

Chapter 23 - PURPOSE—INTENT

23.01 - Purpose—Intent.

This ordinance is adopted for the following purposes:

- (a) To promote the health, safety, ~~morals, comfort, convenience~~ and general welfare of the inhabitants of the City of Blaine.
- (b) To minimize congestion in the public rights-of-way, securing safety from fire, panic and other dangers, provide for adequate light and air, ~~preventing the overcrowding of land.~~
- (c) ~~Avoiding undue concentration of population,~~ Facilitating the adequate provisions for transportation, water, sewage, schools, parks, and other public requirements.
- (d) To promote a more efficient and desirable utilization of land by recognizing special land features, such as slopes, topography, soils, vegetation, wetland areas, and wildlife.
- (e) Conserving and developing natural resources and maintaining a high standard of environmental quality.
- (f) Conserving the natural, scenic beauty, and attractiveness of ~~the Blaine countryside.~~ Blaine.
- (g) Preserving the capacity of floodplains to carry and discharge flood waters.
- (h) To divide the city into zones or districts as to the compatible use of land and structures for residences, business, and industrial purposes.
- (i) To prohibit the use of buildings, structures, and lands that are incompatible with the intended use or development of lands within the specified zones.
- (j) Providing for the compatible and appropriate use of land throughout the City of Blaine.
- ~~(k) Protecting and preserving economically viable agricultural land.~~
- (l) Promoting orderly development of residential, commercial, industrial, recreational, and public areas.
- (m) Minimizing pollution of all types.
- (n) Providing for the administration of this ordinance and amendments thereto.
- (o) Defining the powers and duties of the administrative officers and bodies.
- (p) Describing penalties for the violation of provisions of this ordinance or any amendment thereto.

Chapter 24 - RULES

24.01 - Rules.

The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

- (a) Any use not herein expressly permitted is hereby expressly prohibited.
- (b) The singular number includes the plural and plural the singular.
- (c) The present tense includes the past and future tense and the future, the present.
- (d) The word "shall" is mandatory and the word "may" is permissive.
- (e) The masculine gender indicates the feminine and neuter genders.
- (f) Whenever a word or term defined hereinafter appears in the text of this ordinance, its meaning shall be construed as set forth in such definition thereof.

- (g) All measured distances expressed in feet shall be rounded to the nearest foot.
- (h) The word "building" shall include the word "structure."
- (i) The word "person" shall include any firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- (j) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for,"
maintained for," and "occupied for."

Chapter 25 - DEFINITIONS

25.01 - Intent.

The following words and terms, wherever they occur in this ordinance, shall be construed as herein defined. Words not defined shall be interpreted in accordance with definitions in any standard dictionary.

25.02 - Definitions.

Abutting: Making contact with or separated only by public thoroughfare, railroad, or public utility right-of-way.

Access drive or driveway: A paved or unpaved pathway upon a property and intended to provide vehicular access to and from a public street or alley. (Ord. No. 91-1243, amended 1-17-1991)

Accessory building: A subordinate building, or a portion of the main building which is located on the same lot or parcel as the main building and the use of which is clearly incidental to that of the main building or to the use of the premises.

Accessory use or structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Addition: An extension or increase in floor area or height of a building or structure.

Adult Use: See 22-31 of the Blaine Code of Ordinances.

Agricultural building or structure: Any building or structure existing or erected which is used principally for agricultural purposes, with the exception of dwelling units.

Agricultural use: The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income, including but not limited to the following: (a) field crops, including: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, sunflowers, and sod; (b) livestock, including: dairy and beef cattle, goats, horses, poultry; (c) livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.

Airport or heliport: Any land or structure which is used or intended for use, for the landing and takeoff of aircraft, and any appurtenant land or structure used or intended for use for port buildings or other port structures or rights-of-way.

Alley: A public right-of-way less than sixteen (16) feet, but not less than ten (10) feet in width, which has been dedicated or deeded to the public for public use and designed to provide secondary property access.

Animals, domestic farm: Cattle, hogs, horses, ~~queen~~-bees, sheep, goats, chickens, and other commonly known farm animals.

Animals, domestic pets: Dogs, cats, birds, and other commonly known house pets.

Animal unit: The following animals constitute one (1) animal unit equivalency: one (1) cow or steer, one (1) horse, donkey, or burro, one (1) bee hive consisting of one queen bee, three (3) sheep or goats or one hundred (100) fowl, or an equivalent thereof.

Apartment: A room or suite of rooms rented, leased, or similar tenancy, with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single-family unit. This includes any unit in buildings with more than two (2) dwelling units.

Apartment building: Three (3) or more dwelling units or apartments grouped in one (1) building with a common entryway.

ARC: Administrative Review Committee is a committee composed of the Director of Community Development, City Engineer, City Building Inspector, and other appropriate City officials ~~appointed by the City Manager.~~ The Chairman of the committee shall be the Director of Community Development or their designee.

Automobile, car wash: A building, or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods, including, but not limited to, steam cleaning device or other mechanical devices.

Automobile or motor vehicle reduction yard: A lot or yard where one (1) or more unlicensed motor vehicle(s) or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale of scrap, storage, or abandonment. (See also "Junkyard").

Automobile repair, major: General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers, including body work, frame work, welding and painting of entire vehicle or major portion thereof.

Automobile repair, minor: The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission or differential; incidental body and fender work, minor painting and upholstering service when said service above stated is applied to passenger vehicles. (Ord. No. 94-1534, amended 9-1-1994)

~~*Automobile service station:* A place where gasoline, kerosene, or any other motor fuel, lubricating oil, or grease for operating motor vehicles is offered for sale to the public and deliveries are made into motor vehicles.~~

Automobile wrecking: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, or wrecked vehicles or their parts. (See also "Junkyard").

Basement: A portion of a building located partly underground, but having half or more of its floor to ceiling height below the average grade of the adjoining ground.

Bay: Abbreviated portion of a room which extends from the main structure or building.

Billboard: See Sign, advertising.

Board: The Board of the Planning Commission.

Boarder and/or roomer: A person who regularly receives room and/or meals at another's home for pay or services.

Boarding house (Room or Lodging House): A building or dwelling unit other than a motel or hotel, where, for compensation and by prearrangement, meals, or lodgings are provided for three (3) or more persons not to exceed eight (8) persons, where such residency is on a temporary basis as opposed to permanent residency.

Brew pub: is a brewer who also holds one or more retail on-sale licenses and who manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, the entire production of which is solely for consumption on tap on any licensed premises owned by the brewer, or for off-sale from those licensed premises as permitted by state statute.

Broadcasting antenna, radio and television: Commercial, public or private broadcasting towers exceeding the district height limitations, or more than one (1) tower of any height located on the same lot or parcel.

Buffer: The use of land, topography, difference in elevation, space, fences, or landscape planting to screen or partially screen a use or property from another use or property, and thus reduce undesirable influences, such as site, glare, noise, dust, and other external affects. When installed for the purpose of erosion or stormwater protection the definition contained in [Section] 33.16(h) - Submittal Components. (Ord. No. 10-2203, amended 5-20-2010)

Buildable area: The space remaining on a lot after the minimum setback, drainage provisions, ponding, compensatory storage, soils, open space and other site constraint requirements of this ordinance have been met.

Building: Any structure having a roof which may provide shelter, support, protection, or enclosure of persons, animals, or property of any kind, and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building height: The vertical distance to be measured from the grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

Building line: An imaginary line separating buildable area and the required yards as defined herein.

Building line, shoreland: A line measured across the width of the lot where the main structure is placed in accordance with setback provisions from the ordinary high water mark, as designated by the Department of Natural Resources.

Building setback: The minimum horizontal distance between the building and lot line or the normal high water mark of a lake, as designated by the Department of Natural Resources.

Building, unit group: Two (2) or more buildings (other than dwellings) grouped upon a lot and held under one (1) ownership, such as universities, hospitals, institutions and industrial plants.

Bulk commodity: A bulk product stored on the floor of a building that is delivered in bulk by semi or large truck and distributed in a similar fashion without being placed in small containers or packaged. Bulk commodity materials, for purposes of this ordinance, include but are not necessarily limited to gravel, sand, black dirt, roadway salt, organic compost or grain. (Ord. No. 01-1935, added 1-3-2002)

Business: Any occupation, employment or enterprise, wherein merchandise is exhibited or sold, or where services are offered for compensation.

Carport: An automobile shelter having one (1) or more sides open.

