Center: Any grouping of 2 or more principal retail uses whether on a single lot or on abutting lots under multiple or single ownership.
- (269) Sign: A display, illustration, structure or device that directs attention to an object, product, place, activity, person, institution, organization or business.
- (270) Sign, Advertising: A sign that directs attention to a business or profession or to a commodity, service or entertainment not sold or offered upon the premises where such sign is located or to which it is attached.
- (271) Sign Area: The entire area within a continuous perimeter enclosing the extreme limits of such sign. Such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part or border of the sign.
- (272) Sign, Business: A sign that directs attention to a business or profession or to the commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is attached.
- (273) Sign, Development Identification: A sign that identifies the name of a residential, commercial or industrial development at a street entrance to the development.
- (274) Sign, Flashing: An illuminated sign which has a light source not constant in intensity or color at all times while such sign is in use or a sign containing an electric reading board.
- (275) Sign, Identification: A sign that identifies the inhabitant of the dwelling.
- (276) Sign, Monument: A sign not supported by posts or poles which is architecturally designed and located directly at grade where the base width dimension is 50% or more of the width of the greatest width of the sign.
- (277) Sign, Motion: A sign that has revolving parts or signs that produce moving effects through the use of illumination.
- (278) Sign, Nameplate: A sign that states the name and/or address of the business, industry or occupant of the site and is attached to said building or site.
- (279) Sign, Pedestal: A ground sign usually erected on 1 central shaft or post that is solidly affixed to the ground.
- (280) Sign, Real Estate: A sign offering property (land and/or buildings) for sale, lease or rent.
- (281) Sign, Roof: A sign erected upon or above a roof or parapet of a structure.
- (282) Sign, Shopping Center or Industrial Park: A business sign designating a group of shops or offices.
- (283) Sign, Wall: A sign attached to or erected against the wall of a structure with the exposed face of the sign a plane parallel to the plane of said wall.
- (284) Special Events: An outdoor gathering of at least 100 individuals whether on public or private property, assembled with a common purpose for a period of one hour or longer but may not exceed twelve hours in duration; except, that events held during the two-day Taco Daze

community celebration shall be considered one event. Special Events include, but are not limited to concerts, theatrical productions, public dances, fairs, carnivals, circuses, parades, flea markets, auctions, marathons, walkathons, festivals, races, bicycle events, celebrations, or any other gathering or events of similar nature. Special Events do not include events that are not open to the public and held on private property such as graduation parties or social parties.

- (285) Spillage, Light: Any reflection, glare or other artificial light emission onto any adjoining property or right-of-way above a defined maximum illumination.
- (286) Sports and Fitness Clubs: a place which houses exercise or sports equipment and sponsors sports and physical exercise activities.
- (287) Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above, not including a basement or a story not above grade plane.
- (288) Story Above Grade Plane. Any story having its finished floor surface entirely above grade plane, except a basement, which shall be considered as a story above grade where the finished surface of the floor above the basement is:
- (A) more than 6 feet (1,829 mm) above grade plane;
 - (B) more than 6 feet (1,829 mm) above the finished ground level for more than 50% of the total building perimeter; or
 - (C) more than 12 feet (3,658 mm) above the finished ground level at any point.
- (289) Street: A public right-of-way that affords a primary means of access to abutting property.
- (290) Street, Collector: A street that serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road.
- (291) Street, Intermediate or Minor Arterial: A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
- (292) Street, Local: A street intended to serve primarily as an access to abutting properties.
- (293) Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic.
- (294) Street Width: The width of the right-of-way measured at right angles to the centerline of the street.
- (295) Structural Alteration: Any change, other than incidental repairs, which would affect the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.
- (296) Structure: Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins,

recreational vehicles not meeting the exemption criteria specified in Section 9.1 (1) of Chapter Six, and other similar items. Used interchangeably with “building” for purposes of this Development Code.

- (297) Structure, Nonconforming: Any structure lawfully or legally existing on the effective date of this Development Code, or any amendment thereto, which does not conform to the regulations, including the dimensional standards, for the district in which it is located after the effective date of this Development Code or amendments thereto.
- (298) Studio: An indoor space that has been built or equipped to accommodate learning, practicing or the performance of activities such as arts, dance, health and fitness, decorating, music, photography and similar uses.
- (299) Subdivision: The process of dividing land into two or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes by platting, replatting, registered land survey, conveyance sale, contract for sale or other means by which a beneficial interest in land is transferred.
- (300) Subdivision, Major: All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of 4 or more lots, or any size subdivision requiring any new street or extension of an existing street.
- (301) Subdivision, Minor: Any subdivision containing 3 or less lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Comprehensive Plan, Official Map, Zoning Regulations or these regulations.
- (302) Temporary Dwelling, Care Facility: A manufactured home which temporarily serves as a residence for an infirm relative of the occupants residing in the primary single family residence on the property where such relative requires care by the family.
- (303) Temporary Dwelling, During Construction: A manufactured home that temporarily serves as a residence for the present or potential occupant that the primary single-family residence is being constructed, reconstructed or altered.
- (304) Temporary Dwelling, Farm: A manufactured home located in an agricultural district which is an accessory dwelling unit occupied by members of the family engaged in farming on the premises and meeting other criteria specified in the Development Code.
- (305) Temporary Outdoor Sales: Any sales conducted outside a building or structure for a limited period of time. Such sale may include tent sales, sidewalk sales, produce stands and similar outdoor sales.
- (306) Theatre: A building for the presentation of films or the performing arts. Theatre facilities regulated under Ordinance 88, regulating Adult-Oriented Uses, are excluded from this definition.
- (307) Tower: Any pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, or to serve as an antenna.

- (308) Tower Accessory Structure: A structure located at the base of the tower housing base receiving/transmitting equipment.
- (309) Transient Merchant: Any person, individual, co-partnership, incorporation, both as principal and agent, who is engaged in, does, or transacts any temporary and transient business selling goods, wares, and merchandise; and, who for the purpose of carrying on such business, has complied with the administrative permit requirements of this Chapter, and hires, leases, occupies, or uses a site, parking lot, vacant lot, motor vehicle, or trailer in a zoning district where it is allowed by this Chapter.
- (310) Transient Produce Merchant: Any person who engages in or transacts in a temporary and transient business within the city, selling the products of the farm or garden occupied and cultivated by that person; and, who for the purposes of carrying on such business, hires, leases, occupies, or uses, a site, parking lot, vacant lot, motor vehicle, or trailer on a site other than the property on which the produce is grown and cultivated in a zoning district where it is allowed by this Chapter.
- (311) Transportation/Motor Freight Terminal: A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor or trailer units and other trucks are parked or stored.
- (312) Transportation Terminal: Truck, taxi, air, bus, train and mass transit terminal and storage area, including motor freight (solid and liquid) terminal.
- (313) Travel Trailer/RV Campground: An area or premises operated as commercial enterprise on a seasonal basis and generally providing space for seasonal accommodations for transient occupancy or use by transients occupying camping trailers, self-propelled campers and tents.
- (314) Tree and Woodland Preservation-Related Definitions:
- (A) Caliper Inch: The diameter of a tree measured at 54 inches above ground level.
 - (B) Canopy: the upper layer of a woodland or forest formed by mature tree crowns.
 - (C) Coniferous Trees: A wood plant which, at maturity, is at least 12 feet or more in height, is cone-bearing and has thin needlelike leaves.
 - (D) Construction Zone: Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, change in groundwater or surface water hydrology, or other change in the natural character of the land occurs as a result of the site preparation, grading, building construction, or any other construction activity. Examples include road rights-of-way, house and driveway construction areas and drainfields, ponding areas, etc.
 - (E) Critical Root Zone (CRZ): An imaginary circle surrounding the tree trunk radius distance of 1 foot per 1 inch of tree diameter, (i.e., a 20 inch diameter tree has a CRZ with a radius of 20 feet).
 - (F) Drip Line: The farthest distance away from the trunk that rain or dew will directly fall to the ground from the leaves or branches of the tree.

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- (G) Groundcover: the layer of plants that cover the ground surface and provide protection from erosion and drought.
 - (H) Invasive Tree Species: a tree species that is non-native to the ecosystem and whose introduction causes economic or environmental harm. Invasive tree species are identified by the Minnesota Department of Natural Resources and include, but are not limited to Common Buckthorn (*Rhamnus cathartica*), Glossy Buckthorn (*Rhamnus frangula*), Tartarian Honeysuckle (*Lonicera tatarica*), Amur Maple (*Acer ginnala*), and Siberian Elm (*Ulmus pumila*).
 - (I) Multi-trunk Tree. A multi-trunk tree is considered as one tree if the trunk forks at a height 54 inches above ground level. For multi-trunk trees that fork at or below 54 inches, each trunk is considered a separate tree.
 - (J) Ornamental Trees: Trees that are grown primarily for their display of flowers or other attractive features such as fruit, scent or shape.
 - (K) Overstory (Canopy) Trees: The tallest trees in the woodland or forest formed by the upper layer of mature tree crowns.
 - (L) Primary Deciduous Tree: Native deciduous trees.
 - (M) Secondary Deciduous Tree: Native deciduous trees that are Quaking Aspen (*Populus tremuloides*), Box Elder (*Acer negundo*), and Eastern Cottonwood (*Populus deltoides*).
 - (N) Significant Tree: A healthy tree measuring a minimum of 6 caliper inches in diameter or greater (as measured 54 inches above the ground) for all primary deciduous trees, a minimum of 20 caliper inches in diameter or greater for all secondary deciduous trees, or a minimum of 12 feet in height for all native coniferous trees.
 - (O) Significant Woodland: a treed area of at least 15,000 square feet or more which includes significant trees.
 - (P) Understory: layer of the woodland or forest that grows at a height level below the canopy. It includes a mixture of seedlings and saplings of canopy trees, shrubs, grasses and herbaceous plants.
 - (Q) Woodland: a treed area of at least 15,000 square feet.
- (315) Truck Stop: A motor fuel station devoted principally to the needs of tractor-trailer units and trucks, and which may include eating and/or sleeping facilities.
- (316) Use: The function for which property can be used.
- (317) Use, Accessory: A use subordinate to and serving the principal use or structure on the same lot and customarily incidental to such principal use.
- (318) Use, Open Space: The use of land without a structure or including a structure incidental to the open space use.

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- (319) Variance: A modification of a specific permitted development standard required in an official control to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance. See Chapter One, Section 6.
- (320) Vegetation, Natural: Plant life which is native to the location and which would normally grow if the ground were left undisturbed.
- (321) Veterinary: Those uses concerned with the diagnosis, treatment and medical care of animals, including animal or pet hospitals.
- (322) Warehousing: The storage, packing and crating of materials or equipment within an enclosed building or structure.
- (323) Warehousing and Distribution: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.
- (324) Waterfront Uses, Residential: Boat docks and storage, fish house, fish cleaning, water recreation equipment and other uses normally incidental to a lakeshore residence, provided such uses are for the exclusive use of the occupants and nonpaying guests.
- (325) Watershed District or Water Management Organization: An entity established under Minnesota Statutes, Chapter 103D within a specific drainage area and having the purposes described in Minnesota Statutes 103D.201.
- (326) Wetland: As defined in Minnesota Rules 7050.0130, subpart F, those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes: a. a predominance of hydric soils; b. inundated or saturated by surface water or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and c. under normal circumstances support a prevalence of such vegetation.
- (327) Wholesaling: The selling of goods, equipment and materials by bulk to another person who in turn sells the same to customers.
- (328) Yard: The open space on an occupied lot that is not covered by any structure.
- (329) Yard, Front: A yard extending across the portion of the lot facing a street between the inner side yard lines and lying between the front line of the lot and the nearest building line, except for buildings on Recreational or Natural Environment lakes where the front yard faces the water.
- (330) Yard, Rear: A yard extending across the rear of the lot between the inner side yard lines and lying between the rear line of the lot and the nearest building line.

- (331) Yard, Required: A yard area that may not be built on or covered by structures because of the dimensional setbacks for said structures within the zoning district.
- (332) Yard, Side: A yard between the side line of the lot and the nearest building line.
- (333) Yard Waste Facility: Any site used for the processing or composting of garden waste, leaves, lawn cuttings, weeds, shrub and tree waste and prunings generated off site. Yard wastes generated on site and used on the same site are not included in this definition.
- (334) Yield Plan: A subdivision plan drawn to scale, containing sufficient information showing the maximum number of lots that could be permitted using the performance standards for lots in a conventional subdivision in accordance with the City of Scandia Development Code.
- (335) Zoning District: An area or areas within the City in which the regulations and requirements of this Development Code are applied.

SECTION 5.0 AMENDMENTS TO THE DEVELOPMENT CODE AND COMPREHENSIVE PLAN (TEXT AND MAP)

5.1 Procedures. Pursuant to Minnesota Statutes 15.99, an application for an amendment to this Development Code shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. Pursuant to Minnesota Statutes 15.99, the City staff is hereby authorized to extend the 60 day time limit by a time period not to exceed 60 additional days, provided written notice of such extension is provided to the applicant before the end of the initial 60 day period. Extensions may also be requested by the applicant. Additional City requirements are as follows:

- (1) Requests for zoning (text or map) amendments shall be filed with the Zoning Administrator on an official application form. The applicant's signature shall be provided on the application form. Additionally, if the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by 1) a fee as set forth in City Ordinance, 2) detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully explaining the proposed change, development, or use, and 3) for amendments involving a change in district boundaries, one copy of a list of property owners located within 1,320 feet of the subject property in a format prescribed by the Zoning Administrator. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements.
- (2) Upon receipt of a complete application, as determined by staff review, and following preliminary staff analysis of the application and request, the Zoning Administrator, when appropriate, shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council.
- (3) Notice of said hearing shall consist of a description of the request and, in for amendments involving a change in district boundaries, a legal property description. Notice shall be published in the official newspaper at least 10 days prior to the hearing and written notification of said hearing shall be mailed at least 10 days prior to all owners of land within 1,320 feet of the boundary of the property in question for amendments involving a change in district boundaries. Failure of a property owner to receive said notice(s) shall not invalidate any such proceedings as set forth within this Chapter.
- (4) The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and to provide general assistance in preparing a recommendation of the action to the Planning Commission and City Council.
- (5) The Planning Commission shall consider possible effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:
 - (A) The proposed action shall be considered in relation to the specific policies and provisions of and shall be consistent with the City Comprehensive Plan, including public facilities and capital improvement plans.
 - (B) Whether the proposed action meets the purpose and intent of this Chapter or in the case of a map amendment, it meets the purpose and intent of the individual district.

- (6) The Planning Commission and City staff shall have the authority to request additional information from the applicant or to obtain expert testimony with the consent and at the expense of the applicant, if additional information is necessary to establish compatibility with the Comprehensive Plan and pertinent sections of this Chapter.
 - (7) The applicant or a representative thereof may appear before the Planning Commission in order to present information and answer questions concerning the proposed request.
 - (8) The Planning Commission shall make a recommendation on the request to the City Council. Such recommendation shall be accompanied by the report and recommendation of the City staff.
 - (9) The City Council shall not act upon an amendment until it has received a report and recommendation from the Planning Commission and the City staff or until 60 days after the first regular Planning Commission meeting at which the request was considered.
 - (10) For any application which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial, approval shall require passage by a 2/3 vote of the full City Council. Approval of any other proposed amendment shall require passage by a majority vote of the entire City Council.
 - (11) The amendment shall not become effective until such time as the City Council approves an ordinance reflecting said amendment.
 - (12) Whenever an application for an amendment has been considered and denied by the City Council, a similar application for an amendment affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least 6 months from the date of its denial unless a decision to reconsider such matter is made by not less than a majority of the full City Council.
- 5.2 Amendments- Initiation. The City Council or Planning Commission may initiate a request to amend the text of this Chapter or the district boundaries of the Zoning Map. The procedural requirements of Section 5.1 of this Chapter shall not apply to such proposed amendments except to the extent required by State Statute. Any person owning real estate within the City may initiate a request to amend the text of this Chapter or the district boundaries of the Zoning Map so as to affect the said real estate.
- 5.3 Certification of Taxes Paid. Prior to approving an application for rezoning, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the rezoning application relates.
- 5.4 Amendments to the Comprehensive Plan. Amendments to the text or any map contained in the Scandia Comprehensive Plan may be initiated and considered according to the procedures established in Section 5.1 of this Chapter and any applicable provisions of state law. Any amendment to the Comprehensive Plan shall require passage by a 2/3 vote of the full City Council.

SECTION 6.0 VARIANCES

- 6.1 Purpose. The purpose of this section is to permit deviations from the literal provisions of this Chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Chapter.
- 6.2 Board of Zoning Adjustments and Appeals. The City Council shall act as the Board of Zoning Adjustments and Appeals.
- 6.3 Review Criteria. The Board shall not approve any variance application unless it finds that failure to grant the variance will result in undue hardship on the applicant, and, as may be applicable, all of the following criteria have been met:
- (1) That because of the particular physical surroundings, shape, or topographical conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
 - (2) That the conditions upon which a petition for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.
 - (3) That the purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land.
 - (4) That the alleged difficulty or hardship is caused by provisions of this Chapter and has not been created by any persons having an interest in the parcel of land and is not a self-created hardship.
 - (5) That the granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.
 - (6) That the proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 - (7) That the requested variance is the minimum action required to eliminate the hardship.
- 6.4 Procedures. Pursuant to Minnesota Statutes 15.99, an application for a variance shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. Pursuant to Minnesota Statutes 15.99, the City staff is hereby authorized to extend the 60 day time limit by a time period not to exceed 60 additional days, provided written notice of such extension is provided to the applicant before the end of the initial 60 day period. Extensions may also be requested by the applicant. Additional City requirements are as follows:
- (1) Requests for a variance shall be filed with the Zoning Administrator on an official application form. The applicant's signature shall be provided on the application form. Additionally, if the applicant is not the fee owner of the property, the fee owner's signature

shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by a non-refundable fee to pay for staff time and indirect costs incurred by the City for processing, reviewing and hearing the application, and an escrow deposit to be applied in reimbursement of the City for all such out-of-pocket costs that are incurred by the City, as set forth in City Ordinance. The application shall be considered as being officially submitted complete when the applicant has complied with all the specified informational requirements, which shall include the following:

- (A) A written description of the request for the variance, including an explanation of compliance with the variance criteria set forth in this Section.
 - (B) Supporting materials, as outlined in Section 11.0 of this Chapter, as determined by the Zoning Administrator to be necessary for the complete and clear definition and understanding of the request.
- (2) Upon receipt of a complete application, as determined by staff review, and following preliminary staff analysis of the application and request, the Zoning Administrator, when appropriate, shall establish a time and place for consideration by the Planning Commission. At least 10 days before the date of the meeting, a written notice of the meeting shall be mailed to the applicant and to all other owners of property located within 500 feet of the boundaries of the property which is the subject of the application.
 - (3) Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Chapter.
 - (4) The Zoning Administrator shall cause the preparation of technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Board.
 - (5) The Planning Commission and Zoning Administrator shall have the authority to request additional information from the applicant concerning operational factors or to obtain expert testimony with the consent and at the expense of the applicant concerning operational factors, if such additional information is necessary to establish performance conditions in relation to all pertinent sections of this Chapter.
 - (6) The applicant or a representative thereof may appear before the Planning Commission in order to present and answer questions concerning the proposed request.
 - (7) The Planning Commission shall make a finding of fact and shall make a recommendation to the City Council on such actions or conditions relating to the request as it deems necessary to carry out the purposes of this Chapter.
 - (8) The Board shall not act upon the request until it has received a report and recommendation from the Planning Commission and the City staff or until 60 days after the first regular Planning Commission meeting at which the request was considered.
 - (9) Upon receiving the report and recommendation of the Planning Commission, the Board may grant the variance. Approval of a request shall require passage by a majority vote of the entire Board. In granting any major variance under the provisions of this Section, the Board shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions to which the adjustment or

variance is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare.

- (10) Where variances are granted under the provisions of this Section, the Board shall require such evidence and guarantee as it may deem necessary to insure compliance with the conditions designated in connection therewith. Following the approval of a variance as required by this Section and prior to the issuing of any building permits or the commencing of any work, the applicant may be required to guarantee to the City the completion of landscaping and any other private exterior amenities or improvements as shown on the approved site plan and as required by the variance approval. The guarantee shall be made by means of a site improvement performance agreement and a financial guarantee as specified in Section 11.0 of this Chapter.
- (11) The Zoning Administrator shall serve a copy of the final order of the Board upon the petitioner by mail.
- (12) Whenever an application for a variance has been considered and denied by the Board, a similar application for a variance affecting substantially the same property shall not be considered again by the Planning Commission or Board for at least 6 months from the date of its denial, unless a decision to reconsider such matter is made by a majority vote of the entire Board.

- 6.5 Appeal of Board Ruling. Any person or persons, any private or public board, or taxpayer of the City aggrieved by any decision of the Board shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462, as such statutes may be from time to time amended, supplemented or replaced.
- 6.6 Expiration. Unless the variance was approved prior to the effective date of this Chapter, or the Board specifically approves a different time when action is officially taken on the request, approvals which have been issued under the provisions of this section shall expire without further action by the Planning Commission or the Board, unless the applicant commences the authorized use or improvement within 1 year of the date the variance is issued; or, unless before the expiration of the 1 year period; the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as set forth in City Ordinance. The request for extension shall state facts showing a good faith attempt to complete or utilize the approval permitted in the variance. A request for an extension not exceeding 1 year shall be subject to the review and approval of the Zoning Administrator. Should a second extension of time or any extension of time longer than 1 year be requested by the applicant, it shall be presented to the Planning Commission for a recommendation and to the Board for a decision.
- 6.7 Certification of Taxes Paid. Prior to approval of an application for a variance, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the variance application relates.

SECTION 7.0 APPEALS OF RULINGS OF ZONING ADMINISTRATOR OR BOARD OF ADJUSTMENT AND APPEALS

- 7.1 Board Designation. The City Council shall serve as the Board of Adjustments and Appeals.
- 7.2 Applicability. An appeal shall only be applicable to an interpretation of legislative intent of provisions of this Chapter. Opinions and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.
- 7.3 Filing. An appeal from the ruling of an administrative officer of the City shall be filed by the property owner or the owner's agent with the Zoning Administrator within 30 days after the making of the order being appealed.
- 7.4 Stay of Proceedings. An appeal stays all proceedings and the furtherance of the action being appealed unless it is certified to the Board of Adjustment and Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life and property. In such case, the proceedings shall not be stayed other than by a restraining order which may be granted by a court of record on application, and upon subsequent notice to the City.
- 7.5 Procedure. The procedure for making such an appeal shall be as follows:
- (1) The property owner or the owner's agent shall file with the Zoning Administrator a notice of appeal stating the specific grounds upon which the appeal is made. Said application shall be accompanied by a fee set forth in City Ordinance.
 - (2) The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports when appropriate and shall provide general assistance in preparing a recommendation on the action to the Board of Adjustment and Appeals.
 - (3) The Board of Adjustment and Appeals shall make its decision by resolution within 60 days from the date on which a completed application is filed.
 - (4) The Zoning Administrator shall serve a copy of the final order of the Board upon the petitioner by mail.
- 7.6 Appeals from the Board of Adjustment and Appeals. Any person or persons, any private or public board, or taxpayer of the City aggrieved by any decision of the Board of Adjustment and Appeals shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462, as such statutes may be from time to time amended, supplemented or replaced.

SECTION 8.0 CONDITIONAL USE PERMITS

- 8.1 Purpose. The purpose and intent of a conditional use permit is to authorize and regulate uses which may be beneficial in a specific instance to the general welfare of the community, yet ensure that such uses are not detrimental to surrounding property, and are consistent with the stated purpose of the zoning district in which such uses are located regarding conditions of operation, location, arrangement, and construction.
- 8.2 Procedures. Pursuant to Minnesota Statutes 15.99, an application for a conditional use permit shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. Pursuant to Minnesota Statutes 15.99, the City staff is hereby authorized to extend the 60 day time limit by a time period not to exceed 60 additional days, provided written notice of such extension is provided to the applicant before the end of the initial 60 day period. Extensions may also be requested by the applicant. Additional City requirements are as follows:
- (1) Requests for conditional use permits, as provided within this Chapter, shall be filed with the Zoning Administrator on an official application form. The applicant's signature shall be provided on the application form. Additionally, if the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by 1) a fee as set forth by City ordinance, 2) detailed written and graphic materials, in the number and size prescribed by the Zoning Administrator, fully explaining the proposed change, development, or use, and 3) a list of property owners located within 1,320 feet of the subject property in a format prescribed by the Zoning Administrator. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements.
 - (2) Upon receipt of a complete application, as determined by staff review, and following preliminary staff analysis of the application and request, the Zoning Administrator, when appropriate, shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council.
 - (3) Notice of said hearing shall consist of a legal property description and a description of the request, which shall be published in the official newspaper at least 10 days prior to the hearing and written notification of said hearing shall be mailed at least 10 days prior to the hearing to all owners of land within 1,320 feet of the boundary of the property in question. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.
 - (4) The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and to provide general assistance in preparing a recommendation on the action to the Planning Commission and City Council.
 - (5) The Planning Commission and City staff shall have the authority to request additional information from the applicant or to obtain expert testimony with the consent and at the expense of the applicant, if such additional information is necessary to establish performance conditions in relation to all pertinent sections of this Chapter.

- (6) The applicant or a representative thereof may appear before the Planning Commission in order to present information and answer questions concerning the proposed request.
- (7) The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as it deems necessary to carry out the intent and purpose of this Chapter.
- (8) The City Council shall not grant a conditional use permit until it has received a report and recommendation from the Planning Commission and the City staff, or until 60 days after the first regular Planning Commission meeting at which the request was considered.
- (9) Approval of a Conditional Use Permit shall require passage of a resolution by a majority vote of a quorum of the City Council.
- (10) Whenever an application for a conditional use permit has been considered and denied by the City Council, a similar application for a conditional use permit affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least 6 months from the date of its denial unless a decision to reconsider such matter is made by a majority vote of the entire City Council.

8.3 Information Requirement. The information required for all conditional use permit applications shall be as specified in Section 11.0 of this Chapter.

8.4 General Criteria. As may be applicable, the evaluation of any proposed conditional use permit request shall be subject to and include, but be not limited to, the following general criteria:

- (1) The conditional use will be in compliance with and shall not have a negative effect upon the Comprehensive Plan, including public facilities and capital improvement plans.
- (2) The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort.
- (3) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values or scenic views.
- (4) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (5) Adequate public facilities and services are available or can be reasonably provided to accommodate the use which is proposed.
- (6) The conditional use shall conform to the applicable regulations of the district in which it is located and all other applicable standards of this Chapter.
- (7) The conditional use complies with the general and specific performance standards as specified by this Section and this Chapter.

8.5 Performance Standards. As may be applicable, the evaluation of any proposed conditional use permit request shall be subject to and include, but be not limited to, all applicable performance standards provided by Chapter 2 of this Development Code, and the following general standards applicable to all conditional uses:

- (1) The use and site in question shall be capable of supporting the wastewater disposal needs of the proposed use, and shall meet all applicable standards and regulations necessary to protect public health and to protect surface and groundwater resources.
- (2) Adequate parking shall be provided, and the site design for access, circulation, parking and loading areas shall minimize internal and external traffic conflicts.
- (3) An adequate pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
- (4) All landscaping, screening, woodland and tree preservation requirements shall be met.
- (5) All exterior lighting shall be so directed so as not to cast glare toward or onto the public right-of-way or neighboring property and be in compliance with all city lighting requirements.
- (6) Potential exterior noise generated by the use shall be identified and mitigation measures as may be necessary shall be provided to insure compliance with the city's noise ordinance.
- (7) The site drainage system shall meet all applicable standards for management of water quantity and water quality.
- (8) The architectural appearance and functional design of non-residential buildings and sites shall be in harmony with the Scandia Architectural Design Guidelines and with the character of the surrounding buildings and sites.
- (9) All signs and informational or visual communication devices shall be in compliance with applicable regulations.
- (10) The use and site shall be in compliance with any federal or state laws or regulations which are applicable and any other required permits are obtained and documented to the City.
- (11) Any applicable business licenses that may be mandated by City ordinance are approved and obtained.
- (12) The hours of operation may be restricted when there is potential negative impact upon the surrounding area or neighboring uses.
- (13) Any costs that may be incurred by the city to monitor compliance with the conditions of the Conditional Use Permit shall be paid by the applicant and/or owner of the property.

8.6 Revocation. The Planning Commission may recommend, and the City Council may direct, the revocation of any conditional use permit for cause upon determination that the authorized conditional use is not in conformance with the conditions of the permit or is in continued violation of this Chapter, City Ordinances, or other applicable regulations. The City Council or Planning Commission shall initiate an action and the Zoning Administrator shall notify the responsible person to whom the permit

was issued and owner of the property, that the person or property owner has an opportunity to show cause why the permit should not be revoked. A hearing shall be held pursuant to Section 8.2 of this Chapter. The Zoning Administrator shall provide the responsible person to whom the permit was issued and the owner of the property a copy of the proceedings and findings of the Planning Commission and City Council determining whether the conditional use permit shall be revoked.

- 8.7 Amendment. Holders of a conditional use permit may propose amendments to the permit at any time, following the procedures for a new permit as set forth in this Section. No significant changes in the circumstances or scope of the permitted use shall be undertaken without approval of those amendments by the City. The Zoning Administrator shall determine what constitutes significant change. Significant changes include, but are not limited to, hours of operation, number of employees, expansion of structures and/or premises, different and/or additional signage, and operational modifications resulting in increased external activities and traffic, and the like. The Planning Commission may recommend, following the procedures for hearing and review set forth in this Section and the City Council may approve significant changes and modifications to conditional use permits, including the application of additional or revised conditions.
- 8.8 Expiration. Unless the City Council specifically approves a different time when action is officially taken on the request, permits which have been issued under the provisions of this section shall expire without further action by the Planning Commission or the City Council, unless the applicant commences the authorized use within 1 year of the date the conditional use permit is issued; or, unless before the expiration of the 1 year period the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as set forth by City Ordinance. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. A request for an extension not exceeding 1 year shall be subject to the review and approval of the Zoning Administrator. Should a second extension of time or any extension of time longer than 1 year be requested by the applicant, it shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.
- 8.9 Financial Guarantee. Following the approval of a conditional use permit as required by this Section and prior to the issuing of any building permits or the commencing of any work, the applicant may be required to guarantee to the City the completion of landscaping and any other private exterior amenities or improvements as shown on the approved site plan and as required by the conditional use permit approval. The guarantee shall be made by means of a site improvement performance agreement and a financial guarantee as specified in Section 11.0 of this Chapter.
- 8.10 Certification of Taxes Paid. Prior to approving an application for a conditional use permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the conditional use permit application relates.

SECTION 9.0 INTERIM USES

- 9.1 Purpose: The purpose and intent of allowing interim uses is:
- (1) To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
 - (2) To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.
 - (3) To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.
- 9.2 Procedures. Uses defined as interim uses which do not presently exist within a respective zoning district shall be processed according to the standards and procedures for a conditional use permit as established by Section 8.0 of this Chapter.
- 9.3 General Standards. An interim use shall comply with the following:
- (1) The use shall meet the applicable standards for a conditional use permit set forth in Sections 8.4 and 8.5 of this Chapter.
 - (2) The use is allowed as an interim use in the respective zoning district.
 - (3) The date or event that will terminate the use can be identified with certainty.
 - (4) The use will not impose additional unreasonable costs on the public.
 - (5) The user agrees to any conditions that the City Council deems appropriate for permission of the use.
- 9.4 Termination. An interim use shall terminate with the occurrence of any of the following events, whichever occurs first:
- (1) The date stated in the permit;
 - (2) Upon violation of conditions under which the permit was issued;
 - (3) Upon change in the City's zoning regulations which renders the use nonconforming;
 - (4) The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.
- 9.5 Certification of Taxes Paid. Prior to approving an application for an interim use permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the interim use permit application relates.

