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) Land Spreading/Land Application of Solid Waste (County-Licensed), Accessory to an Agriculture Use

(K) Off-Street Parking and Loading

(L) Recreation Facilities and Equipment

(M) Recreation, Outdoor Private

(N) Signs

(O) 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) Rural Event Facility

(S) Schools

(T) Wind Energy Conversion System (WECS)

(U) Winery or Cidery, Craft

(V) Wireless Communication Antennas and Towers

(W) 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

(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 Dwelling Unit

(B) Agricultural Buildings

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

(D) Temporary Dwelling Unit, Care Facility – Accessory to a Residential Use

(E) Temporary Dwelling Unit, Construction

(7) Lot Area and Setback Requirements in the Agriculture District – Core (AG C).

Density	4 buildable lots per 40 acres (original quarter-quarter section)
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) Land Spreading/Land Application of Solid Waste (County-Licensed), Accessory to an Agriculture Use

(J) Off-Street Parking and Loading

(K) Recreation Facilities and Equipment

(L) Signs

(M) 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

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

(A) Accessory Dwelling Unit

(B) Agricultural Buildings

(C) Temporary Dwelling Unit, Care Facility – Accessory to a Residential Use

(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 (excluding Land Spreading/Land Application of Solid Waste)

(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) Rural Event Facility

(T) Schools

(U) Wind Energy Conversion System (WECS)

(V) Wireless Communication Antennas and Towers

(W) 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

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

(A) Accessory Dwelling Unit

(B) Agricultural Buildings

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

(D) Temporary Dwelling Unit, Care Facility – Accessory to a Residential Use

(E) Temporary Dwelling Unit, Construction

(7) Lot Area and Setback Requirements in the General Rural District (GR).

Density	4 buildable lots per 40 acres (original quarter-quarter section)
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	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 (excluding Land Spreading/Land Application of Solid Waste)

(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

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

(A) Accessory Dwelling Unit

(B) Agricultural Buildings

(C) Agricultural Direct-Market Business

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

(E) Temporary Dwelling Unit, Care Facility – Accessory to a Residential Use

(F) Temporary Dwelling Unit, Construction

(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) Allowed Uses. The following are allowed uses in the VMU A District.

(A) Antique shops

(B) Appliance sales and repair

(C) Art gallery and sales

(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) Beauty salons, barbers, day spas, massage therapy, and similar personal services

(G) Bed and Breakfast Inns

(H) Bicycle sales and repair

(I) Book, school supply, art supply, or stationary stores

(J) Boutique shops

(K) Candy, ice cream, popcorn, nuts, frozen desserts, and non-alcoholic beverage sales

(L) Catering services, without on-site food service

(M) Catering services, including banquet halls

(N) Clothing sales

(O) Clubs/Lodges

(P) Commercial Daycare Facilities, State-Licensed

(Q) Copying/printing services, excludes printing presses and publishing facilities

(R) Delicatessens/coffee houses without drive-through service

(S) Dry cleaning pick up and laundry pick up stations including incidental repair but not including processing

(T) Essential services, Transmission Facilities and Utility Substation

(U) Feed and Seed Sales, Retail

(V) Flower shops, retail

(W) Furniture stores

(X) General Store

(Y) Gift or novelty stores

(Z) Government Buildings, Storage and Uses

(AA) Grocery Store

(BB) Hardware stores

(CC) Wholesaling

(DD) Jewelry stores

(EE) Leather goods and luggage stores

(FF) Locksmiths

(GG) Meat processing, accessory to a Grocery Store

(HH) Medical or Dental/Chiropractic/Physical Therapy Offices/Clinics

(II) Museums

(JJ) Music stores

(KK) Offices

(LL) Pet Grooming

(MM) Pharmacies or drug stores

(NN) Plant Nursery

(OO) Plumbing, television, radio, electrical and related sales and repair

(PP) Public Parks and Recreation Facilities

(QQ) Recreation, Indoor Commercial, up to 4,000 square feet in area or less

(RR) Residential Facility, State-Licensed (serving 1 to 6 persons)

(SS) Restaurants

(TT) Schools

(UU) Seasonal Plant and Plant Materials retail sales

(VV) Shoe sales and repair

(WW) Shopping Center

(XX) Single family residence

(YY) Sporting Goods and Recreational Equipment Sales, not including motorized vehicles or boats

(ZZ) Studios – art, dance, health and fitness, decorating, music, portrait photography, and similar uses

(AAA) Tailoring services

(BBB) Theaters, Indoor

(CCC) Toy stores

(DDD) Veterinary Clinic, small animal

(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

(B) Banks, credit unions, and other financial institutions with drive up tellers

(C) Bars and Taverns

(D) Community Residence (serving 7 to 16 persons)

(E) Conference Facility

(F) Craft Brewery

(G) Exterior Storage – Accessory to a Commercial Use

(H) Hotel

(I) Liquor, off sale, pursuant to the required liquor license

(J) Motel

(K) Motor Vehicle Repair

(L) Multi-Family Residence

(M) Place of Worship

(N) Planned Unit Development (PUD)

(O) Recreation, Indoor Commercial, larger than 4,000 square feet in area

(P) Residential Facility, State Licensed (serving 7 to 16 persons)

(Q) 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) Accessory Dwelling Unit
(B) Farmers Market
(C) 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) Allowed Uses. The allowed uses in the VMU B District are the same as those of the VMU A District, and the following:

(A) Department, discount, and warehouse stores

(B) Garden supply stores

(C) Laundromats

(D) Sports and fitness clubs, less than 4,000 square feet in area

(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) Auto wash

(B) Building supply stores

(C) Crematoriums

(D) Drive-Through Services

(E) Food and Beverage Processing

(F) Funeral Homes

(G) Motor Vehicle, Recreational Vehicle, or Boat sales

(H) Motor Vehicle Service Stations

(I) Nursing Homes

(J) Radio and television stations

(K) Residence, Assisted Living

(L) Restaurants, Drive-In

(M) Sports and fitness clubs, if greater than 4,000 square feet in area

(N) Veterinary Clinics, large animal

(O) 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 a variety of light manufacturing, fabrication, assembly, warehouse, wholesaling 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) Building Supply Stores

(B) Contractor Operations, Shops, and Storage Yards

(C) Essential Services

(D) Essential Services – Transmission Facilities

(E) Essential Services – Utility Substation

(F) Government Buildings, Storage and Uses

(G) Light Manufacturing and Assembly, within enclosed buildings: includes manufacturing of products that produce no exterior noise, glare, fumes, hazardous wastes, or create other objectionable environmental impacts

(H) Plant Nursery, Garden Shop, Greenhouses, and Landscaping Services (does not include Yard Waste Facility use

(I) Printing and Publishing

(J) Processing of Food and Beverages, excluding animal slaughtering and rendering plant

(K) Radio and Television Stations

(L) Recreation, Indoor Commercial

(M) Sports and Fitness Clubs

(N) Storage, Mini-Storage, Cold Storage, within an enclosed building, excluding explosives, junk, metals, petroleum, and other flammable liquids, paints, and hazardous wastes, or to be used for wrecking or dismantling of motor vehicles

(O) Warehousing, Related Offices, and Distribution, excluding explosives and hazardous wastes

(P) Wholesaling

(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) Exterior Storage – Accessory to a Commercial Use

(B) Laboratories, Medical, Research, and Testing

(C) Light Manufacturing and Assembly: includes activities that require Minimum Waste Generator License from Minnesota Pollution Control Agency (MPCA)

(D) Motor Vehicle Repair, Minor or Major, including body work and painting

(E) Planned Unit Development (PUD)

(F) Wind Energy Conversion System (WECS)

(G) 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. The following uses are permitted in the IP District after the issuance of an Administrative Permit:

(A) Accessory Dwelling Unit

(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

(8) Performance Standards

(A) The Performance Standards in Chapter 2, Section 3 of this Development Code shall apply to all uses in the Industrial Park District.

(B) The Performance Standards for specific uses in Chapter 4 of this Development Code shall apply to the uses listed in this section.

(C) Accessory buildings for industrial and commercial uses shall meet the requirements of Chapter 2, Section 3.2 of this Development Code.

(D) All rooftop or ground-mounted mechanical equipment shall be screened from view from adjacent uses and public roadways. The materials used for screening shall be compatible with the principal structure.

(E) In determining compliance with the performance standards of this section, the zoning administrator may refer any matter to such governmental agencies or other entities as deemed necessary to obtain their review and comments regarding required permits and compliance.

(F) Inspections. In order to assure compliance with the standards set forth above, the council may require the owner or operator of any permitted use to make such investigations and tests as may be required to insure adherence to the standards above. Any needed investigations or tests shall be carried out by an independent testing organization as selected by the City Council after thirty days (30) notice. The costs incurred in having such investigation or tests shall be borne by the businesses unless such owner/operator is found to be in compliance with the appropriate Ordinance and State and Federal regulations.

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) Allowed Uses. The following are allowed uses in the R COMM District.