Cemetery: Site set apart for the burial or interment of the human dead.

Cemetery, pet: Site set apart for the burial of pets.

Church: A building, together with its necessary buildings and uses, where persons regularly assembly for religious worship and which buildings, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Clear cutting: The removal of an entire stand of vegetation.

Club or lodge: A club or lodge is a nonprofit association of persons who are bonafide members paying annual dues, with the use of premises being restricted to members and their guests. The serving of food and meals on such premises is permissible providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, provided such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable federal, state, county, and municipal laws.

Clustering/cluster housing: The development pattern and technique whereby structures are arranged in closely related groupings to make the most efficient use of natural amenities of the land.

Communication equipment facilities: Essential communication service structures designed to house equipment necessary for the distribution requirements of all districts. The structures shall be less than three hundred (300) square feet in area. (Ord. No. 86-929, amended 2-20-1986)

Compensatory storage: The storage volume required to be excavated within or adjacent to a floodplain equal to the area filled in a floodplain.

Comprehensive plan or policies: A computation of goals, policy statements, standards, programs and maps for guiding the physical, social, and economic development, both public and private, as defined in the Minnesota Municipal Planning Act, and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.

Conditional use: A use classified as conditional generally may be appropriate or desirable in a specific zone, but requires special approval because if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

Conditional use permits: There are certain types of land uses which are allowed in some zoning districts, provided that certain conditions or safeguards are imposed by the City Council.

Condominium: A form of individual ownership within a building which may entail joint ownership and responsibility for maintenance and repairs of the land and other common property of the building.

Conservancy: The purpose of which is to protect the natural resources in managed areas per Section 32.10.

Cooperative: A multiunit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.

Covenant: A contract between two (2) individuals which constitutes a restriction of a particular parcel of land.

Day care center, commercial: A licensed commercial facility in which care is provided for children.

~~*Day care center, residential:* A licensed facility which is accessory to a residential use and where care is provided for more than twelve (12) children as distinguished from a nursery school.~~

Density: A number expressing the relationship of the number of dwellings to an acre of land.

~~*Drive-thru:*~~ Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether the service is provided within the building.

Dwelling attached: A dwelling which is joined to another dwelling at one (1) or more sides by a party wall or walls.

Dwelling detached: A dwelling which is entirely surrounded by open space on the same lot.

Dwelling multiple or apartment building (multiple dwelling complex): A residential building, or portion of a building, containing three (3) or more dwelling units served by a common entrance, or a building designed for occupancy by three (3) or more families.

Dwelling one-family: A residential building containing one (1) detached dwelling unit or a building designed and occupied exclusively by one (1) family.

Dwelling two-families (duplex or two-family): A residential building containing two (2) dwelling units, or a building designed for occupancy by two (2) families.

Dwelling unit: A residential building or portion thereof intended for occupancy by a single family, but not including hotels, motels, boarding or rooming houses ~~or tourist homes~~. There are three (3) principal types: (a) single-family: a freestanding (detached) residence structure designed for or occupied by one (1) family only; (b) two-family: a residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each; (c) multiple family: a residence designed for or occupied by

three (3) or more families, either wholly (attached) or partially a part of a larger structure (detached), with separate housekeeping and cooking facilities for each.

Easement: A grant by a property owner for use of a strip of land by the public or any person for any specific purpose or purposes of construction and maintaining utilities, including, but not exclusive of the following: sanitary sewers, water mains, electric lines, telephone lines, other transmission lines, storm sewer, storm drainage ways, gas lines, other service utilities, etc.

~~*Elderly/retirement housing:* Occupants shall be fifty-five (55) years old or older.~~

Equal degree of encroachment: A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Essential services: Overhead or underground electrical, gas, steam or water transmission or distribution systems, and collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or systems as are required for the protection of public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith, not including buildings except communication equipment facilities as approved by the Department of Community Development. (Ord. No. 86-929, amended 2-20-1986)

Exterior storage: The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

Extraction area: Any nonagricultural, artificial, excavation of earth exceeding fifty (50) square feet of surface area of two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth.

~~*Family:* An individual or a group of two (2) or more persons each related by blood, marriage, adoption, or foster care arrangement living together as a single housekeeping unit, or a group of not more than four (4) persons not so related, maintaining a common household, and using common cooking and kitchen facilities, exclusive of usual servants. Family means any of the following:~~

~~(a) An individual~~

~~(b) A group of not more than four individuals, none of whom are related by blood or marriage, adoption, or foster care, but all of whom are maintaining a common residence~~

~~(c) Up to two adult individuals, whether related or unrelated, and the parents and children of each, if any, residing in the same dwelling unit and maintaining a common residence.~~

~~(d) A combination of (a) and (c)~~

~~For the purposes of this definition maintaining a common residence shall mean sharing access by all residents to permanently installed cooking and kitchen facilities, eating areas, laundry facilities, bathroom facilities, and social areas.~~

Farm: Any tract of land, five (5) acres or greater, used for agricultural purposes, which is under cultivation or is fenced and utilized as pasture.

Farming: Process of operating a farm for the growing and harvesting of crops which shall include those necessary accessory buildings related to operating the farm and the keeping of common domestic animals which shall not exceed one (1) animal unit per acre in aggregate. In addition, hobby farm is defined as a farming activity engaged in primarily for pleasure. (Ord. No. 84-856, amended 1-3-1985)

Fence: A fence is defined, for the purpose of this ordinance, as any partition, structure, wall, or gate erected as a divider marker, barrier or enclosure and located along the boundary, or within the required yard.

Flood: A temporary increase in the flow or stage of a stream or in the stage of a lake that results in the inundation of normally dry areas.

Flood frequency: The average frequency, statistically determined, at which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood fringe: That portion of the floodplain outside of the floodway. (Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study - Reference Section 32.02(b).

Floodplain: The channel or beds proper and the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the regional flood. (Ord. No. 10-2203, amended 5-20-2010)

Floodproofing: A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway: The channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood.

Floor area: The area included within the surrounding exterior walls of a building or portion thereof, including the sum of the gross horizontal areas of several floors of a building including interior balconies, mezzanines, basements, and attached buildings, exclusive of vent shafts, courts, utility rooms, stairs, escalators, or the like.

Floor area ratio: The numerical value obtained through dividing the gross floor area of a building or buildings by the lot area on which such building or buildings are located.

Floor plan: A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

Foster care arrangement: Shall mean a facility providing care and shelter for nonblood related persons where adult supervision does not involve the payment of money or services or shelter in lieu of money other than direct payment by social service governmental agencies.

Frontage: That boundary of a lot which abuts an existing or dedicated public street.

Garage, private: A detached or attached accessory building or a portion of the principal building, including a car port, which is used primarily for the storing of passenger vehicles, trailers, mobile homes, trucks or a rated capacity not in excess of ten thousand (10,000) lbs. gross weight, in which only vehicles used by the tenants of the building or buildings on the premises are stored or sheltered.

Garage, public: Any premises, except those described as a private garage, used for the storage or care of power driven vehicles or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Garage, repair: A building or space for the repair or maintenance of vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junkyards.

Garage sale: Any display of used goods and/or salesmen samples for sale of said goods on a property customarily used as a residence. The persons conducting the sale shall be residents of the immediate neighborhood.

Garden supply store: A business selling trees; flowering, ornamental, or vegetable plants; grasses; shrubs; and other ground covers as well as selling non-living garden or yard products such as but not limited to: fertilizer, herbicides, pesticides, garden and yard tools, yard maintenance and care equipment, landscape rock, yard decorations, edging, etc. Garden supply stores may be conducted within a building or without. (Ord. No. 98-1728, amended 6-25-1998)

Gasoline ~~service station:~~ Any building or premises used for the dispensation, sale or offering for sale at retail of any motor fuels, oils, or lubricants. A facility which supplies and dispenses at retail motor fuels,

including electrical charging, directly into vehicles. When the use is incidental to the conduct of a public garage, the premises is classified as a public garage.

General development plan: A report in text and in map form with the map drawn to scale depicting the general location and relationship of structures, streets, driveways, recreation areas, parking areas, utilities, etc., as related to a proposed development.

General floodplain district(s): Those areas designated as unnumbered A Zones on the Flood Insurance Rate Map.