SECTION 10.0 ADMINISTRATIVE PERMITS AND APPROVALS

10.1 Purpose. The purpose of this section is to establish regulations and procedures for the processing and consideration of activities allowed by administrative permit and of matters delegated for approval by the Zoning Administrator, with the goal of protecting the health, safety, and welfare of the citizens of the City.

10.2 Procedure.

- (1) Requests for administrative permits, as provided within this Chapter, shall be filed with the Zoning Administrator on an official application form. The applicant's signature shall be provided on the application form. Additionally, if the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner.
- (2) The application shall be accompanied by a non-refundable fee, and an escrow deposit to be applied in reimbursement of the City for all out-of-pocket costs that are incurred for processing, reviewing and hearing the application, as set forth by City Ordinance for administrative permit applications. Applications for amending permits shall be accompanied by a non-refundable fee and escrow deposit as set forth by City Ordinance for administrative permits.
- (3) The Zoning Administrator shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Chapter.
- (4) The Zoning Administrator shall consider possible adverse effects of the proposed events or activity. Judgment shall be based upon (but not limited to) the following factors:
 - (A) The use will be in compliance with and shall not have a negative effect upon the Comprehensive Plan, including public facilities and capital improvement plans.
 - (B) The establishment, maintenance or operation of the use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort.
 - (C) The use, event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - (D) The establishment of the use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - (E) Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event or activity which is proposed.
 - (F) The use, event or activity and site shall, in all other respects, conform to the applicable regulations of the district in which it is located and all other applicable provisions of the Development Code.

- (5) The Zoning Administrator shall make a determination on approval or denial of the administrative permit within sixty (60) days from the date of submission of a complete application. Pursuant to Minnesota Statutes 15.99, the City staff is hereby authorized to extend the 60 day time limit by a time period not to exceed 60 additional days, provided written notice of such extension is provided to the applicant before the end of the initial 60 day period. Extensions may also be requested by the applicant.
- (6) A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this Chapter shall be attached to the permit.
- (7) Denial of an application due to non-compliance with applicable codes, ordinances, and the standards of this Chapter shall be communicated to the applicant in writing. Within 10 days of the date of such notice, the applicant may submit revised plans and/or information, which shall be evaluated by the Zoning Administrator to determine compliance.
- (8) Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Section 7.0 of this Chapter.

10.3 Information Requirement. The information required for all administrative permit applications shall include:

- (1) A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.
- (2) A copy of the approved site plan for the property or an “as built” survey which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs.
- (3) An accurate floor plan, when in the judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the application.
- (4) A copy of the current sales tax certificate issued by the State of Minnesota, if applicable.
- (5) Information identified in Section 11 of this Chapter, as may be applicable.

10.4 Performance Standards. All uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such use, event or activity is proposed and by any performance standards for the use, events or activities which may be provided by City Ordinance or this Development Code.

10.5 Administration and Enforcement.

- (1) The Zoning Administrator shall keep a record of applications and administrative permits.
- (2) A copy of all administrative permits issued shall be forwarded to appropriate staff as determined by the Zoning Administrator.

- (3) Enforcement of the provisions of this paragraph shall be in accordance with Section 2.0 of this Chapter. Violation of an issued permit or of the provisions of this section also shall be grounds for denial of future permit applications.

10.6 Certification of Taxes Paid. Prior to approving an application for an administrative permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the administrative permit application relates.

10.7 Expiration.

- (1) Events or activities requiring an administrative permit. An administrative permit for an event or activity shall become null and void upon completion of the event or activity that required the permit, or as may otherwise be specified on the face of the administrative permit issued by the City.
- (2) Uses requiring an administrative permit. Unless otherwise specified by the Zoning Administrator, an administrative permit required for a use or structure shall become null and void pursuant to the provisions of Section 11.9 of this Chapter.

10.8 Non-Permit Approvals. In cases where the Zoning Administrator is given approval authority without a requirement for an administrative permit, determinations shall be based upon the criteria outlined in Section 10.2 (4) of this Chapter.

SECTION 11.0 SITE PLAN REVIEW

11.1 Purpose. The purpose of this section is to establish a formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this Development Code.

11.2 Exceptions to Review. The following shall be exempt from the following requirements:

- (1) Agricultural uses in the AG-C, AP and GR Zoning Districts.
- (2) Single family detached dwellings and related accessory uses.
- (3) Two family attached dwellings and related accessory uses.

11.3 Pre-Application Sketch Review.

- (1) Prior to the formulation of a site plan, applicants may present a sketch to the Zoning Administrator prior to filing of a formal application. The sketch may be conceptual and may include the following related materials:
 - (A) A scale drawing of the proposed site with reference to existing development within 200 feet of adjacent properties.
 - (B) General location of proposed structures.
 - (C) Tentative street arrangements, both public and private.
 - (D) Amenities to be provided such as recreational areas, open space, walkways, etc.
 - (E) General location of parking areas.
 - (F) Proposed sewage disposal facilities, water service and storm drainage.
 - (G) A statement showing the proposed density of the project with the method of calculating said density also shown.
 - (H) Extent of and any proposed modifications to land within any applicable Overlay Districts as described and regulated by this Development Code.
 - (I) Topographic contours at 2 foot intervals.
 - (J) Wetland delineation.
 - (K) Proposed general schedule of development.
 - (L) Information on the proposed developer.
 - (M) Other information or materials useful in reviewing the sketch.
 - (N) Letter of concurrence from landowner, if the landowner is not the applicant.
- (2) The Zoning Administrator shall review the sketch and provide informal comments. The

Zoning Administrator shall have the prerogative and authority to refer the sketch to the Planning Commission and/or City Council for discussion, review, and informal comment. Any opinions or comments provided on the sketch by the Zoning Administrator, Planning Commission, and/or City Council shall be considered advisory only and shall not constitute a binding decision.

- (3) Requests for pre-application sketch review shall be submitted to the Zoning Administrator. If the sketch is to be reviewed by the Planning Commission and/or City Council, as determined by the Zoning Administrator, the sketch shall be accompanied by a list of property owners within a specified distance of the subject property in a format prescribed by the Zoning Administrator. The specified distance shall be consistent with the greatest distance required for the applications that the proposed project would require.

11.4 Minor Projects. Site plans classified as minor projects and may be administratively approved by the Zoning Administrator in lieu of Planning Commission review and City Council approval.

- (1) Definition of Minor Project.
 - (A) The site and the use must be in compliance with the Comprehensive Plan.
 - (B) The use must be explicitly classified as a permitted or accessory use within the respective zoning districts of this Chapter.
 - (C) All applications for site plan approval must be complete and in full accordance with the requirements of this Chapter. All applicable fees shall be paid.
 - (D) All project proposals and site plan layouts must meet or exceed the standards of all applicable codes, ordinances, and policies and must be free of any variances from those standards.
 - (E) All sites must be legal parcels of record at the time of application.
- (2) Procedures for Review of Minor Projects. Pursuant to Minnesota Statutes 15.99, an application for site plan approval shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. Pursuant to Minnesota Statutes 15.99, the City staff is hereby authorized to extend the 60 day time limit by a time period not to exceed 60 additional days, provided written notice of such extension is provided to the applicant before the end of the initial 60 day period. Extensions may also be requested by the applicant. Additional City requirements for administrative approval of eligible site plans shall be as follows:
 - (A) Requests for site plan approval, as provided in this Chapter, shall be filed with the Zoning Administrator on an official application form. The applicant's signature shall be provided on the application form. Additionally, if the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by 1) a fee, and an escrow deposit to be applied in reimbursement of the City for all out-of-pocket costs that are incurred for processing, reviewing and hearing the application, as set forth by City Ordinance, and 2) detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully explaining the proposed change, development, or use.

- (B) Plan review will be in accordance with established procedures including the coordinated review by other City departments and divisions as determined by the Zoning Administrator.
 - (C) Administrative approval including all applicable conditions and requirements shall be made in writing by the Zoning Administrator, and the applicant, in addition to all other applicable requirements, shall submit a written acknowledgment of that approval prior to the commencement of any development and prior to the issuance of any permits.
 - (D) Any unresolved dispute as to administrative interpretation of City Code, ordinance, or policy requirements may be formally appealed pursuant to Section 7.0 of this Chapter.
- (3) Certification of Taxes Paid. Prior to approving an application for a minor project, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the minor project application relates.

11.5 Major Projects.

- (1) Definition of Major Project.
 - (A) Any project not classified or qualifying as a minor project shall be classified as a major project.
 - (B) Any project resulting in the exterior alteration of a structure to which the Scandia Architectural Design Guidelines (dated September, 2009 and as may be amended) are applicable.
- (2) Procedures for Review of Major Projects. Pursuant to Minnesota Statutes 15.99, an application for site plan approval shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. Pursuant to Minnesota Statutes 15.99, the City staff is hereby authorized to extend the 60 day time limit by a time period not to exceed 60 additional days, provided written notice of such extension is provided to the applicant before the end of the initial 60 day period. Extensions may also be requested by the applicant. Additional City requirements are as follows:
 - (A) Requests for site plan approval, as provided in this Chapter, shall be filed with the Zoning Administrator on an official application form. The applicant's signature shall be provided on the application form. Additionally, if the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by 1) a fee, and an escrow deposit to be applied in reimbursement of the City for all out-of-pocket costs that are incurred for processing, reviewing and hearing the application, as provided for by City Ordinance, 2) detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully explaining the proposed change, project, or use, and 3) a list of property owners within 200 feet of the subject property in a format prescribed by the Zoning Administrator. The request shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements.

- (B) Notice of the meeting at which the Planning Commission will review the application shall consist of a description of the site and the request and shall be mailed at least 10 days prior to the meeting to all owners of land within two 200 feet of the boundary of the property in question. Failure of a property owner to receive said notice shall not invalidate any of the proceedings as set forth in this Chapter.
 - (C) The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Planning Commission and the City Council.
 - (D) The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to obtain expert testimony with the consent and at the expense of the applicant concerning operational factors, if such additional information is necessary to evaluate the request and/or to establish performance conditions in relation to all pertinent sections of this Chapter. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
 - (E) The applicant or a representative thereof may appear before the Planning Commission in order to present information and answer questions concerning the proposed request.
 - (F) The Planning Commission shall recommend such actions or conditions relating to the request as it deems necessary to carry out the intent and purpose of this Chapter.
 - (G) The City Council shall not consider a site plan application until it has have received a report and recommendation from the Planning Commission. If, however, the Planning Commission has not acted upon the request after 60 days from the first regular meeting at which the request was considered, the City Council may proceed with its considerations and action on the request.
 - (H) Upon receiving the report and recommendation of the Planning Commission, the City Council will consider the application. The applicant or a representative thereof may appear before the City Council in order to present information and answer questions concerning the proposed request.
 - (I) Approval of a site plan application shall require passage of a resolution by a majority vote of a quorum of the City Council.
 - (J) One set of approved plans, specifications and computations shall be retained by the city for a period of not less than one year from the date of completion of the work covered therein. One set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.
- (3) Certification of Taxes Paid. Prior to approving an application for a major project, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the major project application relates.

11.6 Evaluation Criteria. The Planning Commission and City Council shall evaluate the effects of the proposed site plans. This review shall be based upon, but not be limited to, compliance with the City

Comprehensive Plan and provisions of the Zoning Ordinance.

11.7 Information Requirement. The information required for all site plan applications generally consists of the following items, and shall be submitted when requested and specified by the Zoning Administrator.

- (1) Site Plan.
 - (A) Name and address of developer/owner.
 - (B) Name and address of architect/designer.
 - (C) Date of plan preparation.
 - (D) Dates and description of all revisions.
 - (E) Name of project or development.
 - (F) Scale of plan (engineering scale only, at 1 inch equals 50 feet or less).
 - (G) North point indication.
 - (H) Lot dimension and area.
 - (I) Required and proposed setbacks.
 - (J) Location, setback and dimension of all buildings on the lot including both existing and proposed structures.
 - (K) Contours, streets, utilities, and structures located within 100 feet of the exterior boundaries of the property in question.
 - (L) Location, number, and dimensions of existing and proposed parking spaces.
 - (M) Location, number, and dimensions of existing and proposed loading spaces
 - (N) Curb cuts, driveways.
 - (O) Vehicular circulation.
 - (P) Sidewalks, walkways.
 - (Q) Lighting Plan. The plan shall depict all exterior lighting for the project and must include:
 1. Location of all exterior lighting by type.
 2. Description, including but not limited to catalog cut sheets by manufacturers and drawings, of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices proposed.
 3. Mounting height of all luminaires.
 4. Hours of illumination.

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5. Photometric data, such as that furnished by manufacturers showing the angle of cutoff or light emissions. Photometric data need not be submitted when the shielding of a fixture is obvious to the Zoning Administrator.
 6. Signature of registered engineer or certified lighting professional who prepared the plan.
- (R) Location of recreational and service areas.
 - (S) Location of rooftop equipment and proposed screening.
 - (T) Provisions for storage and disposal of waste, garbage, and recyclables.
 - (U) Location, sizing, and type of water service and sewage disposal facilities and proposed service connections.
- (2) Grading/Storm Water Drainage Plan.
- (A) Name and address of developer/owner.
 - (B) Name and address of architect/designer.
 - (C) Date of plan preparation.
 - (D) Dates and description of all revisions.
 - (E) Name of project or development.
 - (F) Scale of plan (engineering scale only, at 1 inch equals 50 feet or less).
 - (G) North point indication.
 - (H) Existing contours at 2 foot intervals.
 - (I) Proposed grade elevations, 2 foot maximum intervals.
 - (J) Drainage plan including configuration of drainage areas and calculations.
 - (K) Storm sewer, catch basins, invert elevations, type of castings, and type of materials.
 - (L) Spot elevations.
 - (M) Proposed driveway grades.
 - (N) Surface water ponding and treatment areas.
 - (O) Erosion control measures.
- (3) Landscape Plan.
- (A) Name and address of developer/owner.

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- (B) Name and address of architect/designer.
 - (C) Date of plan preparation.
 - (D) Dates and description of all revisions.
 - (E) Name of project or development.
 - (F) Scale of plan (engineering scale only, at 1)inch equals 50 feet or less).
 - (G) North point indication.
 - (H) Existing landscaping: location, size and common name of all existing significant trees for all areas of a site that will be disturbed or graded. For changes to developed sites, the location, size and common name of all existing trees and shrubs on the site all areas of the site that will be disturbed or graded.
 - (I) Planting Schedule (table) containing:
 - 1. Symbols.
 - 2. Quantities.
 - 3. Common names.
 - 4. Botanical names.
 - 5. Sizes of plant material.
 - 6. Root specification (bare root, balled and burlapped, potted, etc.)
 - 7. Special planting instructions.
 - (J) Tree preservation plan and reforestation plan, as may be applicable pursuant to Chapter 2 of this Development Code.
 - (K) Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).
 - (L) Typical sections in details of fences, tie walls, planter boxes, tot lots, picnic areas, berms and the like.
 - (M) Typical sections of landscape islands and planter beds with identification of materials used.
 - (N) Details of planting beds and foundation plantings.
 - (O) Note indicating how disturbed soil areas will be restored through the use of sodding, seeding, or other techniques.
 - (P) Delineation of both sodded and seeded areas with respective areas in square feet.

- (Q) Coverage plan for underground irrigation system, if any.
 - (R) Where landscape or man-made materials are used to provide screening from adjacent and neighboring properties, a cross-through section shall be provided showing the perspective of the site from the neighboring property at the property line elevation.
 - (S) Other existing or proposed conditions which could be expected to affect landscaping.
- (4) Other Plans and Information. (May be submitted in combination pursuant to approval by the Zoning Administrator)
- (A) Legal description of property under consideration.
 - (B) Proof of ownership of the land for which a site plan approval has been requested.
 - (C) Architectural elevations of all principal and accessory buildings (type, color, and materials used in all external surfaces).
 - (D) “Typical” floor plan and “typical” room plan.
 - (E) Extent of and any proposed modifications to land within any applicable Overlay Districts as described and regulated by this Development Code.
 - (F) Type, location and size (area and height) of all signs to be erected upon the property in question.
 - (G) Certification that all property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the application relates have been paid.

11.8 Plan Modifications. All site and construction plans officially submitted to the City shall be treated as a formal agreement between the applicant and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard, or specifications without prior submission of a plan modification request to the City for review and approval

- (1) Qualifications. Proposed minor structural additions involving 10% or less of the total existing floor area and proposed minor site modifications involving 10% or less of the total existing site area which meet all ordinance requirements may be approved by the Zoning Administrator prior to a building permit being issued and shall not require Planning Commission or Council review, subject to the following:
 - (A) This Section shall apply in the cases of new projects which have received City Council plan approval, but for which building permits have yet to be taken. This Section shall also apply to existing projects on file which have City Council approved site plans.
 - (B) Compliance with all Ordinance requirements shall be construed to include all adopted policies and codes.
 - (C) Any variances from Ordinance and policy requirements shall be subject to the established review and hearing procedures for site plan and variance approval.
 - (D) Plans submitted for minor structural additions or minor site alterations under the terms of this Section shall be the same as those required for site plan approval.

- (E) A copy of the plans approved under this Section shall be appropriately certified by the Zoning Administrator and placed on file with the City Council approved plans.
- (2) Procedures. Pursuant to Minnesota Statutes 15.99, an application for plan modification shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. Requests for plan modification, as provided in this Chapter, shall be filed with the Zoning Administrator on an official application form. The applicant's signature shall be provided on the application form. Additionally, if the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by a fee, and an escrow deposit to be applied in reimbursement of the City for all out-of-pocket costs that are incurred for processing, reviewing and hearing the application, as provided by City Ordinance.

11.9 Lapse of Approval.

- (1) Unless otherwise specified by the Zoning Administrator or City Council as may be applicable, the site plan approval shall become null and void 1 year after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the approved plan. The property owner or applicant shall have the right to submit an application for time extension in accordance with this Section.
- (2) An application to extend the approval of a site plan for up to an additional 1 year shall be submitted to the Zoning Administrator not less than 30 days before the expiration of said approval. Such an application shall state the facts of the request, showing a good faith attempt to utilize the site plan approval, and it shall state the additional time being requested to begin the proposed construction. The request shall be heard and decided by the Zoning Administrator prior to the lapse of approval of the original request. A request pertaining to a major project involving a longer period of time than 1 year or a second request for a time extension of a major project shall be presented to the Planning Commission for recommendation and to the City Council for a decision. Additional requests for a time extension of a minor project may be approved by the Zoning Administrator, subject to the same procedures established for the first time extension as outlined above.
- (3) In making its determination on whether an applicant has made a good faith attempt to complete the improvements shown on the approved site plan, the Zoning Administrator or the City Council, as applicable, shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay.

11.10 Site Improvement Performance Agreement and Financial Guarantee. Following the approval of the site plan required by this Chapter and before issuance of a building permit, the applicant may be required to guarantee to the City the completion of landscaping and any other private exterior amenities or improvements as shown on the approved site plan and as required by the site plan approval. This guarantee shall be made by means of a site improvement performance agreement and a financial guarantee as provided below:

- (1) The applicant shall execute the site improvement performance agreement on forms provided by the City. The agreement shall be approved as to form and content by the City Attorney

and shall define the required work and reflect the terms of this Section as to the required guarantee for the performance of the work by the applicant.

- (2) The required work includes, but is not limited to, private exterior amenities such as landscaping, private driveways, parking areas, recreational fields and their related structures, drainage systems, water quality ponds, wetland mitigation, wetland buffers, erosion control, curbing, fences and screening, and other similar facilities. The required work shall also include all aspects of a tree preservation plan and reforestation plan, if applicable.
- (3) A financial guarantee shall be submitted with the executed site performance agreement as provided herein:
 - (A) Financial guarantees acceptable to the City include a cash escrow; or an Irrevocable Letter of Credit.
 - (B) The term of the financial guarantee shall be for the life of the site improvement performance agreement, and it shall be the responsibility of the applicant to ensure that a submitted financial guarantee shall continue in full force and effect until the Zoning Administrator shall have approved and accepted all of the work undertaken to be done and shall thereby have released the guarantee or reduced the amount of the guarantee as provided in this Section.
 - (C) The amount of the financial guarantee shall be established by the Zoning Administrator based upon an itemized estimate of the cost of all required work. A cash deposit or Irrevocable Letter of Credit shall be in the amount of 125% of the approved estimated cost.
 - (D) When any instrument submitted as a financial guarantee contains provision for an automatic expiration date, after which the instrument may not be drawn upon, not withstanding the status of the site performance agreement or of the required work, the expiration date shall be October 31; further, it shall be the responsibility of the applicant to notify the City in writing, by certified mail, at least 60 days in advance of the expiration date of the intention to renew the instrument or to not renew the instrument. If the instrument is to be renewed, a written notice of extension shall be provided 30 days prior to the expiration date; if the instrument is not to be renewed, and has not been released by the Zoning Administrator, another acceptable financial guarantee in the appropriate amount shall be submitted at least 30 days prior to the expiration. The term of any extension shall be approved by the Zoning Administrator. Upon receipt of an acceptable substitute financial guarantee, the Zoning Administrator may release the original guarantee. If the financial guarantee has not been released and has not been renewed at least 30 days prior to its expiration date, the Zoning Administrator shall draw on the financial guarantee an amount equal to 125% of the estimated cost to complete the improvements.
 - (E) The applicant may submit a separate financial guarantee for that portion of the required work consisting solely of landscaping improvements with another financial guarantee for all other exterior amenities and improvements which comprise the work.
 - (F) The time allowed for completion of the required improvements shall be set out in the site improvement performance agreement. The agreement and the financial guarantee shall provide for forfeiture to the City to cure a default or reimburse the City the cost of

enforcement measures. As various portions of such required work are completed by the applicant and approved by the City, the Zoning Administrator may release such portion of the financial guarantee as is attributable to such completed work. Landscaping improvements shall not be deemed complete until the City has verified survivability of all required plantings through two winter seasons, which is defined for the purpose of this Section as the 18-month period of 31 October through 30 April of the second year thereafter.

- (G) The applicant shall notify the City in writing when all or a portion of the required improvements have been completed in accordance with the approved plan and may be inspected. Upon receipt of such notice, the Zoning Administrator shall be responsible for the inspection of the improvements to determine that the useful life of all work performed meets the average standards for the particular industry, profession, or material used in the performance of the work. Any required work failing to meet such standards shall not be deemed to be complete and the applicant shall be notified in writing as to required corrections. Upon determination that the work has been completed, including the winter season survivability of all landscape improvements, a notice of the date of actual completion shall be given to the applicant and appropriate action, to release or to reduce the amount of the financial guarantee shall be taken by the Zoning Administrator.

11.11 Minnesota State Building Code. The review and approval of site improvements pursuant to the requirements of building codes shall be in addition to the site plan review process established under this section. The site plan approval process does not imply compliance with the requirements of these building codes.

SECTION 12.0 ENVIRONMENTAL REVIEW

12.1 Purpose. The purpose of this section is to determine whether certain projects have or may have the potential for significant environmental effects and should undergo special procedures of the Minnesota Environmental Review Program and Minnesota Environmental Quality Board.

12.2 General Provisions.

- (1) No development project shall be approved prior to review by the Zoning Administrator to determine the necessity for completion of an Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS). Procedures for EAWs and EISs are set forth in the Minnesota Environmental Quality Review Board (EQB) regulations for the Environmental Review Program authorized by Minnesota Statute 116D.04 and 116D.045 and specified in Minnesota Rules Parts 4410.0200 to 4410.7800.
- (2) Environmental reviews (EAWs and EISs) shall be conducted as early as practical in the processing of a development project. Time delays in the normal permit process caused by the filing and review of the EAW or EIS shall not be considered part of the permit approval time requirements set forth within this Chapter. Such delays shall be considered as additional required time for each required permit. The permit process for the proposed project may be continued from the point it was interrupted by the EAW/EIS process. No decision on granting a permit or other approval required to commence the project may be issued until the EAW/EIS process is completed.

12.3 Environmental Assessment Worksheets (EAWs)

- (1) Purpose. The purpose of an EAW is to rapidly assess, in a worksheet format, whether or not a proposed action has the potential for significant environmental effects.
- (2) Mandatory EAWs. The preparation of an EAW shall be mandatory for those projects that meet or exceed the thresholds contained in the State Environmental Review Program regulations, Minnesota Rules 4410.4300, as may be amended.
- (3) Discretionary EAWs. A discretionary EAW may be required when it is determined that, because of the nature or location of a proposed project, the project may have the potential for significant environmental effects. The Zoning Administrator may suggest and/or the City Council may require the preparation of a discretionary EAW if it is determined that a development project may have some significant environmental impact or when there is a perception of such, provided that the project is not specifically exempted by Minnesota Rules 4410.4600, as may be amended.
- (4) Procedures.
 - (A) Preparation and Distribution.
 1. If the Zoning Administrator determines that an EAW shall be prepared, the proposer of the project shall submit an “Application for Environmental Review” along with the completed data portions of the EAW. The applicant shall agree in writing, as a part of the application, to reimburse the City prior to the issuance of any permits for all reasonable costs, including legal and consultants’ fees, incurred in preparation and review of the EAW.

2. Pursuant to Minnesota Rules 4410.1400, the Zoning Administrator shall promptly review the submittal for completeness and accuracy. If the Zoning Administrator determines that the submittal is incomplete, the submittal shall be returned to the proposer for completion of the missing data. If the Zoning Administrator determines that the submittal is complete, the proposer shall be notified of the acceptance of the submittal within five days. The Zoning Administrator shall have 30 days from notification to add supplementary material to the EAW, if necessary, and to approve the EAW for distribution.
3. Within five (5) days of approving the EAW for distribution, the Zoning Administrator shall distribute copies of the EAW to the EQB for publication of the notice of availability of the EAW in the EQB Monitor. Copies shall be distributed at the same time to the official EAW distribution list maintained by the EQB staff. Within 5 days of submission of the EAW to the EQB, the Zoning Administrator shall provide a press release to the City's official newspaper, containing notice of availability of the EAW for public review.

(B) Neighboring Property Owner Notification.

1. Upon completion of the EAW for distribution, the Zoning Administrator shall provide mailed notice of the availability of the EAW and date of the meeting at which the Planning Commission will consider the matter to all property owners within at least 750 feet of the boundaries of the property which is the subject of the EAW. Said notice shall be mailed a minimum of 10 days before the date of the Planning Commission meeting during which the EAW will be considered.
2. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Chapter.

(C) Review by Planning Commission. During the 30 day comment period that follows publication of the notice of availability of the EAW in the EQB Monitor, the Planning Commission shall review the EAW. The Commission shall make recommendations to the City Council regarding potential environmental impacts that may warrant further investigation before the project is commenced and the need for an EIS on the proposed project.

(D) Decision by City Council. The City Council shall make its decision on the need for an EIS for the proposed project at its first meeting more than 10 days but not more than 30 days after the close of the comment period. The Council shall base its decision on the need for an EIS and the proposed scope of an EIS on the information gathered during the EAW process and on the comments received on the EAW. Pursuant to Minnesota Rules 4410.1700, in deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:

1. Type, extent and reversibility of environmental effects.
2. Cumulative potential effects of related or anticipated future projects.
3. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.

4. The extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or of EISs previously prepared on similar projects.
- (E) Within 5 days of Council's decision on the need for an EIS, notice shall be provided to all persons on the EAW distribution list, to all persons who commented in writing during the 30 days comment period, to the EQB staff for publication of the decision in the EQB Monitor and to any person upon written request.
- (5) Mitigation Measures. Any mitigation measures that are considered by the City Council in making its EIS need decision may be incorporated as conditions for approval of conditional use permits, variances, and/or site plan requests as required by this Chapter.

12.4 Environmental Impact Statements (EISs).

- (1) Purpose. The purpose of an EIS is to provide information for governmental units, the proposer of the project and other persons to evaluate proposed projects which have the potential for significant environmental effects, to consider alternatives to the proposed projects and to explore methods for reducing adverse environmental effects.
- (2) Mandatory EISs. An EIS shall be prepared for any project that meets or exceeds the thresholds of any of the EIS categories listed in Minnesota Rules 4410.4400, as may be amended.
- (3) Discretionary EISs. An EIS shall be prepared when the City Council determines that, based on the EAW and any comments or additional information received during the EAW comment period, the proposed project has the potential for significant environmental effects, or when the City Council and the proposer of the project agree that an EIS should be prepared.
- (4) Procedures.
 - (A) All projects requiring an EIS must have an EAW on file with the City, which will be used to determine the scope of the EIS. All EISs shall be prepared according to the procedures and requirements of the State Environmental Review Program, Rules 4410.2100-4410.3000, as may be amended. The costs of preparation of an EIS shall be assessed to the project proposer in accordance with Minnesota Rules Parts 4410.6000 to 4100.6500, as may be amended.
 - (B) Any proposal, project or use on which an EIS is required shall be considered a conditional use as defined in this Chapter and shall comply with the procedure for approval of a conditional use permit. Mitigating measures identified in the EIS shall be incorporated as conditions of issuance of the conditional use permit.

SECTION 13.0 NONCONFORMING BUILDINGS, STRUCTURES, USES AND LOTS

13.1 Purpose. It is the purpose of this section to provide for the regulation of nonconforming buildings, structures, uses, and lots, and to specify those requirements, circumstances, and conditions under which nonconforming buildings, structures, uses, and lots will be operated, maintained, and regulated. It is necessary and consistent with the establishment of the Development Code that nonconforming buildings, structures, uses, and lots not be allowed to continue without restriction. Furthermore, it is the intent of this section that all nonconformities shall be eventually brought into conformity.

13.2 General Provisions.

- (1) Conditional Uses. Any established use, building or lot legally existing prior to the effective date of this Chapter and which is herein classified by this Development Code as requiring a conditional use permit may be continued in like fashion and activity and shall automatically be considered as having received conditional use permit approval. Any change to such a use or building shall however require that a new conditional use permit be processed according to this Chapter.
- (2) Interim Uses. Any established use, building or lot legally existing prior to the effective date of this Chapter, and which is herein classified by this Chapter as requiring an interim use permit may be continued in like fashion and activity and shall automatically be considered as having received interim use permit approval. Any change to such a use or building shall, however, require that a new interim use permit be processed according to this Chapter.
- (3) Threats to General Welfare. Nonconforming buildings, structures, and/or uses, which based upon documented study and evidence, pose a danger and/or threat to the health, safety, and general welfare of the community, shall:
 - (A) Be legally declared a nuisance by the City Council.
 - (B) Upon being identified by the City Council and upon the owner being notified in writing by the Zoning Administrator, the owner shall provide to the City Council a documented time schedule and program with rationale to support the proposed amortization of the building, structure, or use which will result in the termination or correction of the nonconformity.
 1. The termination/correction time schedule shall be based upon, but not be limited to factors such as the initial investment and the degree of threat or danger being posed.
 2. The acceptability of the time schedule shall be determined by the City Council with right of appeal.

13.3 Nonconforming Buildings and Structures.

- (1) Restoration. Unless a building permit has been applied for within 180 days of when a property is damaged, no lawful nonconforming building or structure which has been destroyed by fire or other peril to the extent of greater than 50% of its market value, as indicated in the records of the county assessor at the time of damage, shall be restored, except in conformity with the regulations of this Chapter. If a building permit has been applied for within 180 days of when the property is damaged, the City may impose reasonable conditions when issuing the permit in order to mitigate any newly created impact

on adjacent property or water body.