(A) Agriculture Business, Seasonal

(B) Agriculture

(C) Agritourism Enterprise, if 4 events or less annually

(D) Antique shops

(E) Appliance Sales and Repair

(F) Art gallery and sales

(G) Bakery goods and baking of goods for retail sales on the premises

(H) Banks, credit unions, and other financial institutions without drive-up tellers

(I) Beauty salons, barbers, day spas, massage therapy, and similar personal services

(J) Bed and Breakfast Inns

(K) Bicycle sales and repair

(L) Book, school supply, art supply, or stationary stores

(M) Boutique shops

(N) Brew on Premises Store

(O) Candy, ice cream, popcorn, nuts, frozen desserts, and non-alcoholic beverage sales

(P) Clothing sales

(Q) Clubs/Lodges

(R) Commercial Daycare Facilities, State-Licensed

(S) Copying/printing services, excludes printing presses and publishing facilities

(T) Craft Brewery

(U) Delicatessens/coffee houses without drive-through service

(V) Dry cleaning pick up and laundry pick up stations including incidental repair but not including processing

(W) Essential services, Transmission Facilities and Utility Substation

(X) Feed and Seed Sales, Retail

(Y) Flower shops, retail

(Z) Furniture stores

(AA) Garden Supply Stores

(BB) General Store

(CC) Gift or novelty stores

(DD) Government Buildings, Storage and Uses

(EE) Grocery Store

(FF) Hardware stores

(GG) Hobby and craft stores

(HH) Hotel

(II) Jewelry stores

(JJ) Leather goods and luggage stores

(KK) Locksmiths

(LL) Meat processing, accessory to a Grocery Store

(MM) Medical, Dental, Chiropractic, Physical Therapy Offices and Clinics

(NN) Motel

(OO) Music stores

(PP) Offices

(QQ) Pet Grooming

(RR) Pharmacies or drug stores

(SS) Plant Nursery

(TT) Plumbing, television, radio, electrical and related sales and repair

(UU) Public Parks and Recreation Facilities

(VV) Recreation, Indoor Commercial, up to 4,000 square feet in area or less

(WW) Restaurants

(XX) Schools

(YY) Seasonal Plant and Plant Materials retail sales

(ZZ) Shoe Sales and Repair

(AAA) Shopping Center

(BBB) Sporting Goods and Recreational Equipment Sales, not including motorized vehicles or boats

(CCC) Studios – art, dance, health and fitness, decorating, music, portrait photography, and similar uses

(DDD) Tailoring services

(EEE) Toy Stores

(FFF) Veterinary Clinic, small animal

(3) Accessory Uses. The following uses are allowed accessory uses in the R COMM 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) 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) Bars and Taverns

(B) Brewery, Craft

(C) Distillery, Craft

(D) Drive-Through Services

(E) Exterior Storage – Accessory to a Commercial Use

(F) Food and Beverage Processing

(G) Liquor, off-sale, pursuant to the required liquor license

(H) Motor Vehicle Repair

(I) Motor Vehicle Service Stations

(J) Place of Worship

(K) Planned Unit Development (PUD)

(L) Recreation, Indoor Commercial, larger than 4,000 square feet

(M) Residence, Single Family or Multi-Family, as part of a PUD, not to exceed a density of 4 dwelling units per 40 acres

(N) Restaurants, Drive-In

(O) Small Brewery or Winery as an Accessory Use to a Bar or Restaurant (Brew Pub)

(P) Wind Energy Conversion System (WECS)

(Q) Winery, Craft

(R) Wireless Communication Antennas and Towers

(O) Yard Waste Facility

(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) Agritourism Enterprise, if 5 or more events annually

(B) Commercial Kennel – Accessory to a Veterinary Clinic

(C) Kennel, Private – Accessory to a Residential Use

(D) 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) Accessory Dwelling Unit

(B) Farmers Market

(C) 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 Subsurface 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.

Chapter 4 of the Washington County Development Code entitled "Subsurface Sewage Treatment" as amended is hereby adopted by reference as if herein printed in full. However, Variances and modifications related to setbacks or zoning (Section 3.3 of Chapter 4, Variance Procedures) shall be heard by the Scandia City Council, not the County Board of Adjustment and Appeals.

Water usage of any proposed use shall conform to 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 the following: 1) agricultural buildings as defined herein and 2) non-agricultural accessory structures that are 120 square feet or smaller. 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 in relation to the front lot line than the principal building on a lot unless the following conditions are met:

1. The parcel is located on a lakeshore. Accessory structures on lakeshore parcels may be located between the roadway right-of-way and principal building and shall meet setback requirements; or

2. The accessory structure is located on a lot of five (5) acres or more and is placed at least 200 feet from the road right-of-way; or

3. The accessory structure is located on a parcel that is less than five (5) acres in size, is necessary to meet the Exterior Storage requirements of this Chapter, and the physical conditions on the parcel (including but not limited to steep slopes, locations of wetlands, location of the principal structure) prevent the location of the storage structure within the side or rear yard; and

Permit required. The property owner shall submit a plan for the proposed structure and obtain an administrative permit authorizing the location of the structure in the front yard. The Zoning Administrator may require screening if needed to protect views from adjacent properties or public roadways.

4. In situations 1-3 above, all setbacks and impervious cover requirements are met.

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

(A) Accessory structures may not include a dwelling unit unless it meets the standards of Section 4.2 Accessory Dwelling Units of this Development Code. Accessory structures or portions of structures that meet the standards of Section 4.2 may be rented or leased. Other accessory structures shall not be rented, leased, or sold separately from sale of the primary single-family dwelling on the lot.

(B) Accessory structure height is limited to the permitted building height in each zoning district.

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

	*Residential Accessory Structures (non-agricultural) **		*Agricultural and Rural Buildings*	
*Lot Size*****	*Number of Structures***	*Total Square Footage*	*Number of Structures*	*Total Square Footage*
Parcels less than 1 acre	1	720 sq. ft.	None	None
1.0 to less than 3.0 acres	1	1,000 sq. ft.		
3.00 acres to less than 5.00 acres	2	2,500 sq. ft.		
5.00 acres to less than 10.00 acres	2	3,000 sq. ft.	1 rural use building*** (3 total)	4,000 sq. ft. including non-agricultural buildings
10.00 acres to less than 20.00 acres	2	3,500 sq. ft.	2 agricultural buildings (4 total)	6,000 sq. ft. including non-agricultural buildings.
20.00 acres to less than 30.00 acres	2	4,500 sq. ft.	No limit provided structures are agricultural buildings.	No limit provided structures are agricultural buildings
30.00 acres to less than 40.00 acres	2	5,500 sq. ft.		
40.00 acres to less than 60.00 acres	2	6,000 sq. ft.		
60.00 acres to less than 80.00 acres	2	7,000 sq. ft.		
80.00 acres and larger	2	8,000 sq. ft.		

* If the property has no attached garage, one detached garage up to 24’x 36’ in size is permitted in addition to the number of accessory structures listed in Section (C) above. This exception is intended to permit a garage only, and the square footage of the garage may not be added to the number or square footage of accessory structures that are permitted on the property by the table above. The total area of structures including the garage shall meet the lot coverage requirements. The property owner must demonstrate that there is adequate space available on the parcel for a primary and secondary septic system that meet

Washington County SSTS ordinance requirements outside the area proposed for the garage.

** One single story shed of 120 square feet or less is permitted in addition to the number of accessory structures listed in Section (C), above. Ice fishing houses stored on parcels of land during non-winter months shall be deemed to be the permitted shed.

*** One rural accessory structure to shelter domestic farm animals or to provide storage for rural/farm uses is permitted on lots between 5.0 and 10.00 acres.

**** The lot size of parcels within Shoreland areas shall include only the area of the lot that is above the Ordinary High Water Level (OHWL).

(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, except as provided in Chapter 2, Section 4.16 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.

(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.

(5) Exception for Historic Accessory Buildings and Structures. The City may grant exceptions to the requirements for the number and/or total square footage of accessory structures permitted on a parcel, to the maximum height requirement, and to the requirement that accessory structures be located no closer to the roadway right-of-way than the primary structure, to permit the preservation of historic buildings and structures, based on the following criteria and requirements:

(A) The exception shall only be granted when it is necessary to preserve the historic buildings or structures, to maintain the historic character of the property, or meet the City's goals for preservation of its historic structures and character.

(B) The appearance and arrangement of the building(s) and structure(s) shall reflect the general design, massing and locations of historic buildings and structures identified in Scandia's Architectural Design Guidelines.

(C) If the landowner proposes to move the building or structure to his/her property, an exception shall only be granted for historic buildings or structures that originate within Scandia and adjacent communities.

(D) Only one exception shall be granted to each property in Scandia.

(E) Exceptions shall be granted only for parcels that are 4 acres or larger in size.

(F) Exceptions may be granted in all Zoning Districts.

(G) The preservation of the structure or building shall not conflict with other policies, regulations and requirements, including setback requirements.

(H) The exception shall not create an unreasonable burden on adjacent properties/owners.

(I) The exception shall not be contrary to the public interest or the intent and purpose of the Development Code and Comprehensive Plan.

(6) Procedure for granting exceptions for Historic Accessory Buildings and Structures. The owner of the land shall file an application for an exception to the requirements for Accessory Structures for a historic building or structure with the City. The Zoning Administrator shall review the application, and shall approve the request if it is in conformance with the criteria listed in Section 3.2(5). The Zoning Administrator shall provide the approval to the applicant in writing. If the application does not meet the requirements, the Zoning Administrator shall deny the request in writing, stating the reasons for the denial. The Zoning Administrator shall inform the City Council of each approved

or denied exception. An applicant may appeal the decision of the Zoning Administrator to the City Council within thirty (30) days following the date of the decision. If no appeal is made, the decision of the Zoning Administrator becomes final thirty-five (35) days after the decision.

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.

(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 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) Abandoned, Inoperable, Unlicensed, Discarded or Junked Motor Vehicles

1. Passenger vehicles and trucks in an abandoned, inoperable, unlicensed, discarded or junked 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 other unlicensed motor vehicle, capable of being operated, shall not remain on any property for more than 30 days if such motor vehicle has been unlicensed in both the current and previous year. This requirement does not include a motor vehicle used on the property that does not require a license.

3. With respect to any motor vehicle not required to be licensed or not usually used on the public highways, the fact that such motor vehicle has remained unused for more than six (6) months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is an abandoned, junked, or inoperative vehicle.

(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 <u>Exterior Storage and Off-Street Parking for Residential and Agricultural Uses.</u> Exterior storage shall be regulated by the following standards.

(1) Residential and Agricultural Uses. All materials, machinery, vehicles, and equipment 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 motor vehicles as may be permitted by Section 3.10 of this Chapter.

(C) Recreation Equipment (non-vehicular) and Recreation Facilities may be stored outside.