Group family daycare center: A licensed facility which is accessory to a residential use and where daycare is provided for no more than fourteen (14) children at any one (1) time. The total number of children includes all children of any care giver when the children are present in the residence. Group family daycare includes facilities licensed as family childcare and group family childcare. (Ord. No. 91-1248, amended 4-4-1991)

Group home: ~~A specialized facility that provides care on a twenty-four-hour-a-day basis for a selected group of not more than ten (10) children. The facility can be owned, rented, or leased by a county welfare department, licensed child placing agency, or licensed children's institution. The specialized care will be planned treatment program under the direction and control of an agency, institution, or independent operator. Natural children under twenty-one (21) years of age, if present in the home of the group home parents, are included in the total number of children living in the home.~~ (Ord. No. 95-1559, amended 6-2-1995) A state licensed residential facility or a housing with services establishment registered under Minnesota Statute 144D.

Home occupation: Any business or commercial activity that is conducted or petitioned to be conducted from property that is zoned for residential use.

Horticulture: Horticulture uses and structures designed for the storage of products and machinery pertaining and necessary thereto.

Hotel: Any building or portion thereof providing provisions for nine (9) or more guests, in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and in which ingress and egress to and from all rooms is through an inside lobby or office, supervised by a person in charge.

Institutional housing: Housing for students, mentally ill, elderly, nurses, physically retarded, and similar housing of a specialized nature.

Interim Use: An interim use may not be consistent with the zoning regulations of the district within which they are proposed but may be acceptable or beneficial if reviewed and provisionally approved for a limited period of time.

Intersection sight distance triangle: The intersection sight distance triangle, in the case of ninety (90) degree intersecting streets, shall be described as the area within a triangle formed by connecting the following three (3) points: the point of intersection of the curb lines adjacent to the lot of the intersecting streets, a point sixty (60) feet from said point of intersection along one (1) curb line, and a point sixty (60) feet from said point of intersection along the other curb line. In the case of all other intersecting streets, the intersection sight distance triangle shall be defined by the Zoning Administrator. (Reference diagram in appendix section).

Junkyard: Land or buildings where waste, discarded or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including, but not limited to, scrap metal, rags, paper, rubber products, plastics, glass products, lumber products and products resulting from wrecking or salvage of automobiles or other vehicles, outdoor storage of two (2) or more unregistered vehicles, except as otherwise authorized. Such use shall not include sanitary land fill, organic waste or material.

Kennel, commercial: Any structure or premises on which four (4) or more animals - domestic pets, of one (1) type, over four (4) months of age are kept, owned, boarded, groomed, sheltered, protected, bred, or offered for sale or any other merchandising.

kennel, private: Any structure or premises on which four (4) or more animals - domestic pets, of one (1) type, over four (4) months of age are kept for private enjoyment and not for monetary gain.

Land reclamation: The reclaiming of land by depositing and/or excavating material so as to alter at the minimum four hundred (400) cubic yards of the existing grade, either by hauling and/or regarding the area, shall constitute land reclamation.

Landfills: A system of trash, waste, refuse, debris, salvaged material, or garbage disposal, in which the waste is buried between layers of soil.

Landscaping: Alteration of the natural terrain, including the planting of trees, grass, shrubs, and ground cover.

Live entertainment: An activity performed in person by one (1) or more individuals for the purpose to amuse or interest an audience including, but not limited to bands and disc jockeys. (Ord. No. 92-1227, amended 2-6-1992)

Livestock: Any animal or animals other than domestic pets kept for commercial sale or profit.

Loading space: An area, not within a building, used for loading or unloading of goods from any type of vehicle. (Ord. No. 89-1135, amended 4-20-1989)

Lodging house: A building or premises where lodging is provided for compensation for three (3) or more persons, but not exceeding twenty-five (25) persons.

Lot: A tract of land, designated by metes and bounds, registered land survey, or plat, and separated from other tracts of land by legal description approved by the City of Blaine and recorded or to be recorded in the Office of the Anoka County Recorder. In addition, a lot is a tract of land occupied or used or intended for occupancy or use for purposes permitted in this ordinance, abutting on a public street or approved private street, of sufficient size to provide the yards and area required by this ordinance.

Lot area: Area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which such lot abuts, even if fee title to such a street is in the owner of the lot. If a corner lot has its corner bounded by a curved line connecting other street lines which, if extended, would intersect, the area may be computed as if such boundary lines were so extended.

Lot area per unit: The lot area required by this ordinance to be provided for each dwelling unit.

Lot, corner: A lot situated at the junction of, and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.

Lot depth: The minimum horizontal distance between the front lot line and the rear lot line of a lot.

Lot, double frontage: An interior lot having frontage on two (2) streets.

Lot, interior: A lot other than a corner lot.

Lot line: A lot line is the property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed right-of-way, the line of such public right-of-way shall be the lot line.

Lot line, front: That boundary of a lot which abuts an existing or dedicated public street. In no case shall there be more than two (2) front lot lines applied to any lot. Any other lines abutting a public right-of-way shall be designated by the Zoning Administrator as either a side or rear lot line. (Ord. No. 88-1085, amended 6-16-1988).

Lot line, rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

Lot line, side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of record: Any lot which is one (1) unit of a plat duly approved and filed, or one (1) unit of an auditor's subdivision or a registered land survey, that has been recorded in the Office of the County Recorder for Anoka County, Minnesota, prior to the effective date of this ordinance.

Lot width: The maximum horizontal distance between the side lot lines of a lot measured on or within the front yard setback requirements.

Maintenance free exterior: Construction involving the use of low or no maintenance exterior materials not requiring frequent maintenance such as but not limited to aluminum, steel, ~~or~~ vinyl or cementitious siding, brick, stucco or other unpainted masonry products, vinyl or aluminum clad windows and doors, garage doors, fascia, soffits, or other trim. (Ord. No. 94-1538, amended 11-17-1994)

Major industrial buildings: An industrial building or facility which comprises at least one hundred thousand (100,000) square feet of occupied building area and is situated on at least ten (10) acres. (Ord. No. 92-1282, amended 3-5-1992)

Manufactured home: Manufactured home means a structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designated to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification pursuant to Minnesota Statutes, Sections 327.31 through 327.36, as amended.

Manufactured home lot: A parcel of land for the placement of a single manufactured home for the exclusive use of the occupants of said home.

Manufactured home park: Any site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two (2) or more occupied manufactured homes. Manufactured home parks shall include any buildings, structures, vehicles, or enclosure intended for use as part of the equipment of such park.

Manufactured home stand: That part of an individual manufactured home lot which has been reserved for placement of the home, appurtenant structures or additions.

Manufacturing, heavy: All manufacturing, compounding, processing, packaging, treatment, or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located. Such uses include, but are not limited to the following: sawmill, refineries, commercial feedlots, acid, cement, explosives, flour, seed, and grain milling or storage, meat packing, slaughter houses, coal or tar asphalt distillation, rendering of fat, grease, lard or tallow, alcoholic beverages, poisons, exterminating agents, glue or size, lime, gypsum, plaster of Paris, tanneries, automobile parts, paper and paper products, glass, chemicals, plastics, crude oil and petroleum products, including storage, electric power generation facilities, vinegar works, junkyard, auto reduction yard, foundry, forge, casting of metal products, rock, stone, cement products.

Manufacturing, light: Fabrication, processing, or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.

Mean flow level: The average flow elevation of a stream or river computed as the midpoint between extreme low and extreme high water.

Medical uses: Those uses concerned with the diagnosis, treatment, and care of human beings. These include: hospitals, dental services, medical services, or clinics, nursing or convalescent homes, orphan homes, rest homes, sanitariums.

Memory Care: A secure assisted living facility or a portion of such facility providing services specifically for adults experiencing memory loss due to Alzheimer's disease or other dementia-related illness.

Metes and bounds description: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of the section, lot or area by described lines or portions thereof.

Mining: The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand (1,000) cubic yards or more and the removal thereof from the site. For the purpose of this ordinance, mining shall not include: the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats or utility and highway construction, minor agricultural and sod removal except as further regulated herein.

~~*Mobile home:* Any vehicle or structure constructed in such a manner as to permit occupancy thereof, as living quarters and so designed that it is or may be mounted on wheels, and used as conveyance on highways and streets, propelled or drawn by its own or other motor power. Any mobile home less than thirty (30) feet in overall length is defined as a "Recreational vehicle".~~

~~*Mobile home lot:* A parcel of land for the placement of a single mobile home for the exclusive use of the occupants of said mobile home.~~

~~*Mobile home park:* Any site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two (2) or more occupied mobile homes. Mobile home parks shall include any buildings, structures, vehicles, or enclosure intended for use as part of the equipment of such mobile home park.~~

~~*Mobile home stand:* That part of an individual mobile home lot which has been reserved for placement of the mobile home, appurtenant structures or additions.~~

~~*Motel:* A building or group of detached, semidetached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.~~

Multiple residence: Three (3) or more dwelling units in one (1) structure.