- (2) Alterations or Replacement. Alterations to (e.g., repair, normal maintenance, remodeling) or replacement of a lawful nonconforming building or structure may be undertaken provided:
 - (A) The alterations or replacement do not expand the building size.
 - (B) The alterations or replacement do not change the building occupancy capacity, or parking demand or sewage treatment requirements.
 - (C) The alterations or replacement do not increase the nonconformity of the building or the use.
- (3) Expansion of Nonconforming Buildings or Structures.
 - (A) Agricultural or Single Family Residential Buildings and Structures. The expansion of lawful nonconforming agricultural or single family residential buildings and structures may be approved through the Administrative Permit process subject to the provisions of Section 10 of this Chapter, provided that:
 1. Expansion of principal or accessory buildings found to be nonconforming only by reason of height, yard setback, or lot area may be permitted provided the structural nonconformity is not increased and the expansion complies with all other performance standards of this Chapter. An Administrative Permit shall not be issued under this section for a deviation from other requirements of this Chapter unless variances are also approved.
 2. The Zoning Administrator finds that any such expansion will not have external negative impacts upon adjacent properties or public rights-of-way.
 3. Long term sewage disposal needs can be met.
 - (B) Commercial, Industrial, Public, Semi-Public, and Multiple Family Structures. Lawful nonconforming commercial, industrial, public, semi-public, and multiple family structures may be expanded on the same lot upon approval of a conditional use permit, provided that:
 1. Expansion of principal or accessory buildings found to be nonconforming only by reason of height, yard setback, or lot area may be permitted provided the structural nonconformity is not increased and the expansion complies with all other performance standards of this Chapter. A Conditional Use Permit shall not be issued under this section for a deviation from other requirements of this Chapter unless variances are also approved.
 2. The request for Conditional Use Permit shall be evaluated based on standards and criteria set forth in Section 8.0 of this Chapter.
 3. Long term sewage disposal needs can be met.
- (4) Buildings or Structures in the Floodplain Overlay District. Notwithstanding paragraphs (1), (2) and (3) above, any restoration, alteration, replacement, repair, or expansion of a building

or structure located within the floodplain overlay district shall be regulated to the extent necessary to maintain eligibility in the National Flood Insurance Program, and in no case shall increase potential flood damage or increase the degree of obstruction to flood flows in the floodway.

13.4 Nonconforming Uses.

- (1) **Effective Date.** The lawful use of buildings or land existing at the effective date of this Chapter which does not conform to the provisions of this Chapter may be continued, unless:
 - (A) The nonconformity or occupancy is discontinued for a period of more than 1 year.
 - (B) If a structure used for any nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of its 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. If a building permit has been applied for within 180 days of when the property is damaged, the City may impose reasonable conditions when issuing the permit in order to mitigate any newly created impact on adjacent property or water body.
 - (C) Notwithstanding item (B) above, any structure used for a nonconforming use located in the floodplain overlay district that is destroyed by fire or other peril to the extent of greater than 50% of its market value, as indicated in the records of the county assessor at the time of damage, shall be regulated to the extent necessary to maintain eligibility in the National Flood Insurance Program, and in no case shall be continued or reestablished in a manner that results in potential flood damage or obstructs flood flows in the floodway.
- (2) **Continued Use.** A lawful, nonconforming use may be continued, including through repair, replacement, restoration, maintenance, or improvement; provided, however, that no such nonconforming use of land shall be enlarged or increased, including volume, intensity or frequency of use, nor shall any such nonconforming use be expanded to occupy a greater area of land than that occupied by such use at the time of the adoption of this Chapter, nor shall any such nonconforming use be moved to any other part of the parcel of land upon which the use was conducted at the time of the adoption of this Chapter.
- (3) **Changes to Nonconforming Uses.**
 - (A) When a lawful nonconforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.
 - (B) A lawful nonconforming use of a structure or parcel of land may be changed to lessen the nonconformity of use. Once a nonconforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the nonconformity.

13.5 Nonconforming Lots.

- (1) **Vacant Lots, Single Family Detached Dwellings.** A legal nonconforming, substandard lot of record that is vacant may be developed for one single family detached dwelling without variances and upon approval of an administrative permit, provided that:
 - (A) The lot was legally established in accordance with all applicable zoning and subdivision

requirements existing at the time of its creation and is a separate, distinct tax parcel.

- (B) Development of the lot is consistent with the Comprehensive Plan and the lot is properly zoned for single family use.
 - (C) The lot shall be at least 66% of the dimensional standards for lot size and lot width as required by the zoning district and/or the Shoreland Overlay District as applicable.
 - (D) The lot has frontage and access on an improved public street or an approved private road. To be considered an approved private road, the City Council must, by resolution, find that the road is capable of supporting emergency vehicles and that provisions exist for on-going maintenance of the road.
 - (E) The lot must be suitable for the installation of a Type 1 sewage treatment system consistent with Washington County regulations for Subsurface Sewage Treatment Systems or be connected to the city's 201 Community Sewage Treatment System.
 - (F) All structure and septic system setbacks shall be met.
 - (G) Impervious surface coverage must not exceed 25 %.
 - (H) If in the case of two or more contiguous lots or parcels of land under a single ownership, any individual lot or parcel does not meet the minimum requirements of this Development Code, each individual lot or parcel cannot be considered as a separate parcel of land for purposes of sale or development. Such lots must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more conforming lots as much as possible, unless each individual lot is at least 66% of the dimensional standards for lot size and lot width and meets the requirements of paragraphs (D) through (G), above.
- (2) An existing conforming use or building on a lot of substandard lot area or lot width may be restored, altered, replaced, repaired, or expanded provided such restoration, alteration, replacement, repair, or expansion complies with all other provisions of this Chapter. A nonconforming lot shall not be reduced in size.
 - (3) A conforming lot shall not be reduced in size so that it would become nonconforming in any aspect of this Chapter or this Development Code.

13.6 Overlay Districts. Nonconforming buildings and uses as described in the Shoreland Management Overlay District and the Floodplain Management Overlay District of this Chapter shall be subject to the applicable regulations and standards relating to such buildings and uses in that section.

SECTION 14.0 OFFICIAL MAPS

- 14.1 Purpose. Land that is needed for future street purposes and as sites for other necessary public facilities and services is frequently diverted to non-public uses which could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on an official map of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which would make such adjustments difficult to accomplish. It is the purpose of this Section to provide a uniform procedure for the proper use of official maps as authorized by the Minnesota Municipal Planning Act, Minnesota Statutes, Section 462.351 to 462.36.
- 14.2 Official Map Defined. “Official map” as used in this Section means a map adopted in accordance with this Section showing existing streets, proposed future streets, and the area needed for widening of existing streets of the City. An official map may also show the location of existing and future land and facilities within the City. An official map may cover the entire City or any portion of the City.
- 14.3 Initiation of Proceedings. Proceedings for adoption, amendment, or repeal of an official map or any part thereof may be initiated by 1) a recommendation of the Planning Commission, or 2) action by the City Council.
- 14.4 Referral to Planning Commission. Every proposed official map or change in a map shall be referred to the Planning Commission for advice and recommendation thereon, and such recommendation shall be submitted to the City Council within 45 days after reference to the Planning Commission along with the report of the Commission on the effect of the proposal on the comprehensive plan of the City. If no recommendation is received by the Council from the Planning Commission within 45 days after reference of the proposal to the Commission by the Council, the Council may take such action as it may deem proper upon the proposal without further action by the Planning Commission.
- 14.5 Notice and Hearing.
- (1) Upon receiving the recommendation of the Planning Commission or after 45 days from the submission of the proposal to the Planning Commission without a recommendation from the Commission, the Council may call a public hearing on the proposal. A notice of the time, place, and purpose of the hearing and a description of property to be included in the mapped streets and public grounds shall be published in the official newspaper at least 10 days prior to the date of the hearing. At least 10 days prior to the hearing the Clerk shall also mail a copy of the notice to each owner of land situated within or abutting any street or other public ground shown on the official map. For purposes of this notice the owners shall be determined by the records of the County Auditor and the notice shall be addressed to the last known address as shown by the Auditor’s records. Failure to serve any such notice shall not invalidate the proceedings.
 - (2) Hearing. At the time and place specified in the notice, the Council shall hear evidence and arguments concerning the proposal. The hearing may be continued from time to time without further notice. The Council may direct the Planning Commission to conduct a hearing and following the hearing to report its recommendation to the Council.
- 14.6 Preparation and Filing of Maps. The official map or maps shall be prepared in sufficient detail to permit the establishment of future acquisition lines on the ground. In unplatted areas a minimum of a

centerline survey shall be made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by a licensed land surveyor. After enactment of any ordinance adopting an official map or amending or repealing a previous official map ordinance, a certified copy of the official map or section to which the ordinance relates together with an attached copy of the ordinance shall be filed with the County Recorder.

- 14.7 Effect. After an official map has been adopted and filed, the issuance of building permits by the City shall be subject to the provisions of this Section. The City shall deny every application for a permit to construct a new building or structure or expand an existing building or structure within any area designated on the official map for street or other public purposes. Whenever any street or highway is widened or improved or any new street is opened, or any interest in lands for other public purposes is acquired by the City, the City is not required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of the mapped street or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes. The adoption of an official map does not give the City any right, title, or interest in areas identified for public purposes thereon, but the adoption of the map does authorize the City to acquire such interest without paying compensation for buildings or structures erected in such areas without a permit or in violation of the conditions of a permit.
- 14.8 Appeals. Whenever a building permit is denied pursuant to this Section, the Board of Adjustments and Appeals shall, upon appeal filed with it by the owner of the land, grant a permit for building in an area designated on the official map for a street or other public purpose in any case in which the Board finds, upon the evidence and the arguments presented to it, (a) that the entire property of the appellant of which the area designated for public purposes forms a part cannot yield a reasonable return to the owner unless such a permit is granted, or (b) that balancing the interest of the City in preserving the integrity of the official map and of the Comprehensive Plan and the interest of the property owner in the use of his property and in the benefits of ownership, the grant of such permit is required by considerations of justice and equity. The Board of Adjustments and Appeals shall hold a public hearing upon the appeal after notice of the hearing has been published in the official newspaper once at least 10 days before the hearing. If the Board authorizes the issuance of a permit, it shall specify the exact location, ground area, height, and other details as to the extent and character of the building for which the permit is granted. If the Board authorizes issuance of a permit, the Council or other Board or Commission having jurisdiction shall have six months from the date of the decision of the Board to institute proceedings to acquire such land or interest therein, and if no such proceedings are started within that time, the City shall issue the permit if the application otherwise conforms to this Development Code.

CHAPTER TWO ZONING REGULATIONS

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SECTION 1.0 TITLE, ZONING MAP, USES NOT PROVIDED FOR WITHIN DISTRICTS

- 1.1 Title. This Chapter shall be known, cited, and referred to as Chapter 2 of the Scandia Development Code, except as referred to herein, where it shall be known as “this Chapter.”
- 1.2 Zoning Map. The locations and boundaries of the districts established by this Chapter are set forth on the Scandia, Minnesota Zoning Map; and said Map is made a part of this Chapter. Said Map and all notations, references and data shown thereon are incorporated by reference into this Chapter and shall be as much a part of it as if all were fully described herein. The boundaries between districts are the center lines of streets or railroad rights-of-way, lot lines, or section lines. In the case of unsubdivided property, or in any case where rights-of-way, lot lines, or section lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the Map.
- 1.3 Uses not Provided for within Zoning Districts.

Whenever in any zoning district a use is not specifically allowed as a permitted, accessory, conditional, or interim use, nor is such use allowed by administrative permit, the use shall be considered prohibited. In such cases, the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable, and if so, which zoning district would be most appropriate for the use, and the conditions and standards applicable to the use. The City Council, Planning Commission or property owner may initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration, or the City may find that the use is not compatible for development within the City.

SECTION 2.0 DISTRICTS

2.1 Establishment of Districts. The City is divided into the following districts:

- (1) Agriculture District – Core (AG C)
- (2) Agriculture Preserves District (AP)
- (3) General Rural District (GR)
- (4) Village Neighborhood District (VN)
- (5) Village Mixed Use A District (VMU A)
- (6) Village Mixed Use B District (VMU B)
- (7) Industrial Park District (IP)
- (8) Rural Commercial District (R COMM)

2.2 Establishment of Overlay Districts. The following Overlay Districts are applied in the City:

- (1) Aggregate Mining Overlay District. Properties within the Aggregate Mining Overlay District are regulated according to Section 2.12 of this Chapter, and according to Chapter 4 of the Scandia Development Code.
- (2) Shoreland Management Overlay District. Properties within the Shoreland Management Overlay District are regulated according to Chapter 5 of the Scandia Development Code.
- (3) Floodplain Overlay District. Properties within the Floodplain Overlay District are regulated according to Chapter 6 of the Scandia Development Code.

2.3 Lower St. Croix River Corridor Overlay District. The City adopts by reference the Washington County Lower St. Croix River Bluffland and Shoreland Management Ordinance, as amended, until such time that the City Council adopts a City of Scandia Lower St. Croix River corridor ordinance for this zone. Until such time, properties within the Lower St. Croix River Corridor Overlay District are regulated according to the Washington County Lower St. Croix River Bluffland and Shoreland Management Ordinance with the exception that lots shall meet the density and lot requirements of the Agriculture District - Core (AG C).

2.4 Agriculture District – Core (AG C).

- (1) Purpose. The AG C District is established to protect and preserve land for long-term agricultural production and to preserve the rural character of the City. AG C District areas are designated Agricultural Core in the Comprehensive Plan.
- (2) Permitted Uses. The following are permitted uses in the AG C District.
 - (A) Agriculture
 - (B) Agricultural Business, Seasonal
 - (C) Agricultural Direct-Market Business
 - (D) Agricultural Processing
 - (E) Essential Services
 - (F) Feedlots, Less than 10 Animal Units
 - (G) Livestock and Livestock Operations
 - (H) Public Parks and Recreation Facilities
 - (I) Residential Facility, State Licensed (Serving 1 to 6 Persons)
 - (J) Single Family Residence
- (3) Accessory Uses. The following uses are permitted accessory uses in the AG C District, subject to the applicable provisions of this Chapter.
 - (A) Accessory Structures
 - (B) Columbaria - Accessory to a Place of Worship
 - (C) Daycare Facility (Nursery, Day), State Licensed, located within a residential setting (Serving 14 or Fewer Persons)
 - (D) Exterior Storage of Personal Property
 - (E) Feed and Seed Sales – Accessory to an Agricultural Use
 - (F) Fences
 - (G) Home Occupations
 - (H) Horse Training Facility, Private – Accessory to a Residential Use
 - (I) Keeping of Animals
 - (J) Off-Street Parking and Loading

- (K) Recreation Facilities and Equipment
 - (L) Recreation, Outdoor Private
 - (M) Signs
 - (N) Temporary Produce Stands
- (4) Uses with a Conditional Use Permit. The following uses are permitted in the AG C District after the issuance of a Conditional Use Permit:
- (A) Agritourism Enterprise
 - (B) Bed and Breakfast Inns
 - (C) Campgrounds, Accessory to a Public Recreation Facility
 - (D) Cemeteries
 - (E) Conference Facility
 - (F) Essential Services - Transmission Facilities
 - (G) Essential Services - Utility Substation
 - (H) Feedlots, 10 or more Animal Units
 - (I) Golf Courses
 - (J) Golf Driving Range
 - (K) Government Uses, Buildings and Storage
 - (L) Horse Training Facility, Commercial – Accessory to a Residential Use (over 10 horses)
 - (M) Museums
 - (N) Open Space Conservation Subdivision
 - (O) Place of Worship
 - (P) Plant Nursery
 - (Q) Resorts
 - (R) Schools
 - (S) Wind Energy Conversion System (WECS)
 - (T) Wireless Communication Antennas and Towers

- (U) Yard Waste Facilities
- (5) Uses with an Interim Use Permit. The following uses are permitted in the AG C District after the issuance of an Interim Use Permit.
- (A) Commercial Kennel
 - (B) Kennel, Private – Accessory to a Residential Use
 - (C) Temporary Farm Dwelling – Accessory to a Residential Use
 - (D) Temporary Dwelling Unit, Care Facility – Accessory to a Residential Use
 - (E) Temporary Dwelling Unit, Construction
- (6) Uses with an Administrative permit. The following uses are permitted in the AG C District after the issuance of an Administrative permit:
- (A) Accessory Apartment – Accessory to a Residential Use
 - (B) Agricultural Buildings
 - (C) Horse Training Facility, Commercial – Accessory to a Residential Use (10 or fewer horses)
- (7) Lot Area and Setback Requirements in the Agriculture District – Core (AG C).

Density	4 dwelling units per 40 acres
Minimum lot size	Unless the parcel is part of an approved Open Space Conservation Subdivision or Planned Unit Development, lots shall be 2.0 to 5.0 acres, or 20 acres or greater.
Minimum buildable area	1.0 acres
Minimum frontage on all public roads	Lot size of 2.0 to 3.0 acres: 160 feet Lot size greater than 3.0 acres and less than 4.0 acres: 240 feet Lot size of 4.0 acres or greater: 300 feet
Maximum lot coverage	25%
Minimum Building Setbacks:	
Front	40 feet
Side	20 feet
Rear	50 feet
Minor Arterials	150 feet from centerline, or 75 feet from the right-of-way, whichever is greater
Major or Minor Collectors	100 feet from centerline, or 50 feet from the right-of-way, whichever is greater
Maximum Building Height	35 feet

- (8) Exception to Minimum Frontage on a Public Road. A property owner, with the consent of the City Council, may subdivide 1 new lot of 20 acres or greater in size with no minimum public road frontage, with the following requirements:
- (A) The property from which the parcel is to be subdivided shall have a minimum of 40 acres.
 - (B) A concept subdivision plan for the entire property shall be submitted showing future public road access for all of the parcels, including the subdivided parcel. The concept subdivision shall be determined to be feasible by the City Council.
 - (C) No further subdivision of any of the parcels shall be permitted without the required public road access.
 - (D) A right-of-way easement for access to the newly subdivided parcel shall be conveyed to the City.
 - (E) The right-of-way may be used for driveway access to the subdivided parcel but shall be maintained by the owner of the property served by it.
 - (F) Any driveway to the subdivided parcel shall be constructed to City standards to accommodate emergency vehicles.
 - (G) The City may require that the right-of-way easement conveyed to it be upgraded to City public road standards when the property is further subdivided.
 - (H) A development agreement between the property owner and the City must be recorded with the property covering the restrictions and obligations of this subdivision.

2.5 Agriculture Preserves District (AP).

- (1) Purpose. The AP District establishes a density of one dwelling unit per 40 acres, making those specific parcels of land eligible for the Metropolitan Agricultural Preserves according to Minnesota Statute 473H, as amended, to remain in long-term agricultural production. AP District areas are designated Agricultural Core in the Comprehensive Plan.
- (2) Permitted Uses. The following are permitted uses in the AP District.
 - (A) Agriculture
 - (B) Agricultural Business, Seasonal
 - (C) Agricultural Direct-Market Business
 - (D) Agricultural Processing
 - (E) Essential Services
 - (F) Feedlots, Less than 10 Animal Units
 - (G) Livestock and Livestock Operations
 - (H) Residential Facility, State Licensed (Serving 1 to 6 Persons)
 - (I) Single Family Residence
- (3) Accessory Uses. The following uses are permitted accessory uses in the AP District, subject to the applicable provisions of this Chapter.
 - (A) Accessory Structures
 - (B) Daycare Facility (Nursery, Day), State Licensed, located within a residential setting (Serving 14 or Fewer Persons)
 - (C) Exterior Storage of Personal Property
 - (D) Feed and Seed Sales – Accessory to an Agricultural Use
 - (E) Fences
 - (F) Home Occupations
 - (G) Horse Training Facility, Private
 - (H) Keeping of Animals
 - (I) Off-Street Parking and Loading
 - (J) Recreation Facilities and Equipment

- (K) Signs
- (L) Temporary Produce Stands
- (4) Uses with a Conditional Use Permit. The following uses are permitted in the AP District after the issuance of a Conditional Use Permit.
- (A) Essential Services - Transmission, as limited by Minnesota Statute 473H
- (B) Essential Services - Utility Substation, as limited by Minnesota Statute 473H
- (C) Feedlots, 10 or more Animal Units
- (D) Wind Energy Conversion System (WECS)
- (5) Uses with an Interim Use Permit. The following uses are permitted in the AG C District after the issuance of an Interim Use Permit.
- (A) Kennel, Private – Accessory to a Residential Use
- (B) Temporary Farm Dwelling – Accessory to a Residential Use
- (C) Temporary Dwelling Unit, Care Facility – Accessory to a Residential Use
- (6) Uses with an Administrative permit. The following uses are permitted in the AP District after the issuance of an Administrative permit.
- (A) Accessory Apartments, Accessory to a Residential Use
- (B) Agricultural Buildings
- (7) Lot Area and Setback Requirements in the Agriculture Preserves District (AP).

Density	1 unit per 40 acres
Minimum lot size	40 acres
Minimum buildable area	1.0 acres
Minimum frontage on all public roads	300 feet
Maximum lot coverage	25%
Minimum Building Setbacks:	
Front	40 feet
Side	20 feet
Rear	50 feet
Minor Arterials	150 ft from centerline, or 75 ft from the right-of-way, whichever is greater
Major or Minor Collectors	100 ft from centerline, or 50 ft from the right-of-way, whichever is greater
Maximum Building Height	35 feet

2.6 General Rural District (GR)

- (1) Purpose. The GR District is established to provide for a rural residential area of mixed lot sizes. GR District areas are designated General Rural in the Comprehensive Plan.
- (2) Permitted Uses. The following are permitted uses in the GR District.
 - (A) Agriculture
 - (B) Agricultural Business, Seasonal
 - (C) Agricultural Direct-Market Business
 - (D) Agricultural Processing
 - (E) Essential Services
 - (F) Feedlots, Less than 10 Animal Units
 - (G) Livestock and Livestock Operations
 - (H) Public Parks and Recreation Facilities
 - (I) Residential Facility, State Licensed (serving 1 to 6 persons)
 - (J) Single Family Residence
- (3) Accessory Uses. The following uses are permitted accessory uses in the GR District, subject to the applicable provisions of this Chapter.
 - (A) Accessory Structures
 - (B) Columbaria– Accessory to a Place of Worship
 - (C) Daycare Facility (Nursery, Day), State Licensed, located within a residential setting (Serving 14 or Fewer Persons)
 - (D) Exterior Storage of Personal Property
 - (E) Home Occupations
 - (F) Horse Training Facility, Private
 - (G) Feed and Seed Sales, Accessory to an Agricultural Use
 - (H) Fences
 - (I) Keeping of Animals
 - (J) Off-Street Parking and Loading

- (K) Recreation Facilities and Equipment
 - (L) Recreation, Outdoor Private
 - (M) Signs
 - (N) Temporary Produce Stands
- (4) Uses with a Conditional Use Permit. The following uses are permitted in the GR District after the issuance of a Conditional Use Permit.
- (A) Agritourism Enterprise
 - (B) Bed and Breakfast Inns
 - (C) Campgrounds – Accessory to a Public Recreation Facility
 - (D) Cemeteries
 - (E) Conference Facility
 - (F) Essential Services - Transmission Facilities
 - (G) Essential Services - Utility Substation
 - (H) Feedlots, 10 or more Animal Units
 - (I) Golf Courses
 - (J) Golf Driving Range
 - (K) Government Uses, Buildings and Storage
 - (L) Horse Training Facility, Commercial – Accessory to a Residential Use (over 10 horses)
 - (M) Museums
 - (N) Open Space Conservation Subdivision
 - (O) Place of Worship
 - (P) Plant Nursery
 - (Q) Recreation, Outdoor Commercial
 - (R) Resorts
 - (S) Schools
 - (T) Wind Energy Conversion System (WECS)

- (U) Wireless Communication Antennas and Towers
- (V) Yard Waste Facilities
- (5) Uses with an Interim Use Permit. The following uses are permitted in the GR District after the issuance of an Interim Use Permit.
- (A) Commercial Kennel
- (B) Kennel, Private – Accessory to a Residential Use
- (C) Temporary Farm Dwelling, Accessory to a Residential Use
- (D) Temporary Dwelling Unit, Care Facility – Accessory to a Residential Use
- (E) Temporary Dwelling Unit, Construction
- (6) Uses with an Administrative permit. The following uses are permitted in the GR District after the issuance of an Administrative permit.
- (A) Accessory Apartment – Accessory to a Residential Use
- (B) Agricultural Buildings
- (C) Horse Training Facility, Commercial – Accessory to a Residential Use (10 or fewer horses)
- (7) Lot Area and Setback Requirements in the General Rural District (GR).

Density	4 dwelling units per 40 acres
Minimum lot size	2.0 acres
Minimum buildable area	1.0 acres
Minimum frontage on all public roads	Lot size of 2.0 to 3.0 acres: 160 feet Lot size greater than 3.0 acres and less than 4.0 acres: 240 feet Lot size of 4.0 acres or greater: 300 feet
Maximum lot coverage	25%
Minimum Building Setbacks:	
Front	40 feet
Side, lots less than 1.5 acres in size	10 feet
Side, lots 1.5 acres in size or greater	20 feet
Rear	50 feet
Minor Arterials	150 feet from centerline, or 75 feet from the right-of-way, whichever is greater
Major or Minor Collectors	100 feet from centerline, or 50 feet from the right-of-way, whichever is greater
Maximum Building Height	35 feet

-
- (8) Exception to Minimum Frontage on a Public Road. A property owner, with the consent of the City Council, may subdivide 1 new lot of 20 acres or greater in size with no minimum public road frontage, with the following requirements:
- (A) The property from which the parcel is to be subdivided shall have a minimum of 40 acres.
 - (B) A concept subdivision plan for the entire property shall be submitted showing future public road access for all of the parcels, including the subdivided parcel. The concept subdivision shall be determined to be feasible by the City Council.
 - (C) No further subdivision of any of the parcels shall be permitted without the required public road access.
 - (D) A right-of-way easement for access to the newly subdivided parcel shall be conveyed to the City.
 - (E) The right-of-way may be used for driveway access to the subdivided parcel but shall be maintained by the owner of the property served by it.
 - (F) Any driveway to the subdivided parcel shall be constructed to City standards to accommodate emergency vehicles.
 - (G) The City may require that the right-of-way easement conveyed to it be upgraded to City public road standards when the property is further subdivided.
 - (H) A development agreement between the property owner and the City must be recorded with the property covering the restrictions and obligations of this subdivision.

2.7 Village Neighborhood District (VN)

- (1) Purpose. The VN District is established to designate growth areas surrounding the village center, to support primarily single family residential uses on lot sizes reflective of the existing village lot sizes. VN District areas are designated Village Neighborhood in the Comprehensive Plan.
- (2) Permitted Uses. The following are permitted uses in the VN District.
 - (A) Agriculture
 - (B) Essential Services
 - (C) Livestock and Livestock Operations
 - (D) Public Parks and Recreation Facilities
 - (E) Residential Facility, State Licensed (Serving 1 to 6 persons)
 - (F) Single Family Residence
- (3) Accessory Uses. The following uses are permitted accessory uses in the VN District, subject to the applicable provisions of this Chapter.
 - (A) Accessory Structures
 - (B) Columbaria – Accessory to a Place of Worship
 - (C) Daycare Facility (Nursery, Day), State Licensed, located within a residential setting (Serving 14 or Fewer Persons)
 - (D) Exterior Storage of Personal Property
 - (E) Fences
 - (F) Home Occupations
 - (G) Horse Training Facility, Private
 - (H) Keeping of Animals
 - (I) Off-Street Parking and Loading
 - (J) Recreation Facilities and Equipment
 - (K) Recreation, Outdoor Private
 - (L) Signs
 - (M) Temporary Produce Stands

-
- (4) Uses with a Conditional Use Permit. The following uses are permitted in the VN District after the issuance of a Conditional Use Permit.
- (A) Agritourism Enterprise
 - (B) Bed and Breakfast Inns
 - (C) Cemeteries
 - (D) Essential Services - Transmission Facilities
 - (E) Essential Services - Utility Substation
 - (F) Government Uses, Buildings and Storage
 - (G) Horse Training Facility, Commercial – Accessory to a Residential Use (over 10 horses)
 - (H) Multi-Family Residence
 - 1. The City may grant a density bonus up to a density of one dwelling unit per 1.0 acre for the development of life-cycle housing.
 - 2. Life-cycle housing is housing designated for residents age 55 and above, or housing that is affordable, as defined by U. S. Department of Housing and Urban Development (HUD), to households earning 120% of Area Median Income or less.
 - (I) Plant Nursery
 - (J) Place of Worship
 - (K) Planned Unit Development (PUD)
 - (L) Residence, Assisted Living
 - (M) Residential Facility, State Licensed (serving 7 to 16 persons)
 - (N) Schools
 - (O) Wind Energy Conversion System (WECS)
 - (P) Wireless Communication Antennas and Towers
- (5) Uses with an Interim Use Permit. The following uses are permitted in the VN District after the issuance of an Interim Use Permit.
- (A) Kennel, Private – Accessory to a Residential Use
 - (B) Temporary Farm Dwelling – Accessory to a Residential Use
 - (C) Temporary Dwelling Unit, Care Facility – Accessory to a Residential Use
-

(D) Temporary Dwelling Unit, Construction

- (6)
- Uses with an Administrative permit.
- The following uses are permitted in the VN District after the issuance of an Administrative permit.

(A) Accessory Apartments – Accessory to a Residential Use

(B) Agricultural Buildings

(C) Agricultural Direct-Market Business

(D) Horse Training Facility, Commercial – Accessory to a Residential Use (10 or fewer horses)

- (7)
- Lot Area and Setback Requirements in the Village Neighborhood District (VN).