(D) Storage of not more than 1 or 2 Large Recreational Vehicles (LRV) or Recreation Camping Vehicles (RCV) as permitted in this Chapter.

(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) Storage of Large Recreational Vehicles (LRV) or Recreation Camping Vehicles (RCV). Storage of large recreational vehicle or recreation camping vehicles is permitted on residential and agricultural parcels as follows:

(A) Lakeshore parcels

1. Boats, boat docks, and boat lifts may be stored outside on the lake side of lakeshore parcels between September 15 and May 30, and are not included in the total number of LRV or RCV permitted on those parcels in items B and C below.

(B) Parcels one-half acre (0.5 acre) or less in area

1. One LRV or RCV may be stored outside on the parcel.

2. The vehicle shall be stored entirely on the owner's property and shall be stored at least five (5) feet from the side lot lines, and at least ten (10) feet from the rear lot line.

3. If the physical conditions on the parcel (including but not limited to steep slopes, locations of wetlands, location of the principal structure) prevent the location of the LRV or RCV within the side or rear yard, the property owner may obtain an administrative permit authorizing the location of the vehicle in the front yard.

(C) Parcels larger than one-half acre (0.5 acres) in area:

1. Up to two LRVs or RCVs may be stored on the parcel

2. The vehicles shall be stored entirely on the owner's property:

a. Within the side or rear yard, at least five (5) feet from the side lot lines, and at least ten (10) feet from the rear lot line or

b. Within the front yard if the vehicles(s) are at least two hundred (200) feet from the road right-of-way.

(D) In addition to the requirements above, the exterior storage of large recreational vehicles is permitted, provided that:

1. Corner lots. In the case of a corner lot, LRV or RCV may be stored on the side of an attached or detached garage adjacent to the public road right-of-way, but shall be located at least twenty (20) feet from the public right-of-way and shall be screened from view by a fence, existing vegetation, or plantings that are a minimum six (6) feet in height.

2. Drainage and utility easements. LRV or RCV shall not be parked within a drainage or utility easement.

3. Parking of licensed LRV and RCV is prohibited on all public roadways except while being loaded or unloaded for a period not to exceed twenty-four (24) hours.

(4) Off-Street Parking for Residential and Agricultural Uses

(A) Off street parking facilities accessory to residential and agricultural uses shall be utilized solely for the parking of passenger automobiles and trucks with a maximum gross vehicle weight rating (GVWR) 12,000 pounds or less than 30 feet in length. No more than 4 such vehicles or 1.5 vehicles per licensed driver, whichever is greater, per lawful dwelling unit shall be parked or stored outside of a building on parcels of 10 acres or less except visitors and guests by permission of the property resident. 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.

(B) Licensed vehicles parked or stored outside on residential or agricultural property shall be parked as follows:

1. Vehicles shall be parked on a paved driveway or other impervious surface that is a designated driveway or parking area. Visitors and guests may park

on a boulevard or open yard space with the permission of the owner of the property for up to 72 hours.

(C) Vacant Lots. No personal property, vehicles, recreation equipment, large 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, unless the vacant lot and adjoining lot with the primary structure are under common ownership.

(D) 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 six (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) No fence shall exceed 4 feet in height unless all required building setbacks are met. If the fence is located so as to meet required building setbacks, a 6-foot high fence is permitted.

(C) No fence shall be constructed closer to the lake / river than the required lake / river setback requirement unless the existing home is located closer to the lake / river than the required setback in which case the fence may be constructed even with the lake / river side of the house.

(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) Purpose. The purpose of this section is to establish regulatory requirements for land development and land disturbing activities and to minimize potential threats to public health, safety, public and private property and natural resources within the City from construction site erosion and sedimentation.

(2) 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 or developed 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 10 cubic yards or more of material added to or removed from the site or excavated within the site; and/or the disturbance of land area of 600 square feet or more.

(B) All major or minor subdivisions.

(C) Any excavating, grading or filling or change in the earth's topography in any designated wetland or public water, wetland setback area, bluff setback or bluff impact area, floodplain, shoreland district or the St. Croix River District.

(D) Any land alteration or development activity, regardless of size, that the City determines is likely to cause an adverse impact to an environmentally sensitive area, to another public property or to a City right-of-way.

(3) Exemptions. A permit is not required for the following:

(A) Installation and maintenance of home gardens or minor landscaping where the total volume of earth disturbed does not exceed 10 cubic yards of graded or fill material added to or removed from the site or excavated within the site.

(B) Routine agricultural activities such as tilling, planting, harvesting, and associated activities.

(C) Cemetery graves.

(D) Driveways permitted in conjunction with a building permit provided there is less than 10 cubic yards of land alteration or grading of material added to or removed from the site or excavated within the site and/or the disturbance of land area of 600 square feet or less.

(E) Regular maintenance of existing driveways;

(F) Emergency work necessary to protect life, limb or property.

(G) Mining and Related Activities that are regulated by Chapter 4 of the Development Code.

(4) 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.

(5) Permit Application. The application for a grading and land alteration permit shall be submitted to the City on the required form. The application for a grading and land alteration permit shall include an existing and a finished grade plan and an erosion and sediment control plan. The plans shall be drawn to a reasonable scale that is appropriate for the site and legible for review and electronic transfer. 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. The application shall include the required fee and escrow established by the City.

(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.

(6) 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) Plans to place fill or excavated material on steep slopes (greater than 18%) shall be reviewed by the City Engineer for slope stability, and shall not create finished slopes of 30 percent or greater.

(E) 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.

(F) 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.

(G) The drainage system shall be constructed and made operational as quickly as possible during construction.

(H) Whenever possible, natural vegetation shall be retained and protected.

(I) 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.

(J) Erosion and sediment control measures shall be maintained until final vegetation cover is established to a density of 70%.

(K) 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.

(7) 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.

(8) 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.

(H) The City shall inspect the site before the construction project work can resume.

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.

(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.

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) Applicability. The standards in this section apply to Outdoor Lighting as defined in Chapter 1 of this Code: "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." Chapter 2, Section 3.13 of this Code shall regulate lighting for Signs.

(2) Exemptions. The standards of this section shall not apply to the following:

(A) The use of temporary outdoor lighting during customary holiday seasons provided that individual lamps are 10 watts or less.

(B) 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.

(E) Street lighting on City streets and State and County Highways.

(3) 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 existed 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.

(4) 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.

(5) 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 (5) (B) 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. 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.

(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 (5) (B), above.

2. Off street parking areas for outdoor recreation uses which are illuminated shall meet the requirements stated in Section 3.9 (5) (B) 2.

(6) 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) Raceway lighting

(E) Exposed fluorescent tubes

(F) Mercury vapor lamps

(G) Laser lights

(H) Back lit canopies or awnings

(7) 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.

(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 abandoned, inoperable, unlicensed, discarded, junked, for sale or for rent.

(E) 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.

(F) 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 or may be located on an adjacent parcel if the lot with the primary use and the adjacent parcel are under common ownership.

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.
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.

Use	Minimum Number of Spaces Required
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.

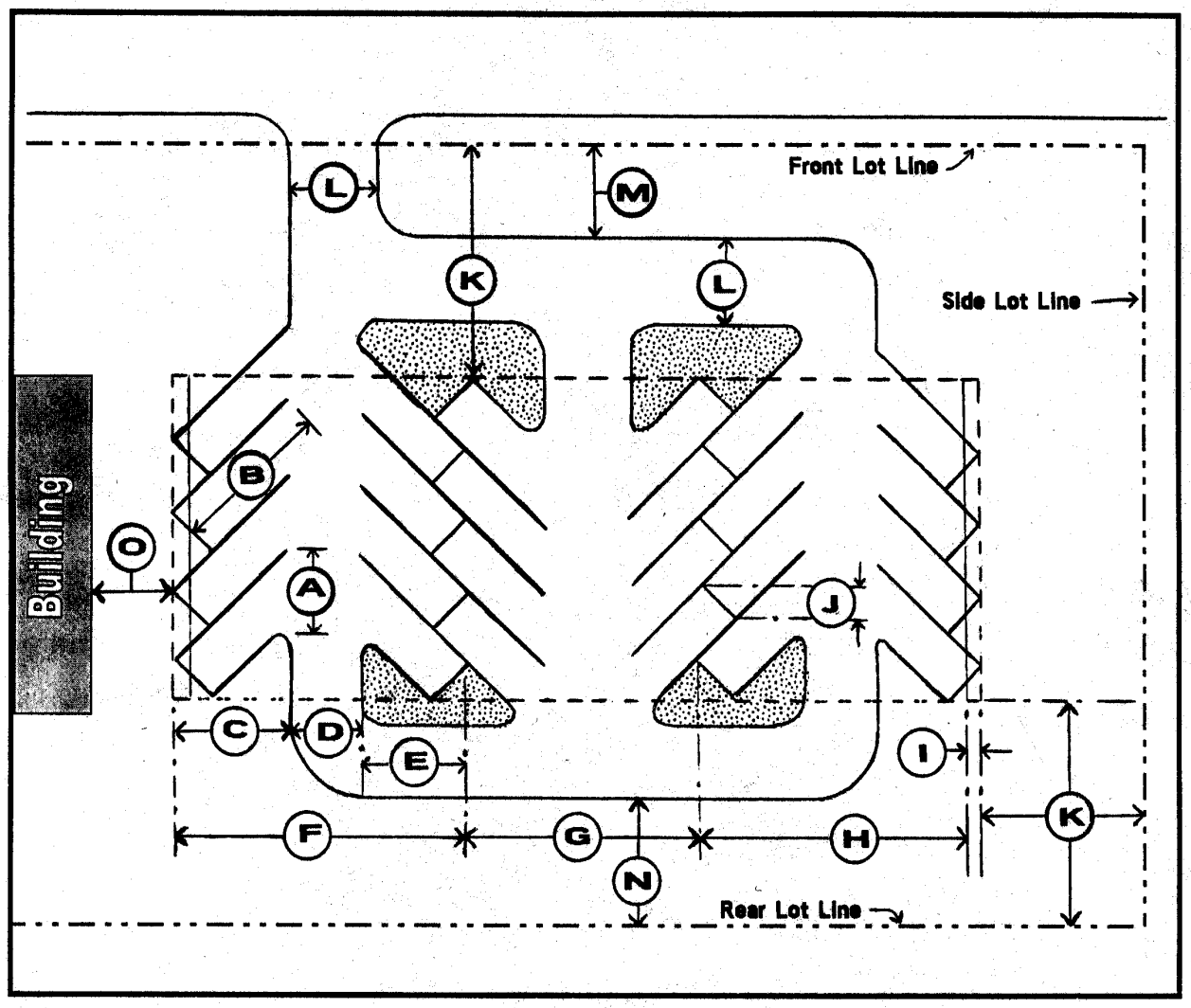
6. It shall be the joint responsibility of the operator and owner of the principal use or building to reasonably maintain the parking and loading space, access ways, landscaping and required screening.