Municipal water and sewer systems: Utility systems serving a group of buildings, lots, or an area of the City, with the design and construction of such utility systems as approved by the City Engineer.

Natural resource analysis: A report in map and text form identifying the existing natural features of a parcel of land and the relationship of a proposed use to the existing natural conditions of the parcel.

Noise: One (1), or a group of, loud, harsh nonharmonious sounds or vibrations that are present and irritating to the ear.

Noise, ambient: All encompassing sounds associated with a given environment, which may be either a composite of sounds, transmitted by any means from many sources near and far or from a single predominant source.

Nonconforming structure: A structure which does not comply with the bulk yard setback or height regulations of the district in which it is located. Any structure permitted by existing City ordinance upon the effective date of this ordinance, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this ordinance.

Nonconforming use: Any use of a lot or structure which does not conform to the applicable use regulations of the district in which it is located, or use of land, building or structures permitted and existing at the time of adoption of this ordinance, which does not comply with all of the regulations of this ordinance, or any amendments hereto, governing the zoning district in which such use is located.

Noxious: Matter which is capable of causing injury or is in any way harmful to living organisms, or is capable of causing detrimental effect upon the health, the physiological and social or economic well-being of human beings.

~~Nursery, day: A use where care is provided for three (3) or more children under kindergarten age for periods of four (4) hours or more per day for pay.~~

Nursery, landscape: A business growing and selling trees, flowering and ornamental plants, grasses, shrubs, and other ground covers, which may be conducted within a building or without, for the purpose of landscape construction.

Nursery, temporary landscape: A business conducting temporary sales with an associated primary use erected on a commercially zoned lot for the purpose of displaying or selling seasonal plant and landscape materials not inside a permanent structure.

Nursing home, rest home or convalescent home: A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder but not containing equipment for surgical care or for treatment of disease or injury. Said nursing home shall be licensed by the State Board of Health, as provided for in Minnesota Statutes, Section 144.50.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stock pile, refuse, fill, structure, or matter in, along, across or projecting into any channel, water course, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Occupancy: The purpose for which a building is used or intended to be used. The term shall also include the building or rooms housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

Office uses: Those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired. These include: banks, general offices, professional offices, governmental offices, insurance offices, real estate offices, travel agencies or transportation ticket offices, telephone exchanges, utility offices, radio broadcasting and similar uses.

Open sales lot: Land devoted to the display of goods for sale, rent, lease, advertising, merchandising, or trade where such goods are not enclosed within a building, including, but not limited to flea markets. Open sales lots do not include temporary landscape nurseries.

Open space: Any open area not covered by structure.

Open space, common: A parcel or parcels of land or an area of water not required for storage of the "regional flood" or a combination of such land and water area within the site designated for private open space for the sole benefit, use and enjoyment of the homeowners within a planned unit development or similar developments associated with common open space area.

Open space, private: Any open space owned by a person or persons.

Open space, public: Any open space publicly owned.

Open storage: Storage of any material outside of the building and/or structure.

Ordinary high water level. "Ordinary high water level" means the boundary of water basins, watercourses, public waters, and public waters wetlands, and:

- (a) The ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;
- (b) For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and
- (c) For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

(Ord. No. 10-2203, amended 5-20-2010)

Overhead doors: A door which allows passenger vehicles and/or trucks to enter and/or exit a building. (Ord. No. 89-1135, amended 4-20-1989)

Parcel: Is a tract of land that does not have sufficient street frontage or area, as defined within the ordinance, to be considered a buildable lot.

Parking space: A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one (1) automobile.

Party wall: A common wall which divides two (2) independent structures.

Paths of solar energy system: A solar energy system that uses natural and architectural components to collect and store solar power energy without using external mechanical power.

Pedestrian way: A public or private right-of-way across or within a block, to be used by pedestrians.

Performance standards: Criteria established to control environmental conditions such as, but not limited to: odor, smoke, toxic or noxious matter, vibration, fire and explosive hazard, glare, runoff generated by or inherent in use of land or building.

Person: An individual, firm, partnership, association, corporation or organization of any kind.

Plan, comprehensive: Comprehensive Plan shall mean a compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan, and recommendations for plan execution. A comprehensive plan represents the planning agency's recommendations for the future development of the community.

Plan, concept: A report in map and text form submitted as the first step of a Planned Unit Development (P.U.D.) proposal, depicting the location, general purpose, general type of land use, and circulation pattern, primary relationship between site elements and between the proposed development and surrounding development, proposed general schedule of development and information on the proposed developer.

Plan, general development: A report in text and map form with the map drawn to scale, depicting the general location and relationship of structures, streets, driveways, recreation areas, parking areas, utilities, buffering, as related to a proposed development.

Plan, site: A map or graphics prepared to scale depicting the development of a tract of land, including, but not limited to, the location and relationship of the structures, streets, driveways, recreation areas, parking areas, utilities, landscaping, existing and proposed grading, walkways, and other site development information as related to a proposed development.

~~*Plan, ultimate development:* A map or graphic information prepared to scale reflecting the ultimate development of a tract of land with respect to current ordinance requirements, the comprehensive plan, and other City development policies. Such a plan need only be prepared general in scope, including, but not limited to, the location and relationship of structures, streets, driveways, recreation areas, parking areas, utilities, landscaping, engineering information, etc., as related to a proposed development.~~

Plan, ~~ultimate~~ parking: A graphic, plan, or map shall be prepared reflecting the total parking required, based on the more restrictive land use where a building is proposed to accommodate uses that may require application of two (2) or more differing parking standards, based on potential occupancy. The standard providing the greatest amount of parking shall be applied exclusively.

Planned unit development: A development, having two (2) or more principal uses or structures on a single tract or tracts of land, developed according to a plan approved by the City, under single ownership or unified control. A planned unit development allows for flexibility not available under normal zoning district requirements. A planned unit development may include a combination of land uses.

Plat: A map, graphics or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record title. The plat is recorded legal document and must conform to all Minnesota State Laws.

Practical difficulty: Practical difficulty as used in connection with the recommending of the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variance, if recommended, will not alter the essential character of the locality. Economic considerations alone shall not constitute a practical difficulty if reasonable use for the property exists under the terms of the Zoning Ordinance.

Prefabricated home: A nonmobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.

Principal structure or use: One (1) which determines the predominant use as contrasted to accessory use or structure.

Property line: The legal boundaries of a parcel of property which may also coincide with the right-of-way of a road, cartway and the like.

Public land: Land owned or operated by municipalities, school district, county, state, or other governmental unit.

Public building: A building owned and operated by the City including but not limited to, fire stations, wells, City Hall, public works, senior citizen facility and police facilities.

Quadraminium: A four-unit multiple residence building with private entrances to each unit.

Reclamation, land: The improvement of land by the depositing of material to elevate the grade. Any parcel upon which four hundred (400) cubic yards or more of fill are deposited shall be considered as reclaimed land.

Recreation, commercial: Includes all uses such as bowling alleys, driving ranges ~~and~~, movie theaters and fitness centers, or the equivalent thereof, that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.

Recreation, public: Includes all uses such as tennis courts, ball field, picnic areas, and the like, that are commonly provided for the public at parks, playgrounds, community centers, and other sites, owned and operated by a unit of government for the purpose of providing recreation.

Recreation, regional: A public indoor and outdoor recreation facility serving a regional clientele, including but not limited to uses such as soccer, track and field events, skating, hockey, biking, volleyball, and concerts. The site must be owned and operated by a unit of government, public, or not-for-profit-organization for the purpose of providing recreation. (Ord. No. 98-1753, amended 11-19-1998)

Recreational vehicle: Any vehicle or structure constructed in such a manner as to permit occupancy thereof, as living quarters and so designed that it is or may be mounted on wheels, and used as conveyance on highways and streets, propelled or drawn by its own or other motor power. See Mobile home.

Regional flood: A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval.

Registered land survey: A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into tract or tracts of registered land survey number.