Minimum lot size, Single Family Residential	2.5 acres
Minimum lot area per dwelling, Multi-Family Residential	1.0 acres, with Conditional Use Permit
Minimum buildable area	1.0 acres
Minimum frontage on all public roads	160 feet
Maximum lot coverage	25%
Minimum Building Setbacks:	
Front	40 feet
Side	20 feet
Rear	50 feet
Minor Arterials	150 feet from centerline, or 75 feet from the right-of-way, whichever is greater
Major or Minor Collectors	100 feet from centerline, or 50 feet from the right-of-way, whichever is greater
Maximum Building Height	35 feet

2.8 Village Mixed Use A District (VMU A)

- (1) Purpose. The VMU A District is established to sustain the historic village center by preserving and protecting the long-term viability of historic properties and structures, and by allowing a mixture of mutually supportive land uses. VMU A District areas are designated Village Mixed Use in the Comprehensive Plan. The mixture of commercial, office, institutional, recreational, and residential land uses are made compatible through the enforcement of design guidelines.
- (2) Permitted Uses. The following are permitted uses in the VMU A District.
 - (A) Antique shops
 - (B) Appliance sales and repair
 - (C) Art gallery and sales
 - (D) Bicycle sales and repair
 - (E) Book, school supply, art supply, or stationary stores
 - (F) Boutique shops
 - (G) Candy, ice cream, popcorn, nuts, frozen desserts, and non-alcoholic beverage sales
 - (H) Clothing sales
 - (I) Delicatessens/coffee houses without drive-through service
 - (J) Dry cleaning pick up and laundry pick up stations including incidental repair but not including processing
 - (K) Essential Services
 - (L) Flower shops, retail
 - (M) Furniture stores
 - (N) Gift or novelty stores
 - (O) Hardware stores
 - (P) Hobby and craft stores
 - (Q) Jewelry stores
 - (R) Leather goods and luggage stores
 - (S) Locksmiths
 - (T) Music stores

- (U) Offices
 - (V) Pharmacies or drug stores
 - (W) Plumbing, television, radio, electrical and related sales and repair
 - (X) Public Parks and Recreation Facilities
 - (Y) Residential Facility, State Licensed (serving 1 to 6 persons)
 - (Z) Seasonal Plant and Plant Materials retail sales
 - (AA) Shoe sales and repair
 - (BB) Single family residence
 - (CC) Studios - artist, dance, health and fitness, decorating, music, portrait photography, and similar uses
 - (DD) Tailoring services
 - (EE) Toy stores
- (3) Accessory Uses. The following uses are permitted accessory uses in the VMU A District, subject to the applicable provisions of this Chapter.
- (A) Accessory Structures
 - (B) Columbaria – Accessory to a Place of Worship
 - (C) Daycare Facility (Nursery, Day), State Licensed, located within a residential setting (Serving 14 or Fewer Persons)
 - (D) Exterior Storage of Personal Property
 - (E) Home Occupations
 - (F) Fences
 - (G) Keeping of Animals
 - (H) Off-Street Parking and Loading
 - (I) Recreation Facilities and Equipment
 - (J) Recreation, Outdoor Private
 - (K) Signs
 - (L) Temporary Produce Stands

- (4) Uses with a Conditional Use Permit. The following uses are permitted in the VMU A District after the issuance of a Conditional Use Permit.
- (A) Accessory Apartment – Accessory to a Commercial Use
 - (B) Accessory Apartment – Accessory to a Residential Use
 - (C) Bakery goods and baking of goods for retail sales on the premises
 - (D) Banks, credit unions, and other financial institutions without drive up tellers
 - (E) Bars and Taverns
 - (F) Beauty Salons, barbers, day spas, massage therapy, and similar personal services
 - (G) Bed and Breakfast Inns
 - (H) Catering services, without on-site food service
 - (I) Catering services, including banquet halls
 - (J) Cemeteries
 - (K) Clubs/Lodges
 - (L) Commercial Daycare Facilities, State Licensed
 - (M) Community Residence (serving 7 to 16 persons)
 - (N) Conference Facility
 - (O) Copy/printing services, excludes printing presses and publishing facilities
 - (P) Essential Services - Transmission Facilities
 - (Q) Essential Services - Utility Substation
 - (R) Exterior Storage – Accessory to a Commercial Use
 - (S) Feed and Seed Sales, Retail
 - (T) General Store
 - (U) Government Buildings, Storage and Uses
 - (V) Grocery Store
 - (W) Liquor, off sale, pursuant to the required liquor license
 - (X) Meat processing, accessory to a Grocery Store

- (Y) Medical or Dental Offices/Clinics
 - (Z) Motor Vehicle Repair
 - (AA) Multi-Family Residence
 - (BB) Museums
 - (CC) Pet Grooming
 - (DD) Place of Worship
 - (EE) Planned Unit Development (PUD)
 - (FF) Plant Nursery
 - (GG) Recreation, Indoor Commercial
 - (HH) Residential Facility, State Licensed (serving 7 to 16 persons)
 - (II) Restaurants
 - (JJ) Schools
 - (KK) Shopping Center
 - (LL) Sporting Goods and Recreational Equipment Sales, not including motorized vehicles or boats
 - (MM) Theatres, indoor only
 - (NN) Veterinary Clinic, small animal
 - (OO) Wireless Communication Antennas and Towers
- (5) Uses with an Interim Use Permit. The following uses are permitted in the VMU A District after the issuance of an Interim Use Permit.
- (A) Commercial Kennel – Accessory to a Veterinary Clinic
 - (B) Kennel, Private – Accessory to a Residential Use
- (6) Uses with an Administrative permit. The following uses are permitted in the VMU A District after the issuance of an Administrative permit.
- (A) Farmers Market
 - (B) Temporary outdoor retail sales

(7) Lot Area and Setback Requirements in the VMU A District.

Minimum lot size	2,500 square feet. No new subdivisions of land permitted.
Maximum lot coverage	80%
Minimum Building Setbacks:	None. Shall conform to Scandia Design Guidelines.
Maximum Building Height	45 feet

2.9 Village Mixed Use B District (VMU B)

- (1) Purpose. The VMU B District is established to provide a growth area for the village center. VMU B District areas are designated Village Mixed Use in the Comprehensive Plan. The District provides for a mixture of commercial, office, institutional, recreational, and residential land uses. The District provides an area for larger scale businesses, for businesses that benefit from visibility from State Highway 97, and business and mixed use development that utilize on-site wastewater treatment systems.
- (2) Permitted Uses. The permitted uses in the VMU B District are the same as those of the VMU A District.
- (3) Accessory Uses. The accessory uses in the VMU B District are the same as those of the VMU A District.
- (4) Uses with a Conditional Use Permit. The uses permitted after the issuance of a Conditional Use Permit in the VMU B District are the same as those of the VMU A District. In addition, the following uses are also permitted in the VMU B District after the issuance of a Conditional Use Permit.
 - (A) Building supply stores
 - (B) Crematoriums
 - (C) Department, discount, and warehouse stores
 - (D) Drive-Through Services
 - (E) Food and Beverage Processing
 - (F) Funeral Homes
 - (G) Garden supply stores
 - (H) Hotel
 - (I) Laundromats
 - (J) Motel
 - (K) Motor Vehicle, Recreational Vehicle, or Boat sales
 - (L) Motor Vehicle Service Stations
 - (M) Nursing Homes
 - (N) Radio and television stations
 - (O) Residence, Assisted Living
 - (P) Restaurants, Drive-In

- (Q) Sports and fitness clubs
- (R) Veterinary Clinics, large animal
- (S) Wind Energy Conversion System (WECS)
- (5) Uses with an Interim Use Permit. The uses permitted after the issuance of an Interim Use Permit in the VMU B District are the same as those of the VMU A District.
- (6) Uses with an Administrative permit. The uses permitted after the issuance of an Administrative permit in the VMU B District are the same as those of the VMU A District.
- (7) Lot Area and Setback Requirements in the VMU B District.

Minimum lot size	2.5 acres
Minimum buildable area	1.0 acres
Minimum frontage on all public roads	160
Maximum lot coverage	65%
Minimum Building Setbacks:	
Front	40 feet
Side	20 feet
Rear	50 feet
Minor Arterials	150 feet from centerline, or 75 feet from the right-of-way, whichever is greater
Major or Minor Collectors	100 feet from centerline, or 50 feet from the right-of-way, whichever is greater
Maximum Building Height	45 feet

2.10 Industrial Park District (IP)

- (1) **Purpose.** The IP District is established to allow for light industrial businesses. IP District areas are designated Village Mixed Use in the Comprehensive Plan. Industrial park uses include light manufacturing, fabrication, assembly, or storage businesses that are non-threatening to the environment. The IP District does not abut major roadways, and property access is via a local street which does not also serve residential districts.
- (2) **Permitted Uses.** The following are permitted uses in the IP District.
 - (A) Essential Services
 - (B) Essential Services – Transmission Facilities
 - (C) Essential Services – Utility Substation
 - (D) Printing
- (3) **Accessory Uses.** The following uses are permitted accessory uses in the IP District, subject to the applicable provisions of this Chapter.
 - (A) Accessory Structures
 - (B) Fences
 - (C) Keeping of Animals
 - (D) Off-Street Parking and Loading
 - (E) Signs
 - (F) Temporary Produce Stands
- (4) **Uses with a Conditional Use Permit.** The following uses are permitted in the IP District after the issuance of a Conditional Use Permit.
 - (A) Accessory Apartment – Accessory to a Commercial Use
 - (B) Building Supply Stores
 - (C) Contractor shops and storage yards
 - (D) Exterior Storage – Accessory to a Commercial Use
 - (E) Government Buildings, Storage and Uses
 - (F) Laboratories
 - (G) Light Manufacturing and Assembly
 - (H) Motor Vehicle Repair, including body work and painting

- (I) Planned Unit Development (PUD)
 - (J) Processing of food and beverages, excluding animal slaughtering or rendering plants
 - (K) Radio and television stations
 - (L) Research Facilities
 - (M) Self-Storage Facilities, Enclosed
 - (N) Sports and Fitness Clubs
 - (O) Warehousing and Distribution Businesses
 - (P) Wholesale Businesses
 - (Q) Wind Energy Conversion System (WECS)
 - (R) Wireless Communication Antennas and Towers
- (5) Uses with an Interim Use Permit. There are no uses permitted by Interim Use Permit in the IP District.
- (6) Uses with an Administrative permit. There are no uses permitted by Administrative permit in the IP District.
- (7) Lot Area and Setback Requirements in the IP District.

Minimum lot size	2.5 acres
Minimum buildable area	1.0 acres
Minimum frontage on all public roads	160
Maximum lot coverage	65%
Minimum Building Setbacks:	
Front	40 feet
Side	20 feet
Rear	50 feet
Minor Arterials	150 feet from centerline, or 75 feet from the right-of-way, whichever is greater
Major or Minor Collectors	100 feet from centerline, or 50 feet from the right-of-way, whichever is greater
Maximum Building Height	45 feet

2.11 Rural Commercial District (R COMM)

- (1) Purpose. The R COMM District is established to support commercial development in places of historic commercial activity. R COMM District areas are designated Rural Commercial Nodes in the Comprehensive Plan.
- (2) Permitted Uses. The following are permitted uses in the R COMM District.
 - (A) Agricultural Business, Seasonal
 - (B) Agriculture
 - (C) Antique Shops
 - (D) Appliance Sales and Repair
 - (E) Art gallery and sales
 - (F) Bicycle sales and repair
 - (G) Book, school supply, art supply, or stationary stores
 - (H) Boutique Shops
 - (I) Candy, ice cream, popcorn, nuts, frozen desserts, and non-alcoholic beverage sales
 - (J) Clothing sales
 - (K) Delicatessens/coffee houses without drive-through service
 - (L) Dry cleaning pick up and laundry pick up stations including incidental repair but not including processing
 - (M) Essential Services
 - (N) Flower shops, retail
 - (O) Furniture stores
 - (P) Gift or novelty stores
 - (Q) Hardware stores
 - (R) Hobby and craft stores
 - (S) Hotel
 - (T) Jewelry stores
 - (U) Leather goods and luggage stores

- (V) Locksmiths
 - (W) Motel
 - (X) Music stores
 - (Y) Offices
 - (Z) Pharmacies or drug stores
 - (AA) Planned Unit Development
 - (BB) Plumbing, Television, Radio, Electrical and Related Sales and Repair
 - (CC) Public Parks and Recreation Facilities
 - (DD) Seasonal Plant and Plant Materials Retail Sales
 - (EE) Shoe Sales and repair
 - (FF) Studios – artist, health and fitness, decorating, music, portrait photography, and similar uses
 - (GG) Tailoring services
 - (HH) Toy stores
- (3) Accessory Uses. The following uses are permitted accessory uses in the R COMM District, subject to the applicable provisions of this Chapter.
- (A) Accessory Structures
 - (B) Daycare Facility located within a residential setting, serving 14 or fewer persons, State Licensed
 - (C) Exterior Storage of Personal Property
 - (D) Fences
 - (E) Home Occupations
 - (F) Keeping of Animals
 - (G) Off-Street Parking and Loading
 - (H) Recreation Facilities and Equipment
 - (I) Recreation, Outdoor Private
 - (J) Signs

- (K) Temporary Produce Stands
- (4) Uses with a Conditional Use Permit. The following uses are permitted in the R COMM District after the issuance of a Conditional Use Permit.
 - (A) Accessory Apartments – Accessory to a Commercial Use
 - (B) Accessory Apartments – Accessory to a Residential Use
 - (C) Agritourism Enterprise
 - (D) Bakery goods and baking of goods for retail sales on the premises
 - (E) Banks, credit unions, and other financial institutions without drive up tellers
 - (F) Bars and Taverns
 - (G) Beauty salons, barbers, day spas, massage therapy, and similar personal services
 - (H) Bed and Breakfast Inns
 - (I) Clubs/Lodges
 - (J) Commercial Daycare Facilities, State Licensed
 - (K) Copy/printing services, excluding printing presses and publishing facilities
 - (L) Drive-Through Services
 - (M) Essential Services - Transmission Facilities
 - (N) Essential Services - Utility Substation
 - (O) Exterior Storage – Accessory to a Commercial Use
 - (P) Feed and Seed Sales, Retail
 - (Q) Food and Beverage Processing
 - (R) Garden Supply Stores
 - (S) General Store
 - (T) Government Uses, Buildings, and Storage
 - (U) Grocery Store
 - (V) Liquor, off sale, pursuant to the required liquor license
 - (W) Meat processing, accessory to a Grocery Store

- (X) Medical or Dental Offices/Clinics
 - (Y) Motor Vehicle Repair
 - (Z) Motor Vehicle Service Stations
 - (AA) Pet Grooming
 - (BB) Place of Worship
 - (CC) Planned Unit Development (PUD)
 - (DD) Plant Nursery
 - (EE) Recreation, Indoor Commercial
 - (FF) Residence, Single Family or Multi-Family, as part of a PUD, not to exceed a density of 4 dwelling units per 40 acres
 - (GG) Restaurants
 - (HH) Restaurants, Drive-In
 - (II) Schools
 - (JJ) Shopping Center
 - (KK) Sporting Goods and Recreational Equipment Sales, not including Motorized Vehicles or Boats
 - (LL) Veterinary Clinic, small animal
 - (MM) Wind Energy Conversion System (WECS)
 - (NN) Wireless Communication Antennas and Towers
- (5) Uses with an Interim Use Permit. The following uses are permitted in the R COMM District after the issuance of an Interim Use Permit.
- (A) Kennel, Private – Accessory to a Residential Use
 - (B) Commercial Kennel – Accessory to a Veterinary Clinic
 - (C) Temporary Farm Dwelling – Accessory to a Residential Use
- (6) Uses with an Administrative permit. The following uses are permitted in the R COMM District after the issuance of an Administrative permit:
- (A) Farmers Market
 - (B) Temporary outdoor retail sales

(7) Lot Area and Setback Requirements in the R COMM District.

Minimum lot size	2.0 acres
Minimum buildable area	1.0 acres
Minimum frontage on all public roads	160
Maximum lot coverage	65%
Minimum Building Setbacks:	
Front	40 feet
Side	20 feet
Rear	50 feet
Minor Arterials	150 feet from centerline, or 75 feet from the right-of-way, whichever is greater
Major or Minor Collectors	100 feet from centerline, or 50 feet from the right-of-way, whichever is greater
Maximum Building Height	45 feet

2.12 Aggregate Mining Overlay District.

- (1) Purpose. The Aggregate Mining Overlay District provides areas where mineral deposits, primarily gravel, may be made available for general use under the conditions and regulations of Chapter 4 of the Scandia Development Code, Mining and Related Activities Regulations. The Aggregate Mining Overlay District areas are designated Mining Area in the Comprehensive Plan.
- (2) Permitted Uses. The following are permitted uses in the Aggregate Mining Overlay District.
 - (A) Agriculture
 - (B) Essential Services
- (3) Accessory Uses. The following uses are permitted accessory uses in the Aggregate Mining Overlay District, subject to the applicable provisions of this Chapter and Chapter 4.
 - (A) Accessory Structures
 - (B) Fences
 - (C) Signs
- (4) Uses with a Conditional Use Permit. The following uses are permitted in the Mining Overlay District after the issuance of a Conditional Use Permit:
 - (A) Aggregate Mining and Related Activities, subject to the provisions of Chapter 4.
- (5) Lot area, setback, and other dimensional requirements are contained in Chapter 4.

SECTION 3.0 DEVELOPMENT STANDARDS

3.1 General Standards. All lots or uses will be subject to these general standards as well as other specific regulations that apply to the lot or the proposed use.

(1) Code Compliance.

All principal buildings shall meet or exceed the minimum standards of the Minnesota Building Code, the Minnesota State Uniform Fire Code, the Minnesota Department of Health, the Minnesota Pollution Control Agency, and the Washington County Individual Sewage Treatment System Regulations, except that manufactured homes shall meet or exceed the requirements of the State of Minnesota Manufactured Home Building Code in lieu of the Minnesota State Building Code.

(2) Sewage Treatment.

All applicants for a permit required by this Development Code shall, as applicable, demonstrate that a sewage treatment system can be installed in accordance with the Subsurface Sewage Treatment System Regulations of the Washington County Development Code. Water usage of any proposed use shall conform with the long-term sewage treatment capacities of each individual lot. The system, or systems, shall be designed to receive all sewage from the dwelling, building or other establishment served. Footing or roof drainage shall not enter any part of the system. Products containing hazardous materials shall not be discharged to the system other than a normal amount of household products and cleaners designed for household use. Substances not used for household cleaning, including but not limited to, solvents, pesticides, flammables, photo finishing chemicals, or dry cleaning chemicals, shall not be discharged to the system.

(3) General Setback, Lot Area and Building Regulations. All uses and structures shall be subject to the regulations of the applicable zoning and overlay zoning districts and the following additional requirements applicable in all districts:

(A) Sloping or Erodible Building Sites. No structure shall be constructed on sites with slopes of greater than 25% or on easily erodible soils as defined on the Washington County Soil Survey.

(B) Permitted Encroachments into Required Setbacks. The following shall be permitted encroachments into setback requirements:

1. flues, eaves and awnings up to 3 feet in width;
2. steps, chimneys, sidewalks, and stoops up to 3 feet in width;
3. exposed wheelchair ramps, bay windows and doors up to 3 feet in width.

(C) Pipeline Easements. Structures shall be setback a minimum of 50 feet from an underground pipeline easement.

(D) Corner Lots. Nothing shall be placed or allowed to grow, with the exception of seasonal crops, in such a manner as to materially impede vision between a height of 2

½ and 10 feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of 50 feet from the intersection of the right of way lines.

- (E) Number of Structures. There shall be no more than 1 principal structure on any 1 parcel of land, unless otherwise authorized by the Development Code.
 - (F) Height. No structure shall exceed the maximum height permitted for the zoning district in which it is located, except for church spires, chimneys, flag poles up to 45 feet in height, silos, and wind generators. Wireless Communication Facilities are regulated in accordance to Chapter Two, Section 4.36 of this Development Code.
- (4) Single Family Dwellings
- (A) Minimum Width and Foundations. In all districts where single family dwellings are permitted, the following standards shall apply for single family dwellings, except for temporary dwellings permitted by Chapter Two, Sections 4.31, 4.32 and 4.33 of this Development Code:
 - 1. The minimum width of the main portion of the structure shall be not less than twenty (20) feet, as measured across the narrowest portion.
 - 2. All dwellings shall be placed on a permanent foundation and anchored to resist overturning, uplift and sliding in compliance with the Minnesota State Building Code.
 - (B) Certain Dwelling Units Prohibited. No cellar, garage, recreational vehicle or trailer, basement with unfinished exterior above or accessory building shall be used at any time as a dwelling.
 - (C) Occupancy of a Single Family Residential Dwelling. No more than 6 persons not related by blood, marriage or adoption shall reside in a single-family residential dwelling.
- (5) Buildable Land. All new parcels created, which are not served by public sanitary sewer shall have at least 1 contiguous acre of accessible buildable land. Buildable land is defined as:
- (A) land with a slope less than 25%, and
 - (B) situated outside of any required setbacks, except that on a natural environment lake where a 200 foot structure setback is required, the buildable area calculation shall be measured from the 150 foot setback rather than the 200 foot setback; and
 - (C) situated outside every floodplain, drainageway, or drainage easement.
- (6) Traffic Control.

The traffic generated by any use shall be controlled so as to prevent congestion of the public streets, traffic hazards and excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be regulated so as to ensure its safe and orderly flow. Traffic into and out

of business and industrial areas in all cases shall be forward moving with no backing into streets.

(7) Access Drives, Access and Service Roads.

Access drives onto city streets shall require an administrative permit. This permit shall be issued prior to or concurrent with the issuance of any building permits. The Zoning Administrator shall determine the appropriate location, size and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow. An escrow deposit may be required to ensure construction of the driveway to city standards, including installation of any required culvert. Said escrow deposit shall be refunded upon completion of the driveway and restoration of the street and surrounding vegetation.

(8) Private Roads.

Private roads are not allowed in any new subdivisions created after the effective date of this Development Code. Existing lots of record on private roads will be subject to the Standards contained in Chapter One, Section 13.5 (1)(D).

3.2 Accessory Structures

(1) Required Permits. A building permit is required for all accessory structures except agricultural buildings as defined herein. An administrative permit is required for all agricultural buildings and agricultural accessory structures.

(2) All Accessory Structures. The following standards apply to all accessory structures.

(A) No accessory structure shall be constructed on a lot prior to construction of the principal structure on the lot.

(B) No detached accessory structure, including storage sheds, shall be located closer to the road right-of-way than the principal building on a lot without a variance unless all of the following conditions are met:

1. The accessory structure is at least 200 feet from the road right-of-way on lots of five (5) acres or more; and
2. All setbacks are met.

(3) Residential and Agricultural Accessory Structures. The following additional standards apply to all residential and agricultural accessory structures:

(A) All accessory structures, except agricultural buildings such as barns or silos on parcels of 20 acres or larger in size, shall be limited to one story in height except by approval of a Conditional Use Permit.

- (B) The permitted total square footage and number of all accessory structures is as follows:

<i>Lot Size</i>	<i>Total Square Footage</i>	<i>Number of Structures</i>
Parcels less than 1 acre	720 sq. ft.	1
1 acre to 3.00 acres	1,000 sq. ft.	1
More than 3.00 acres and less than 5.00 acres	2,000 sq. ft.	2
5.00 acres to 10.00 acres	2,500 sq. ft.	2
More than 10.00 acres to 20.00 acres	3,500 sq. ft.	2
More than 20.00 acres to 30.00 acres	4,500 sq. ft.	No limit provided structures are agricultural buildings.
More than 30.00 acres to 40.00 acres	5,500 sq. ft.	
More than 40.00 acres to 60.00 acres	6,000 sq. ft.	
More than 60.00 acres to 80.00 acres	7,000 sq. ft.	
More than 80.00 acres, non-agricultural buildings	8,000 sq. ft.	
More than 80.00 acres, agricultural buildings	Unlimited	

- (C) One single story shed of 120 square feet or less is permitted in addition to the number of accessory structures listed in Section (B), above. Ice fishing houses stored on parcels of land during summer months shall be deemed to be the permitted shed.
- (D) All detached accessory structures are to be used for personal use or agricultural use only. No commercial use or commercial- related storage is allowed in these structures.
- (E) No land shall be subdivided so as to have a larger structure and/or exceed the total number of structures as permitted by this Development Code.
- (F) Domestic Farm Animals. Accessory structures used to shelter domestic farm animals shall meet the following requirements:

1. All domestic farm animal structures, feedlots and manure storage sites shall be setback as follows:

Natural/ Man-Made Features	Horizontal Setbacks
(a) Any property line	100 feet
(b) Any existing well or residential structure on the same parcel	50 feet
(c) Any seasonal or year-round wetland, lake or stream	200 feet

2. Said structure, feedlot or manure storage shall not be placed on slopes which exceed 13%.
- (G) For the purpose of determining the size, number and location of agricultural buildings on farms 40.00 acres or greater, the lot shall include all contiguous tax parcels farmed as a unit as evidenced by common ownership within a family or other entity comprised of some or all of the family members, or a combination thereof.

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- (4) Commercial and Industrial Accessory Structures. The following additional standards shall apply to commercial and industrial accessory structures:
- (A) One accessory structure is allowed on a parcel provided it is used for storage related to the principal use of the property. No separate business is allowed in the accessory structure.
 - (B) The accessory structure shall be placed to the rear of the principal building and conform with applicable setback requirements and lot coverage standards.
 - (C) No accessory building shall exceed 35 feet in height.

3.3 Environmental Regulations

(1) Hazardous Materials

- (A) All uses associated with the bulk storage of over two thousand (2,000) gallons of oil, gasoline, diesel fuel, liquid fertilizer, chemicals and similar liquids shall require a conditional use permit.
- (B) Secondary containment shall be provided for hazardous materials that are stored above ground and for all areas where hazardous materials are loaded or unloaded. Above ground liquid storage tanks shall have secondary containment, suitably sealed to hold a leakage capacity equal to 110% of the tank's capacity.
- (C) Any area used for the storage of hazardous materials shall not contain interior floor drains. If floor drains are essential to business operation, then the facility shall:
 - 1. Connect the floor drain to a closed holding tank, or;
 - 2. Obtain a groundwater discharge permit from the Minnesota Department of Natural Resources.
 - 3. The storage and/or preparation area for hazardous materials with more than 25 gallons or 100 pounds dry weight shall be set back a minimum of 150 feet from a water supply well.
- (D) Hazardous materials stored in an above ground storage tank with containment shall be set back a minimum of 100 feet from a water supply well.
- (E) Dry commercial fertilizers shall not be located in areas where stormwater runoff from stockpiles could enter storm sewers, sanitary sewer or other surface or ground water.
- (F) Dry bulk pesticides with a dry weight of 100 pounds or more shall be stored under a roof or tarpaulin that prevents precipitation from reaching the pesticide.
- (G) Closed holding tanks shall be used for the collection of washwater from vehicle maintenance and other related operations.

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- (H) Primary containment of hazardous materials shall be product-tight and all hazardous materials shall be stored in compliance with the rules and regulations of Federal, State, County and local agencies.
 - (I) The Minnesota Pollution Control Agency and Federal agency requirements for storage leak detection, record keeping, spill prevention, emergency response, transport, and disposal shall be met.
 - (J) Underground storage tanks shall comply with the requirements of the Minnesota Pollution Control Agency and Federal agencies.
- (2) Explosives.
- Uses involving the commercial storage, use or manufacture of materials or products that could detonate by decomposition are not permitted.
- (3) Radiation and Electrical Interference.
- No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of ordinary business or household equipment and appliances. Any such emissions are hereby declared to be a nuisance.
- (4) Nuisances.
- No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare dust or other such adverse influences shall be permitted in any district that will have an objectionable effect upon adjacent or nearby property owners and residents. Minimum standards shall be as follows:
- (A) Noise, Air and Water Pollution. Notwithstanding anything contained herein to the contrary, the standards of the Minnesota Pollution Control Agency for noise, air, and water pollution shall be the standards applied in those areas.
 - (B) Vibration. The following vibrations are prohibited:
 - 1. Any vibration discernible (beyond the property line) to the human sense of feeling for 3 minutes or more duration in any 1 hour.
 - 2. Any vibration resulting in any combination of amplitudes and frequencies beyond the "safe" range of the most current standards of the United States Bureau of Mines on any structure. These standards shall not apply to vibrations created during the process of construction.
 - (C) Public Health. The following are declared to be nuisances endangering public health and are prohibited:
 - 1. Causing or allowing the effluent from any cesspool, septic tank, drainfield or human sewage disposal system to discharge upon the surface of the ground, or
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dumping the contents thereof at any place except as authorized by the Minnesota Pollution Control Agency.

2. Causing or allowing the pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.
3. Failing to dispose of carcasses of animals within 24 hours after death.
4. Any use shall be so operated as not to discharge across the boundaries of the lot or through evaporation into the atmosphere or the subsoil beyond the boundaries of the lot wherein such use is located toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety or welfare, or cause injury or damage to property or business.
5. The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed, of sufficient size to retain any person, and which is exposed and accessible to the public, without removing the doors, lids, hinges or latches, or providing locks to prevent access by the public.

(D) Refuse

In all districts all waste material, debris, refuse, or garbage (with the exception of agricultural uses and crop residue and properly maintained compost piles) shall be kept in an enclosed building or properly contained in a closed container designed for such purposes, except on days of collection when such materials may be placed at the curb or roadside. The owner of vacant land shall be responsible for keeping such land free of refuse. The keeping of shrub and tree waste, other waste material, debris, refuse or garbage generated off site is not permitted except as provided in Section 4.32.

(E) Inoperable/Unlicensed Vehicles

1. Passenger vehicles and trucks in an inoperable state shall not be parked in any districts, except in a location authorized as a vehicle reduction yard or enclosed building, for a period exceeding seven consecutive days.
 2. Any unlicensed vehicle, capable of being operated, shall not remain on any property for more than 30 days if such vehicle has been unlicensed in both the current and previous year, except a vehicle used on the property without the requirement of a license.
- (5) Hazardous Waste. Any use that generates, processes or disposes of hazardous waste shall comply with the standards and regulations of the County's Hazardous Waste Management Ordinance, Minnesota Pollution Control Agency and any other federal, state and local agencies.

3.4 Exterior Storage. Exterior storage shall be regulated by the following standards.

- (1) Residential and Agricultural Uses. All personal property shall be stored within a building or fully screened so as not to be visible from adjoining properties and public streets, except for the following:
 - (A) Construction, landscaping and agricultural materials and equipment currently (within a period of 6 months) being used on the premises
 - (B) Off-street parking of licensed passenger automobiles and pick-up trucks; and the parking of such other vehicles as may be permitted by Section 3.10 of this Chapter.
 - (C) Recreation equipment (non-vehicular) and recreation facilities.
 - (D) Storage of not more than 2 recreational vehicles or recreation camping vehicles in a side yard or rear yard, provided that any such side yard storage shall not be adjacent to a street and all setbacks are met. Additional recreational equipment shall be stored inside a building.
 - (E) Recreation camping vehicles shall not, while parked or stored, be used as a human dwelling place, living abode or living quarters, except that such a vehicle owned by a non-resident guest or visitor may be parked or occupied by said guest or visitor on property on which a permanent dwelling is located, for a period not to exceed 30 days per year while visiting the resident of said property. The recreation camping vehicle or trailer shall have self-contained sanitary facilities.
- (2) Non-Residential and Non-Agricultural Uses. Exterior storage of useable personal property accessory to an allowed commercial, industrial or other non-residential or non-agricultural use may be allowed by Conditional Use Permit. All such exterior storage in commercial/industrial areas shall be screened as provided by Section 3.12 (5) of this Chapter, with the following exceptions:
 - (A) Merchandise being displayed for sale;
 - (B) Materials and equipment currently being used for construction on the premises; and
 - (C) Merchandise located on service station pump islands.
- (3) Vacant Lots. No personal property, vehicles, recreation equipment, recreational vehicles, recreational camping vehicles, lumber or materials (except during the process of construction of a structure) shall be kept or maintained on any lot or property on which a permanent structure is not located.
- (4) Shipping Containers. No more than one shipping container, intermodal shipping container or freight container may be stored in a side or rear yard in all zoning districts, provided that any such side yard storage shall not be adjacent to a street and all setbacks are met. The container may be located on the property for a period not to exceed 6 months per year, while storage is required for remodeling or other activities relating to the property.

3.5 Fences

- (1) General Performance Standards. Fences are permitted in accordance with the following regulations:
 - (A) Fencing shall comply with the Scandia Architectural Design Guidelines, as applicable.
 - (B) That side of the fence considered to be the face (finished side as opposed to the structural supports) shall face the abutting property.
 - (C) No fence shall be constructed on public rights-of-way.
 - (D) Fences shall not impede the view of the roadway from a driveway providing access to the road.
 - (E) Where a property line is not clearly defined, a certificate of survey may be required by the Zoning Administrator to establish the location of the property line.
 - (F) Fences which exceed 6 feet in height are permitted by an Administrative Permit, except in a yard area abutting a road right-of-way. No fence shall exceed 12 feet in height.
 - (G) Fences may be placed along a property line provided no physical damage of any kind results to abutting property.
- (2) On properties located in the Shoreland Overlay District or St. Croix River District that either have lake or river frontage, fences shall comply with the following standards:
 - (A) An Administrative Permit is required prior to the construction of any fence on these properties.
 - (B) Within the non-buildable setback, fences shall be allowed along the side lot lines, but shall not exceed 6 feet in height from the finished ground grade.
 - (C) Within the buildable area of the property, fences shall have a maximum height of 6 feet from the finished ground grade.
- (3) Fences are permitted along a property line abutting a road right-of-way in accordance with the following:
 - (A) On properties that are being used for agriculture, a fence may be constructed up to 6 feet in height provided the fence is a wire strand, woven wire or wood rail fence.
 - (B) On properties where the primary use is residential, commercial or industrial, fences shall not exceed 4 feet in height. Fences within the non-buildable setback area and less than 20 feet from the front property line shall not exceed 4 feet in height.