(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)	**Dia-gram**	**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:

Common Name	**Scientific Name**	**Type**	**Native**
Conifers			
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
Deciduous Trees			
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 papyrifer	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 ovate	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
American Elm	Ulmus Americana	Primary Deciduous; Overstory	Yes

Common Name	**Scientific Name**	**Type**	**Native**
(Dutch Elm-resistant varieties			
Slippery Elm; Red Elm	Ulmus rubra	Primary Deciduous; Overstory	Yes
Deciduous Shrubs			
Downy Serviceberry	Amelanchior arborea	Tall Shrub; Understory	Yes
Shadbow Serviceberry	Amelanchior canadensis	Tall Shrub; Understory	Yes
Allegany 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 pensylvanica	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 <u>Signs</u>

(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) Signs up to ten (10) square feet in area.

(B) Noncommercial Signs that comply with Minnesota Statutes 211B.045 or successor statutes.

(C) Signs placed on parcels that are currently offered for sale providing such signs are not closer than 10 feet to any property line and shall not exceed ten (10) square feet in area. One sign shall be permitted for each street frontage.

(D) Signs erected on parcels that are currently under construction for single-family or multiple-family residences. 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 one hundred (100) square feet in area.

2. Only one (1) such sign shall be erected on each road frontage with a maximum of three (3) such signs per project.

3. Such signs shall be removed when the project is eighty percent (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.

5. One sign shall be allowed for each street entrance to a parcel currently under construction. The sign shall not exceed thirty-two (32) square feet per surface and no sign shall have more than two surfaces. The sign shall not exceed eight (8) feet in height.

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

(3) Signs by Conditional Use Permit. Where a use is permitted in a zoning district by Conditional Use Permit, the sign for that use shall require a Conditional Use Permit unless the sign is otherwise provided for in this Chapter.

(4) General Standards.

(A) Signs located in the Village Mixed Use (VMU A and B),Village Neighborhood (VN), and Rural Commercial (R COMM) Districts shall be reviewed for compatibility with the Scandia Architectural Design Guidelines, as applicable.

(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) Backlit or illuminated signs are permitted in all districts, and shall be diffused or indirect so as not to direct rays of light onto any public right-of-way or adjacent residential property. No backlit or illuminated signs or their support structures shall be located closer than twenty-five (25) feet to any roadway surface or closer than ten (10) feet to a road right-of-way line, notwithstanding more restrictive portions of this section.

(E) LED (light-emitting diode) luminaires, or other energy-saving luminaires, may be used in backlit signs, illuminated signs or other signs permitted by this ordinance.

(F) Flashing signs and animated signs (also called Dynamic Display 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) One (1) wall sign shall be allowed for each street frontage on a building for each use located within such building. The total area of all wall signs affixed to a building wall shall not exceed twenty percent (20%) of the total area of that wall. No individual wall sign shall exceed one hundred and fifty (150) square feet.

A wall sign shall not project more than eighteen (18) inches from the wall to which the sign is to be affixed. Wall mounted signs shall not exceed the roof line on any building. Wall signs located in the Village Mixed Use (VMU A and B), Village Neighborhood (VN), and Rural Commercial (R COMM) Districts shall be reviewed for compatibility with the Scandia Architectural Design Guidelines.

The City Council may approve the placement of murals on building walls that exceed the standards for wall signs.

(H) Signs shall not be painted on a fence, tree, or other object in any district.

(I) Roof signs are prohibited in all districts.

(J) 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.

(K) Multi-faced signs shall not exceed two (2) times the allowed square footage of single faced signs.

(L) Except for more restrictive parts of this Chapter, no sign that exceeds one hundred (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 five hundred (500) feet.

2. Which would be closer than one thousand three hundred fifty (1,350) feet to a national, state or local park, or historic site.

3. Which would obstruct more than fifty (50) percent of the view of a lake, river, rocks, wooded, area, stream or other point of natural and scenic beauty.

(M) Any sign for which a permit is required but no permit has been issued shall be taken down and removed by the owner, agent or person having the beneficial use of the building, or land upon which the sign may be found within thirty (30) days after written notice from the Zoning Administrator.

(N) Any sign which is abandoned or 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 ten (10) days after written notification from the Zoning Administrator.

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

(5) Signs in Agriculture – Core (AG-C), Agriculture Preserves (AP), General Rural (GR) and Village Neighborhood (VN) Districts.

(A) The maximum area permitted for a single sign shall be 10 square feet per surface. Up to three signs that meet this requirement are allowed per parcel.

(B) No sign shall be so constructed as to have more than two (2) surfaces.

(C) Noncommercial signs shall conform to Minnesota Statutes 211B.045.

(D) The top of the display shall not exceed ten (10) feet above grade.

(E) Any sign over two (2) square feet shall be setback at least ten (10) feet from any property line. In no case shall any part of the sign be closer than two (2) feet to a vertical line drawn at the property line.

(F) The following types of signs are not permitted in the AG C, AP, GR and VN Districts:

1. Animated signs
2. Awning signs
3. Canopy signs
4. Flashing signs
5. Portable signs
6. Pylon signs
7. Pennants

(6) Signs in Village Mixed Use - A (VMU-A), Village Mixed Use – B (VMU-B), Rural Commercial (R-COMM) and Industrial Park (IP) districts.

(A) Noncommercial signs shall conform to Minnesota Statutes 211B.045.

(B) The total square footage of permanent sign area for each lot shall not exceed one (1) square feet of sign area for each lineal foot of building front. No sign shall exceed two hundred (200) square feet in area.

(C) Each business or organization may display one temporary or portable sign (including sandwich-board signs) in addition to the area of permanent signs permitted. The temporary sign shall not exceed forty (40) square feet in size, and shall be permitted for a period of no more than thirty-four (34) consecutive days. No permit is required for one temporary or portable sign.

(D) The top of a monument sign shall not exceed eight (8) feet above the average grade.

(E) Any sign over six (6) square feet shall be setback at least ten (10) feet from any property line. In no case shall any part of a sign be closer than two (2) feet to a vertical line drawn at the property line.

(7) Shopping Center Signs.

(A) Shopping Centers or buildings containing more than one (1) tenant are allowed one (1) monument sign which may contain the names of all tenants in the project. Individual tenants 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 6(B) above.

(B) Signs shall in no case project from a building or structure to any point within two (2) feet of a line drawn perpendicularly upward from a curb line. No projecting sign shall be less than nine (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.

(8) Off-Premises Signs

(A) Up to two multi-tenant off-premises signs (one for each roadway direction) may be permitted near the intersections of Olinda Trail North and TH 97, Oakhill Road North and TH 97, Manning Trail North and TH 97, TH 95 and TH 97, and Oakhill Road North and TH 95, within the VMU A and VMU B Districts Scandia. The sign may be a monument sign or freestanding directional sign.

(B) The City Council shall grant a Conditional Use Permit for any off-premises sign. When the applicant is any person other than the owner of the property, the owner of the property shall also sign the application. The application shall contain the following information:

1. Name, address and telephone number of the property owner, sign owner, and erector.

2. Proposed location of the sign structure, including property identification number and address.

3. Scaled drawing showing the position of the sign structure in relation to the property lines, nearest buildings, structures, public streets, and rights-of-way.

4. Plans, specifications, materials, and method of construction or attachment to the ground or a structure, including all dimensions, all construction materials, a description of al light sources, wattage, types and color of lights, and details of light shields.

5. Any electrical permit required for the sign.

6. If the sign is proposed within the right-of-way of a state or county highway, the applicant shall obtain any required permits and provide a copy of the approved permit to the City.

7. Other information as required by the city.

(C) Off-premises signs shall be compatible with the Scandia Architectural Design Guidelines.

(D) In addition to the above application, an agreement must be entered into with the city which will authorize and direct the city to:

1. Remove at the expense of the owner, the sign and sign structure, where maintenance is required, but not furnished after a hearing and a 10-day notice to the owner specifying the maintenance required by the city.

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, cementitous 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 Dwelling Unit. An Accessory Dwelling Unit shall comply with all of the following standards:

(1) There shall be no more than one Accessory Dwelling Unit permitted on a lot.

(2) The Accessory Dwelling Unit shall be owned by the same owner or owners of the principal residential or commercial structure.

(3) No separate curb cut shall be permitted for the Accessory Dwelling Unit, unless approved by the City, consistent with the design standards of the appropriate road authority.

(4) The Accessory Dwelling Unit shall be connected to an approved on-site waste disposal system.

(5) The Accessory Dwelling Unit shall be subject to the same zoning dimensional setbacks and height standards as the principal dwelling unit.

(6) A density unit is not attributed to an Accessory Dwelling Unit when calculating density.

(7) Administrative Permit Requirements:

(A) Recorded Covenant Required. Prior to issuance of the City's administrative permit authorizing an Accessory Dwelling Unit, the owner(s) shall file with Washington County Recorder's Office a covenant running from the owner(s) to the City of Scandia acknowledging the owner's agreement to restrict use of the principal and Accessory Dwelling Unit in compliance with the requirements of the Development Code.

