

PERFORMANCE STANDARDS**§ 151.30 PERFORMANCE STANDARDS.**

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

(B) *Performance Standards Regulating Exterior Lighting.*

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

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

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

(4) Direct, off-site views of the light source shall not be permitted except for globe and/or ornamental light fixtures approved in conjunction with a site and building plan. Globe and ornamental fixtures shall only be approved when the developer can demonstrate that off-site impacts stemming from direct views of the bulb are mitigated by the fixture design and/or location.

(5) The city may require submission of a light distribution plan if deemed necessary to ensure compliance with the intent of this chapter.

(C) *Performance standards regulating noise and vibration.*

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

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

(D) *Performance standards regulating smoke and particulate matter.* No use shall produce or emit smoke, dust or particulate matter exceeding applicable regulations established by the Minnesota Pollution Control Agency.

(E) *Performance standards regulating odor.* No use shall produce unreasonable or disturbing odors beyond the property line exceeding applicable regulations established by the Minnesota Pollution Control Agency.

(F) *Performance standards regulating toxic or noxious matter.* No use or operation shall emit a concentration of toxic or noxious matter across the property line which exceeds applicable regulations of the Minnesota Pollution Control Agency.

(G) *Performance Standards Regulating Radiation.* No operation shall be conducted which exceeds the standards established by applicable regulations of the Minnesota Department of Health.

(H) *Performance standards regulating heat and humidity.* No use shall produce any unreasonable, disturbing or unnecessary emissions of heat or humidity beyond the property line which cause material distress, discomfort or injury to persons of ordinary sensitivity.

(I) *Performance standards regulating electromagnetic interference.* No use shall produce electromagnetic interference with normal radio or television reception in any residential district, or exceed applicable standards established by any applicable federal or state regulations.

(J) *Performance standards regulating liquid or solid waste.* All uses shall be subject to applicable regulations of the city governing discharge into a public storm or sanitary sewer, waterway or stream.

(F) *Animals.* Any Building in which domestic farm animals are kept shall be a minimum distance of 100 feet from all Lot lines. (See § 157.067(O).

§ 151.31 LANDSCAPING REQUIREMENTS.

(A) 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 overstory trees, understory trees, shrubs, flowers and ground cover materials.

(B) All new landscape trees and shrubs must meet the American Standard for Nursery Stock and American National Standard relating to planting guidelines, quality of stock and appropriate sizing of the root ball. Landscape trees must be balled and burlapped or moved from the growing site by tree spade. Deciduous trees will be not less than one and one quarter inches but not more than three inches caliper for balled and burlapped trees, and not less than three inches but not more than six inches caliper for spade-moved trees. Coniferous trees will not be less than six feet in height but no more than eight feet for balled and burlapped trees, and not less than eight feet in height but not more than fourteen feet for spade-moved coniferous trees. The city may allow larger balled and burlapped or spade moved trees if these trees are accompanied with a three year guarantee.

(C) All lot areas not covered by buildings, sidewalks, parking lots, driveways, patios or similar hard surface materials shall be covered with sod or an equivalent ground cover approved by the city. This requirement shall not apply to site areas retained in a natural state.

§ 157.066 PRINCIPAL BUILDING.

(A) Except as provided by a Conditional Use permit issued pursuant to this chapter, there shall be no more than one residential Dwelling Unit on any one parcel of land as described in § 157.041.

(B) No cellar, Garage, recreational Vehicle or trailer, Basement with unfinished exterior Structure above or Accessory Building shall be used at anytime as a Dwelling Unit.

(C) Principal Buildings with more than one Use, in which one of those Uses is a Dwelling Unit shall require a Conditional Use permit.

(D) All principal Buildings hereafter erected on unplatted land shall be so placed as to avoid obstruction of future Street or utility extensions and shall be so placed as to permit reasonably anticipated future Subdivisions and land Use.

a. All principal Buildings shall meet or exceed the minimum standard of the State Building Code, the State Uniform Fire Code, the State Department of Health, the State Pollution Control Agency and the County On-Site Sewage Treatment ordinance, except that Manufactured Homes shall meet or exceed the requirements of the state Manufactured Home Building Code in lieu of the state Building Code.

(F) All principal Buildings shall meet the required Building Height of 35 feet from the lowest elevation in the river district and a 35 foot average for non-river district properties.

(G) The keeping of animals except for domesticated pets inside of the Dwelling Unit shall be prohibited.

(H) All existing principal Buildings in Residential Districts with non-winterized construction or inadequate non- conforming year-round On-Site Sewage Treatment systems as described in Chapters 1 and 4 shall be considered a Seasonal principal Building. No Building permit shall be issued for the improvement of a Seasonal principal Building to a continuous year-round (365 days) inhabitable Dwelling Unit unless the existing Building conforms or the Building after such improvement (including septic systems) will conform with all the requirements of the County Development Code and any applicable state requirements.