3.6 Land Alteration and Grading

- (1) **Applicability and Required Permits.** Any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance activity within the City shall apply to the City for an Administrative Permit for Grading and Erosion and Sediment Control. No land shall be disturbed until the permit is granted by the city and conforms to the standards set forth in this code. A grading and erosion and sediment control plan shall be submitted and an Administrative Permit obtained for the following activities:
 - (A) Land alteration and grading of 50 cubic yards or more and/or the disturbance of land area of 1,000 square feet or more.
 - (B) Any excavating, grading or filling or change in the earth's topography in any designated wetland, floodplain or shoreland district.
 - (C) Any changing of a natural drainageway or drainage pattern that increases or intensifies the flow of surface water upon an adjacent property.
- (2) **Exemptions.** A permit is not required for the following: installation and maintenance of home gardens; minor landscaping where the total volume of earth disturbed does not exceed 50 cubic yards; agricultural activities; cemetery graves; grading activities associated with a construction project provided a building permit is issued and there is a minimal amount of land disturbance; subdivisions that have received final plat approval and driveways permitted in conjunction with a building permit; and emergency work necessary to protect life, limb or property.
- (3) **Other Permits.** The issuance of a City permit does not exempt the applicant from the requirements and permitting authority of other agencies having jurisdiction over the work performed.
- (4) **Permit Application.** The application for a permit shall include an existing and a finished grade plan and an erosion and sediment control plan. The plans shall be drawn to scale at a scale of no less than 1 foot to 200 feet. The plans shall indicate site topography, including contour intervals of not more than 2 feet. The first sheet of the plans shall give the location of the work and the name and address of the owner and the person who prepared the plans.
 - (A) The finished grade plan shall show no adverse effects on adjacent land. The grading plan shall clearly indicate the proposed land disturbing activities. Both existing and proposed topography shall be shown. Drainage patterns shall be clearly shown using arrows depicting the direction of flow. Other information shall be shown as required by the City based on specific project characteristics.
 - (B) The erosion and sediment control plan shall be prepared by a qualified professional certified by the Minnesota Department of Transportation or other certification acceptable to the City. The plan shall include at a minimum the lot boundaries, name, address and telephone number of the party responsible for maintenance of the sediment control measures, easement areas, building locations, drainage directions indicated by arrows, location of construction site access, stockpiles, trash containers, concrete washout area, and all proposed temporary and permanent erosion and sediment control measures. The application shall document that the applicant has

- applied for an NPDES Permit from the Minnesota Pollution Control Agency, if applicable.
- (C) At a minimum, the grading, erosion and sediment control measures shall conform to those for Erosion Prevention and Sediment Control included in the current version of the Minnesota Pollution Control Agency's Manual "Protecting Water Quality in Urban Areas."
 - (D) The City may require additional erosion and sediment control measures for sites draining to Outstanding Resource Value Waters (ORVW) identified by the State of Minnesota, or for slopes leading to a sensitive, impaired or special water body to assure retention of sediment on site.
 - (E) A permit fee shall be paid by the applicant prior to issuing any permit. The fee shall cover review of the application and typical inspections for enforcement. Any inspections and administration of the permit triggered by a notice of violation are not included in this fee.
 - (F) The applicant will be required to file with the City an escrow to cover the City's costs for failure by the applicant to make repairs or improvements installed on the site, and any costs associated with a Notice of Violation. The project will be considered complete and the escrow released when the site has reached final stabilization. The applicant is required to inform the City when the site has reached stabilization and the city may complete a final compliance inspection.
 - (G) Grading and Erosion and Sediment Control permit applications will be reviewed by the Zoning Administrator, and as deemed necessary, by the City Engineer. Applications may also be referred to a watershed district, watershed management organization or to other agencies for review and comment.
- (5) General Standards. The following general standards shall apply for grading, drainage and erosion control:
- (A) All development shall conform to the natural limitations presented by the topography and soil as to minimize the potential for soil erosion.
 - (B) Slopes over 25% (4:1) shall not be altered.
 - (C) Development on slopes with a grade between 12% (8:1) and 25% (4:1) shall be carefully reviewed to insure adequate measures have been taken to prevent soil erosion, sedimentation, vegetative, and structural damage.
 - (D) Erosion and siltation measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
 - (E) Land shall be developed in increments of workable size such that erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

- (F) The drainage system shall be constructed and made operational as quickly as possible during construction.
 - (G) Whenever possible, natural vegetation shall be retained and protected.
 - (H) Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the disturbed area. The soil shall be restored to a depth of 4 inches and shall be of quality at least equal to the soil quality prior to development.
 - (I) Erosion and sediment control measures shall be maintained until final vegetation cover is established to a density of 70%.
 - (J) All temporary erosion and sediment control BMP's will be removed after the permanent erosion and sediment control BMP's have been implemented and the site has been permanently stabilized.
- (6) Inspection Procedures. The applicant shall promptly allow the City and its authorized representatives, upon presentation of credentials, to:
- (A) Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations, inspections or surveys.
 - (B) Bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations.
 - (C) Inspect the erosion and sediment control measures.
 - (D) The applicant shall notify the City when the measures required by the permit have been accomplished on site, whereupon the City may conduct an initial inspection to determine compliance with this Section, and may within a reasonable time thereafter report to the applicant either that compliance appears to have been achieved, or that compliance has not been achieved. In that case, the City shall provide a correction notice identifying the conditions of noncompliance. The applicant shall immediately begin corrective action and shall complete such corrective action within 48 hours of receiving the City's notice. For good cause shown, the City may extend the deadline for taking corrective action. Failure to take corrective action in a timely manner shall constitute a violation of this Chapter. The City shall not be responsible for direct or indirect consequences to the applicant or to third-parties for non-compliant conditions undetected by inspection.
- (7) Enforcement. Whenever the Zoning Administrator finds any violation of this Chapter, the Zoning Administrator shall issue a stop work order. Such stop work order is subject to the following conditions:
- (A) The stop work order shall be in writing and shall be given to the applicant or the applicant's agent. The stop work order shall state the reason for the order.
 - (B) Upon issuance of the stop work order, the cited work shall immediately cease.

- (C) The stop work order may be issued for a reasonable period to be determined by the City during which time the applicant will be allowed to correct the identified violations.
- (D) If the violations cannot be corrected within the time frame determined by the City, the applicant may seek an extension of the stop work order for such additional period of time as allowed by the Zoning Administrator.
- (E) If the applicant does not contest the stop work order and corrects the identified violations within the designated period, the applicant may immediately commence further activity at the site. The City will inspect the site to verify correction of the violations.
- (F) If the violations are not corrected within the designated period (with extensions), the City may correct the cited violations and draw down the escrow to cover the cost.
- (G) Any person who shall continue any cited work after having been served with a stop work order, except such work as is necessary to correct the cited violations, shall be subject to penalties as stated in Chapter 1, Section 2.

3.7 Stormwater Management

- (1) This section sets forth the minimum requirements for stormwater management that will diminish threats to public health, safety, public and private property and natural resources of the City and meet the requirements of appropriate regulatory agencies.
- (2) The Zoning Administrator shall administer this Section. Regulation by the City does not exempt the applicant from the requirements and permitting authority of other agencies.
- (3) The requirements of this section shall apply to all applicants or projects requiring site plan review, a Conditional Use Permit, platting, or subdivision review.
- (4) General Stormwater Management Standards and Design Criteria
 - (A) No person shall develop land for residential, commercial, industrial or institutional uses without providing stormwater management measures that control or manage runoff from such developments. Emergency actions, such as the need to address a failing septic system, are exempt from these controls.
 - (B) Development shall minimize impact to significant natural features. All sites shall be reviewed for the presence of wetlands, wooded areas of significance, rare and endangered species habitat, and areas designated by the County Biological Survey. These areas should not be developed.
 - (C) New development and redevelopment activities shall meet the adopted water management rules, standards, and plan requirements of local watershed management organizations for volume control, rate control, and water quality.
 - (D) Where directed by the City and based on site suitability, the developer or applicant shall consider reducing the need for stormwater controls and Best Management Practices (BMP's) by minimizing impervious surface and incorporating the use of

natural topography. The following design options should be considered, consistent with the zoning and subdivision requirements:

1. Preserving natural vegetation;
 2. Preserving and utilizing natural upland swales, depressions and storage areas in the post development conditions to the degree that they can convey, store, filter and retain stormwater runoff before discharge without becoming a public nuisance or hazard. Preservation requires that no grading or other construction activity occur in these areas;
 3. Installing semi-permeable/permeable or porous paving;
 4. Using landscaping and soils to treat and infiltrate stormwater runoff;
 5. Identifying vegetated areas that can filter sheet flow, remove sediment and other pollutants, and increase the time of concentration;
 6. Disconnecting impervious areas by allowing runoff from small impervious areas to be directed to pervious areas where it can be infiltrated or filtered;
 7. Increasing buffers around streams, steep slopes, and wetlands to protect from flood damage and provide additional water quality treatment;
 8. Installing green roofs;
 9. Using irrigation systems, cisterns, rain barrels and related BMP's to reuse stormwater runoff.
- (E) The design of ponds and other stormwater BMP's shall conform to the requirements of the Chapter 3 of this Development Code--Engineering Standards, and to the standards and design recommendations in the Minnesota Pollution Control Agency's Minnesota Stormwater Manual (2006 and subsequent revisions) and Minnesota Stormwater Best Management Practices Manual.
- (F) The lowest ground elevation adjacent to a structure in a development shall be at least 3 feet above the 100-year, 24-hour elevation of the water body. The lowest ground elevation adjacent to structures that are adjacent to ponds shall be certified by the applicant during basement construction to ensure adequate freeboard.
- (G) If the basin is landlocked, the lowest ground elevation adjacent to a structure shall be a minimum of 3 feet above the calculated high water level.
- (5) Illegal disposal
- (A) No person shall leave, throw, deposit, discharge, dump, place, leave, maintain or keep any substance upon any street or sidewalk, or any element of the storm sewer system, or upon any public or private lot of land, so that the same may be or might become a pollutant, except in containers, recycling bags, or other lawfully established waste disposal facility.

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- (B) No person shall intentionally dispose of grass, leaves, dirt or landscape material into any surface water, buffer area, street, sidewalk or element of the storm sewer system.
- (6) Illicit discharges and connections
- (A) No person shall cause any illicit discharge to enter the storm sewer system or any surface water unless such discharge:
1. Consists of non-stormwater discharge that is authorized by an MPCA permit; or
 2. Is associated with fire fighting activities or other activities necessary to protect public health and safety.
 3. Is associated with normal household activities such as car washing, lawn watering or draining a swimming pool.
- (B) Dye testing is an allowable discharge, but requires a verbal notification to the city prior to the time of the test.
- (C) The following discharges are exempt: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space pumps, air conditioning, condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, dechlorinated swimming pool water and any other water source not containing a pollutant.
- (D) No person shall use any illicit connection to intentionally convey a non-stormwater discharge to the city's storm sewer system.
- (E) The construction, use, maintenance or continued existence of illicit connections to the storm sewer system is prohibited. This prohibition includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (F) Any owner or occupant of property within the city shall comply with the following requirements:
1. Subsurface sewage treatment systems shall be maintained to prevent failure.
 2. Recreational vehicle sewage shall be disposed of to a proper sanitary waste facility.
 3. Water in swimming pools shall sit for 7 days without the addition of chlorine to allow for chlorine to evaporate before discharge.
 4. Runoff of water from the washing of paved areas on commercial or industrial property is prohibited unless necessary for health or safety purposes and not in violation of any other provisions of this code.
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5. Mobile washing companies (carpet cleaning, mobile vehicle washing, etc.) shall dispose of wastewater to a proper sanitary waste facility.
6. Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills or discharges.

3.8 Land Clearing

- (1) Required Permits: Land clearing on an area of 20,000 square feet or more is permitted in all districts, provided an Administrative Permit is issued. A permit is not required for clearing trees and other woody plants in an area less than 20,000 square feet, clearing activities associated with a construction project provided a building permit is issued and there is minimal amount of clearing, and subdivisions that have received final plat approval.
- (2) Other Requirements. Land Clearing shall comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards. Land clearing shall comply with the following:
 - (A) There shall be no removal of trees located on slopes greater than 25%, or in wooded floodplains, wooded wetlands, and stream corridors. Trees and woodlands within the Shoreland Overlay District and the St. Croix River District are subject to the requirements as stated in the overlay district regulations in addition to the regulations of this Chapter.
 - (B) Construction fences or barricades may be required to be placed at the perimeter of the area to be cleared.
 - (C) Erosion and siltation measures shall be coordinated with the different stages of clearing. Appropriate control measures shall be installed prior to land clearing when necessary to control erosion.
 - (D) Land shall be cleared in increments of a workable size such that erosion and siltation controls can be provided as the clearing progresses. The smallest practical area of land shall be exposed at any one period of time.
 - (E) Restoration. All permits shall contain a restoration plan providing for the use of the land after project completion. The following are minimum standards for restoration:
 1. All disturbed areas shall be restored at the completion of the project.
 2. All restoration shall include the application of a minimum of 4 inches of mineral soil or similar material that will support plant growth.
 3. All restored areas shall be seeded with a mixture recommended by the soil and Water Conservation District unless it is put into forest or row crop production.
 4. Final grades shall be in conformity with the permit and topography of the surrounding land.

5. The standards above may be raised or modified to accommodate a specific restoration plan.
6. The Zoning Administrator may require the applicant to post a financial guarantee to ensure compliance with the Administrative Permit.

3.9 Lighting

- (1) Exemptions. The standards of this section shall not apply to the following:
 - (A) Temporary holiday lighting. This Development Code does not prohibit the use of temporary outdoor lighting used during customary holiday seasons provided that individual lamps are 10 watts or less.
 - (B) Civic Event Lighting. This Development Code does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions.
 - (C) Lighting required and regulated by the Federal Aviation Administration or other federal or state agency.
 - (D) Emergency lighting by police, fire and rescue authorities.
- (2) Nonconforming Uses.
 - (A) All outdoor lighting fixtures lawfully existing and legally installed prior to the effective date of this Chapter are exempt from the regulations contained in this Chapter.
 - (B) Whenever an outdoor light fixture that was existing on the effective date of this Chapter is replaced by a new outdoor light fixture, the new fixture shall meet the standards of this Chapter.
- (3) Method of Measuring Light Intensity. The foot-candle level of a light source shall be taken after dark with the light meter held 6 inches above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the illumination intensity.
- (4) Performance Standards.
 - (A) Lighting plans shall be reviewed for compatibility with the Scandia Architectural Design Guidelines, as applicable.
 - (B) In the Agriculture District – Core (AG C), Agriculture Preserves District (AP), General Rural District (GR) and Village Neighborhood District (VN), any lighting used to illuminate an off-street parking area or other structure or area shall be arranged as to deflect light away from any adjoining residential property or from the public street.
 1. Shielding. The light source shall be hooded or controlled so as not to light adjacent property in excess of the maximum intensity defined in Section 3.9 (4) (A) 2. Bare

light bulbs shall not be permitted in view of adjacent property or public right of way.

2. Intensity. No light source or combination thereof which casts light on a public street shall exceed 1 foot candle meter reading as measured from the centerline of said street nor shall any light source or combination thereof which casts light on adjacent property exceed 0.4 foot candles as measured at the property line.

(C) In the Village Mixed Use A District (VMU A), Village Mixed Use B District (VMU B), Industrial Park District (IP) and Rural Commercial District (R COMM), any lighting used to illuminate an off-street parking area or other structure or area shall be arranged as to deflect light away from any adjoining property or from the public street.

1. Shielding. The luminaire shall contain a cutoff that directs and cuts off the light at an angle of 90 degrees or less.
2. Intensity. No light source or combination thereof which casts light on a public street shall exceed 1 foot candle meter reading as measured from the centerline of said street nor shall any light source or combination thereof which casts light on adjacent property exceed 0.4 foot candles as measured at the property line.
3. Height: The maximum height above the ground grade permitted for light sources mounted on a pole is 18 feet except by conditional use permit. A light source mounted on a building shall not exceed the height of the building and no light sources shall be located on the roof unless said light enhances the architectural features of the building and is approved by the Zoning Administrator.
4. Location: The light source of an outdoor light fixture shall be setback a minimum of 10 feet from a street right of way and 5 feet from an interior side or rear lot line.
5. Hours: The use of outdoor lighting for parking lots serving commercial and industrial businesses is restricted according to the following. Outdoor lighting that serves businesses that do not operate after dark shall be turned off 1 hour after closing except for approved security lighting. For those businesses that offer services after dark, outdoor lighting may be utilized during the nighttime hours provided the business is open for service. Once the business closes, the outdoor lighting shall be turned off 1 hour after closing except for security lighting.
6. Design: Lighting shall be subject to design review for compatibility with the Scandia Architectural Design Guidelines.

(D) Outdoor Recreation: Outdoor recreational uses such as, but not limited to baseball fields, football fields, tennis courts and snow skiing areas have special requirements for night time lighting. Due to these unique circumstances, a conditional use permit shall be required for all new outdoor lighting fixtures that do not meet the regulations stated above.

1. No outdoor recreation facility whether public or private shall be illuminated after 11:00 PM unless the lighting fixtures conform to Section 3.9 (4) (B), above.

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2. Off street parking areas for outdoor recreation uses which are illuminated shall meet the requirements stated in Section 3.9 (4) (C) 2.
- (5) Prohibitions. The following outdoor light fixtures are prohibited within the City of Scandia:
 - (A) Search lights or sky trackers
 - (B) Flashing, blinking or rotating lights
 - (C) Neon lighting on the exterior of a building
 - (D) LED (light emitting diode) lights
 - (E) Individually lit letters in signs
 - (F) Raceway lighting
 - (G) Exposed fluorescent tubes
 - (H) Mercury vapor lamps
 - (I) Laser lights
 - (J) Back lit canopies or awnings
 - (6) Submission of Plans. The applicant for any permit requiring outdoor lighting shall submit evidence the proposed outdoor lighting will comply with this Development Code. The submission shall contain the following in addition to other required data for the specific permit:
 - (A) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices.
 - (B) Description of illuminating devices, fixtures, lamps, supports, reflectors and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required);
 - (C) Photometric data, such as that furnished by manufacturers, or similar showing the angle of the cutoff or light emissions.

3.10 Parking

- (1) General Provisions.
 - (A) Existing off street parking spaces and loading spaces upon the effective date of this Chapter shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar use.
 - (B) The placement, design, screening, buffering and landscaping of parking areas shall be reviewed for compatibility with the Scandia Architectural Design Guidelines and as required by Section 3.12 of this Chapter.

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- (C) Parking as required by the Americans with Disabilities Act (ADA) for the disabled shall be provided.
 - (D) Required off street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable, for sale or for rent.
 - (E) Off street parking facilities accessory to residential and agricultural uses shall be utilized solely for the parking of passenger automobiles and trucks with a gross vehicle weight rating (GVWR) 12,000 pounds or greater than 30 feet in length. No more than 4 such vehicles per lawful dwelling unit shall be parked or stored outside of a building on parcels of 10 acres or less. Larger trucks, contracting or excavating equipment and storage trailers shall not be parked, stored or otherwise located on any lot, with the following exceptions:
 - 1. Trucks, tractors and other vehicles and equipment directly associated with an agricultural use of the property; or
 - 2. When loading, unloading, rendering service or being used in conjunction with a temporary service including, but not limited to, a construction or remodeling project benefiting the premises.
 - (F) Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants or customers of businesses or manufacturing establishments.
 - (G) No motor vehicle repair work of any kind shall be permitted in conjunction with exposed off-street parking facilities, except for minor repairs of vehicles owned by the occupant or resident of the principal use for which the parking space is intended. No exterior storage of car parts is allowed at any time.
 - (H) Landscaping and screening requirements of Section 3.12 of this Chapter shall be met.
- (2) Surfacing and Drainage. Off street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area. Durable and dustless surface may include crushed rock and similar treatment for parking accessory to residential structures up to and including 4 units; all other uses shall utilize asphalt, concrete or a reasonable substitute surface as approved by the City Engineer. Pervious or permeable pavements or pavers may be used if approved by the City Engineer. All surfacing shall be completed prior to occupancy of the structure unless other arrangements have been made with the City.
- (3) Location. All accessory off street parking facilities required herein shall be located as follows:
- (A) Residential Uses
 - 1. Spaces accessory to one and two family dwellings shall be on the same lot as the principal use served.

2. Spaces accessory to multiple family dwellings shall be on the same lot as the principal use served and within 200 feet of the main entrance to the principal building served.
- (B) Commercial or Industrial Uses. Spaces accessory to commercial or industrial uses shall be on the same lot as the principal building, except that:
1. Subject to approval by the City Council, off street parking facilities for a combination of mixed buildings, structures or uses may be provided collectively, provided that the total number of spaces provided shall equal the sum of the separate requirements of each use during any peak hour parking period.
 2. Subject to approval by the City Council, required accessory off street parking facilities may be provided elsewhere than on the lot on which the principal use served is located. Said parking facilities shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use. The owner of the principal use shall file a recordable document with Washington County requiring the owner and his or her heirs and assigns to maintain the required number of off street parking spaces during the existence of said principal use.

(4) Minimum Number of Parking Spaces

- (A) The required number of parking spaces required by this Chapter may be reduced if a detailed parking analysis supporting such reduction is provided and approved by the City Council.
- (B) When calculating parking stall requirements, a fraction of a number shall be rounded up to the next whole number.
- (C) The minimum number of parking spaces shall be as follows:

Use	Minimum Number of Spaces Required
Single Family Dwelling	2 spaces.
Multiple Dwelling Units	2 spaces per dwelling unit. At least 1/2 of the required spaces shall be enclosed.
Place of Worship and Other Places of Assembly	1 space for each 3 seats or for each 5 feet of pew length. Based on maximum design capacity.
Offices	1 space for each 200 square feet of gross floor space.
Hotels, Motels	1 space per unit plus 1 space per employee.
Schools, Elementary and Junior High	3 spaces for each classroom.
Schools, High School through College	1 space for each 4 students based on design capacity plus 3 additional spaces for each classroom.
Residential Facility, State Licensed	1 space for each bed plus 1 space for each 3 employees other than doctors.
Sports and Fitness Clubs	1 space for each 200 square feet of floor area.
Bowling Alley	6 spaces for each alley, plus additional spaces as may be required for related uses such as a restaurant.
Motor Vehicle Service Station	2 spaces plus 3 spaces for each service stall.

Use	Minimum Number of Spaces Required
Retail Store	4 spaces for each 1,000 square feet of gross floor area.
Medical or Dental Offices/ Clinics	6 spaces per doctor or dentist.
Restaurants, Bars or Taverns	1 space for each 2½ seats, based on capacity design.
Funeral Homes	8 spaces for each chapel plus 1 space for each funeral vehicle maintained on the premises. Aisle space shall also be provided off the street for making funeral procession.
Furniture Store, Wholesale, Auto Sales, Repair Shops	3 spaces for each 1,000 square feet of gross floor area. Open sales lots shall provide 2 spaces for each 5,000 square feet of lot area, but not less than 3 spaces.
Industrial, Warehouse, Storage, Handling of Bulk Goods	1 space for each 2 employees on maximum shift or 1 for each 2,000 square feet of gross floor area, whichever is greater.
Marinas	1½ spaces per slip plus 1 space per employee and a minimum of 20, 12 feet x 25 feet, trailer stalls.
Golf Driving Range	1½ spaces per hitting station plus one for each employee on the maximum shift.
Self-Storage Facilities, Enclosed	1 space for each 100 storage units and 2 spaces for a live-in manager, if any.
Beauty Salons, Barbers, Day Spas, Massage Therapy and Similar Personal Services	2 spaces for each chair or station.
Uses Not Specifically Noted	As determined by the Zoning Administrator, based on the most similar listed use(s.) The Zoning Administrator shall also consult off-street parking reference materials including, but not limited to, manuals prepared by the American Planning Association and the Institute of Transportation Engineers.

(5) Design and Maintenance of Off-Street Parking and Loading Areas

(A) General Requirements

1. Parking areas shall be designed so as to provide adequate means of access to a public street. All off street parking spaces shall have access from driveways and not directly from the public street. Access driveways shall comply with the requirements of Sections 3.1(6) and 3.1(7) of this Chapter.
2. Any lighting used to illuminate an off street parking area shall be in accordance with Section 3.9 of this Chapter.
3. Fire access lanes shall be provided as required by the building or fire code.
4. All parking areas where 4 or more spaces are required shall be marked by durable painted stripes designating the parking spaces. Continuous curb and gutter around the periphery of the paved parking area, including drives, may be required if recommended by the Zoning Administrator or City Engineer. At a minimum all

open off street parking areas designed to have head in parking along the property line shall provide a bumper curb not less than 10 feet from the property line.

5. Adequate off-street loading areas shall be provided for commercial and industrial uses. Loading spaces shall include a maneuvering area which shall not use or block any portion of the site containing parking stalls, access drive, customer service areas or required fire lanes. Loading spaces and maneuvering areas shall not include areas within required setbacks or public rights of way.
6. It shall be the joint responsibility of the operator and owner of the principal use or building to reasonably maintain the parking and loading space, access ways, landscaping and required screening.

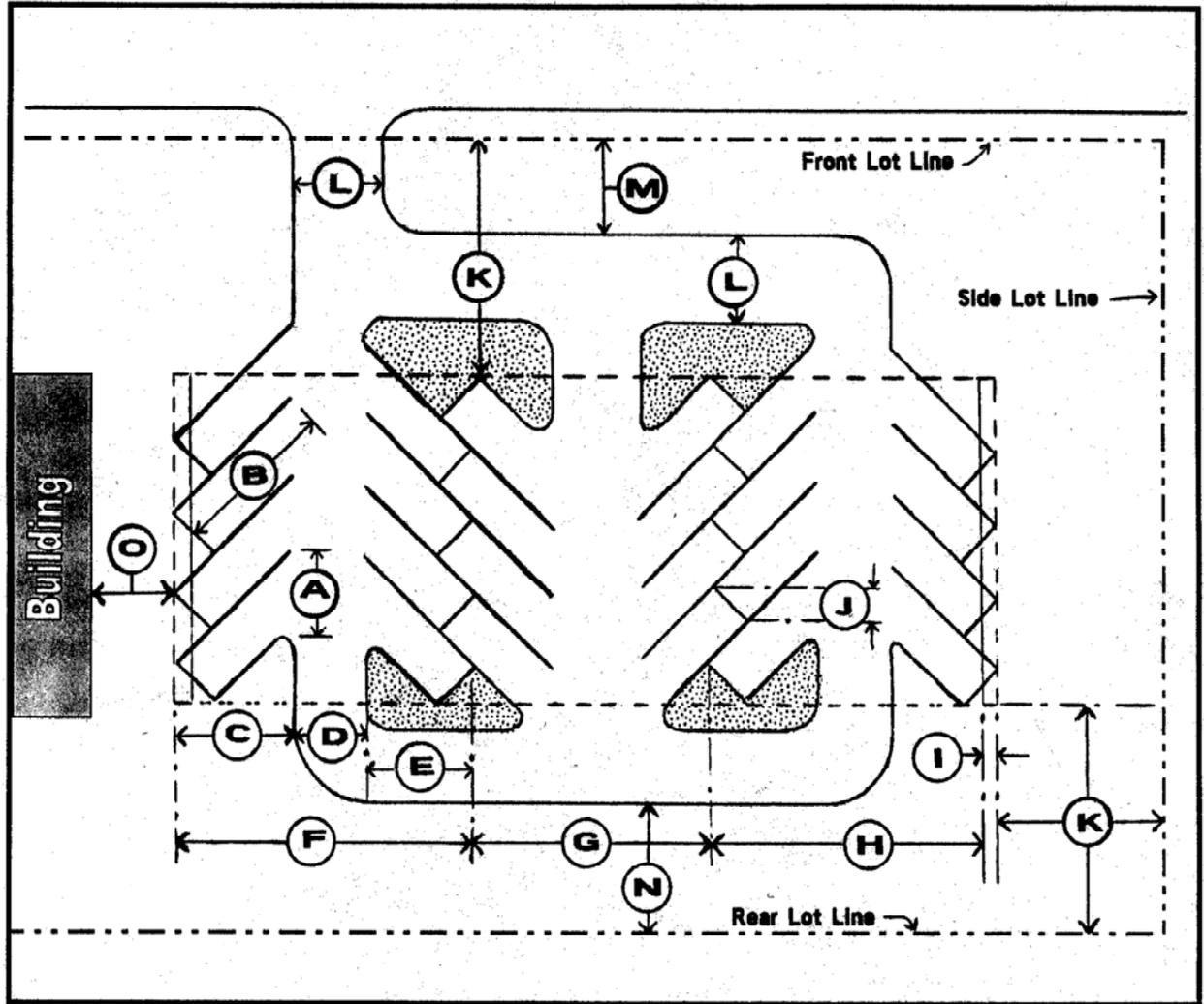
(B) Dimensional Requirements.

Unless otherwise specified in this Chapter, setbacks and stall, aisle and driveway design for required off-street parking shall comply with the following standards. These standards shall not apply to parking areas for one and two-family dwellings or agricultural uses.

Dimension (Feet)	Diagram	45°	60°	75°	90°
Stall width parallel to aisle (1)	A	12.7	10.4	9.3	9.0
Stall length of line	B	25.0	22.0	20.0	18.5
Stall depth	C	17.5	19.0	19.5	18.5
Aisle width between stall lines	D	12.0	16.0	23.0	26.0
Stall depth, interlock	E	15.3	17.5	18.8	18.5
Module, edge of pavement to interlock	F	44.8	52.5	61.3	63.0
Module, interlocking	G	42.6	51.0	61.0	63.0
Module, interlock to curb face	H	42.8	50.2	58.8	60.5
Bumper overhang (typical)	I	2.0	2.3	2.5	2.5
Offset	J	6.3	2.7	0.5	0.0
Front yard setback of parking to lot line	K	10			
Side and rear yard setback of parking to lot line	K	10			
Entrance drive or cross aisle, one-way	L	14.0			
Entrance drive or cross aisle, two-way	L	24.0 Minimum 32.0 Maximum			
Front lot line to drive (landscape area)	M	10.0			
Side and rear lot line to drive	N	10.0			
Parallel parking, stall width	--	9.0			
Parallel parking, stall length	--	23.0			
Parking or drive aisle setback to principal structure	O	10.0			
Minimum inside turning radius for fire lanes	--	As required to comply with minimum turning radii for fire apparatus equipment			

(1) Required handicap stalls and ramps shall be per State Code.

(2) Joint or common parking facilities on separate lots as authorized and when constructed adjacent to a common lot line separating two (2) or more parking areas are not required to observe the parking setback from a common lot line.



PARKING LOT DIAGRAM

3.11 Woodland and Tree Preservation

(1) Purpose.

The preservation and protection of trees and woodlands can significantly add to the quality of the physical environment of the community. The City recognizes the value of trees and woodlands for improving air quality, scenic beauty, protection against wind and water erosion, shade, natural insulation for energy conservation, wildlife habitat, and protecting the integrity of the natural environment.

(2) Applicability.