(B) Covenant Requirements. The covenant shall run with the land and be binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title or interest in the property. The covenant shall be in a form prescribed by the zoning administrator and shall include the legal description for the lot. The property owner(s) shall return the original covenant with the recording stamp to the zoning administrator before the permit for the Accessory Dwelling Unit is issued.

(C) Application. The owner of property on which an Accessory Dwelling Unit is proposed shall file a permit application by paying the required fee and submitting a completed application form and supporting documents as set forth on the application form. The zoning administrator will review the application to determine whether the application is complete and the subject property is eligible to receive the requested permit.

(D) Notification. Upon the determination that a complete application has been submitted and that the property is eligible to receive the required permit, the City shall notify all property owners adjacent to the lot where the Accessory Dwelling Unit is proposed in writing of the application, and adjacent property owners shall have seven (7) days in which to submit comments or concerns about the application.

(E) Revocation. If a permitted Accessory Dwelling Unit or the property for which a permit has been issued fails to meet the requirements of the permit, or if a property for which a permit has been issued becomes ineligible for such permit, the permit may be revoked upon the determination by the zoning administrator that the noncompliance and/or ineligibility issues cannot or have not been resolved. If a permit is revoked, occupation of the unit by a person or persons other than the family occupying the principal dwelling unit shall cease within 60 days of the date of the revocation.

(F) Appeals. Determinations pertaining to the continuing compliance and/or eligibility of a permit or property for an Accessory Dwelling Unit permit are subject to appeal to the City Council.

(8) A lifetime, non-transferrable Accessory Dwelling Unit Occupancy Permit shall be required from the zoning administrator to allow an Accessory Dwelling Unit to be rented. For purposes of this provision, a "rented" Accessory Dwelling Unit is one that is being occupied by a person or persons other than the family occupying the principal dwelling unit. Each property owner seeking to rent an Accessory Dwelling Unit, or occupy an Accessory Dwelling Unit while renting the principal dwelling unit, shall apply for a new Occupancy Permit.

(A) Conditions. The City may impose conditions on the issuance of an Accessory Dwelling Unit occupancy permit. Such conditions shall be directly related to, and shall bear a rough proportionality to, potential impacts of the Accessory Dwelling Unit.

(9) Accessory Dwelling Units that are <u>internal</u> to a principal structure or accessory structure (garage barn, etc.) shall comply with the following requirements:

(A) Accessory Dwelling Units that are internal to a principal structure or an accessory structure are permitted in all zoning districts.

(B) Internal Accessory Dwelling Units are limited to one thousand (1,000) square feet in area. In no case shall the floor area of the internal Accessory Dwelling Unit exceed the floor area of the first floor of the primary structure or accessory structure.

(C) The creation of the Accessory Dwelling Unit shall not result in additional entrances facing the public street on the primary structure.

(D) The appearance or character of the principal building shall not be significantly altered to create the Accessory Dwelling Unit so that its appearance is no longer that of a one-family dwelling.

(E) The primary exterior materials of the Accessory Dwelling Unit shall match the primary exterior materials of the principal structure, unless it is located within an existing structure that does not match the primary structure.

(F) The Accessory Dwelling Unit must abide by the primary structure setbacks.

(10) Detached Accessory Dwelling Units shall also comply with the following requirements:

(A) Accessory Dwelling Units that are located within detached accessory buildings are permitted in all zoning districts.

(B) The floor area of a detached Accessory Dwelling Unit shall not exceed one-thousand (1,000) square feet. When a lot includes a detached Accessory Dwelling Unit, the combined floor area of the footprint of the detached Accessory Dwelling Unit, and all other accessory structures on the lot shall be consistent with the number and size of accessory structures permitted by the Development Code.

(C) The detached Accessory Dwelling Unit must be located in the rear or side yard of the primary residence, and shall not be located closer to the road right-of-way than the principal structure 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.

(D) Design Standards for detached Accessory Dwelling Units on lot sizes of 4 acres or less:

1. The exterior finish material shall match in type, size, and placement, to the exterior finish material of the principal building.

2. The roof pitch shall match the predominant roof pitch of the principal building.

3. Design Standards shall not apply to a unit that is located within in a barn, silo, or historic structure.

(11) Home occupations are permitted in Accessory Dwelling Units, provided that the combined impacts of home occupations in the Accessory Dwelling Unit and principal dwelling unit conform to the standards and limitations for home occupations in Chapter 2, Section 4.9 of this Development Code.

4.3 <u>Agricultural Business – Seasonal.</u> 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 hosings 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 on parcels that are five (5) acres in size or larger. 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 domestic fowl (chickens, turkeys, geese or ducks) on lots smaller than five (5) acres provided the standards in Section 4.16 are met. The minimum lot size of parcels in Shoreland Areas includes only the area of the parcel that is above the Ordinary High Water Level (OHWL).

(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 <u>Domestic Fowl on Lots Smaller Than Five Acres</u>

(A) The keeping of up to five (5) domestic fowl on a lot that is smaller than five (5) acres does not require a City permit.

(B) The total number of domestic fowl may not exceed ten (10) fowl per acre on a parcel that is between one (1) and five (5) acres in size. Up to five (5) domestic fowl are permitted on a parcel that is less than one (1) acre in size.

(C) The principal use of the property shall be single-family residential and contain a single-family residential structure. Domestic fowl shall not be permitted on vacant properties or those containing multi-family residential uses. Coop structures used to house domestic fowl that are greater than 120 square feet in size shall comply with the Accessory structure limitations on the number and size of residential accessory structures permitted by Chapter 2, Section 3.2 of the Development Code.

(D) The keeping of domestic fowl on lots smaller than five (5) acres shall comply with the following standards:

1. Hen chickens are permitted and roosters are prohibited on parcels that are less than five (5) acres in size.

2. All chickens shall be of the subspecies *Gallus gallus domesticus*. All fowl species kept on parcels smaller than five (5) acres shall be domesticated varieties.

3. Guineafowl are prohibited (members of the Family *Numididae*, genus *Agelastes, Numida, Guttera, or Acryllium*) and Peafowl (Peacocks) are prohibited (*Pavo cristatus, Pavo muticus, and Afropavo congensis).*

4. Fowl may be slaughtered on the property in locations that are not visible to the public or adjacent properties.

5. If the coop is larger than 120 square feet, the owner shall obtain a building permit. If electricity is to be provided for hearing or lighting, the owner shall obtain an electrical permit.

6. Coops, pens and other structures for domestic fowl shall meet the structure setback requirements of the zoning district where the parcel is located, plus all permanent coop structures shall maintain the following minimum setbacks from dwellings on adjacent properties regardless of lot size:

Number of chickens	Required setback from dwellings on adjacent properties
1-10	20 feet
11-20	40 feet
21-30	60 feet
31-40	80 feet
41-50	100 feet

7. Coops, pens and other structures for domestic fowl shall be located in rear yards only. If the physical characteristics of the property do not permit the coop to be located within the rear yard, the property owner may request approval of an Administrative Permit to locate the coop in the front or side yard.

8. No person may allow domestic fowl to range outside her/his property boundaries.

9. Structures and areas in which domestic fowl are kept or maintained, including coops and pens, shall be kept reasonable clean from filth, garbage, and any substances which attract rodents.

10. Domestic fowl shall not be kept in such a manner as to constitute a public nuisance as defined by the City Code. The City may revoke a permit if the animals become a nuisance.

11. The City may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating a reported violation or to ascertain compliance or noncompliance with the City Code.

4.17 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.

4.18 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.

4.19 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.

4.20 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.

4.21 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.

4.22 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.

4.23 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.

4.24 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.

4.25 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; or

A pool cover that complies with the American Society for Testing and Materials (ASTM) Standard F1346-91 (2003) or most recent ASTM standard, and is sufficient to support the weight of 500 pounds minimum and completely covers or encloses the pool. The applicant shall submit documentation verifying that the proposed cover meets the current ASTM standard. The substitution with such automatic pool cover shall be done by the issuance of a Building Permit.

Swimming pool covers shall be installed and used according to the manufacturer's recommendations.

(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.

4.26 Temporary Dwelling Unit—Care Facility. Temporary dwelling units shall be permitted with an administrative permit, and shall comply with all of the following requirements.

(1) The property is limited to 1 temporary dwelling unit.

(2) The dwelling may be occupied 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; or by caregivers for a mentally or physically-impaired person as defined in this Development Code.

(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 administrative permit. The amount of the guarantee shall be determined by the Zoning Administrator.

(6) Termination of Permit. The administrative permit shall expire when the dwelling unit is no longer occupied by eligible persons as described in paragraph (2), or such earlier date as may be determined in the administrative permit. At the termination of the permit, the temporary dwelling shall be removed from the premises or converted to another conforming use within thirty (30) days.

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

(1) A Temporary Dwelling Unit that is a manufactured home that will be located temporarily on a parcel where a new home is being constructed to serve as a residence for the present or future occupants while a new home is being constructed, or while the existing home is being reconstructed or altered, requires an administrative permit. An existing single-family home that is being occupied while a new home is being constructed on the same parcel does not require a zoning permit.

(2) The property is limited to one temporary dwelling unit during construction.

(3) 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.

(4) An administrative permit for the temporary dwelling may be issued only after the building permit has been obtained for the proposed construction.

(5) The temporary dwelling unit shall use the existing or the proposed road access drive of the principal dwelling unit under construction.

(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 administrative permit or the issuance of a certificate of occupancy for the new dwelling unit. The amount of the guarantee shall be determined by the Zoning Administrator.

(8) Termination of Permit. The administrative 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 administrative permit, the temporary dwelling shall be removed from the premises within thirty (30) days.

4.28 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.

4.29 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.