Regulatory flood protection elevation: It is the elevation to which uses regulated by this ordinance are required to be elevated or floodproofed. The Regulatory Flood Protection Elevation shall be an elevation no lower than two (2) feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway. (Ord. No. 99-1770, amended 2-18-1999)

Restaurants (Class I): Traditional restaurant where food is served by a waitress or waiter to a customer and consumed while seated at a counter or a table. Food is served on nondisposable containers.

Restaurants (Class II): Fast food restaurants in which a majority of the customers are served food at a counter and take it to a table to eat at or may take food outside to consume in a vehicle or off the premises.

Road: A public right-of-way affording primary access by pedestrians in vehicles to abutting property whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, place, or however otherwise designated. Egress and ingress easements shall not be considered roads.

Selective cutting: The removal of single scattered trees.

Self Storage Facility: A facility containing separate, individual and private storage spaces of varying sizes, leased or rented on an individual basis for the storage of personal property; where individual renters control and access individual storage spaces via its own access door. Ancillary retail sales of related items, such as moving supplies, facility offices, and a dwelling for a night watchman may also be included. Such facilities to be used for storage only.

Self Storage Facility, Indoor: A fully enclosed, climate controlled, building containing separate, individual and private storage spaces of varying sizes, leased or rented on an individual basis for the storage of personal property; where individual renters control and access individual storage spaces via its own access door. Each unit must be directly accessed from the interior of the building via its own access door. Outdoor access to individual units is prohibited. Ancillary retail sales of related items, such as moving supplies, facility offices, and a dwelling for a night watchman may also be included. Such facilities to be used for storage only.

Senior Housing: Multifamily housing with occupancy restricted to persons over 55 years of age. Senior housing includes Senior Assisted Living Facility.

Senior Assisted Living Facility: A housing with services establishment that provides sleeping accommodates to one or more adult residents, at least 80 percent of which are 55 years of age or older, and offering or providing, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for the establishment, as defined in Minn. Stat. 144D.01, subd. 4.

Sewage: Sewage is any water carrying domestic waste, exclusive of footing and rough drainage of any residence, industry, agricultural or commercial establishment, whether treated or untreated and includes the liquid waste produced by bathing, laundry, and culinary operations, and from toilets and floor drains. Raw sewage is sewage which has not been subjected to any treatment process.

Shop, specialty: A business in a commercial zone which requires a conditional use permit because of the special product or services sold or rendered.

Shopping center, community center: A regional center designed for the purpose of retailing and providing a wide range of goods and services such as apparel, furniture and banking and financial services, for a trade area comprised of several residential neighborhoods.

Shopping center, neighborhood center: A retail center designed for the purpose of retailing convenience goods, such as food and drugs, providing personal services such as barber shops and laundry stations, for a combination of basic day to day shopping for service needs of persons living or working within the nearby area.

Shopping center, regional center: A retail center designed to serve a trade area of several communities and to provide a range of convenience and shoppers durable goods and services comparable to that found in the central business districts of Minneapolis and St. Paul.

Shoreland: Land located within the following distances from public water; (1) [one] thousand (1,000) feet from the normal high water mark of a lake, pond, or flowage; or (2) three hundred (300) feet from a river or stream or floodplain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water for lesser distances. Public waters shall be any existing body of water, wetland, drainage way as designated by the Minnesota Department of Natural Resources.

Shoreland alteration: Grading and filling in shoreland areas or any alteration of the natural topography where the slope of the land is towards a public water or watercourse leading to a public water.

Shoreland setback: The minimum horizontal distance between the structure and the normal high water mark.

Sign: Any letters, words, symbols, poster, picture, device reading matter, or representation in the nature of a message, announcement, visual communication, or advertisement whether printed, painted, posted, affixed, constructed, or displayed for the purpose of information or communication. This definition includes sign structural supports, uprights, bracing and framework. The term sign shall specifically include architectural or graphic features which are intrinsically associated with a particular product, good service, business, firm corporation, or profession. (Ord. No. 86-934, amended 6-5-1986)

~~*Sign, advertising:* A sign which directs attention to a business, commodity, service, activity, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located; such as a beer billboard.~~

Significant tree: Any live healthy tree measuring eight (8) inches in diameter or greater, measured at four and one-half (4.5) feet above the ground. (Ord. No. 93-1337, amended 6-3-1993)

~~*Social rehabilitation programs:* Programs which provide supervised care and rehabilitation services in a family home environment to individuals who have demonstrated behavior patterns not consistent with society's norms and law. Residents in the program shall be referred by medical experts, courts, or trained counselors as the individuals will benefit from the rehabilitation programs and family home environment. The following programs provide supervised care and rehabilitation opportunities to adults and children with the following problems and included in Social Rehabilitation Programs:~~

- ~~(a) — Chemical Dependency including Alcoholism;~~
- ~~(b) — Juvenile Delinquency;~~
- ~~(c) — Runaway Children or Young Adults;~~
- ~~(d) — Women's Emergency Residential Program;~~
- ~~(e) — Single Parent Residential Program; and~~
- ~~(f) — Children's Emergency Residential Program.~~

~~A Social Rehabilitation Program shall be licensed by the State of Minnesota, Federal Government or other governmental licensing agencies.~~

~~*Solar access space:* That air space above all lots within the district necessary to prevent any improvement or tree located on said lots from casting a shadow upon any solar device located within said zone greater than the shadow cast by a hypothetical vertical wall ten (10) feet high located along the property lines of said lots between the hours of 9:30 a.m. to 2:30 p.m. central standard time on December 21, provided, however, this ordinance shall not apply to any improvement or tree which casts a shadow upon a solar device at the time the installation of said device, or to vegetation existing at the time of the installation of said solar device.~~

~~*Solar collector:* A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy and that contributes significantly to a structure's energy supply.~~

Solar energy: Radiant energy that is direct, diffused, and reflected energy received from the sun.

~~*Solar energy system:* A complete design or assembly consisting of a solar energy collector, and energy storage facility and components for the distribution of transformed energy. To qualify as a solar energy system, the system must be permanently located for not less than ninety (90) days in any calendar year beginning with the first calendar year after completion of construction. Paths of solar energy systems are included in this definition, but not to the extent that they fulfill other functions such as structural and recreational.~~
A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

Solar energy system, ground mounted: A freestanding solar energy system mounted directly to the ground.

~~*Solar sky space:* The space between the solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes the cost effective operation.~~

~~*Solar sky space easement:* A right, expressed as an easement, covenant condition, or other property interest in any deed or other instruments executed by or on the behalf of any landowner, which protects the solar sky space of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar sky space must be described as the three (3) dimensional space in which obstruction is prohibited or limited, or as the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two (2) methods.~~

~~*Solar structure:* A structure designed to utilize solar energy as an alternative for, or supplement to, a conventional energy system.~~

Stable, commercial: Any structure or premises on which horses are kept, owned, boarded, groomed, trained, bred, or offered for sale. Requires a Conditional Use Permit. (Ord. No. 89-1130, amended 4-20-1989)

Stable, private: Any structure or premises on which twenty (20) or more horses, or more than one (1) horse per acre, are kept for private enjoyment and hobby purposes only. Requires a Conditional Use Permit. (Ord. No. 89-1130, amended 4-20-1989)

Street: A public right-of-way which affords primarily means of access to abutting property, and shall also include avenue, highway, road, or way.

Street, arterial or major: A street which serves, or is designed to serve heavy flows of traffic which is used primarily as a street route for traffic between communities and/or other heavy traffic generating areas.

Street, collector: A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major roadway. Direct driveway access is limited to the greatest extent possible.

Street, local: A street intended to serve primarily as access to abutting properties.

Street, pavement: The wearing or exposed surface of the roadway used by vehicular traffic.

Street, right-of-way: The width of the right-of-way, measured at right angles to the center line of the street.

Street, width: The width of street surface measured at right angles between the curbs or edge of pavement.

Story: That portion of a building included between the surface of any floor and the surface of the flooring next above. A basement shall be counted as a story provided forty percent (40%) or more of the height of the basement is above grade.

Structural alteration: Any change, other than incidental repairs, which would prolong the life of supporting members of a building such as bearing walls, columns, beams, girders, or foundations.

Structure: Anything constructed, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.

Subdivision: The division or redivision of a lot, tract, or parcel of land into two (2) or more lots, either by plat, metes and bounds, or by registered land survey.

Top soil: Black dirt composed of unconsolidated material, largely undecomposed organic matter with a maximum of 35% sand. (Ord. No. 86-972, amended 8-21-1986)

Townhouse: A single-family building attached by party walls with other single-family buildings, and orientated so that all exits open to the outside with private entries maintained to each individual unit.