(A) A Woodland Preservation Plan shall be required for:

1. Any Preliminary Plat when significant trees or significant woodlands exist in the proposed construction zone.
2. Any Minor Subdivision when significant trees or significant woodlands exist in the proposed construction zone.
3. Any Landscape Plan as required by Section 3.12 of this Chapter when significant trees or significant woodlands exist in the proposed construction zone.

(B) A Woodland Preservation Plan shall not be required for:

1. Removal of Diseased Trees. All diseased, hazardous, dead and dying trees may be removed.
2. Removal of invasive tree species. Invasive tree species are encouraged to be removed and chemically treated with appropriate herbicides and application methods to discourage re-sprouting and minimize ecological impacts.

(3) Woodland Preservation Plan Requirements.

(A) All Woodland Preservation Plans shall be certified by a forester, ecologist, landscape architect or other qualified professional retained by the applicant.

(B) The Woodland Preservation Plan shall include the following information:

1. Boundary lines of the property with accurate dimensions as established by survey.
2. Location of existing and proposed buildings, structures, parking lots, roads, impervious surfaces and other improvements.
3. Proposed grading plan with two-foot contour intervals and limits of the construction zone.
4. Location of all significant woodlands, area in square feet and acres, and description of natural community type or predominant canopy tree species, identified in both graphic and tabular form.

5. Location of all existing significant trees, size by caliper inch, scientific name, and common name for all areas of the site identified in both graphic and tabular form.
6. Location of significant trees and significant woodlands proposed to be removed within the construction zone, identified in both graphic and tabular form.
7. Measures to protect significant trees and significant woodlands, as required by Section 3.11(7).
8. Size, scientific name, common name, and location of all replacement trees proposed to be planted on the property to replace significant trees and/or significant woodlands proposed to be removed.
9. The name(s), telephone number(s), and address(es) of Applicants, property owners, developers, and/or builders.
10. Signature and qualifications of the person preparing the plan.

(4) Significant Tree Replacement

All significant trees removed shall be replaced by the applicant as determined by the tree replacement schedule. Option A, B or C, or some combination may be proposed by the applicant. The list of coniferous, primary and secondary deciduous tree species is included in Section 3.12 (4)(G).

Tree Replacement Schedule. Size of Tree Damaged or Destroyed	Number of Replacement Trees		
	A	B	C
	Deciduous trees at least 4 caliper inches; Coniferous trees at least 12 feet in height	Deciduous trees at least 2.5 caliper inches; Coniferous trees at least 6 feet in height	Deciduous trees at least 1.5 caliper inches; Coniferous trees at least 4 feet in height
Coniferous, 12 to 24 feet high	1	2	4
Coniferous, greater than 24 feet in height	2	4	8
Primary Deciduous, 6 to 20 inches diameter	1	2	4
Primary Deciduous, greater than 20 inches in diameter	2	4	8
Secondary Deciduous, 20 to 30 inches diameter	1	2	4
Secondary Deciduous, greater than 30 inches diameter	2	4	8

- (5) Tree Replacement Fund. In the event that sufficient land area on the subdivision or commercial lot is not available to plant the replacement trees, as determined by the City, the

Applicant shall provide to the City payment for the planting of the required trees elsewhere at a rate of \$100 per caliper inch.

(6) Significant Woodland Replacement.

All significant woodlands removed shall be replaced by the applicant. The number of replacement trees shall be determined by either of the following methods, whichever yields the greater number of replacement trees.

- (A) Replacement of significant trees within the significant woodland that are damaged or destroyed, per the Tree Replacement Schedule.
- (B) Replacement for every 125 square feet of significant woodland damaged or destroyed, or increment thereof, with:
 - 1. 1 deciduous tree of at least 4 caliper inches or 1 coniferous tree at least 12 feet tall; or
 - 2. 2 deciduous trees of at least 2.5 caliper inches or 2 coniferous trees at least 6 feet tall; or
 - 3. 4 deciduous trees of at least 1.5 caliper inches or 4 coniferous trees at least 4 feet tall.
- (C) Species Requirement.
 - 1. The City may require that the replacement species is identical to the removed species.
 - 2. Where 10 or more replacement trees are required, not more than 50% of the replacement trees shall be of the same species of tree without the approval of the City.
 - 3. Trees planted to replace significant woodland shall be arranged in stands to provide a habitat similar to the damaged or destroyed habitat. An appropriate native groundcover seed mix and/or understory planting approved by the City's ecologist shall be planted along with the replacement trees.

(D) Warranty Requirement.

Any replacement tree which is not alive or healthy, as determined by the City, or which subsequently dies due to construction activity within 2 years of the tree's planting, shall be removed by the applicant and replaced with a new healthy tree meeting the same minimum size requirements within 8 months of removal.

(E) Landscaping Requirements.

The planting of trees for mitigation shall be in addition to any other landscape requirements of the City.

(F) Shoreland Overlay District.

Trees and woodlands within the Shoreland Overlay District are subject to the requirements stated in Chapter Five of this Development Code, in addition to the regulations of this Section.

(7) Required Protective Measures.

The following measures shall be utilized to protect significant trees and significant woodlands during any type of grading or construction:

- (A) Installation of snow fencing or polyethylene laminate safety netting placed at the drip line or at the perimeter of the critical root zone (CRZ), whichever is greater, of significant trees and significant woodlands to be preserved. No grade change, construction activity, or storage of materials shall occur within this fenced area.
- (B) Identification of any oak trees requiring pruning between April 15 and July 1 to avoid the spread of Oak Wilt. Any oak trees so pruned shall be required to have any cut areas sealed immediately with an appropriate non-toxic tree wound sealant. The sealant shall be kept on-site for the duration of pruning, grading, and construction activities.
- (C) Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.

(8) Recommended Protective Measures

The following tree protection measures are suggested to protect significant trees and/or significant woodland that are intended to be preserved:

- (A) Installation of retaining walls or tree wells to preserve trees.
- (B) Placement of utilities in common trenches outside of the drip line of significant trees, or use of tunneled installation.
- (C) Use of tree root aeration, fertilization, and/or irrigation systems.
- (D) Transplanting of significant trees into a protected area for later moving into permanent sites within the construction area.
- (E) Therapeutic pruning.

(9) Review Process.

The Woodland Preservation Plan shall be reviewed by the City to assess the best possible layout to preserve significant trees and significant woodland, and to enhance the efforts to minimize damage to significant trees and woodland. The applicant shall meet with the Zoning Administrator prior to submission of the development application to determine the most feasible and practical placement of buildings, parking, driveways, streets, storage, and other

physical features in order that the fewest significant trees and significant woodlands are destroyed or damaged.

(10) Compliance with the Plan.

(A) Implementation of the Plan.

The applicant shall implement the Woodland Preservation Plan prior to and during any construction. The tree protection measures shall remain in place until all grading and construction activity is terminated, or until a request is made to and approved by the City. No significant trees or significant woodland shall be removed until a Woodland Preservation Plan is approved.

(B) Performance Guarantee.

The applicant shall provide the required performance guarantee following preliminary approval of the Woodland Preservation Plan and prior to any construction and/or grading.

The amount of the performance guarantee to be submitted, specific to the Woodland preservation requirements, shall be calculated as follows:

1. An amount to guarantee preservation of all trees identified by the approved Woodland Preservation Plan to be preserved within the Construction Zone shall be deposited with the City.

The amount shall be calculated by multiplying the total caliper inches of significant trees to be preserved by the rate of payment of \$100.00 per caliper inch and the total square feet of significant woodland to be preserved at the rate of \$1.50 per square foot.

2. Following written request by the applicant for acceptance, the performance guarantee will be released upon verification by the City that the Woodland Preservation Plan was followed and that the tree replacement schedule was complied with where necessary; in no event shall the performance guarantee be released earlier than completion of the warranty requirements.

- (C) Noncompliance. If a significant tree or significant woodland that was intended to be preserved is removed without permission of the City, or damaged so that it is in a state of decline within 1 year from date of project closure, the cash performance guarantee, \$100.00 per caliper inch of significant tree or \$1.50 per square foot of significant woodland, shall be remitted to the City. The City shall have the right to inspect the development and building site in order to determine compliance with the approved Woodland Preservation Plan. The City shall determine whether compliance with the Woodland Preservation Plan has been met.

3.12 Screening and Landscaping

(1) Purpose and Objectives. The preservation of existing trees and vegetation as well as the planting of new trees and vegetation, can significantly add to the quality of the physical environment of the community. This Section provides for the health, safety, and welfare of the residents of the City of Scandia and is intended to:

- Promote the reestablishment of vegetation in developed areas for aesthetic, health, and wildlife reasons;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development and enhance and define public and private spaces;
- Promote the retention and use of existing vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind;
- Reduce flooding and erosion by stabilizing soils with trees and vegetation.

(2) Landscaping Plan.

A landscaping plan shall be submitted at the time of site plan/preliminary plat review for any:

- (A) Major residential subdivision, or new development or new building construction in any commercial, industrial, public/institutional or planned unit development.
- (B) Modification or expansion of a commercial or industrial building or improvements to a site, and/or when there is a change in land use plan or zoning. Landscaping requirements shall be applied to those portions of the site that are directly affected by the proposed improvements, or change in land use, as determined by the Zoning Administrator. In all cases appropriate screening and buffering shall be provided for the entire site.

(3) General Plan Requirements.

Landscape plans shall be prepared by a landscape architect or other qualified person acceptable to the Zoning Administrator and shall include information as required by Chapter 1, Section 11 of this Development Code, and a Woodland Preservation Plan as per Section 3.11 of this Chapter as applicable.

(4) Design Standards and Guidelines.

All landscape plans shall adhere to the following:

- (A) Design Guidelines. Landscape plans shall be reviewed for compatibility with the Scandia Architectural Design Guidelines, as applicable.

- (B) Landscaped Areas. All open areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of over-story trees, under-story trees, coniferous trees, shrubs, flowers and ground cover materials. The City strongly encourages landscape plans that reflect the natural landscape.
- (C) Number of trees. The minimum number of major or over-story trees on any given site shall be as indicated below. These are the minimum substantial plantings, in addition to other under-story trees, shrubs, flowers and ground cover deemed appropriate for a complete quality landscape treatment of the site. The planting location of the required trees is flexible in order to accommodate various landscape designs. The required number of trees may be reduced by the City if the landscape plan reflects the natural landscape.
- Single-Family Residential- 5 trees for each dwelling unit;
- Multiple-Family Residential- 5 trees for each dwelling unit;
- Commercial/Industrial - the greater of 1 tree per 1,000 square feet of gross building floor area or 10 trees.
- (D) Site Ground Cover. All front, side or rear yards facing a right-of-way shall be treated with a ground cover material consisting of either lawn and/or natural/prairie grasses. The ground cover shall be established one year from the date of occupancy. Undisturbed areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant materials shall satisfy this requirement.
- (E) Building Ground Cover. A minimum five-foot strip from building walls facing a public right-of-way shall be treated with decorative ground cover and/or foundation plantings, except for garage/loading and pedestrian access areas.
- (F) Minimum Planting Size. The complement of trees fulfilling the requirements of this Section shall be of a variety of age classes. Sizes of over- and under-story trees are based on the diameter of the tree 6 inches above the ground.

Required Planting Material	% of Tree Type	Size Required
Over-story Trees	50%	2 ½ inches
	50%	1 ½ inches
Under-story Trees	50%	1 ½ inches
	50%	1 inch
Ornamental Trees	50%	1 inch
Coniferous Trees		4 feet in height
Tall Shrubs or Hedge		3 feet
Low Shrubs		2 or 5 gallon

(G) Species. The following is a list of recommended plant materials:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Type</u>	<u>Native</u>
<i>Conifers</i>			
Balsam Fir	Abies balsamea	Conifer	No
Eastern Red Cedar	Juniperus virginiana	Conifer	Yes
Tamarack	Larix laricina	Conifer	Yes
White Spruce	Picea glauca	Conifer	Yes
Norway Spruce	Picea abies	Conifer	No
Jack Pine	Pinus banksiana	Conifer	Yes
Norway Pine	Pinus resinosa	Conifer	Yes
White Pine	Pinus strobus	Conifer	Yes
American Arborvitae; White Cedar	Thuja occidentalis	Conifer	Yes
Canadian Hemlock	Tsuga Canadensis	Conifer	Yes
<i>Deciduous Trees</i>			
Red Maple	Acer rubrum	Primary Deciduous; Overstory	Yes
Silver Maple and Cultivars	Acer saccharinum	Primary Deciduous; Overstory	Yes
Sugar Maple	Acer saccharum	Primary Deciduous; Overstory	Yes
Ohio Buckeye	Aeschylus glabra	Primary Deciduous; Overstory	No
Yellow Birch	Betula alleghaniensis	Primary Deciduous; Overstory	No
River Birch	Betula nigra	Primary Deciduous; Overstory	Yes
Paper Birch	Betula papyrifera	Primary Deciduous; Overstory	Yes
American Hornbeam; Blue Beech	Carpinus caroliniana	Primary Deciduous; Understory	Yes
Bitternut Hickory	Carya cordiformis	Primary Deciduous; Overstory	Yes
Shagbark Hickory	Carya ovata	Primary Deciduous; Overstory	No
Northern Catalpa	Catalpa speciosa	Primary Deciduous; Overstory	Yes
Hackberry	Celtis occidentalis	Primary Deciduous; Overstory	Yes
Hawthorn	Crataegus crus-galli	Primary Deciduous; Ornamental	Yes
Honeylocust	Gleditsia triacanthos	Primary Deciduous; Overstory	No
Kentucky Coffee Tree	Gymnocladus dioica	Primary Deciduous; Overstory	Yes
Black Walnut	Juglans nigra	Primary Deciduous; Overstory	Yes
Crabapple	Malus sp.	Primary Deciduous; Ornamental	No
Ironwood	Ostrya virginiana	Primary Deciduous; Understory	Yes
Cottonwood (male, non-seeding)	Populus deltoides	Secondary Deciduous; Overstory	Yes
Quaking Aspen	Populus tremuloides	Secondary Deciduous; Overstory	Yes
Canada Plum	Prunus nigra	Primary Deciduous; Ornamental	No
Black Cherry	Prunus serotina	Primary Deciduous; Overstory	Yes
White Oak	Quercus alba	Primary Deciduous; Overstory	Yes
Swamp White Oak	Quercus bicolor	Primary Deciduous; Overstory	Yes
Northern Pin Oak	Quercus ellipsoidalis	Primary Deciduous; Overstory	Yes
Bur Oak	Quercus macrocarpa	Primary Deciduous; Overstory	Yes
Pin Oak	Quercus palustris	Primary Deciduous; Overstory	Yes
Red Oak	Quercus rubra	Primary Deciduous; Overstory	Yes
Black Oak	Quercus velutina	Primary Deciduous; Overstory	Yes
American Mountain Ash	Sorbus Americana	Primary Deciduous; Ornamental	Yes
European Mountain Ash	Sorbus aucuparia	Primary Deciduous; Ornamental	No
Basswood; American Linden	Tilia Americana	Primary Deciduous; Overstory	Yes
Littleleaf Linden	Tilia cordata	Primary Deciduous; Overstory	No

<u>Common Name</u>	<u>Scientific Name</u>	<u>Type</u>	<u>Native</u>
American Elm (Dutch Elm-resistant varieties)	Ulmus Americana	Primary Deciduous; Overstory	Yes
Slippery Elm; Red Elm	Ulmus rubra	Primary Deciduous; Overstory	Yes
<i>Deciduous Shrubs</i>			
Downy Serviceberry	Amelanchior arborea	Tall Shrub; Understory	Yes
Shadblow Serviceberry	Amelanchior canadensis	Tall Shrub; Understory	Yes
Alleghany Serviceberry	Amelanchior laevis	Tall Shrub; Understory	Yes
Leadplant	Amopha canescens	Low Shrub; Understory	Yes
Red Chokeberry	Aronia arbutifolia	Low Shrub; Understory	Yes
Black Chokeberry	Aronia melanocarpa	Low Shrub; Understory	Yes
Pagoda Dogwood	Cornus alternifolia	Tall Shrub; Understory	Yes
Gray Dogwood	Cornus racemosa	Tall Shrub Understory	Yes
Redosier Dogwood	Cornus stolonifera	Tall Shrub; Understory	Yes
American Hazel	Corylus Americana	Tall Shrub; Understory	Yes
Bush Honeysuckle	Diervilla lonicera	Low Shrub; Understory	Yes
Wahoo	Euonymous atropurpureus	Tall Shrub; Understory	Yes
Common Witchhazel	Hamamelis virginiana	Tall Shrub; Understory	Yes
Wild Plum	Prunus Americana	Tall Shrub; Understory	Yes
Pin Cherry	Prunus pennsylvanica	Tall Shrub; Understory	Yes
Fragrant Sumac	Rhus aromatic	Low Shrub; Understory	Yes
Smooth Sumac	Rhus glabra	Tall Shrub; Understory	Yes
Staghorn Sumac	Rhus typhina	Tall Shrub; Understory	Yes
Willows (native to Minnesota)	Salix, sp.	Low Shrub; Understory	Yes
Arrowwood Viburnum	Viburnum dentatum	Low Shrub; Understory	Yes
Nannyberry	Viburnum lentango	Tall Shrub; Understory	Yes
American Highbush Cranberry	Viburnum trilobum	Tall Shrub; Understory	No

1. The complement of trees fulfilling the requirements of this Section shall be not less than 25% deciduous and not less than 25% coniferous, unless the proposed plantings are designed to create a natural setting and it is approved by the City Council. Single-family development is exempt from this requirement.
2. No required tree shall be an invasive species identified by the Minnesota Department of Natural Resources, or any of the following:
 - A species of the genus Ulmus (elm), except those elms bred to be immune to Dutch Elm disease;
 - Female Cottonwood;
 - A species of the genus Fraxinus (ash); or
 - Female ginko.

(H) Parking Lots/Planting Islands. All automobile parking lots designed for 15 or more parking spaces shall provide landscaping areas dispersed throughout the parking lot, in order to avoid the undesirable monotony, heat and wind associated with large parking areas. Parking lots with less than 15 spaces shall not be required to provide

landscaping other than yard area and buffer landscaping requirements as specified in other sections of this ordinance.

1. Plant Materials - At least one over-story/shade tree shall be provided for each 15 parking spaces. Ornamental trees, shrubs, hedges and other plant materials may be used to supplement the shade trees, but shall not be the sole contribution to such landscaping.
 2. Additional perimeter plantings may be used to satisfy this requirement in parking facilities less than 60 feet in width.
- (I) Slopes and Berms. Final slopes of greater than 3:1 will not be permitted without special treatment such as terracing or retaining walls. All berms shall incorporate trees and other plantings into the design. In no situation shall berms be used as the sole means of screening.
- (J) Landscape Guarantee. A financial guarantee shall be submitted as provided by Chapter 1, Section 11.10.
- (5) Screening and Buffering
- (A) Screening shall be required:
1. When any nonresidential, commercial or industrial off-street parking area contains more than 4 parking spaces and is within 30 feet of a parcel in residential use.
 2. When a driveway to a nonresidential parking area of more than 6 parking spaces is within 15 feet of a parcel in residential use.
 3. Where any business or industrial use (structure, parking or storage) is adjacent to property in residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot or industry is across the street from a residential use, but not on the side of a business or industry considered to be the front.
- (B) Performance Standards. The screening required in this Section shall consist of earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to the area or object to be screened. Required screening for parking areas shall provide a 100% opaque screen not less than 4 feet in height.

3.13 Signs

- (1) Applicability. The regulations contained herein do not apply to signs painted, attached by adhesive or otherwise attached directly to or visible through windows and glass portions of doors.
- (2) Permit Required. Except as otherwise provided in this Development Code, no sign shall be erected, constructed, altered, rebuilt or relocated until an Administrative Permit or Conditional use permit as may be required for the sign has been issued. Application for a permit shall be

accompanied by the established fee. No permit will be required under this Development Code for the following signs:

- (A) Real estate sale signs under 9 square feet in area.
- (B) Political signs.
- (C) Warning signs that do not exceed 9 square feet in area.

If the work authorized under a sign permit has not been completed within 6 months after the date of issuance, the permit shall become null and void.

(3) General Standards.

- (A) All signs shall be reviewed for conformance with the Scandia Architectural Design Guidelines, as applicable. The following types of signs are generally prohibited by the guidelines: backlit signs, neon signs, internally lit signs, LED digital signs and individually lit sign letters.
- (B) No sign may be erected that, by reason of position, shape, movement, color or any other characteristic, interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard; nor shall signs be permitted which would otherwise interfere with traffic control.
- (C) All signs, other than public utility warning signs, are prohibited within a public right of way.
- (D) Political signs of any size and number are allowed in any district, on private property, with the consent of the owner of the property. Such signs may be posted from 46 days prior to the election and shall be removed 10 days after the election. In a state general election year, such signs may be posted from 46 days prior to the state primary until 10 days following the state general election.
- (E) Illuminated signs shall be diffused or indirect so as not to direct rays of lighting onto any public right-of-way. No illuminated signs or their support structures shall be located closer than 25 feet to any roadway surface or closer than 10 feet to a road right of way line, notwithstanding less restrictive portions of this section.
- (F) Flashing signs shall be prohibited. Signs giving off intermittent, rotating, or direct light, which may be confused with traffic, aviation, or emergency signaling, are also prohibited.
- (G) Real estate sales signs may be placed in any yard providing such signs are not closer than 10 feet to any property line.
- (H) Real estate development project sales signs may be erected for the purpose of selling or promoting a single family or multiple family residential project. The plat of the development shall be recorded with the Washington County Recorder prior to the erection of a sign. Signs are subject to the following standards.
 - 1. Such signs shall not exceed 100 square feet in area.

2. Only 1 such sign shall be erected on each road frontage with a maximum of 3 such signs per project.
 3. Such signs shall be removed when the project is 80% completed, sold or leased.
 4. Such sign shall be located on the property which is for sale. Off-site development project signs are prohibited.
- (I) One development identification sign shall be allowed for each street entrance to a development. The sign shall not exceed 32 square feet per surface and no sign shall have more than two surfaces. The sign shall not exceed 8 feet in height.
- (J) Signs shall not be painted directly on the outside wall of a building unless they reflect historic design and are approved by the City Council after review for compatibility with the Architectural Design Guidelines.
- (K) Signs shall not be painted on a fence, tree, stone or other similar object in any district.
- (L) Roof signs are prohibited in all districts.
- (M) All signs and displays using electric power shall have a cutoff switch on the outside of the sign and on the outside of the building or structure to which the sign is attached. No electrically illuminated signs shall be permitted in the Agriculture District- Core (AG-C), Agriculture Preserves (AP), General Rural (GR) and Village Neighborhood (VN) districts.
- (N) Advertising signs are prohibited in all districts except for the following signs:
1. Signs advertising the sale of agricultural produce grown on the advertiser's property shall be permitted after issuance of an Administrative Permit. No more than three signs advertising the same location are permitted. No more than 135 sign days (each day that one sign is utilized) shall be allowed in one year. All signs shall be installed on posts placed in the ground. No portable signs shall be permitted. No sign shall exceed 10 square feet in area.
 2. Signs advertising a community event shall be permitted after issuance of an Administrative Permit for a period of no more than 10 days preceding the event and ending on the day after the event. No more than 3 signs advertising the same event are permitted.
 3. Signs advertising a garage, lawn or similar sale occurring on a property in agricultural or residential use shall be permitted after issuance of an Administrative Permit. Such signs shall not exceed 4 square feet and shall be removed not later than 4 days after it is erected.
 4. A temporary off-site real estate open house directional sign advertising the sale of residential real property is allowed with the consent of the property owner on whose property the sign is placed. Such sign shall be promptly removed at the completion of the open house and no later than 6:00 p.m. on the same day.

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5. Temporary off-site real estate directional signs are allowed, but shall be limited to two square feet and shall include the name and telephone number of the person or company responsible for the signs. Such signs shall be promptly removed upon the sale of the property. Temporary “Parade of Homes” signs shall be allowed only during those periods in each year when the “Parade of Homes” event is being conducted. Such signs shall be erected not earlier than the first day of such event and shall be removed on the final day of such event.
- (O) Multi-faced signs shall not exceed 2 times the allowed square footage of single faced signs.
 - (P) Except for more restrictive parts of this Chapter, no sign that exceeds 100 square feet in area shall be erected or maintained:
 1. Which would prevent any traveler on any road from obtaining a clear view of approaching vehicles on the same road for a distance of 500 feet.
 2. Which would be closer than 1,350 feet to a national, state or local park, or historic site.
 3. Which would partly or totally obstruct the view of a lake, river, rocks, wooded, area, stream or other point of natural and scenic beauty.
 - (Q) Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, shall be taken down and removed or structurally improved by the owner, agent or person having the beneficial use of the building, structure or land upon which the sign is located within 10 days after written notification from the Zoning Administrator.
 - (R) If the work authorized under a sign permit has not been completed within 6 months after the date of issuance, the permit shall become null and void.
- (4) Signs in Agriculture – Core (AG-C), Agriculture Preserves (AP), General Rural (GR) and Village Neighborhood (VN) Districts. Identification, real estate sales, development identification, advertising signs as permitted in Section 3.13(4)(N) and political signs are the only signs permitted in agricultural and residential districts.
 - (A) No sign shall be so constructed as to have more than 2 surfaces.
 - (B) 1 of each of the permitted type signs and 1 political sign for each candidate will be permitted.
 - (C) No sign shall exceed 32 square feet in size.
 - (D) The top of the display shall not exceed 10 feet above grade.
 - (E) Any sign over 2 square feet shall be setback at least 10 feet from any property line. In no case shall any part of the sign be closer than 2 feet to a vertical line drawn at the property line.
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- (5) Signs in Village Mixed Use - A (VMU-A), Village Mixed Use – B (VMU-B), Rural Commercial (R-COMM) and Industrial Park (IP) districts.
- (A) Business, political, advertising signs as permitted in Section 3.13(4)(N), development identification and real estate sales signs are permitted.
 - (B) Number of each type of sign allowed per lot frontage:
 - 1. 1 real estate sales sign;
 - 2. 1 freestanding monument business sign and 1 business sign attached to the building.
 - (C) Except as provided herein, the total square footage of sign area for each lot shall not exceed 1 square foot of sign area for each lineal foot of building front. No sign shall exceed 200 square feet in area. Each real estate sales sign or political sign shall not exceed 35 square feet in area.
 - (D) The top of a monument sign shall not exceed 15 feet above the average grade.
 - (E) Any sign over 6 square feet shall be setback at least 10 feet from any property line. In no case shall any part of a sign be closer than 2 feet to a vertical line drawn at the property line.
- (6) Shopping Center Signs.
- (A) Shopping Centers or buildings containing more than 1 tenant are allowed 1 monument sign which may contain the names of all businesses in the project. Individual businesses may be identified by way of signs attached to the building. The total square footage of sign area may not exceed the limits set forth in Section 5(C) above.
 - (B) Signs shall in no case project from a building or structure to any point within 2 feet to a vertical line drawn at the property line. No projecting sign shall be less than 9 feet above the sidewalk or the ground level. All projecting signs for which a permit is required shall be constructed entirely of fire resistant material.
- (7) Home Occupations. Any home occupation permitted under Section 4.9 of this Chapter shall be allowed a sign no greater than 9 square feet in size.

3.14 Building Type and Materials

- (1) General Standards
 - (A) 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 community's public health, safety, and general welfare.
 - (B) Except for agricultural buildings, no galvanized or unfinished steel or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a

corrosive designed finish such as corten steel, or flat, unpainted concrete block shall be permitted in any zoning district, for walls or roofs.

- (C) Except for agricultural buildings and/or as otherwise approved by the City Council, exterior building finishes shall consist of materials comparable in grade and quality to the following, unless otherwise provided by this Chapter:
1. Brick
 2. Natural stone
 3. Decorative concrete block or professionally designed pre-cast concrete units if the surfaces have been integrally treated with an applied decorative material or texture, or decorative block and if incorporated in a building design that is compatible with other development throughout the district.
 4. Wood, vinyl, steel, cement fiberboard or aluminum lap siding provided the surfaces are finished for exterior use and proven to have exterior durability, such as cedar, redwood, and cypress.
 5. Stucco, cementitious coating.
 6. Architectural metal panels for roofing and accents only.

(2) Architectural Design Guidelines

- (A) Architectural design and materials for new commercial, office, institutional and multi-family residential structures, or for exterior alterations of such structures, shall comply with the Scandia Architectural Design Guidelines.
- (B) Architectural design and materials for new industrial structures that are adjacent to historic structures or which are highly visible from collector or arterial roadways, shall comply with the Scandia Architectural Design Guidelines to the extent feasible depending upon the function of the structure.
- (C) Design Review.
1. Design review will occur concurrently with the application for any Building Permit, Variance, Conditional Use Permit, Administrative Permit, Site Plan Review, Planned Unit Development or other permit(s) as may be required by this Chapter.
 2. The Planning Commission shall provide recommendations to the City Council on any project referred to it for review which is subject to the Design Guidelines. The Commission may consult with staff, consultants or other experts or resources as appropriate to the project. The City Council has final authority to interpret the Guidelines.

(3) Residential Accessory Structures

- (A) Accessory buildings on parcels less than 20.0 acres in size shall provide a minimum one-foot overhang on all sides of the building with finished soffits except when the building is accessory to a principal residential home constructed with no or minimal overhang in which case the overhang of the accessory building shall match the overhang of the residential building.
- (B) All accessory buildings on parcels of 4 acres or less, excluding road right-of-way, shall resemble, in style, materials, color, roofline, and siding type, the principal building on the lot, except the following building types may vary from this standard:
1. Accessory Buildings 120 sq. ft. or less in size;
 2. Greenhouses;
 3. Gazebos and decorative shelters;
 4. Historic buildings

SECTION 4.0 STANDARDS FOR USES

- 4.1 Application. All uses shall comply with the rules and regulations of the zoning districts and any overlay zoning district(s) in which they are located, the development standards of this Development Code and with applicable rules and regulations of Federal, State, County, City and local agencies, in addition to the standards that may be provided by this Section.
- 4.2 Accessory Apartments. An accessory apartment shall comply with all of the following standards.
- (1) There shall be no more than one accessory apartment within the single-family dwelling unit.
 - (2) The structure in which an accessory apartment is located shall be owner occupied.
 - (3) No separate curb cut shall be permitted for the accessory apartment unit.
 - (4) The owner shall obtain an administrative permit once a year in the month of January for the duration of the use, presenting at the time of such renewal, proof in the form of an affidavit that the circumstances for which the permit was issued have not changed.
- 4.3 Agricultural Business – Seasonal. Seasonal agricultural businesses shall comply with all of the following standards.
- (1) The majority of product sold on the property shall be grown or raised on the property. No sale of product shall take place on any road right-of-way.
 - (2) Any temporary structure placed on the property for such sales shall be removed at the end of the selling season. The size of the temporary structure shall not exceed 120 square feet.
 - (3) If deemed necessary by the Zoning Administrator, off-street parking may be required.
 - (4) All structures, including temporary structures, shall meet the minimum setback requirements of the zone in which they are located.
- 4.4 Bed and Breakfast. Bed and breakfast facilities shall comply with all of the following requirements:
- (1) It is intended that a bed and breakfast facility be a converted or a renovated single-family residence and that this principal function be maintained. No structure shall be constructed for the sole purpose of being utilized as a bed and breakfast facility, and no existing structure shall be enlarged or expanded for the purpose of providing additional rooms for guests. The exterior appearance of the structure shall not be altered from its single-family character.
 - (2) Primary entrance to the guest rooms shall be from within the dwelling unit.
 - (3) Guests are limited to a length of stay of no more than thirty consecutive days.
 - (4) No food preparation or cooking shall be conducted within any of the guest rooms. The only meal to be provided to guests shall be morning breakfast, and it shall only be served to guests taking lodging in the facility.