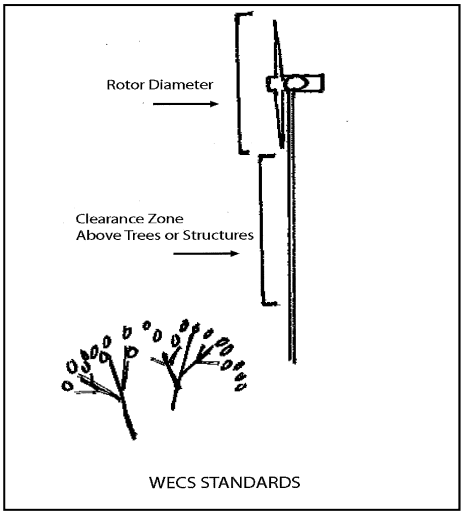
(B) The retail sales use shall not occupy more than 20% of the warehousing and distribution facility.

(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.

4.30 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.

4.31 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 or other equipment on an existing permitted tower that creates a substantial change, as defined under item (3) of this section, below.

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. The construction of a new tower attached to an existing building, extending less than 15 feet above the highest point of that building.

(3) Administrative Permit

(A) The following may be allowed with the issuance of an Administrative Permit, provided the conditions contained in this Chapter are met:

1. The addition of a new antenna, or the adjustment, repair, or replacement of an existing antenna or other equipment that does not create a substantial change to an existing permitted tower. "Substantial change" to an existing permitted tower means the following:

a. On an existing tower that is outside the public right-of-way, the new or replacement antenna or equipment can increase the height of the tower up to twenty feet (20') before it is a "substantial change." For towers within a public right-of-way, the height of the tower can be increased up to ten feet (10') before it is a substantial change.

b. On an existing tower, new or replacement equipment can increase the width of the tower up to twenty feet (20') at the height where it will be replaced before it is considered a substantial change when the tower is outside the public right-of-way. For towers within the right-of-way, the width of the tower can be increased up to six feet (6') before it is considered a substantial change.

(4) 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.

(5) 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.

(6) 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 permitee 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.

(7) 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.

(8) 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 that creates a substantial change.

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 130 feet.

4. A free standing tower exceeding 35 feet in height but not exceeding 130 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 130 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 that creates a substantial change.

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 180 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 280 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 that creates a substantial change.

2. Satellite dish antenna(s) larger than two meters in diameter.

3. A free standing tower exceeding 35 feet in height but not exceeding 280 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 180 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 280 feet.

(9) Prohibitions.

(A) No tower shall be over 280 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 130 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 130 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) All towers 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 shall be constructed with a camouflage design approved by the City and shall be no more than 35 feet in height.

(E) All towers erected within one-quarter (1/4) mile from the centerline of State Highways 95 and 97 and County Roads 3, 4, 15 and 52 shall be constructed with a camouflage design approved by the City and shall be no more than 35 feet in height, 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) All towers erected within one-quarter (1/4) mile of the St. Croix River Overlay District or within one-quarter (1/4) mile of a DNR protected lake or river shall be constructed with a camouflage design approved by the City and shall be no more than 35 feet in height.

(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 twenty-four (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 thirty (30) days. These limits can 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.

(10) 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 five 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 two and one-half 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 two tenants.

2. Structures from 125 to 200 feet - a minimum of three tenants.

3. Structures above 200 feet but less than 300 feet - a minimum of four 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 six (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.

(11) 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 and applications for administrative permits for replacement of antennas and equipment on existing towers 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 CUP application shall include a five (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 five (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 five 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 five (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) Visual impact demonstrations, including mock-ups and/or photo simulations that accurately show the existing and proposed tower and equipment drawn accurately to scale as viewed from adjacent homes and roadway(s), or other viewpoints, as directed by the City.

(E) The City Council may, in its discretion, require screening and painting plans; network maps; alternative site analysis; lists of other nearby telecommunication facilities; or facility design alternatives for the proposed tower.

(F) 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.

(12) Application - Existing Tower/New Antenna.

(A) In the event that an application is for an Administrative Permit to replace an existing antenna on an existing permitted tower or structure, the requirements as delineated under Subsection (11)(A)(6) and (11)(B) shall not apply. Items 11 (A) 1-5 and Items 11 (C) and (D) are required. The Zoning Administrator may require Items 11 (E) and (F) as needed to review the application for an Administrative Permit.

(B) The applicant shall submit accurate drawings at the same scale of the existing and proposed equipment.

(13) 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.

4.33 Rural Event Facility. Rural Event Facilities shall comply with all of the following requirements:

(1) Rural Event Facilities shall support the rural and historic character of the City, shall be designed and operated in a manner that is compatible with Scandia's rural and small-town character, and shall not negatively impact the community or neighboring properties.

(2) Permitted Districts and Uses.

(A) Rural Event Facilities are permitted through a Conditional Use Permit (CUP) in the Agricultural Core (AG C) and General Rural (GR) Districts, and shall be accessory uses to the primary use of the property for Agriculture or a Single-Family Residence.

(3) Permit requirements. A Rural Event Facility shall obtain a business license upon approval of the Conditional Use Permit.

(4) Application requirements. An application for a CUP for a Rural Event Facility shall be accompanied by the following information:

(A) A master plan of the entire property where the Rural Event Facility is proposed, drawn to scale (minimum 1:200) and including the parcel boundaries, address and legal description, owner's name and signature, topography, location of existing

structures on the site, setbacks, existing screening from adjacent properties, existing driveway locations and roadway access, existing parking, individual sewage treatment systems and well locations.

(B) A detailed plan drawn to scale (minimum 1:100) for the entire property where the Rural Event Facility is planned, and that identifies the Rural Event Activity Area within the Facility and shows the buildings and structures (existing and proposed), identifies the locations where indoor and outdoor event activities will occur, and the setbacks, driveways and access, parking areas, sewage treatment systems and well locations, and all other proposed facilities.

(C) Rural Events Plan—the application shall include complete information about events that may be held at the Facility. Information identifying the types of events, estimating the number of attendees per event, number of events per year, onsite vendors, number of employees, proposed hours of operation, parking facilities, sanitary facilities, lighting, sound amplification, temporary structures/tents, signage, screening, solid waste management, security, and landscaping. The Rural Events Plan shall also identify emergency vehicle access routes and proposed locations(s) for first aid facilities. As deemed necessary, the City may restrict the operation of the facility.

(D) A Transportation Management Plan--this plan shall identify the estimated total average daily traffic (number of vehicles entering and leaving the site) generated by the Rural Event Facility on days when events are scheduled (including visitors, deliveries, employees, etc.); estimated maximum peak hour traffic generated and estimated times of occurrence; and describe the impacts on area roadways. The Transportation Management Plan shall describe any proposed traffic controls. The Transportation Management Plan shall estimate the parking needed to accommodate the Rural Event Facility, and indicate the size, location and layout of parking facilities and their relationship to the entrances and exits.

(E) Grading Plan—if the Rural Event Facility includes construction of a new Activity Area, buildings, parking lots or other structures, the applicant shall submit a grading, drainage and erosion control plan. The plan must meet the requirements of the Watershed District and the City's Development Code.

(F) Landscape Plan—the application shall include an existing and proposed landscape plan. The City may require landscape elements to buffer the Activity Area or facility from neighboring uses and to provide screening.

(5) Rural Event Facilities shall comply with all of the following standards:

(A) Rural Event Facilities shall be located on a site of at least 20 acres in size in the Agricultural Core (AG C) and General Rural (GR) Districts.

(B) Events shall be limited to a maximum of 300 Rural Event Center guests per day, provided maximum building capacities are not exceeded. No more than four events shall be scheduled per calendar day.

(C) Adequate utilities, including sewage disposal, must be available on the site. The facility may utilize permanent or portable facilities, or a combination of permanent and portable facilities. Any on-site sewage treatment facilities needed shall be installed under a permit issued by Washington County. The facility shall also

provide supplemental portable septic and water facilities for events as required by the City.

(D) The Rural Event Facility shall have direct access from a public roadway.

(E) The Rural Event Facility shall provide on-site parking, sufficient to handle all guest, staff, vendor, and owner vehicles. No parking for the Rural Event Facility shall be permitted on public streets.

(F) Outdoor sound amplification of ceremonies only is permitted. Ceremonies include formal acts or observances that are part of an event, such as a wedding ceremony, awards presentation, acknowledgment of a significant event, or similar observance. Outdoor sound amplification of ceremonies may include amplification of voices and music that are specifically scheduled as part of the ceremony. No other outdoor sounds associated with an event, such as parties or celebrations associated with, preceding or following the ceremony, may be amplified. Events shall comply with the City's Noise Ordinance (Ordinance 65 and its amendments).

(G) The rural event activity area shall be located at least 100 feet from the boundaries of adjoining properties. The City may require screening of activity areas. If the facility may hold events where alcoholic beverages are served, that the consumption of alcohol shall be restricted to the Rural Event Activity Area excluding the parking lots, and must meet the 100-foot setback requirement. Security staff shall be provided at events if alcoholic beverages are served.

(H) Events may not begin before 9 AM and shall cease by 10 PM. All amplified sound shall conclude by 10 PM. All guests shall be off the site by 10:30 PM.

(I) No more than four events shall be scheduled on any calendar date.

(J) Permanent signs for the Rural Event Facility shall conform to the Development Code requirements.

(K) The Rural Event Facility must comply with all rules and regulations of Federal, State, County and Local agencies. Facility must also pass inspection by the Building Official and Fire Inspector.

(L) The City may impose conditions related to landscaping, access, security, sanitary sewer, liability or other insurance requirements, and other conditions as deemed necessary.

(M) The CUP shall terminate with a change in ownership of the property where the Rural Event Facility is located.

(N) The City may inspect the Rural Event Facility at any time in response to complaints or to verify compliance with these standards.