Any alterations, modifications or enlargements of an existing Seasonal principal Building for the purpose of continuing the Seasonal Use shall require a Conditional Use permit.

(J) Single-Family Detached Dwellings. In all districts where Single-Family Detached Dwellings are permitted, the following standards shall apply for Single-Family Detached Dwellings, including

Manufactured Homes, except that these standards shall not apply to Manufactured Homes permitted by section 157.095:

Minimum width. The minimum width of the main portion of the Structure shall be not less than 20 feet, as measured across the narrowest portion.

Foundations. All Dwellings shall be placed on a permanent foundation and anchored to resist overturning, uplift and sliding, in compliance with the state Building Code.

§ 157.068 PUBLIC CONVENIENCE STRUCTURES.

No public Use or convenience Structure shall be located within the public right-of-way except by a Certificate of Compliance issued by the Zoning Administrator. Such Structure shall include, but not be limited to trash containers, institutional direction Signs, bicycle racks, benches, planting boxes, awnings, flag poles, bus shelters, light standards, stairs, stoop, light wells, newspaper Storage containers, loading wells, Signs, and others. Such Structures do not include utility facilities.

Penalty, see § 157.999

§ 157.070 EXTERIOR STORAGE.

(A) In all districts, all personal property shall be stored within a Building or fully screened so as not to be visible from adjoining properties and public Streets, except the following:

- (1) Laundry drying equipment;
- (2) Construction, Landscaping materials and construction equipment currently in Use on the premises (such Use not to exceed 12 consecutive months);
- (3) Agricultural equipment and materials intended for Use upon the premises;
- (4) Off-Street parking of licensed and operable passenger cars and pickup trucks;
- (5) Utility trailers (not to exceed two per residence) and not to exceed 13 feet in length;
- (6) Firewood Piles;
- (7) Recreational equipment; and

Watercraft less than 25 feet in length and unoccupied watercraft trailers not to exceed 35 feet in length are permitted if stored in the Rear Yard of the property more than ten feet distant from the property lines if:

The watercraft and/or watercraft trailer are currently licensed and owned by the resident occupying the residential property on which they are stored; and

The watercraft and/or watercraft trailer are currently registered with the state and are in operable condition.

No residential property shall have located upon it more than two watercraft and/or two watercraft trailers.

(B) In non-Residential Districts, Exterior Storage of personal property may be permitted by Conditional Use permit provided any such property is so stored for purposes relating to a Use of the property permitted by this chapter and will not be contrary to the intent and purpose of this chapter. For the purposes of this chapter, the Residential-Business Transitional District (RBT) shall be considered as a non-Residential District.

(C) In all districts, all waste, refuse or garbage shall be kept in an enclosed Building or properly contained in a closed container designed for such purposes. The Owner of vacant land shall be responsible for keeping such land free of refuse and weeds. Existing Uses shall comply with this

provision within 90 days following effective date of this chapter.

- (D) All Exterior Storage not included as a permitted Accessory Use, a permitted Use or included as part of a Conditional Use permit or otherwise permitted by provisions of this chapter, shall be considered as refuse.
- (E) Outdoor storage shall not be located within 100 feet of any residential parcel;
- (F) Outdoor storage shall be screened by suitable materials, such as a fencings or natural landscaping features (trees, shrubbery, berms), as determined by Council. The screen must be, at minimum, equal to the height of the tallest item stored on the site;
- (G) Outdoor storage must be located in a rear or side yard;
- (H) Shall be kept in a neat and orderly fashion;
- (I) Shall not contain any unlicensed or inoperable motor vehicles; and
- (J) Shall not be operated in a manner as to constitute a nuisance or harborage of rodents or other wild animals.

Penalty, see § 157.999

§ 157.071 ENVIRONMENTAL POLLUTION.

(A) All Uses, Buildings and Structures shall conform to the regulations of the State Pollution Control Agency relating to air, water, noise, and solid wastes.

(B) No Use shall be permitted which will cause or result in the pollution of any tributary of the St. Croix River, Mississippi River, any lake, stream or other body of water in the City.

(C) Chemical insecticides or herbicides shall be stored, handled, and utilized as per the standards set forth by the State Pollution Control Agency.

Penalty, see § 157.999

§ 157.072 SCREENING.

(A) Screening shall be required in residential zones where:

(1) Any off-Street parking area contains more than four Parking Spaces and is within 30 feet of an adjoining residential zone; and

(2) Where the driveway to a parking area of more than six Parking Spaces is within 15 feet of an adjoining residential Use or zone.

(3) Where any Business or Industrial Use (Structure, parking, or Storage) is adjacent to property zoned for 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 zone, but not on the side of a Business or industry considered to be the front.

(4) All Exterior Storage shall be screened. The exceptions are:

(5) Merchandise being displayed for sale;

(6) Materials and equipment currently being used for construction on the premises; and

(7) Merchandise located on service station pump islands.

(B) 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 an object.

Penalty, see § 157.999