- (5) Activities including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation, are prohibited at a bed and breakfast facility.
- (6) On-site parking sufficient to handle all guest and owner vehicles shall be provided.

4.5 Cemeteries. Cemeteries shall comply with all of the following standards.

- (1) The minimum area of a cemetery shall be 5 acres unless associated with a house of worship.
- (2) The site proposed for a cemetery or cemetery expansion shall not interfere with the development of a system of collector or larger streets in the vicinity of such site.
- (3) Burial plots, grave markers, monuments, columbaria and buildings operated in connection with a cemetery shall meet the building setbacks and structure height requirements of the zoning district.
- (4) Graves and structures used for interment shall be setback 50 feet from wells.

4.6 Essential Services - Utility Substation. The essential service shall comply with all of the following standards.

- (1) Notwithstanding the prohibition against two or more uses on an individual parcel, the lot area for essential service-utility substation can be acquired by lease provided, however, the lot shall be large enough so all structures/facilities comply with the required setbacks for the zoning district.
- (2) The approved lot, when no longer needed or used by the utility, shall be returned to its original state by the applicant. The city may require a financial guarantee to ensure compliance with this standard.
- (3) The site shall be landscaped to screen the facility from view from property lines and road.

4.7 Golf Courses.

- (1) Accessory Uses. Accessory uses to a golf course are limited to a driving range, putting greens, a pro shop, a clubhouse, locker rooms, a restaurant and bar and maintenance buildings.
- (2) Performance Standards. A golf course shall meet all of the following standards:
 - (A) Landscaping shall be planted to buffer the use from adjacent residential land uses and to provide screening. A landscape plan shall be submitted to the Zoning Administrator at the time of application for a conditional use permit.
 - (B) Storage and use of pesticides and fertilizers shall meet the standards of the State Department of Agriculture. A plan shall be submitted for pesticide and fertilizer use at the facility.
 - (C) An environmental assessment worksheet may be required by the City for the development of a golf course facility.

4.8 Golf Driving Range. A golf driving range shall meet all of the following standards:

- (1) Minimum lot area shall be 35 acres. The site shall be large enough so that safety netting is not necessary.
- (2) No lighting is allowed except for security lighting.
- (3) A 150 foot setback from all property lines to the outer boundaries of the driving range fairway is required.
- (4) A maximum of 25 hitting tees are permitted.
- (5) Miniature golf holes or any other amusement type activities are prohibited.
- (6) Access shall be from a collector or arterial street.
- (7) One office/storage building is permitted. The structure shall meet the setback requirements of the zoning district in which it is located. The use of the structure shall only be for the golf driving range.
- (8) A public address system is prohibited.
- (9) No liquor license will be permitted.
- (10) One business identification sign meeting the requirements of this Chapter is allowed. The sign shall not be lighted, shall be of natural color, and shall have a maximum height of 6 feet.
- (11) Sanitary facilities shall be provided in accordance with applicable regulations.
- (12) There shall be no food preparation on site.
- (13) The facility is to be open-air type facility. A domed or any other type of covered facility is prohibited.

4.9 Home Occupations. A home occupation shall comply with all of the following standards:

- (1) No person other than the residents of the premises and no more than 1 employee not residing on the premises shall be engaged in such home occupation.
- (2) No traffic shall be generated by any home occupation in greater volume than would normally be expected from a single-family residence.
- (3) Any sign associated with the home occupation shall be in compliance with all regulations for signs as provided by this Chapter.
- (4) The home occupation shall not generate hazardous waste.
- (5) A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.

- (6) The home occupation shall not include the use or storage of hazardous materials or explosives, create radiation or electrical interference, create any nuisance as defined by this Chapter, or include exterior storage other than what is allowed for a single family residence.
- (7) There shall be no outdoor display or storage of goods, equipment or materials for the home occupation.
- (8) Parking needs generated by the home occupation shall be provided on-site.
- (9) The home occupation shall be carried out within the main dwelling or accessory buildings and shall not alter or change the exterior character or appearance of the property

4.10 Horse Training Facilities.

- (1) All private and commercial horse training facilities shall comply with all of the following standards:
 - (A) Horse training facilities shall meet the setback and size requirements for detached domesticated farm animal buildings and agricultural farm buildings as indicated in this Chapter.
 - (B) Horse training facilities equipped with wash stalls shall be provided with a drainage and septic system separate from the principal structure.
 - (C) All horse training facilities shall meet the animal density per acre and livestock operation requirements of this Chapter.
- (2) Commercial horse training facilities shall meet the following additional standards:
 - (A) One full time employee for the horse training facility may reside at the property, including the stable. Living quarters for the employee shall meet the standards of the Uniform Building Code of Minnesota.
 - (B) Every commercial horse training facility, or portion thereof, where the public is served shall be provided sanitary facilities in accordance with the regulations of the Uniform Building Code of Minnesota and Washington County Individual Sewage Treatment System Regulations.
 - (C) The property owner of land to be used for a horse show shall provide information on traffic volume, number of participants, sanitary service, and human and animal waste disposal. All events shall comply with any applicable licensing or permitting requirements for special events
 - (D) A manure management plan may be required.

4.11 Keeping of Animals

- (1) The keeping of animals accessory to residential and agricultural uses in all zoning districts shall be limited to domestic pets and domestic farm animals, subject to the restrictions of this chapter as applicable to horse training facilities, kennels, and livestock and livestock operations.
- (2) The keeping of wild or exotic animals is prohibited in all zoning districts.

4.12 Kennels-Commercial. Commercial kennels shall comply with all of the following standards:

- (1) The minimum lot area required for commercial kennels is 10 acres.
- (2) The confinement, care or breeding of animals shall be within an enclosed structure and shall be setback a minimum of 100 feet from any property line and 50 feet from any water supply well.
- (3) An individual sewage treatment system shall be installed with the capacity to handle waste and hoseings from the kennel and kennel runs.
- (4) The above standards may be waived for kennels accessory to a veterinary clinic. A kennel accessory to a veterinary clinic shall be enclosed completely within the principal structure.

4.13 Kennels – Private. Private kennels shall comply with all of the following standards:

- (1) The number of animals kept on the premises shall comply with the limits stated in the permit.
- (2) Facilities adequate for the care and keeping of the animals shall be maintained.
- (3) There shall be no negative effects on neighboring properties or on the general health and welfare of the City.

4.14 Light Manufacturing and Assembly. Light Manufacturing and assembly facilities shall comply with the following standards:

- (1) Exterior Storage is permitted as an accessory use to the permitted use provided it meets the following standards:
 - (A) The exterior storage area shall be located to the rear of the building.
 - (B) The exterior storage area shall be fenced and screened from view of State, County, and City roadways and all property lines.
- (2) The light manufacturing and assembly facility may contain a retail sales room provided it meets the following standards:
 - (A) Retail sales are limited to those products which are produced by the manufacturing use.
 - (B) Retail sales use shall not occupy more than 20% of the light manufacturing building.

- (C) All overhead doors, and loading and unloading areas to the facility shall be located on the side or rear of the building provided these areas are screened from view of State, County, and City highways.
- (D) Landscaping and screening shall be provided according to the requirements of this Chapter.

4.15 Livestock and Livestock Operations

- (1) Animal Density. Livestock and livestock operations shall comply with all of the following standards regardless of the number of animal units on the property or whether a permit is required:

- (A) No livestock, with the exception of fowl, shall be placed on any site of less than 5 acres. For purposes of this section, 5 acres may include the road right of way.
- (B) The following equivalents shall apply when determining animal units:

	Animal Units
1. one mature dairy cow	1.4
2. one slaughter steer or heifer	1.0
3. one horse	1.0
4. one swine over 55 pounds	0.4
5. one goose or duck	0.02
6. one goat or sheep	0.1
7. one swine under 55 pounds	0.05
8. one turkey	0.018
9. one chicken	0.01
10. one llama	0.5

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

- (C) A minimum of 2 acres shall be required for each animal unit or its equivalent. The keeping of livestock in greater density than allowed as stated above shall require an interim use permit. To obtain such permit, the applicant shall demonstrate that facilities are present and appropriate practices are being employed to preclude surface or ground water contamination, excessive manure accumulation, odor, noise and other nuisances.
- (D) The minimum acreage and animal density requirements are waived for the keeping of fowl (chickens, turkeys, geese or ducks) on lots smaller than 5 acres provided the following standards are met:
1. All poultry yards, runs, coops or other structures housing fowl shall meet the minimum setback requirements for accessory structures for domestic farm animals.

2. A minimum of 1 acre of land shall be required for each 0.1 animal unit, as follows:

Type of Fowl	Animal Units	Maximum Number per One (1) Acre of Land
Chicken	.01	10
Turkey	.02	5
Goose or Duck	0.018	5

(2) Feedlots

- (A) Required Setbacks. The following shall be the minimum setback requirements for feedlots.

1. Parks, excluding trails	100 feet
2. DNR protected stream or lake	100 feet
3. Wetlands	100 feet
4. Private Well	100 feet

- (B) A manure management plan shall be required.

- (C) The construction of an earthen waste storage basin is permitted provided that:

1. The structure shall not be used for the storage of animal manure for a period in excess of 12 months or the time period for which it was designed.
2. The design of the structure shall be prepared and designed by a registered professional engineer or by other professionals specializing in the design of such structures and with the proper training for such design and signed by a registered professional engineer.

4.16 Motor Vehicle, Recreational Vehicle or Boat Sales. Motor vehicle, recreational vehicle or boat sales shall comply with all of the following standards:

- (1) A minimum lot area of 2½ acres is required. Said lot shall be 1 lot or contiguous lots not separated by a public street, alley or other use.
- (2) A minimum lot width of 150 feet is required.
- (3) The parking area for the outside sales and storage area shall be hard-surfaced before the operation of business begins and maintained to control dust, erosion and drainage.
- (4) The maximum area permitted for outside storage of vehicles or boats, new and used, shall not exceed 5 square feet of outside storage area to each 1 square foot of enclosed ground floor area. Each space used for the parking of a “for sale” vehicle or boat shall be a minimum of 9 feet wide and 18 feet in length.
- (5) Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curbs shall be a nominal six (6) inches in height.
- (6) All areas of the property not devoted to building or parking areas shall be landscaped.

4.17 Motor Vehicle Repair. Motor vehicle repair establishments shall comply with all of the following standards.

- (1) A drainage system for collection of any hazardous material run-off shall be installed. Such system shall be subject to approval by the Zoning Administrator.
- (2) The entire site, other than that devoted to structures and landscaped areas, shall be an impervious surface and maintained for control of dust, erosion and drainage.
- (3) No vehicles shall be parked on the premises other than those utilized by employees, customers awaiting service or as allowed through a conditional use permit. Storage of salvage vehicles shall be prohibited.
- (4) All areas utilized for the storage and disposal of trash, debris, discarded parts and similar items shall be fully screened. All structures and grounds shall be maintained in an orderly, clean and safe manner.
- (5) Landscaping shall be planted to buffer the use from adjacent residential land uses. A landscape plan shall be submitted to the Zoning Administrator according to the requirements of this Chapter at the time of application for a conditional use permit.

4.18 Motor Vehicle Service Station. Motor vehicle service stations shall comply with all of the following standards.

- (1) A minimum lot width of 150 feet is required.
- (2) The setbacks of all buildings, canopies and pump islands shall be in compliance with the standards of the zoning district in which the use is located.
- (3) A drainage system for collection of hazardous materials shall be installed. Such installation is subject to approval by the City.
- (4) The entire site other than that devoted to structures and landscaped areas, shall be an impervious surface and maintained for control of dust, erosion and drainage.
- (5) Wherever fuel pumps are installed, pump islands shall be installed. Pump islands shall not be placed in the required yards.
- (6) Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curbs shall be six inches in height, except at approved entrances and exits.
- (7) No vehicles shall be parked on the premises other than those utilized by employees, customers awaiting service or as allowed through a conditional use permit. Storage of salvage vehicles shall be prohibited.
- (8) Exterior storage shall be limited to vehicles, service equipment and items offered for sale on pump islands. Exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as racks, metal trays and similar structures designed to display merchandise or as indicated by the conditional use permit.

- (9) All areas utilized for the storage and disposal of trash, debris, discarded parts and similar items shall be fully screened. All structures and ground shall be maintained in an orderly, clean and safe manner.
- (10) Landscaping shall be planted to buffer the use from adjacent residential land uses. A landscape plan shall be submitted according to the requirements of this Chapter at the time of application for a conditional use permit.

4.19 Multifamily Residential Developments. All multifamily residential developments shall meet the following standards.

- (1) The number of dwelling units shall not exceed the maximum density for the zoning district in which the development is located.
- (2) If the area is not served by public sewer and public water, the development shall be able to meet all on-site septic requirements and all standards for the provision of safe drinking water to the residents of the development.
- (3) Setbacks.
 - (A) All structures shall meet the minimum setback requirements for the zone in which it is located.
 - (B) The distance between principal structures shall be a minimum of 30 feet.
- (4) A buffer of 50 feet shall be provided between the lot line of a single-family residential lot and the multi-family structure. This buffer shall be landscaped with a combination of berms, deciduous and/or coniferous trees to screen the multifamily residential development from the single-family residential uses.

4.20 Residential Facilities, State-Licensed.

- (1) All appropriate licenses shall be obtained from State and County agencies.
- (2) The exterior character or appearance of any dwelling unit used for a state-licensed residential facility shall not be altered.
- (3) No residential facility shall provide accommodations to persons whose tenancy would constitute a direct threat to the health and safety of other individuals. The facility cannot accept court ordered referrals for treatment in lieu of incarceration without adequate security.
- (4) Performance Standards for Conditional Use Permits. In order to obtain a conditional use permit for a residential facility serving 7 to 16 individuals, the following standards shall be met.
 - (A) Off-street parking standards of this Development Code shall be met.
 - (B) Adequate utilities including sewage disposal shall be available.
 - (C) State-licensed residential facilities shall not be closer than 1,000 feet to each other.

- (D) The city may impose additional conditions related to landscaping, access, security, sanitary sewer and admission policies if deemed necessary.

4.21 Resorts/Conference Facilities

- (1) Permitted Uses.
 - (A) Overnight lodging to serve visitors of the resort or conference facility.
 - (B) Recreational facilities including but not limited to racquet sports facilities, nature trails, bike paths, and ski areas.
 - (C) Meeting rooms.
 - (D) Restaurant and lounge.
- (2) Performance Standards. Resorts/conference facilities shall comply with all of the following standards.
 - (A) The resort shall be located on a site of at least 50 acres.
 - (B) At least 50% of the site shall be dedicated to permanent open space excluding streets and parking areas.
 - (C) No more than 50 units of overnight lodging shall be provided.
 - (D) The maximum density shall not exceed one guest room per acre.
 - (E) Meeting/conference facilities shall be limited to 100 persons.
 - (F) All uses in the resort shall be harmonious with each other through the use of special design, placement or screening. Architecturally, the structures shall blend in with the natural environment.

4.22 Self Service Storage Facility (Mini-Storage). Self-service storage facilities shall comply with all of the following standards.

- (1) Units are to be used for dead storage only. Units are not to be used for retailing, auto repair, human habitation, or any commercial activity. Storage of any hazardous material is prohibited.
- (2) Interior drives shall be wide enough to accommodate a parked car and traffic that must pass.
- (3) No outside storage is allowed.
- (4) A living unit for an on-site manager may be allowed provided adequate sanitary facilities are provided and all requirements of the Building Code are met.
- (5) The facility shall be secured by either the walls of the structure and/or fencing. All doors on the units shall face inward and away from the street and property lines.

- (6) Only one entrance and exit to the facility are allowed except for an additional emergency exit.

4.23 Shopping Centers. Shopping Centers shall comply with all of the following requirements.

- (1) The development plan for the shopping center shall include a minimum of two (2) acres. There is no minimum lot size for individual structures located on lots within a shopping center.
- (2) Shopping Centers shall have direct access to an arterial or collector street as designated in the Comprehensive Plan.

4.24 Swimming Pools

- (1) Required Permits. A building permit shall be required for any swimming pool with a capacity of over 3,000 gallons or with a depth of over 3.5 feet of water. An application for a building permit shall include a site plan showing:

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

- (2) Performance Standards.
- (A) Pools shall not be located within 20 feet of any septic tank/drainfield nor within 6 feet of any principal structure or frost footing. Pools shall not be located within any required front or side yard setbacks.
- (B) Pools shall not be located beneath overhead utility lines nor over underground utility lines of any types.
- (C) Pools shall not be located within any private or public utility, walkway, drainage or other easement.
- (D) In the case of in-ground pools, necessary precautions shall be taken during the construction to avoid damage, hazards or inconvenience to adjacent or nearby property and assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust or other infringements upon adjacent property.
- (E) All access for construction shall be over the owner's land and due care shall be taken to avoid damage to public streets and adjacent private or public property.
- (F) To the extent feasible, back-flush water or water from pool drainage shall be directed onto the owner's property or into approved public drainageways. Water shall not drain onto adjacent or nearby private land.
- (G) The filter unit, pump, heating unit and any other noise-making mechanical equipment shall be located at least 50 feet from any adjacent or nearby residential structure and not closer than 10 feet to any lot line.

- (H) Lighting for the pool shall be directed toward the pool and not toward adjacent property.
- (I) A structure or safety fence of a non-climbable type at least 4 feet in height, with a self-closing and latching gate shall completely enclose the pool, but shall not be located within any required yard areas.
- (J) Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type.
- (K) All wiring, installation of heating units, grading, installation of pipes and all other installations and construction shall be subject to inspection.

4.25 Temporary Dwelling Unit—Care Facility. Temporary dwelling units shall comply with all of the following requirements.

- (1) The property is limited to 1 temporary dwelling unit.
- (2) The dwelling may be occupied only by persons who are receiving health-related care or treatment from the occupants of the single family dwelling to which the care facility is an accessory use, and who are related by blood, marriage or adoption to said occupants.
- (3) The temporary dwelling unit shall use the existing road access drive of the principal dwelling unit on the property.
- (4) The unit shall be connected to an approved on-site waste disposal system.
- (5) The property owner shall submit a financial guarantee to the Zoning Administrator to ensure that the structure will be removed upon termination of the interim use permit. The amount of the guarantee shall be determined by the Zoning Administrator.
- (6) Termination of Permit. The interim use permit shall expire when the dwelling unit is no longer occupied by eligible persons as described in paragraph (2) of this Section, or such earlier date as may be determined in the interim use permit. At the termination of the interim use permit, the temporary dwelling shall be removed from the premises or converted to another conforming use within 30 days.

4.26 Temporary Dwelling Unit During Construction. Temporary dwelling units shall comply with all of the following requirements.

- (1) The property is limited to 1 temporary dwelling unit during construction.
- (2) The dwelling may be occupied only by persons who are the present or potential occupants of the single-family residence being constructed, reconstructed or altered.
- (3) An interim use permit for the temporary dwelling may be issued only after the building permit has been obtained for the proposed construction.
- (4) The temporary dwelling unit shall use the existing or the proposed road access drive of the principal dwelling unit under construction.

- (5) The unit shall be connected to an approved on-site waste disposal system.
- (6) The property owner shall submit a financial guarantee to the Zoning Administrator to ensure that the structure will be removed upon termination of the interim use permit. The amount of the guarantee shall be determined by the Zoning Administrator.
- (7) Termination of Permit. The interim use permit shall expire when construction is completed or within one hundred and eighty days from the date of issuance, whichever is less. At the termination of the interim use permit, the temporary dwelling shall be removed from the premises within 30 days.

4.27 Temporary Farm Dwelling. Temporary farm dwellings shall comply with all of the following standards.

- (1) The temporary farm dwelling is an accessory use to the principal dwelling and may only be located on a farm of at least 75 acres in size.
- (2) The property is limited to 1 temporary farm dwelling unit.
- (3) The structure is subject to the same zoning dimensional setbacks as the principal dwelling unit. The structure shall not be located closer to the road right of way than the principal building. The structure shall be located to the side or rear of the principal building and shall be screened from view of the road right of way.
- (4) The dwelling may be occupied only by persons who are engaged in the occupation of farming on the premises as partners, employees or other business associates of the persons living in the principal dwelling house on the premises; and who earn 50% or more of their annual gross income for federal income tax purposes from such farming on the premises.
- (5) The temporary farm dwelling unit shall use the existing road access drive of the principal dwelling unit.
- (6) The unit shall be connected to an approved on-site waste disposal system.
- (7) The property owner shall submit a financial guarantee to the Zoning Administrator to ensure that the structure will be removed upon termination of the interim use permit. The amount of the guarantee shall be determined by the Zoning Administrator
- (8) Termination of Permit. The interim use permit shall expire at such time as the persons occupying the structure are no longer engaged in farming as required by paragraph (4), above, or the farm has been reduced to less than 75 acres in size, or such earlier date as may be determined in the interim use permit. At the termination of the interim use permit, the temporary farm dwelling shall be removed from the premises within 30 days.

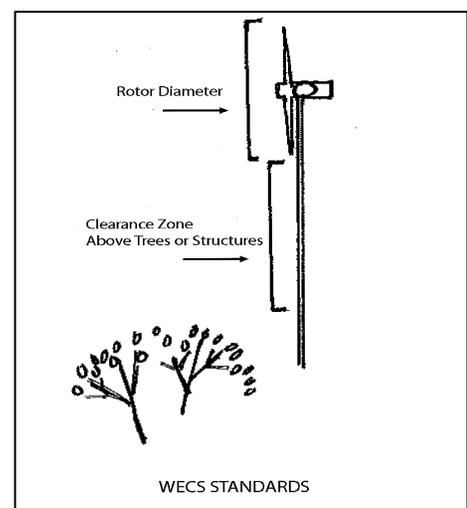
4.28 Warehousing and Distribution. Warehousing and distribution facilities shall comply with the following standards:

- (1) Exterior Storage is permitted as an accessory use to the permitted use provided it meets the following standards:
 - (A) The exterior storage area shall be located to the rear of the building.

- (B) The exterior storage area shall be fenced and screened from view of the public right-of-way, State, County and City roadways, and all property lines.
- (2) The warehousing and distribution facility may contain a retail sales room provided it meets the following standards:
 - (A) The retail sales are limited to those products which are stored and distributed by the warehousing and distribution use.
 - (B) The retail sales use shall not occupy more than 20% of the warehousing and distribution facility.
- (3) All loading and unloading areas to the facility shall be screened from view of the public right-of-way and State, County and City roadways.
- (4) Landscaping and screening shall be provided according to the requirements of this Chapter.

4.29 Wind Energy Conversion Systems (WECS). Wind energy conversion systems shall comply with the following standards:

- (1) The parcel on which a wind energy conversion system is proposed to be located shall be at least ten acres in size.
- (2) One wind energy conversion system is permitted on a parcel.
- (3) The maximum height of a wind energy conversion system shall be 100 feet. The system height shall be measured from the base of the tower to the highest possible extension of the rotor.
- (4) No lights, flashers, reflectors, or any other illuminated devices shall be affixed to the to the wind energy conversion system.
- (5) The wind energy conversion system shall be located so as to have the least impact on adjoining parcels.
- (6) No wind energy conversion system shall be located within any required setback and shall have a minimum setback from any property line a distance equal to the height of the system.
- (7) Rotors shall not exceed 26 feet in diameter and shall have a clearance of 30 feet over any tree or structure within the parcel where it is located.
- (8) Each wind energy conversion system shall be equipped with both a manual and automatic breaking device capable of stopping the wind energy conversion system in high winds (40 MPH or greater).
- (9) All State, County, and local noise standards shall be met. Applicable electrical permits/inspections shall be obtained.
- (10) To prevent unauthorized climbing, wind energy conversion system towers shall comply with one of the following provisions:



- (A) The tower climbing apparatus shall not be located within 12 feet of the ground.
 - (B) A locked anti-climb device shall be installed on the tower.
 - (C) A protective fence at least 6 feet in height.
- (11) The color of the structure shall be either gray or off-white.
- (12) In the event of permit revocation or if the wind energy conversion system is no longer used, the wind energy conversion system shall be removed and the site restored to its original condition within 120 days.

4.30 Wireless Communication Antennas and Towers

- (1) Purpose. The purpose of this Section is to:
- (A) Accommodate the communication needs of residents and businesses while protecting public health and safety;
 - (B) Minimize adverse visual effects of towers through careful design and siting standards;
 - (C) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements;
 - (D) Maximize the use of existing and approved towers and buildings to accommodate multiple wireless telecommunication antennas to reduce the number of towers needed to serve the community.
- (2) Conditional Use Permits.
- (A) The following may be allowed with the issuance of a conditional use permit, provided the conditions contained in this Chapter are met:
 1. The construction of a new tower in excess of 35 feet.
 2. Satellite dish antenna(s) larger than two meters in diameter.
 3. The addition of a new antenna on an existing permitted tower.
 4. The construction of a new tower attached to an existing building and extending 15 feet above the highest point of that building.
 5. The construction of a tower within the easement of a high voltage overhead transmission line, or within 50 feet of the transmission line easement on the same side of the road.
 - (B) A conditional use permit is not required for the following:
 1. Household radio, television and short-wave radio receiving antenna(s), or tower(s) attached to a residential structure, extending less than 15 feet above the highest point of that structure.

2. Amateur radio antennas and towers, provided that the conditions contained in Subsections 6(A); 8(H), (I) and (J); 9(C), (D), (G), (H), (I), (J) and (N); and 12 are met.
3. Adjustment, repair or replacement of the elements of an antenna.
4. The construction of a new tower attached to an existing building, extending less than 15 feet above the highest point of that building.

(3) Nonconformity.

Any existing tower that becomes non-conforming as a result of the adoption of this Chapter may continue its use and additional antennas may be attached to the tower structure. If the tower needs to be replaced, it may be permitted with an administrative permit so long as it is of the same type (guyed, self-supporting or monopole), same height, same marking (lighting and painting) and it will be located within ten (10) feet of the tower to be replaced. The only permitted reasons for replacement of an existing, nonconforming tower will be to increase the number of antennas or to preserve the structural integrity of the structure. If a tower requires replacement for any other reason, such replacement tower shall meet all of the standards of this Chapter.

(4) Variance.

- (A) A variance from any requirement of this section may be sought by the applicant and heard in accordance with the procedures, but not the standards, set forth in Chapter One of this Development Code.
- (B) The criteria for granting a variance under this section shall be presentation of engineering data demonstrating that services cannot be provided by the applicant within its service area without the variance.

(5) Term of Permit and Revocation.

- (A) A conditional use permit for towers requiring a conditional use permit shall remain in effect so long as the conditions in the permit are met.
- (B) The grounds for revocation of a conditional use permit shall be based on a finding that:
 1. The permittee has failed to comply with conditions of approval imposed; or
 2. The facility has not been properly maintained; or
 3. The facility is no longer in use and has not been in use for the previous 12 months.

(6) Other Requirements.

- (A) All rules and regulations of the FCC and FAA shall be met and complied with. All antennas used for the transmission of electromagnetic waves shall be subject to federal and state regulations pertaining to non-ionizing radiation and other health hazards related to such facilities. If new, more restrictive standards are adopted, the antenna

installations shall be brought into compliance with the new standards by the owner and operator. The cost of verification of compliance shall be borne by the owner and operator of the antenna.

- (B) In the event of revocation of a permit, the tower and all accessory structures shall be removed and the site restored to its original condition within 120 days. Failure to do so will result in the City completing the removal and site restoration and the City's cost shall be assessed against the property and collected as a real estate tax.

(7) Districts.

Antennas and towers are regulated differently depending on the zoning district in which the property is located. The following are the standards in each district.

- (A) Village Neighborhood District (VN), Village Mixed Use A District (VMU A), Village Mixed Use B District (VMU B) and Rural Commercial District (R COMM). The following are permitted with a conditional use permit:
1. The addition of a new antenna on an existing tower for which a conditional use permit is required.
 2. A satellite dish antenna larger than two meters in diameter but not exceeding three meters in diameter.
 3. A tower within the easement of a high voltage overhead transmission line or within 50 feet of the transmission line easement on the same side of the road to a maximum height of 150 feet.
 4. A free standing tower exceeding 35 feet in height but not exceeding 150 feet in height.
 5. A tower attached to an existing building extending more than 15 feet above the highest point of the building up to a maximum height of 150 feet.
- (B) Agriculture District—Core (AG C) and Agriculture Preserves District (AP.) The following are permitted with a conditional use permit:
1. The addition of a new antenna on an existing tower for which a conditional use permit is required.
 2. Satellite dish antenna(s) larger than two meters in diameter.
 3. A tower within the easement of a high power overhead transmission line or within 50 feet of the transmission line on the same side of the road to a maximum height of 200 feet.
 4. A tower attached to an existing building, extending more than 15 feet above the highest point of the building up to a maximum height of 300 feet.
- (C) Industrial Park District (IP). The following are permitted with a conditional use permit:

1. The addition of a new antenna on an existing tower for which a conditional use permit is required.
2. Satellite dish antenna(s) larger than two meters in diameter.
3. A free standing tower exceeding 35 feet in height but not exceeding 300 feet in height.
4. A tower within the easement of a high voltage overhead transmission line or within 50 feet of the transmission line easement on the same side of the road to a maximum height of 200 feet.
5. A tower attached to an existing building, extending more than 15 feet above the highest point of the building up to a maximum height of 300 feet.

(8) Prohibitions.

- (A) No tower shall be over 300 feet in height or within one mile of another tower for which a conditional use permit is required regardless of municipal boundaries.
- (B) A proposal for a new tower shall not be approved unless it can be shown by the applicant that the telecommunication equipment planned for the proposed tower cannot be accommodated:
 1. on an existing tower; or
 2. on a tower that has been permitted by Washington County or the City of Scandia (even though it may not yet be constructed); or
 3. on a tower whose application for a conditional use permit is currently pending before the City of Scandia.
- (C) Towers up to 150 feet in height shall not be constructed within 300 feet of any residential dwelling other than the dwelling on the parcel on which the tower is to be located. Towers over 150 feet in height shall not be constructed within 500 feet of any residential dwelling other than the dwelling on the parcel on which the tower is to be located.
- (D) No tower over 35 feet in height shall be located closer than one-quarter (1/4) mile to the outside boundary of an existing state, county or city park, or of a proposed state, county or city park identified in the Washington County Park Master Plan or the City of Scandia Parks, Trails, Open Space and Recreation Plan.
- (E) No tower over 35 feet shall be erected within 1/4 mile from the centerline of State Highways 95 and 97 and County Roads 3, 4, 15 and 52, unless it can be demonstrated through visual impact demonstration that the tower will be visually inconspicuous as viewed from the road on a year-round basis.
- (F) No tower over 35 feet shall be erected within 1/4 mile of the St. Croix River Overlay District or within 1/4 mile of a DNR protected lake or river.