Toxic and hazardous waste: Waste materials including, but not limited to: poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar harmful chemicals and waste which requires special handling and must be disposed of in a manner which conserves the environment and protects the public health and safety.

Transient sale: ~~The temporary or transient sale and delivery of goods, wares and merchandise, or transaction of any temporary, seasonal or transient business, outside of a building with a valid certificate of occupancy, in or upon any vacant lot, lot, motor vehicle, trailer, tent or railroad car. Temporary sale of goods, wares, services, and merchandise within the city outside of a building with a valid certificate of occupancy in or upon a vacant lot, motor vehicle, trailer, tent, or railroad car.~~

Truck terminal: A building or area in which freight brought by motor truck is assembled, stored, and/or transferred for routing in intrastate or interstate shipment by motor truck. (Ord. No. 89-1135, amended 4-20-1989)

~~*Undue hardship:* Undue hardship as used in connection with the recommending of the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variance, if recommended, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the Zoning Ordinance.~~

Use: The purpose or activity for which the land or building thereon is designated, arranged, or intended, for which it is occupied, utilized, or maintained.

Use, accessory: A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

Use, permitted: A public or private use which of itself conforms with the purposes, objectives, requirements, regulations, performance standards of a particular district.

Use, principal: The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted or conditional.

Variance: A modification or variation of the provisions of this ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the ordinance would cause ~~an undue hardship a practical difficulty~~.

Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks. (Ord. No. 86-936, amended 4-3-1986)

Vehicle, passenger: Any motor vehicle designed and used for carrying not more than ten (10) persons including station wagons, pickup trucks, vans and motorcycles. (Ord. No. 86-936, amended 4-3-1986)

Vehicle rental agency: Any real property owned, leased or used by a person, association or corporation for the purpose of storing, displaying or parking two (2) or more passenger vehicles for short term lease of not more than ninety (90) days. (Ord. No. 05-2063, added 10-20-2005)

Vehicle sales lot: Any real property owned, leased or used by a persons, business, association or corporation for the purpose of storing, displaying or parking two (2) or more new or used vehicles for sale, consignment, lease, trade or exchange. Parking or storage of two (2) or more vehicles on real property with a sign or signs indicating a phone number, address or other identifying information, or a sign or signs indicating that such vehicles are for sale, consignment, lease, trade or exchange, is prima facie evidence of a vehicle sales lot. (Ord. No. 86-936, amended 4-3-1986)

Warehousing: The use of a portion or all of a building or buildings used for the storage of goods, of any type. (Ord. No. 89-1135, amended 4-20-1989; Ord. No. 95-1586, amended 12-21-1995)

Wetlands: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three (3) attributes:

- (a) Have a predominance of hydric soils;
- (b) Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (c) Under normal circumstances support a prevalence of such vegetation.

(Ord. No. 10-2203, amended 5-20-2010)

Yard: A required open space on the lot which is unoccupied and obstructed by a structure from its lowest level to the sky except as permitted in this ordinance. A yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

Yard, front: A yard extending along the full width of the front lot line between the side lot lines and extending from the abutting street right-of-way to the front face(s) of the principal building or to the depth required in the setback regulations for the zoning district in which such lot is located whichever distance is greater. (Ord. No. 00-1836, amended 3-16-2000)

Yard, rear: A yard extending along the full width of the rear lot line between the side lot lines and extending from the rear lot line to the rear face(s) of the principal building or to the depth required in the setback regulations for the zoning district in which such lot is located whichever distance is greater. In single-family residential districts the principal building shall include attached garages. (Ord. No. 00-1836, amended 3-16-2000)

Yard, side: The yard extending along the side lot line between the front and rear yards to the face(s) of the principal building or to the depth or width required by setback regulations for the zoning district in which such lot is located whichever distance is greater. (Ord. No. 00-1836, amended 3-16-2000)

Yard waste drop-off facility: A facility for disposal of yard waste not typically collected by commercial and residential waste haulers. Yard waste includes compostable items such as leaves, lawn clippings and shrub prunings, but for the purposes of this definition also includes tree branches, tree trunks, and stumps from removed trees. All on-site yard waste must be stored within a building or within portable metal containers. No processing or treatment of yard waste nor active composting may occur at a drop-off facility. (Ord. No. 95-1564, amended 7-6-1995)

Zero lot line: The location of a building and/or parking area over a common lot line. (Ord. No. 89-1135, amended 4-20-1989)

Zero lot line split: The instance where a structure is allowed to be constructed over a lot line of two (2) adjoining lots.

Zoning administrator: The officer charged with the administration and enforcement of this ordinance. For the purposes of this ordinance, the Zoning Administrator and/or Director of Community Development shall be considered the Director of Planning & Economic Development or their designee when referenced in this code. (Ord. No. 93-1337, amended 6-3-1993)

Zoning amendment: A change of the zoning map or zoning text authorized by the City, either in the allowed use with a district, or in the boundaries of a district.

Zoning district: An area or areas within the limits of the City for which the regulations and requirements governing use are uniform.

Zoning district, overlay: A zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district use regulations.

Zoning district, underlying: All zoning districts except Overlay Zoning Districts.

Zoning map: The map or maps incorporated into this Ordinance as a part thereof, designating the zoning districts.

Chapter 26 - GENERAL PROVISIONS

26.01 - Application of this ordinance.

- (a) In their interpretation and application, the provisions of this ordinance shall be minimum requirements for the promotion of public health, safety, morals, and welfare.
- (b) Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- (c) From and after the effective date of this ordinance, the use of all land and every building or portion of a building erected, altered in respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in the City of Blaine, shall be in conformity with the provisions of this ordinance. Any existing building or structure and any existing use or properties not in conformity with the regulations herein prescribed, shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations herein provided with respect to nonconforming properties or uses.

26.02 - Private agreements.

This ordinance does not abrogate any easement, covenant, or any other private agreement which are legally enforceable, provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

26.03 - Separability.

It is hereby declared to be the intention that the provisions of this ordinance are separable in accordance with the following:

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

26.04 - Accessory buildings, structures, uses.

- (a) No accessory building or use shall be constructed or use developed on a lot prior to obtaining a building permit for the principal building or use to which it is accessory.
- (b) A detached accessory building or garage shall not be located in any required front or side yard setback. (Ord. No. 84-856, amended 1-3-1985)
- (c) All accessory buildings and uses shall comply with the regulations of the zoning district in which they are located.
- (d) No accessory building shall exceed the height of the principal building except in the Farm Residential and Agriculture zoning districts. (Ord. No. 94-1501, amended 4-21-1994)

26.05 - Existing lots.

- (a) A lot or parcel of land in a residential district which was of record as a separate lot or parcel in the Office of the Anoka County Recorder on or before the date of adoption of this ordinance, may be used for single family detached dwelling purposes, provided the area and width are within seventy-five percent (75%) of the minimum requirements of this ordinance, and provided that it can be

demonstrated that safe and adequate sewer systems can be installed to serve such permanent dwelling, and provided that it does have access on the public street.

26.06 - Nonconforming structures, uses.

The lawful use of any land or building existing at the time of the adoption of this ordinance may be continued, even if such does not conform to the regulations of this ordinance, except as provided below:

(a) *Nonconforming structures except nonconforming signs which are regulated by Section 34.03.*
(Ord. No. 86-934, amended 6-5-1986)

- (1) Alterations: A nonconforming building or structure shall not be reconstructed or altered unless such building or structure is changed to conform with the regulations of this ordinance.
- (2) Enlargement: A nonconforming building or structure shall not be added to or enlarged in any manner unless such additions or enlargements are made so as to bring said building or structure into conformity with the regulations of this ordinance.
- (3) Restoration: A nonconforming building or structure which is damaged by fire or other causes to the extent of more than fifty percent (50%) of its market value, unless a formal application for a building permit has been applied for within one hundred eighty (180) days of when the property was damaged, shall not be restored except in conformity with the regulations of this ordinance. (Ord. No. 04-2035, amended 12-16-2004)
- (4) Abandonment: A nonconforming use of a building which has been discontinued for a period of more than one (1) year shall not be reestablished, and any future use shall be in conformity with the regulations of this ordinance. (Ord. No. 04-2035, amended 12-16-2004)
- (5) Maintenance: Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.