(6) Previously Permitted Rural Event Facilities

(A) Rural Event Facilities permitted through an Interim Use Permit (IUP) and Annual Operating Permit (AOP) prior to September 15, 2020, shall be permitted to continue beyond the expiration date of the IUP and AOP, provided the conditions of the latest approved IUP are followed. Any changes to the conditions of the latest approved IUP shall require review and approval of the Rural Event Facility through a CUP.

(B) Rural Event Facilities permitted through an IUP and AOP that are discontinued for more than a year shall require a CUP prior to resuming operations.

4.34(A) Local Service Solar Energy System – (Local SES). Local Service Solar Energy Systems are a permitted accessory use in all districts. As an accessory use, a Local SES is permitted to the extent that it operates primarily to provide solar energy for the primary use and the permitted accessory uses on the property on which it is located, and shall comply with the following requirements:

(1) Approvals required

(A) Building-integrated, passive solar, and roof-mounted Local SES are allowed as uses in all zoning districts. Building-integrated and passive solar energy systems are exempt from the requirements of this section and shall be regulated as any other building element.

(B) One ground-mounted Local SES with a footprint up to a maximum eight hundred square feet (800 sq. ft.) is allowed as an accessory use in all zoning districts. A ground-mounted Local SES with a footprint that exceeds 800 sq. ft. shall require a conditional use permit.

(C) All Local SES require a building permit. A building permit application must be submitted and approved by the building official before an accessory solar energy system is installed. The information required and the procedure to be followed for all Local SES applications shall be the same as that required for a building permit. In addition, the applicant shall submit supplementary information pertaining to the nature of the accessory solar energy system including:

1. Total square footage of the solar energy system.

2. Total energy production for the site.

3. To scale horizontal and vertical (elevation) drawings.

4. Drawings must show the location of the system on the building or on the property including the property lines and proposed screening, if required.

(D) Performance Standards

1. Standards for all SES

a. Code Compliance. All Local SES shall comply with the Minnesota State Building Code and Electrical Code.

b. Approved Solar Components. All Local SES components must have an Underwriters Laboratories, Inc. (UL) listing.

c. Solar Panel Glare. All Local SES shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties, as well as adjacent street rights-of-way. Steps to control glare nuisance may include selective placement of the system, screening on the side of the solar array facing the reflectors, reducing use of the reflector system, or other remedies that limit glare.

d. Utility Notification. No Local SES shall be installed until evidence has been given to the City that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

e. Safety Measures. A clearly-visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. All mechanical equipment, including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with the screen and landscaping provisions of this Development Code.

f. Abandonment. If the solar energy system remains nonfunctional or inoperative for a continuous period of twelve (12) months, the system shall be deemed abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense within ninety (90) days. Removal includes the entire structure including transmission equipment, structures and foundations, and the restoration of soil and vegetation.

2. Roof-Mounted and Building-Mounted Local SES

a. Roof- and building-mounted Local SES are not accessory structures and are excluded from the size and number limitations for accessory structures in this Development Code.

b. Building and roof-mounted Local SES shall comply with the primary structure setbacks for the zoning district on which the system is located.

c. Building and roof-mounted Local SES shall not exceed the maximum allowed building height in any zoning district.

d. Roof-mounted Local SES on commercial or industrial buildings shall be installed so that they are compatible with the building architecture.

e. Roof-mounted Local SES shall not extend beyond the perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building.

3. Ground-Mounted SES

a. One ground-mounted Local SES with a footprint up to a maximum eight hundred square feet (800 sq. ft.) is allowed as an accessory use in all zoning districts. A ground-mounted Local SES with a footprint that exceeds 800 sq. ft. shall require a conditional use permit.

b. Ground-mounted Local SES are excluded from the size and number limitations for accessory structures permitted by this Development Code.

c. Ground-mounted Local SES are excluded from the lot coverage requirements of the Development Code if the area under the SES is permanently vegetated.

d. Ground-mounted Local SES shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

e. Ground-mounted Local SES shall be screened from view from the public right of way if: 1) the Local SES requires approval of a CUP, 2) if the Local SES is placed on a parcel located on a lakeshore, or 3) if the Local SES is located within one hundred feet (100') of a roadway right-of-way. Screening may be accomplished by using setbacks, berming, existing vegetation, landscaping, or a combination thereof.

4.34(B) Distribution Scale Solar Energy System - (Distribution SES). Distribution SES are allowed within the Agriculture Core (AG C) zoning district and require a Conditional Use Permit. As a primary use, a Distribution SES is permitted to the extent that it is the primary use on a property and operates to distribute energy to predominantly off-site users, and shall comply with the following requirements:

(1) Districts and Size Limits

(A) Distribution SES are allowed within the Agriculture Core (AG C) zoning district with a Conditional Use Permit.

(B) Distribution SES are prohibited in the following areas:

1. Within areas designated under City of Scandia Ordinance as St. Croix River District or Shoreland District and their associated setback areas.

2. Within wetlands to the extent required by the Minnesota Wetlands Conservation Act, and within associated wetland setback areas as designated by the City of Scandia.

3. Within the Floodplain District and associated setback areas as designated by the City of Scandia.

(2) Distribution SES uses are exempt from the Residential and Agricultural Accessory Structure standards regarding the square footage and number of structures permitted on a parcel, but must conform to the setback and lot coverage standards as described in (4)(M) of this section and elsewhere in this Development Code.

(3) Permit Application

(A) Existing Site Plans Required. The applicant for a Distribution SES shall submit a detailed site plan of existing conditions, showing site boundaries; existing access roads, driveways, and easements; existing structures; setbacks; surface water drainage patterns, floodplains, Shoreland districts, delineated wetlands, toe and top of bluffs, ordinary high water mark and other protected natural resources; existing vegetation, soil types, topography (2-foot contour intervals), and all other items required in Chapter 1, Section 5 of this Code for Conditional/Interim Use Permit applications or by the City. The Existing Site Plan shall include a graphic scale not less than 1:100 and a north arrow.

(B) Proposed Site Plan Required. The applicant shall also submit a site plan of proposed conditions, including the proposed number, location and spacing of solar panels; proposed height of panels; location of access roads; planned location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load; new electrical equipment other than at the existing building or substation that is the connection point for the solar farm; proposed stormwater management facilities; proposed erosion and sediment control measures, and other information as required by the City. The Proposed Site Plan shall include a graphic scale not less than 1:100 and a north arrow.

The application shall also include two vertical sketch elevations of the premises accurately drawn to a scale identified on the drawing, depicting the proposed solar energy conversion system and its relationship to the surrounding topography and public roadways. The sketches shall depict the proposed system's relationship to structures on adjacent lots as viewed from six (6) feet above ground level at the residential structure wall that site closest to the solar installation, one sketch showing the view without screening and the other sketch showing the view with proposed screening, The sketch elevations shall include a graphic scale not less than 1:50, or as needed to clearly show the vertical relationship between the proposed solar facilities and structures on adjacent lots.

(C) Use of Public Roads. The applicant shall obtain all necessary approvals from the appropriate road authority for site access and driveways.

(D) Interconnection Agreement. The applicant shall complete an interconnection agreement with a local utility and provide a copy of the agreement to the City

before approval of electrical, building, or other required permits. The system operator shall provide a visible external disconnect if required by the utility. Utility poles shall be limited to one interconnection pole for the solar array system. The proposed placement of all utility poles and any proposed aerially mounted equipment shall be shown in any proposed plans submitted.

(E) Liability Insurance. The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits of at least $1 million per occurrence and $1 million in the aggregate and provide proof that it meets the insurance requirement to the city.

(F) Decommissioning Plan. The applicant shall submit a decommissioning plan to ensure that facilities are properly removed after their useful life. If the Distribution SES remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. The City shall require the posting of a bond, letter of credit or the establishment of an escrow account to ensure decommissioning.

(G) Payment In Lieu of Taxes. Notwithstanding that Minnesota Statutes Section 272.02, Subdivision 24 (or its successor) classifies real property upon which a solar energy generating system is located that is used primarily for solar energy production (subject to the production tax under Minnesota Statutes Section 272.0295) as class 3a, the City may require the applicant to enter into a Payment In Lieu of Taxes Agreement to compensate the City for any prospective tax revenue that may be lost due to such reclassification.

(4) Performance Standards

(A) The limitations on the number or cumulative generating capacity of Distribution SES is regulated by Minnesota Statutes 216B.164 and related regulations.

(B) Distribution SES shall be in compliance with all applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; the National Electric Code, as amended; the State Plumbing Code, as amended; the Minnesota Energy Code, as amended.

(C) If the proposed Distribution SES is adjacent to areas designed or formally protected from development by Federal, State, or County agencies as a wildlife management area, scenic byway, or National Wild and Scenic corridor, the applicant shall implement mitigation measures that would protect the resource values of the designated wildlife area or scenic corridor as a condition of approval. Such measures may include, but are not limited to, maintaining wildlife travel corridors, setting the development back from the right-of-way or stream corridor, using the natural topography to screen the project, and retaining or planting vegetation that would fully obscure the view of the energy project within the scenic corridor.

(D) The nearest solar panel of the Distribution SES shall be setback a minimum 75 feet from all parcel boundaries and 350 feet from existing residential structures on adjacent parcels existing at the time of the permit application. The City may require wider setbacks if it determines that the wider setbacks are warranted by the potential impacts to adjacent properties.

(E) The nearest solar panel of the Distribution SES shall be setback a minimum of 500 feet from the centerline of minor arterial roadways or 200 feet from the centerline of all other public road right-of-ways.

(F) Ground-mounted solar energy systems shall not exceed twelve feet (12') in height when oriented at maximum tilt. Building-integrated solar energy systems when at maximum tilt shall not exceed the maximum height permitted in the zoning district.