- (G) No temporary antenna/tower sites are permitted except in the case of equipment failure, equipment testing or in the case of an emergency situation as authorized by the Washington County Sheriff. Use of temporary antenna/tower sites for testing purposes shall be limited to 24 hours and shall be subject to an administrative permit. Use of temporary antenna/tower sites for equipment failure or in the case of an emergency situation shall be limited to a term of 30 days. These limits may be extended by the Zoning Administrator.
 - (H) Permanent platforms or structures, exclusive of antennas, other than those necessary for safety purposes or for tower maintenance are prohibited.
 - (I) No antennas or tower shall have lights, reflectors, flashers, daytime strobes, steady night time red lights or other illuminating devices affixed or attached to it unless required by the FAA or FCC.
 - (J) No advertising or identification signs shall be placed on towers or antennas.
- (9) Performance Standards.
- (A) On a vacant parcel of land in the Agriculture District—Core (AG C), Agriculture Preserves District (AP), Village Neighborhood District (VN), Village Mixed Use A District (VMU A), or Village Mixed Use B District (VMU B), the minimum lot size for construction of a tower over 35 feet in height shall be 5 acres. On a vacant parcel of land in the Industrial Park District (IP) or Rural Commercial District (R COMM), the minimum lot size shall be 2 1/2 acres. On a parcel of land on which a principal use exists, a tower shall be considered an accessory use and a smaller parcel of land may be leased provided all standards contained in this section can be met.
 - (B) Towers located closer to a property line than a distance equal to the height of the tower shall be designed and engineered to collapse progressively within the distance between the tower and property line. The applicant for any tower shall submit written documentation explaining tower construction and possible failure and provide assurance that blowing or falling ice can be contained on the subject property. At a minimum, the tower shall comply with the minimum setback requirements of the zone in which it is located.
 - (C) A tower shall be located on a parcel of land so as to have the least impact on adjoining properties and any negative impact of the tower shall be confined as much as possible to the property on which the tower is located.
 - (D) The tower location shall provide the maximum amount of screening for off-site views of the facility. The city may require creative design measures to camouflage facilities by integrating them with existing buildings and among other existing uses. Existing on-site vegetation shall be preserved to the maximum extent practicable.
 - (E) The height of a tower shall allow for the co-location of additional antennas as follows:
 - 1. Structures from 100 to 125 feet - a minimum of 2 tenants.
 - 2. Structures from 125 to 200 feet - a minimum of 3 tenants.

-
3. Structures above 200 feet but less than 300 feet - a minimum of 4 tenants.
- (F) Structural design, mounting and installation of the antenna and tower shall be in compliance with manufacturers specifications. Plans shall be approved and certified by a registered professional engineer.
 - (G) Self-supporting towers (i.e. those without the use of wires, cables, beams or other means of support) are required. In all zoning districts, monopole towers and/or towers of stealth construction are required.
 - (H) Associated receiving/transmitting or switching equipment shall be located within a structure. The base of the tower and any tower accessory structures shall be landscaped where practical. Tower accessory structures shall be constructed of materials designed to minimize visibility to the neighborhood.
 - (I) The tower shall be a color demonstrated to minimize visibility unless otherwise required by FAA regulations.
 - (J) Metal towers shall be constructed of, or treated with, corrosive resistant material.
 - (K) If space is available on a tower, the tower owners shall, in good faith, lease space to other users so long as there is no disruption in the existing service provided by the tower's existing users and no negative structural impact upon the tower. If a dispute arises, and as a condition to any permit, the City Council, in its discretion, reserves the right to act as arbiter in determining if a tower owner is acting in good faith in leasing to other tenants.
 - (L) All towers shall be reasonably protected against unauthorized climbing. The bottom of the tower from ground level to 12 feet above ground shall be designed in a manner to preclude unauthorized climbing or shall be enclosed by a 6 feet high chain link fence with a locked gate.
 - (M) Antenna and tower owners may be required to conduct an annual inspection of their facilities to insure continuing compliance with this section. A copy of the annual inspection report shall be provided to the City.
 - (N) All antennas and towers shall be adequately insured to cover injury and property damage caused by collapse or other catastrophic failure.
- (10) Application - New Tower.

In addition to the submittal requirements required elsewhere in this section or in Chapter 1 of this Development Code, applications for conditional use permits for new towers and antennas shall be accompanied by the following information:

- (A) A report from a qualified and licensed professional engineer which:
 - 1. describes the tower height and design including a cross section and elevation;
 - 2. certifies the tower's compliance with structural and electrical standards;

3. describes the tower's capacity, including the potential number and type of antennas that it can accommodate;
 4. describes the lighting to be placed on the tower if such lighting is required by the FCC or FAA;
 5. states that the applicant will avoid causing destructive interference to co-located, previously established public safety communications;
 6. specifies the distance to any DNR protected lake or river, the St. Croix River, any road designated in Section (8)(E) and any boundary of a city, state or county park.
- (B) Each application shall include a 5 year facility plan. The City will maintain an inventory of all existing and proposed site installations and all carriers shall provide the following information in each 5 year plan. The plan shall be updated with each submittal as necessary:
1. Written description of type of consumer services each company/carrier will provide to its customers over the next 5 years (cellular, personal communication services, specialized mobile radio, paging, private radio or other anticipated communication technology).
 2. Provide a list of all existing sites, existing sites to be upgraded or replaced and proposed sites within the City for the services provided by the company.
 3. Provide a presentation size map of the City which shows the five year plan for sites, or if individual properties are not known, the geographic service areas of the site.
 4. The information provided as part of the 5 year facility plan that is a trade secret pursuant to Minnesota Statute Section 13.37 shall be classified as non-public data.
- (C) Written acknowledgment by the landowner/lessee that he/she/it will abide by all applicable conditional use permit conditions.
- (D) The City Council may, in its discretion, require visual impact demonstrations including mock-ups and/or photo montages; screening and painting plans; network maps; alternative site analysis; lists of other nearby telecommunication facilities; or facility design alternatives for the proposed tower.
- (E) The Zoning Administrator is explicitly authorized to employ on behalf of the City, an independent technical expert to review technical materials submitted by the applicant. The applicant shall pay the costs of said review and/or independent analysis. Any proprietary information disclosed to the City expert shall remain non-public and subject to the terms and conditions of a properly executed non-disclosure agreement.

(11) Application - Existing Tower/New Antenna.

In the event that an application is only to add a new antenna to an existing permitted tower or

structure, the requirements as delineated under Subsection (10)(A)(6) and (10)(B) shall not apply.

(12) Amateur Radio Antennas and Towers.

This subsection is applicable only to federally licensed amateur radio operators.

- (A) All amateur radio towers shall be installed in accordance with the instructions furnished by the manufacturer for the tower model to be installed. Because of the experimental nature of the amateur radio service, antennas mounted on such a tower may be modified or changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.
- (B) No tower shall be located within public or private utility and drainage easements.
- (C) All towers shall be reasonably protected against unauthorized climbing.
- (D) Towers located closer to a property line than a distance equal to the height of the tower shall be setback as far as possible from the nearest property line. At a minimum, the tower shall comply with the minimum setback requirements of the zone in which it is located.
- (E) No part of any antenna or tower, nor any lines, cable, equipment, wires or braces shall at any time be located on or extend across or over any part of any right-of-way, public street, road, highway, sidewalk, utility or drainage easement or property line.

4.32 Yard Waste Facilities. A yard waste facility shall comply with all of the following standards:

- (1) The minimum lot area required for yard waste facilities is 10 acres.
- (2) Composting, storage, transfer, loading and processing activities shall be set back as follows:

(A) Property lines	100 feet
(B) Existing residential uses not on the property	500 feet
(C) DNR protected watercourse	200 feet
(D) Wetland	75 feet
- (3) The yard waste facility shall be screened from view from all adjacent properties and roadways according to the landscaping and screening requirements of this Chapter.
- (4) Access to the site shall be controlled to prevent unauthorized dumping during non-business hours.
- (5) A plan for collection, retention and drainage of storm water shall be provided for review and approval. The storm water facilities shall meet current National Pollutant Discharge Elimination System requirements and employ Minnesota Pollution Control Agency's best management practices.

- (6) The materials which can be processed are limited to garden waste, leaves, lawn cuttings, weeds, shrub and tree waste and prunings.
- (7) The operator shall, upon request, provide information to the City specifying the volume of waste brought onto the property for processing or composting
- (8) The operator shall provide sufficient equipment to properly manage the composting and processing activities. At a minimum this shall include a front end loader or similar machinery for loading, unloading, turning, and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product.
- (9) The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities, hazardous material storage and hazardous waste disposal.
- (10) The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors. The yard waste shall be decomposed through a process that encompasses turning of the yard waste on a periodic basis to aerate the yard waste, maintain temperatures, and reduce pathogens. The composted yard waste shall contain no sharp objects greater than one inch in diameter.
- (11) Composting, processing and trucking activities shall be conducted only between the hours of 7:00 am and 5:00 PM, Monday through Friday, unless other hours or days of operation are specifically authorized by the City Council. Retail sales are allowed Monday through Friday between the hours of 7:00 AM and 7:00 PM and on Saturdays between the hours of 8:00 AM and 5:00 PM unless otherwise prohibited by the City Council. Retail sales for purposes of this section shall mean the sale of product to individuals for personal use and shall exclude commercial hauling.
- (12) Treated yard wastes shall not be allowed to accumulate for longer than three years before being finished and removed from the site. Compost that cannot be marketed shall be removed from the site a minimum of once per week.
- (13) Woodchips, sawdust and composted materials shall be processed, kept and maintained in a manner that does not permit ignition by spontaneous combustion.
- (14) By-products, including residuals and recyclables, shall be stored in a manner that prevents vermin problems and aesthetic degradation. Materials that are not composted or processed shall be stored and removed a minimum of once per week.
- (15) The owner shall maintain the site so that it is free of litter and other nuisances.
- (16) An attendant shall be on site during operating hours.
- (17) The open burning and/or burying of waste is prohibited.

SECTION 5.0 LAND DEVELOPMENT

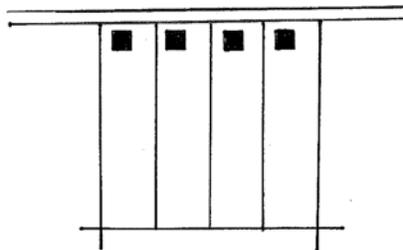
5.1 Land Development Design. Four types of land development are permitted, to provide flexibility for landowners and to help the City achieve the goals in the Comprehensive Plan. The four types of subdivision design are: 1) conventional subdivision, 2) lot averaging, 3) Open Space Conservation Subdivision (OSCS), and 4) Planned Unit Development (PUD).

- (1) This Section does not apply to land located in the Lower St. Croix River Bluffland and Shoreland Management District. The development of land within the Lower St. Croix River Bluffland and Shoreland Management District shall be determined in accordance with the regulations of that district.
- (2) The following table summarizes the four types of land development, and indicates the districts where each is permitted in the City:

Subdivision Design Type	AG C	AP	GR	VN	VMU A	VMU B	IP	R COMM
Conventional			X	X	X	X	X	X
Lot Averaging	X	X	X	X				
Open Space Conservation	X		X					
Planned Unit Development				X	X	X	X	X

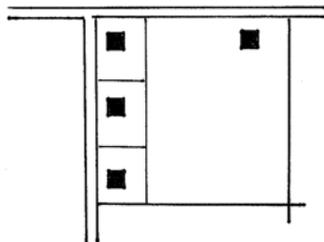
- (3) Conventional Subdivision: divides property into lots according to the density, minimum lot size and minimum lot width requirements for the zoning district.

*Example:
Conventional
Subdivision in
General Rural
(GR): 4 units
per 40 acres*



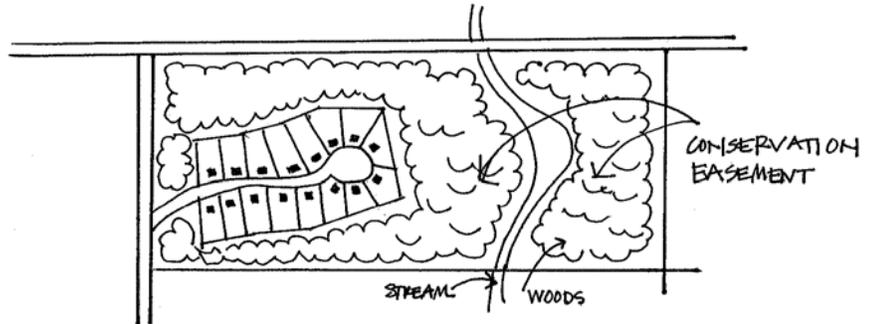
- (4) Lot Averaging: allows the property owner to create parcels smaller than those of a conventional subdivision, provided the density of the development does not exceed the maximum density permitted for the zoning district and the density that can be achieved with a yield plan.

*Example: Lot
Averaging in
Agricultural Core
(AG C): 4 units
per 40 acres*



- (5) **Open Space Conservation Subdivision:** allows the property owner to create parcels smaller than conventional subdivisions; however, the development shall comply with certain design standards and a portion of the property shall remain as common open space. Additional

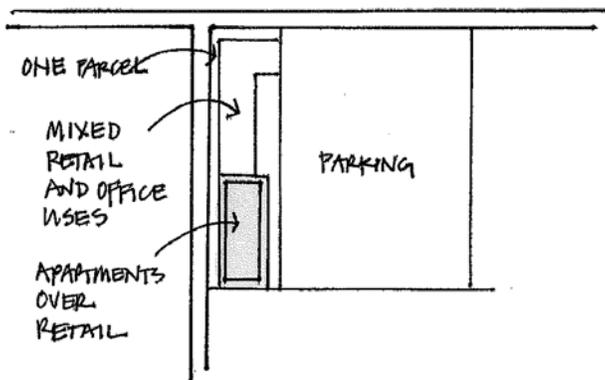
Example: Open Space Conservation Subdivision in General Rural (GR) District: 55% or more of the subdivision is permanently preserved in a Conservation Easement



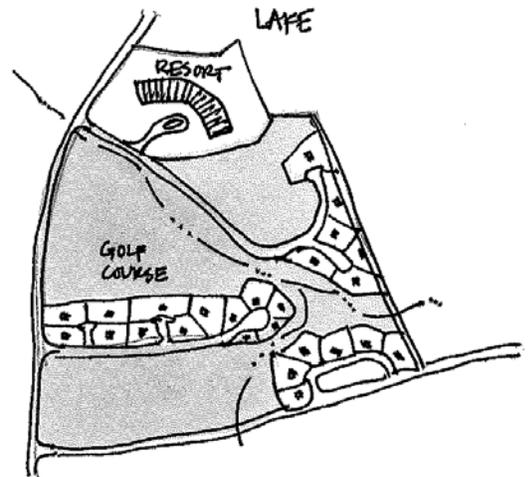
density units may be allowed if certain criteria are met.

- (6) **Planned Unit Development:** allows the property owner to have two or more principal uses on a single parcel of land and allows some flexibility from the strict application of zoning standards in exchange for an improved design benefiting the public. When zoning standards are modified, a specific development plan shall be approved.

PUD Example 1: Mixed Commercial PUD



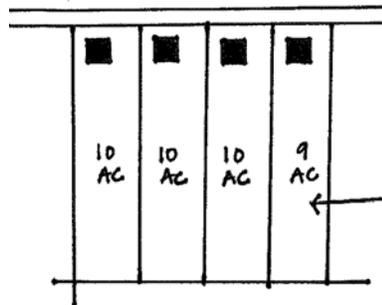
PUD Example 2: Conference Center/Residential PUD



5.2 Determination of Density Units

For the purposes of developing land for residential development, the number of density units for any proposed development shall be determined by applying the following steps:

- (1) The maximum number of density units for the project area shall be calculated by dividing the project area in acres by the maximum density for the district.
- (2) In order to determine the allowable number of density units, the applicant shall create a yield plan drawn to scale showing the maximum number of lots that would be permitted using the performance standards for lots in a conventional subdivision that is designed in accordance with the applicable sections of the Development Code and Comprehensive Plan. The applicant shall submit the yield plan to the Zoning Administrator for review. If, after determining the maximum number of lots in a conventional subdivision, a lot could be created that meets 80 % of the minimum lot size and otherwise meets all other lot requirements for the zoning district, then that lot shall be considered as 1 lot for density computation purposes.



Example: Original parcel size is 39 acres in the General Rural District, where maximum density is one unit per 10 acres. Yield plan indicates three 10-acre lots, and one 9-acre lot, which is greater than 80% of the minimum lot size.

- (3) The City may grant bonus density units, under the Open Space Conservation Design performance standards of this Chapter.

5.3 Development Agreement

Development shall be restricted by a development agreement specifying the number of density units allocated among the lots or parcels being created. The development agreement shall indicate that the use, development and further subdivision of the parcels being created is subject to the regulations contained in the City of Scandia Development Code. The development agreement shall be executed by the City Council and may not be amended without the approval of the City Council. Additional requirements of the development agreement are found in Chapter 3, Subdivision Regulations.

5.4 Conveyance of Land

- (1) Prior to recording a conveyance of land that is less than the whole as charged on the tax lists maintained by the Washington County Auditor/Treasurer, the conveyance shall first be approved by the Zoning Administrator for compliance with this Section.

SECTION 6.0 OPEN SPACE CONSERVATION SUBDIVISIONS

6.1 Purpose and Goals

The purpose of Open Space Conservation Subdivisions (OSCS) is to maintain the rural character of the City of Scandia and provide public benefits by preserving woodlands and other habitats, natural resource corridors, agricultural land, open space and significant natural features identified in the Comprehensive Plan; to utilize less land for development; and to allow an alternative to standard single-family residential development in the appropriate zoning districts. The goals for OSCS include the following:

- (1) Preserve large blocks of land for agricultural use and open space.
- (2) Preserve natural resources as identified in the Comprehensive Plan.
- (3) Preserve permanent natural habitat and vegetated corridors for the long term health of plant and animal communities.
- (4) Preserve viewsheds for scenic enjoyment and rural identity.
- (5) Allow innovation and greater flexibility in the design of residential developments.
- (6) Provide for site development that maintains a low visual impact, particularly along arterial roadways and abutting properties.
- (7) Create cohesive neighborhoods to establish local identity and encourage community interaction.
- (8) Reduce the costs of constructing and maintaining public facilities, infrastructure and services.

6.2 Applicability. The OSCS standards are an alternative set of standards for residential development within the Agriculture Core (AG C) and General Rural (GR) districts. OSCS shall be permitted with a conditional use permit within these districts. The provisions for lot sizes and density bonuses contained in this section are not applicable in the St. Croix River District and Shoreland Overlay District

6.3 Application Procedure

- (1) Pre-Application Sketch Review
 - (A) A pre-application sketch plan review, in accordance with Chapter 1, Section 11.3 of this Development Code, is mandatory for all OSCS developments. The sketch plan shall be submitted to the Planning Commission and City Council for review and comment. Any opinions or comments provided on the sketch shall be considered advisory only and shall not constitute a binding decision.
 - (B) In addition to the submission requirements for sketch plan review, the applicant shall submit one or more proposed OSCS plats including the following information drawn at a scale of 1 inch=100 feet:

1. Open space areas indicating which areas are to be protected, including a description of the rationale behind the proposed layout and open space.
 2. Number and type of housing units proposed, the number and size of lots, and a calculation of the proposed OSCS density.
 3. Areas proposed for stormwater management and on- or off-site sewage treatment.
- (C) The applicant shall also meet with potential conservation easement holders in order to be made fully aware of any procedures, policies, requirements and costs regarding easement dedication for the proposed plat. The applicant shall report the results of this meeting to the city as part of the application for sketch plan review.
- (2) Conditional Use Permit and Preliminary Plat Application.
- (A) A conditional use permit application shall be filed, in writing, with the Zoning Administrator, in accordance with Chapter 1, Section 8 of this Development Code. The conditional use permit application shall be submitted concurrently with an application for preliminary plat, in accordance with Chapter 3 of this Development Code.
- (B) The evaluation of the proposed conditional use permit shall be subject to the general criteria stated in Chapter One, Section 8.4, and the determination that the OSCS meets the goals as stated in Section 6.1, above.
- (C) In addition to those submittal requirements stated elsewhere in this Development Code, the following items shall be required as part of the conditional use and preliminary plat applications for an OSCS:
1. Resource Inventory, including mapped data and text as needed, on aerial photograph(s) at a scale of no less than 1 inch equals 200 feet:
 2. Soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock, and suitability for wastewater disposal systems.
 3. Existing vegetation of the site using the Minnesota Land Cover Classification System (MLCCS) Level 5 data or higher, or a similar land cover system acceptable to the City.
 4. Location of significant natural communities and natural resource corridors, based on the City's Comprehensive Plan, Minnesota DNR Natural Heritage Program Maps, and similar existing mapped data.
 5. Visual resources, showing views onto the tract from surrounding roads and public areas, as well as views within the tract.
 6. Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological features.

7. Context: general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch: 400 feet.
 8. Yield Plan: The applicant shall submit a “yield plan,” showing the maximum number of dwelling units that would be permitted given the minimum lot size and lot widths for conventional subdivisions and other requirements of the development code and subdivision regulations, as described in Chapter 2, Section 5.1.
- (3) Final Plat and Phasing Plan.
- (A) Open Space Conservation Subdivisions may be phased in accordance with a unified development plan for the entire tract. A phasing plan shall be submitted with the application for final plat approval, in accordance with the requirements of Chapter 3 of this Development Code.
 - (B) The phasing plan shall meet the following requirements:
 1. A phasing plan identifying the sequence of development showing approximate areas, serially numbered with a description of each phase. Information shall be provided regarding the number of dwelling units, proposed improvements, and common facilities for each development phase.
 2. The phasing plan shall be made a part of the development agreement and is effective for 5 years from the date of preliminary plat approval. If final plat approval is not received within 5 years, the permit shall become null and void.
 3. Any common facilities, including golf courses, shall be constructed prior to the sale of any lots and shall be clearly marked on a site map which shall be an attachment to all sales agreements for individual lots.
 4. As part of the development agreement, a financial guarantee to ensure completion of common facilities, trails and landscaping shall be provided.
- 6.4 Minimum Development Size. To be eligible for Open Space Conservation Subdivision, the development shall contain a minimum of 40 acres of land.
- 6.5 Land Uses. The uses allowed in an OSCS shall conform to the Comprehensive Plan and to the uses allowed in the zoning district where the OSCS is proposed, as identified in Section 2.0 of this development code.
- 6.6 Minimum Open Space Requirements
- (1) Open space shall be designated as part of the development. The minimum required open space shall be 55% of the gross acreage of the development. Of this required open space, a minimum of 25% shall be in common ownership, accessible to and used for the benefit of owners of lots within the development, unless the required open space will remain in agricultural use.

- (2) The required open space shall be undivided and restricted from further development.
- (3) The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
 - (A) Parking areas for access to and use of the open space.
 - (B) Buildings or structures if they are accessory to the use of the open space.

6.7 Density Standards

- (1) **Base Density.** The number of density units for the parcel shall be determined in accordance with Chapter 2, Section 5.2.
- (2) **Bonus Density.**

An open space conservation subdivision that provides the minimum open space shall receive a 25% density bonus. The number of additional bonus lots allowed is directly tied to the quantity and quality of preservation and protection afforded natural landscapes, agricultural land, open space, and cultural features. The maximum bonus permitted is 75%.

The number of density units may be increased by the percentage indicated below if the development complies with one or a combination of the criteria listed. Determination of actual bonus densities shall be based upon findings of the Planning Commission and decision of the City Council.

- (A) Preservation of or establishment of woodlands and forests as identified by the Minnesota Land Cover Classification System, and/or protection of ecologically sensitive features, native plants and animals and their habitat as identified by the Minnesota County Biological Survey and the City's Comprehensive Plan—up to 25%
- (B) Preservation of agricultural lands (areas currently used for agriculture)—up to 25%
- (C) Creating open space accessible to the public and providing facilities such as trails or lakeshore access, meeting a public purpose identified by the City—up to 25%
- (D) Restoring native habitat or implementing open space stewardship practices as recommended by the City's ecologist based on the ecologist's field analysis—up to 15%
- (E) Preservation of historic sites, buildings and structures or cultural resources—up to 15%
- (F) Preservation of priority scenic views as identified by the City, especially as viewed from public roads and property—up to 10%
- (G) Creating open space that is contiguous to existing designated open space or part of potential open space defined as areas sharing a boundary with parks, public lands, planned parks and trails, and areas under conservation easement—up to 10%

- 6.8 Residential Lot Requirements: Notwithstanding more restrictive requirements of the zoning district in which the OSCS is located, the following standards shall apply:

Minimum Lot Size	1.5 Acres
Buildable Area	1.0 Acre
Principle Setbacks	
• Front lot line	30 feet
• Side lot line	15 feet
• Rear lot line	30 feet
Accessory Building Setbacks	
• Side lot line	15 feet
• Rear lot line	10 feet
Maximum Lot Coverage	35%
Maximum Building Height	35 feet

6.9 Ownership and Management of Open Space

- (1) The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received.
- (2) The minimum open space required per this section shall be subject to a permanent conservation easement and used for the purposes defined by this Development Code.
- (3) Conservation easements for common open space areas shall be held by the Minnesota Land Trust, or another non-profit organization acceptable to the City. The applicant shall be required to compensate the organization holding the conservation easement for services the organization provides to monitor and manage the easement.
- (4) The designated open space and common facilities may be owned and managed by one or a combination of the following:
 - (A) Homeowners' Association
 - (B) Non-profit Organization
 - (C) The City, County or another governmental body empowered to hold interest in real property (in accordance with Minnesota Statutes Section 84C.01-.05)
 - (D) An individual who will use the land for open space purposes as provided by the permanent conservation restrictions.

6.10 Homeowners' Associations

- (1) A Homeowners' Association shall be established if open space or any common facilities are owned by a homeowner's association. Membership in the Association is mandatory for all purchasers of homes in the development and their successors.
- (2) A Homeowners' Association Agreement, guaranteeing continuing maintenance, shall be submitted to the City as part of the items submitted for the preliminary plat. The Homeowners' Association documents or the declaration of covenants, conditions and restrictions shall contain the following information:
 - (A) The legal description of the common lands or facilities;
 - (B) The restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities entitled to enforce the restrictions;
 - (C) A mechanism for resolving disputes among the owners or association members;
 - (D) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums;
 - (E) The conditions and timing of the transfer of ownership and control of land or facilities to the Association or to common ownership;
 - (F) The management of collector sewage treatment systems; and
 - (G) Any other matter the developer deems appropriate.

SECTION 7.0 PLANNED UNIT DEVELOPMENT

- 7.1 Purpose. The purpose of a Planned Unit Development (PUD) is to provide a comprehensive procedure that allows for more flexibility in development design than is possible under traditional zoning and subdivision regulations. A PUD allows for two or more principal uses, or two or more principal structures, on a single parcel of land. The intent of a PUD is to allow for:
- (1) a mix of land uses;
 - (2) a mix of housing types;
 - (3) creative site design that varies from certain land use regulations and at the same time incorporates design elements that exceed the minimum requirements of this Chapter and are in harmony with the Scandia Architectural Design Guidelines;
 - (4) coordinated plans for landscaping, buildings, sidewalks or trails, and parking;
 - (5) preservation and enhancement of the natural environment;
 - (6) enhancement of community character through design consistent with historical development patterns; and
 - (7) efficient use of land resulting in smaller networks of utilities and streets, thereby lowering the City's maintenance and investment costs.
- 7.2 Administration. A PUD shall be permitted through the issuance of a Conditional Use Permit, following the procedures and requirements of Chapter 1, Conditional Use Permit. A PUD that proposes subdivision of land shall in addition follow the procedures and requirements of Chapter 3.
- (1) Pre-application procedures
 - (A) Prior to filing the application, the applicant shall arrange for and attend a pre-application conference with the Zoning Administrator or designated staff. The primary purpose of the conference is for the applicant to gather information and obtain guidance as to the general suitability of the proposal prior to incurring expenditures in the preparation of plans, surveys, and other data.
 - (B) After the pre-application meeting and prior to filing the application, the applicant shall submit a Pre-Application Sketch. The purpose of the sketch is to inform the City of the applicant's intentions and to inform the applicant as to the general acceptability of the proposal before extensive costs are incurred. The review process and submittal requirements of Chapter 1, Site Plan Review, Pre-Application Sketch Review shall apply, unless the proposal consists of land subdivision. If land subdivision is proposed, the review process and submittal requirements of Chapter 3, Concept Review, shall apply.

(2) Application procedures

- (A) The PUD application shall consist of all items required for a Conditional Use Permit application, per Chapter 1. If land subdivision is proposed, the applicant shall also follow the application procedure and application submittal requirements of Chapter 3.
- (B) The application shall specify how the request proposes to vary from the requirements of the Development Code.
- (C) The application shall include a purpose statement identifying how it meets the Purpose of this Section and its relationship to the Comprehensive Plan.
- (D) The application shall contain a staging plan, if development is proposed in stages. The staging plan shall indicate phasing, starting dates, and completion dates.

7.3 Districts, Uses, and Density.

- (1) PUDs are allowed by Conditional Use Permit in the Village Neighborhood (VN), Village Mixed Use - A, (VMU A), Village Mixed Use – B (VMU B), Industrial Park (IP) and Rural Commercial (R COMM) Districts.
- (2) All permitted uses, accessory uses, conditional uses, interim uses, or uses allowed by administrative permit in the District shall be treated as potentially allowable uses within the PUD.
- (3) The maximum density of a PUD shall not exceed the maximum density permitted in the District.

7.4 Standards. The City may grant variations from some of the standards of this Chapter or subdivision standards of Chapter 3, including minimum setbacks, minimum lot sizes, minimum number of off street parking spaces, maximum building height, maximum lot coverage, or minimum frontage, if the variations achieve the purpose of this Section. The following standards apply.

- (1) Relationship to adjacent areas. The design of a PUD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be designed to minimize any undesirable impact of the development on adjacent properties and, conversely, to minimize any undesirable impact of adjacent land use and development characteristics on the PUD.
- (2) Utilities. In any PUD, all utilities, including telephone, electricity, gas and cable, shall be installed underground.
- (3) Streets. All streets shall be public streets. All streets in the PUD shall conform to the specific design standards approved as part of the PUD. If no such specific design standards have been proposed, all streets in the PUD shall conform to the design standards contained in the subdivision regulations.
- (4) Phasing of Development. All development conducted in phases shall be carried out in accordance with the approved staging plan. All of the developer's responsibilities for prior phases shall be satisfied prior to commencement of activities in subsequent phases, unless otherwise approved in the staging plan.

- (5) Design Guidelines. The PUD shall comply with the Scandia Architectural Design Guidelines, as applicable.

7.5 Required Findings for Approval. The Planning Commission shall recommend findings and the City Council shall find the following prior to the approval of the PUD:

- (1) The PUD is not in conflict with the Comprehensive Plan.
- (2) The PUD meets the Purpose of a Planned Unit Development as stated in this Chapter.
- (3) The PUD or phase of development thereof is of sufficient size, composition, and arrangement that its construction, marketing, and/or operation is feasible as a complete unit without dependence upon any other subsequent phase of development.
- (4) The PUD will not create an excessive burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the planned development.
- (5) The PUD will not have an adverse impact on the reasonable enjoyment of the neighboring property.
- (6) The quality of the building and site design shall substantially enhance the aesthetics of the site.
- (7) The PUD will create a public benefit that is greater than what would be achieved through the strict application of the zoning and subdivision regulations.

7.6 Changes to Approved Development Plans.

- (1) Minor changes to final development plans adopted by the City Council may be approved by the Zoning Administrator, provided that the changes do not involve the following:
 - (A) Increase in floor area of structures or number of dwelling units.
 - (B) Change in exterior building material.
 - (C) Alteration of any condition of the Conditional Use Permit.
 - (D) Alteration to any modification to the final plans that was specifically required by the City Council.
- (2) If any changes are proposed that do involve the changes listed above, or the proposed change is otherwise considered by the City to be a major change to final development plans, said changes shall require an amendment to the Conditional Use Permit.

7.7 Performance and Financial Guarantee. Following approval of the Conditional Use Permit and prior to the issuing of any building permits or the commencing of any work, the applicant may be required to guarantee to the City the completion of the approved development plans and provide financial guarantee. The guarantee shall be made by means of a site improvement performance agreement per Chapter 1, Site Plan Review, or development agreement per Chapter 3, whichever is deemed more appropriate by the City.

Section 3: Effective Date. This ordinance shall be in full force and effect following its adoption and publication according to law.

Adopted this 3rd day of November, 2010.

Attest:

Dennis D. Seefeldt, Mayor

Anne Hurlburt, Administrator/Clerk