(6) Existing buildings not in conformance with architectural control standards in the applicable zoning district shall construct additions in conformance with the architectural control standards. Any addition greater than 50% of the square footage of the building shall require the entire building to meet architectural control standards.

~~(6) A nonconforming Auto Vehicle Salvage Facility in existence on the date of the passage of this amendment, may be permitted to construct a building for the dismantling of vehicles, draining of fluids, and temporary storage of fluids and other hazardous materials from junked vehicles upon approval of plans by the City. (Ord. No. 97-1635, amended 3-6-1997)~~

~~(i) Any buildings so constructed shall comply with all current applicable City ordinances, standards and criteria at the time of said construction.~~

~~(ii) The use of the buildings shall be limited to dismantling, draining of fluids and hazardous materials storage. No other expansion or additional uses are allowed.~~

(b) *Nonconforming use of building or land.*

- (1) Extension: No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the time of the effective date of this ordinance.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the time of the effective date of this ordinance.
- (3) If any such nonconforming use of land or building ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations

specified by this ordinance for the district in which such land is located. (Ord. No. 04-2035, amended 12-16-2004)

(c) *Inspection.*

- (1) The enforcing officer shall make an annual inspection each June, of all the nonconforming uses and report to the City Council within sixty (60) days.

Chapter 27 - ADMINISTRATION

27.01 - Enforcing officer.

The Director of Community Development or their designee shall serve as the Zoning Administrator. The Zoning Administrator shall enforce the ordinance.

- (a) Oversee issuance of building and other permits, and make and maintain records thereof.
- (b) Conduct inspections of buildings and use of land to determine compliance with the terms of this ordinance.
- (c) Maintain permanent and current records of this ordinance, including, but not limited to, all maps, amendments, and conditional uses, variances, appeals and applications.
- (d) Receive, file, and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.

27.02 - Planning Commission/Board of Appeals and Adjustments.

- (a) There is hereby established, for the City of Blaine, a Planning Commission, which also may be known as the Commission.
- (b) The Planning Commission shall be composed of seven (7) members appointed for a term of two (2) years, except that four (4) members shall initially serve a term of one (1) year and their successor shall serve a term of two (2) years, and, thereafter, all members shall serve the prescribed two-year term. Terms for Planning Commissioners shall expire in March of each year when a successor is qualified. Vacancies occurring at the end of a term or during a term shall be filled by mayoral appointment, which a majority of the entire City Council shall confirm no less than ten (10) days following written notice to the Council of an appointment. Members may be removed by the mayor if the removal is confirmed by a majority vote of the entire City Council. The mayor shall appoint a Chair from among the members. At least two (2) members must reside in each council election ward during the term of their appointment. Current members who move from the council election ward they were appointed to shall be allowed to complete their term with the approval of the Mayor and the two (2) Councilmembers from the council election ward they moved from. Should a Commissioner move outside the City their term shall end immediately. It shall adopt rules for the transaction of its business and such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The Commission shall provide a public record of its proceedings which include the minutes of its meetings, its findings, and action taken on each matter heard by it, including the final recommendation. The meeting of the Planning Commission shall be held at the call of the Chair and at such other times as the Commission in its rules of procedure may specify. (Ord. No. 88-1112, amended 1-5-1989; Ord. No. 95-1557, amended 5-18-1995; Ord. No. 96-1628, amended 1-2-1997; Ord. No. 15-2319, amended 7-9-2015)
- (c) The Planning Commission is an advisory board to the City Council. The Planning Commission shall review, hold public hearings, and make recommendations to the City Council on all applications for zoning amendments, conditional use permits, and variances, using the criteria in Sections 27.03(a), 27.04(a) and 27.05(a). The Planning Commission shall also prepare and recommend a comprehensive plan for the development of the City, study and make recommendations to the City Council as regards means to carry out and maintain the comprehensive plan and regulations thereto.

~~The Commission shall prepare and recommend to the proper officials of the municipality, needed capital improvements consistent with the comprehensive plan for the City.~~ The Commission shall conduct hearings, study, and recommend to the City Council, a zoning code and such amendments thereto as may, from time to time, be proposed.

- (d) Hearings by the Planning Commission shall be held within such time and upon such notice to interested parties as provided in this ordinance and its adopted rules for the transaction of its business.
- (e) The Planning Commission is hereby established as a Board of Appeals and Adjustments for the City of Blaine. The decisions of the Board on matters within its jurisdiction are advisory to the City Council. The Board shall have the powers hereinafter set forth:
 - (1) To hear appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.
 - (2) To hear requests for variances from the literal provisions of the zoning ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to recommend granting such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the zoning ordinance. The Board may not recommend the granting of a variance for any use that is not permitted under the zoning ordinance for property in the zone where the affected person's land is located. The Board may impose conditions in the recommendation for a variance to insure compliance and to protect adjacent properties. A hearing on a request for a variance to the zoning ordinance shall comply with the applicable provisions of the zoning ordinance.
 - (3) When a building permit for the construction of a building is not issued because the proposed building is to be constructed within an area identified for public purposes on an official map or maps adopted by the City of Blaine, the Board, upon appeal filed with it by the owner of the land, may recommend the issuance of a permit for said building in such location in any case in which the Board finds, upon the evidence and arguments presented to it, as follows:
 - (aa) That the entire property of the affected property owner, of which such area identified for public purposes forms a part, cannot yield a reasonable return to the owner unless such a permit is granted, and
 - (bb) That balancing the interest of the City in preserving the integrity of the official map and of the comprehensive municipal plan and the interest of the owner of the property in the use of his property and the benefits of the ownership, the issuance of such permit is required by considerations of justice and equity.
- (f) If the City Council agrees with the Board's recommendation that a permit is to be issued, the City shall have six (6) months from the date of the decision of the Board to institute proceedings to acquire such land or interest therein, and if no such proceedings are started within that time, the officer responsible for issuing building permits shall issue the permit if the application otherwise conforms to City Ordinances.
- (g) Hearings before the Board, pursuant to the provisions of paragraphs (f)(1) and (3) shall be preceded by the following: Notice of the purpose, time, and place of such hearing shall be published in the official newspaper of the City at least ten (10) days prior to the hearing and a similar notice shall be mailed to the affected property owner, who is the appellant, at least ten (10) days before the day of the hearing. For the purpose of giving notice, the City may use any appropriate records to determine the name and address of the affected property owner.
- (h) The Board shall within a reasonable time make its recommendation as to the matter before it, and shall serve a copy of such recommendation upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney. The Board may adopt rules for the conduct of the hearings before it. Such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The Board shall provide for a record of its proceedings, which shall include the minutes of its meetings, its findings, and the actions taken on each matter heard by it, including the final recommendation.

27.03 - Zoning/comprehensive plan amendments.

- (a) *Criteria for granting zoning/comprehensive plan amendments:* (Ord. No. 86-939, amended 4-3-1986)
- (1) The City Council may adopt amendments to the zoning ordinance, zoning map, and comprehensive plan relative to land uses within a particular district or to the location of the district lines. Zoning amendments shall only be used as a means to reflect changes in the goals and policies of the City as reflected in the comprehensive plan or changes in conditions in the City. (Ord. No. 86-939, amended 4-3-1986)
- (b) *Type of amendments:*
- (1) A change in the district's boundary.
 - (2) A change in a district's regulations.
 - (3) A change in any other provision of this ordinance.
 - (4) A change in the comprehensive plan. (Ord. No. 86-939, amended 4-3-1986)
 - (5) Establishment of an agricultural preserve. (Ord. No. 86-939, amended 4-3-1986)
- (c) *Initiation of proceedings.* Proceedings for amending this ordinance shall be initiated by at least one (1) of the following three (3) methods:
- (1) By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.
 - (2) By recommendation of the Planning Commission.
 - (3) By action of the City Council.
- (d) *Required exhibits for rezoning, district regulation changes, or comprehensive plan amendments.* (Ord. No. 86-939, amended 4-3-1986)
- ~~(1) Abstractor's property certificate showing property owners names and addresses within three hundred fifty (350) feet of the outer boundaries of the property in question.~~
- (2) A boundary line survey.
 - (3) A general development plan showing the potential development of the property, indicating proposed streets, buildings, drainage, and landscaping.
 - (4) Other information as required by staff.
- (e) *Procedure.* The procedure for a property owner to initiate a rezoning, district regulation change or comprehensive plan amendment is: (Ord. No. 86-939, amended 4-3-1986)
- (1) The property owner or his agent shall meet with the Zoning Administrator to explain his proposal, obtain procedures, and an application form.
 - (2) The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay a filing fee as established by the City Council. All applications for rezoning or comprehensive plan amendment shall be received in the Office of Community Development no later than thirty (30) days prior to a Planning Commission meeting. (Ord. No. 86-939, amended 4-3-1986)
 - (3) The Zoning Administrator shall transmit the application and the required exhibits to the Planning Commission.
 - (4) The Zoning Administrator shall set the date for the public hearing and shall have notices of such hearing published in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing. ~~The City Council may waive the mailed notice requirements for amendments to the zoning text initiated by the Planning Commission or City Council in accordance with Minnesota State Statute 462.357 Subd. 3.-~~