(G) All components of the Distribution SES shall be screened by setbacks, berming, existing vegetation, terrain, landscaping, or a combination thereof. The solar array shall be screened from view from nearby or affected properties using the same screening elements, and may require a vegetative buffer of height sufficient to provide a visual screen of the solar from adjacent rights-of-way, and from residences on adjacent parcels existing at the time of installation, as viewed from six (6) feet above ground level at the residential structural wall that sits closest to the solar installation. The visual screen shall fully obscure view of the solar panels during the summer months. The required screening shall be achieved within four (4) growing seasons from the date of project approval. At least thirty (30) percent and at most fifty (50) percent of the area of the vegetative buffer, as measured in square feet, shall be composed of evergreen plantings interspersed throughout the screen. The City will require the posting of a bond, letter of credit or the establishment of an escrow account to ensure vegetation is installed and establishes itself as identified in the approved permit, based on an estimated cost for plantings and labor provided by the applicant. The planting and screening plan shall utilize the recommended plant types described in Chapter 2, Section 3.12(4)(G) and must be approved by the City.

(H) Distribution SES are subject to stormwater management and erosion and sediment control best practices, including DNR guidelines on Wildlife Friendly Erosion Control, and NPDES permit requirements, and shall obtain required permits from the MPCA, local Watershed District, City and others.

(I) All ground areas under solar array installs that are not occupied by equipment or essential access paths, shall be planted with a deep rooted, native grass and pollinator seed mix suitable to the soil and moisture conditions of the immediate area. Plant growth shall be stable and self-supporting within two (2) growing seasons from the date of project approval.

(J) All plans submitted for building permit approval must be prepared by a licensed, professional engineer.

(K) Power and communication lines that are not defined in this ordinance as Essential Services and running between banks of solar panels and the interconnection pole or other point of interconnection shall be buried underground. Exemptions may

be granted by the City in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines, or the distance to a substation or other point of interconnection reasonably precludes burial.

(L) All Distribution SES facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties, as well as adjacent street rights-of-way. Steps to control glare nuisance may include selective placement of the system, screening on the side of the solar array facing the reflectors, reducing use of the reflector system, or other remedies that limit glare. Distribution SES utilizing a reflector system shall conduct a glare study to identify the impacts of the system on occupied buildings and transportation rights-of-way within a half mile of the project boundary. The glare study shall also address aviation impacts.

(M) The surface area of posts and related equipment for ground-mounted systems in combination with driveways, structures and other impervious surfaces on the parcel shall not exceed the maximum lot coverage standard of the applicable zoning district.

(N) Any fences or barriers installed for the project shall be mounted on wood posts, shall not include any chain link, barbed or razor wire, shall not exceed eight feet in height from the ground, and shall incorporate wildlife-friendly design with a gap at the bottom for passage of birds and small animals. The City will utilize recommendations from the Minnesota DNR to determine if the fence design is wildlife-friendly.

(O) If lighting is provided at the project, lighting shall be shielded and downcast such that the light does not spill onto adjacent properties.

(P) If the Distribution SES remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after obtaining a demolition permit. Removal includes the entire structure including transmission equipment.

4.35 Agritourism Use. Agritourism Uses shall comply with all of the following standards:

(1) Agritourism Uses shall support the rural and historic character of the City, shall be designed and operated in a manner that is compatible with Scandia's rural and small-town character, shall not negatively impact the community.

(2) Districts and Uses.

(A) Agritourism Uses are permitted in the Agricultural Core (AG C), General Rural (GR), Rural Commercial (R COMM), and Village Neighborhood (VN) Districts, and shall be accessory uses to the primary use of the property for Agriculture.

(3) Permit requirements.

(A) Private, "by-invitation-only" events such as family weddings or memorial services, family reunions, birthday parties, or similar occasional private events are not considered as events that are part of the Agritourism Use, and are not counted in determining whether a zoning permit is required for that use.

(B) Agritourism Uses shall obtain a Special Event Permit for all events that utilize outdoor amplified sound or any event that meets the City's definition of "Special Event."

(C) An Agritourism Use that obtains six (6) or more Special Event permits in a calendar year shall be classified as Rural Event Facility and shall meet the ordinance requirements for that use.

(4) Agritourism Uses shall comply with all of the following standards:

(A) Agritourism Uses shall require the following minimum site area:
The minimum parcel size for an Agritourism Use is 5 acres.

(B) Adequate utilities, including sewage disposal, must be available on the site. The facility may utilize permanent or portable facilities, or a combination of permanent and portable facilities. Any on-site sewage treatment facilities needed shall be installed under a permit issued by Washington County. The facility shall also provide supplemental portable septic and water facilities for events as required by the City.

(C) The Agritourism Use shall have direct access from a public roadway.

(D) The Agritourism Use shall provide on-site parking, sufficient to handle all guest, staff, vendor, and owner vehicles. No parking for the facility shall be permitted on public streets.

(E) A Special Use Permit is required for any activity or event that includes outdoor amplification of sound.

(F) The signs for the Agritourism Use shall conform to the Development Code requirements for the district where it is located.

(G) The Agritourism Use must comply with all rules and regulations of Federal, State, County and Local agencies.

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).

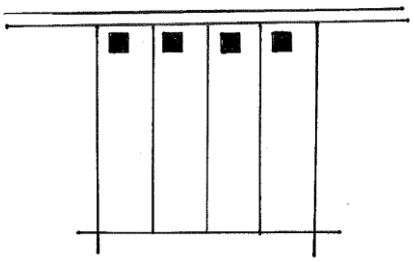
(1) This Section does not apply to land located in the Lower St. Croix River Bluffland and Shoreland Management District. The development of land within the Lower St. Croix River Bluffland and Shoreland Management District shall be determined in accordance with the regulations of that district.

(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

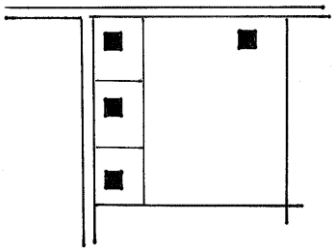
(3) Conventional Subdivision: divides property into lots according to the density, minimum lot size and minimum lot width requirements for the zoning district.

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



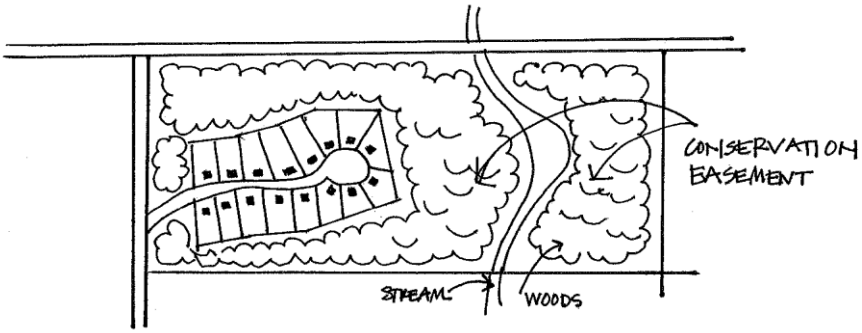
(4) <u>Lot Averaging</u>: allows the property owner to create parcels smaller than those of a conventional subdivision, provided the density of the development does not exceed the maximum density permitted for the zoning district and the density that can be achieved with a yield plan.

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



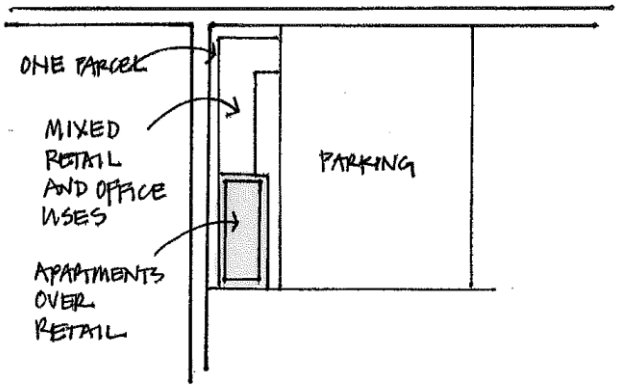
(5) Open Space Conservation Subdivision: allows the property owner to create parcels smaller than conventional subdivisions; however, the development shall comply with certain design standards and a portion of the property shall remain as common open space. Additional density units may be allowed if certain criteria are met.

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

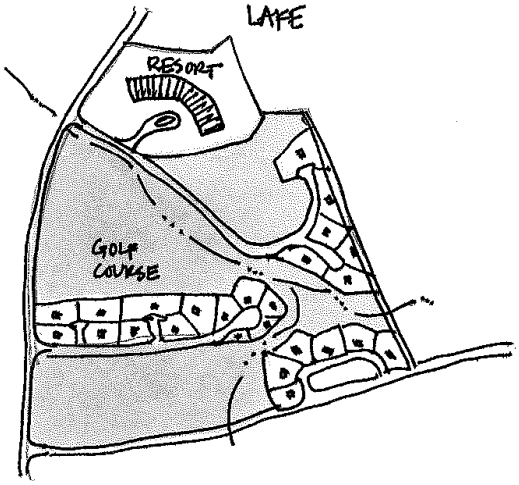


(6) Planned Unit Development: allows the property owner to have two or more principal uses on a single parcel of land and allows some flexibility from the strict application of zoning standards in exchange for an improved design benefiting the public. When zoning standards are modified, a specific development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

PUD Example 1: Mixed Commercial PUD



PUD Example 2: Conference Center/Residential PUD

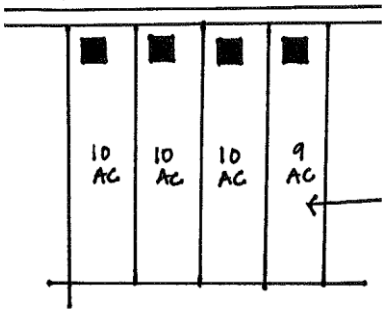


5.2 Determination of Density Units

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 Chapter1, 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 1inch 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 to15%

(F) Preservation of priority scenic views as identified by the City, especially as viewed from public roads and property—up to 25%

(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 to10%

6.8 Residential Lot Requirements: Not withstanding 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.