- (5) The Zoning Administrator shall see that a similar notice shall be mailed at least ten (10) days before the day of the hearing to all property owners of record within three hundred fifty (350) feet of the exterior boundaries of the property ~~to which the amendment relates and within three hundred fifty (350) feet of all contiguous property under common ownership. (Ord. No. 88-1068, amended 2-4-1988)~~ in accordance with Minnesota State Statute 462.357 Subd. 3.
- (6) The Planning Commission shall hold the public hearing and then shall recommend one (1) of three (3) actions: approval, denial, or conditional recommendation. (Ord. No. 04-2035, amended 12-16-2004)
- (7) The Planning Commission shall transmit its recommendation to the City Council for its official action. (Ord. No. 04-2035, amended 12-16-2004)
- (8) The Council shall act upon the application after receiving the recommendation of the Planning Commission. (Ord. No. 04-2035, amended 12-16-2004)
- (9) No application of a property owner for an amendment to the text of the zoning ordinance, zoning map, or comprehensive plan shall be considered by the Planning Commission within a one-year period following a denial of such request, except that the Planning Commission may permit a new application, if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it. (Ord. No. 86-939, amended 4-3-1986).

27.04 - Conditional use permits.

- (a) Criteria for granting conditional use permits. In granting a conditional use permit, the Blaine City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, ~~morals~~ and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following findings where applicable.
 - (1) The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
 - ~~(2) The use shall be compatible with adjacent land uses so that existing uses will not be depreciated in value and there will be no deterrence to development of vacant land.~~
 - (3) The use shall have an appearance that will not have an adverse effect upon adjacent properties.
 - (4) The use, in the opinion of the City Council, shall be reasonably related to the overall needs of the City and to the existing land use.
 - (5) The use shall be consistent with the purposes of the zoning code and purposes of the zoning district in which the applicant intends to locate the proposed use.
 - (6) The use shall not be in conflict with the comprehensive plan of the City.
 - (7) The use will not cause traffic hazard or congestion.
 - (8) The use shall have adequate utilities, access roads, drainage and necessary facilities.
- (b) Conditional use permits shall ~~be issued to the applicant only unless otherwise specified by the City Council and may not be transferred or assigned without prior City Council approval. remain with the property, and not the applicant, as long as the property and use are in compliance with the conditions attached to the permit.~~

A conditional use permit shall expire if the use is discontinued for a period of more than one (1) year. (Ord. No. 04-2035, amended 12-16-2004)

A conditional use permit shall be recorded pursuant to Minnesota Statutes, Section 462.3595.

- (c) Additional conditions. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose, in addition to these standards and requirements expressly specified by this ordinance, additional conditions which the City Council considers necessary to

protect the best interest of the surrounding area or community as a whole. These conditions may include, but are not limited to, the following:

- (1) Increasing the required lot size or yard dimension.
- (2) Limiting the height, size or location of buildings.
- (3) Controlling the location and number of vehicle access points.
- (4) Increasing the street width.
- (5) Increasing the number of required off-street parking spaces.
- (6) Limiting the number, size, location or lighting of signs.
- (7) Requiring additional fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (8) Designating sites for open space.
- (8) Enhanced building materials or architectural design.

The Zoning Administrator shall maintain a record of all conditional use permits issued, including information on the use, location, and conditions imposed by the City Council such as ~~time limits~~, review dates, and other information as may be appropriate.

(d) Required exhibits for a conditional use permit. The following exhibits shall be required:

- ~~(1) Abstractor's certificate showing property owners names and addresses within three hundred fifty (350) feet of the outer boundaries of the property in question.~~
- (2) A boundary line survey.
- (3) A general development plan showing the potential development of the property, including proposed streets, buildings, landscaping, and drainage.
- (4) Any other information as required.

(e) Procedure. The procedure for obtaining a conditional use permit is as follows:

- (1) The property owner or his agent shall meet with the Zoning Administrator to explain his proposal, learn the procedures, and obtain an application form.
- (2) The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay a filing fee as established by the City Council. All applications for a conditional use permit must be received in the Office of Community Development thirty (30) days prior to a Planning Commission meeting.
- (3) The Zoning Administrator shall transmit the application to The Planning Commission and shall notify all property owners of record within three hundred fifty (350) feet of the exterior boundaries of the property in question and within three hundred fifty (350) feet of all contiguous property under common ownership. (Ord. No. 88-1067, amended 2-4-1988)
- (4) The Zoning Administrator shall set the date for a public hearing and shall have notice of such hearing published at least once in legal newspaper, not less than ten (10) days and not more than thirty (30) days prior to said hearing.
- (5) The Planning Commission shall hold the public hearing and determine possible adverse effects of the proposed ~~special conditional~~ use and determine what additional requirements may be necessary to reduce such adverse effects and recommend to the City Council one (1) of three (3) actions - approval, denial, or conditional approval.
- (6) The Planning Commission shall transmit its recommendation to the City Council for its official action. (Ord. No. 04-2035, amended 12-16-2004)

- (7) The City Council shall take appropriate action on the request for conditional use permit after receiving the recommendations by the Planning Commission. If it grants a conditional use permit, the City Council may impose conditions, ~~including time limits~~ it considers necessary to protect the public health, safety, and welfare, ~~and such conditions may include a time limit for the use to exist or operate.~~ (Ord. No. 04-2035, amended 12-16-2004)

(8) Zoning Administrator may transmit the application directly to the City Council to hold the public hearing following the notice produce outlined in 27.04 (e) 3-5.

(f) Revocation of Conditional Use Permits.

- (1) Where a conditional use permit has been issued pursuant to provisions of this ordinance, such permit shall become null and void without further action by The Planning Commission or City Council unless construction commences within one (1) year of the date of granting such conditional use. A conditional use permit shall be deemed to authorize only one (1) particular use and shall expire if that use shall cease for more than one (1) year. (Ord. No. 04-2035, amended 12-16-2004)
- (2) In the event that the applicant violates any of the conditions set forth in the permit, the City Council shall have the authority to revoke the conditional use permit following a public hearing. In addition to a potential revocation of the conditional use permit, the City may issue a citation for a violation of any of the conditions set forth in the permit, pursuant to Section 27.06(d). (Ord. No. 11-2227, amended 8-4-2011)

27.04 – Interim use permits.

(a) Criteria for granting interim use permits. An interim use permit is to allow a temporary use that is not designated as permitted or conditionally permitted but is acceptable for a limited period of time subject to conditions. The Blaine City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following findings where applicable.

- a. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
- b. The proposed use will not create an excessive burden on parks, streets, and other public facilities; and
- c. The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare.

(b) Interim use permits shall terminate upon the specified termination date or whenever the use is discontinued for more than one (1) year. The city council may impose conditions requiring termination prior to the termination date, including but not limited to the platting of neighboring property.

(c) Additional conditions. In permitting a new interim use or the alteration of an existing interim use, the City Council may impose, in addition to these standards and requirements expressly specified by this ordinance, additional conditions which the City Council considers necessary to protect the best interest of the surrounding area or community as a whole. These conditions may include, but are not limited to, the following

- (1) All conditions listed in 27.04 (c)
- (2) Termination date

(3) Conditions requiring termination prior to the termination date

(e) Procedure. The procedure for obtaining an interim use permit and the exhibits required for making an application shall be the same as for a conditional use permit, as 27.04 (d)-(e).

(f) Revocation of Interim Use Permits.

(2) In the event that the applicant violates any of the conditions set forth in the permit, the City Council shall have the authority to revoke the interim use permit following a public hearing. In addition to a potential revocation of the interim use permit, the City may issue a citation for a violation of any of the conditions set forth in the permit, pursuant to Section 27.06(d).

27.05 - Variances.

(a) Criteria for granting variances. A variance to the provision of the zoning ordinance may be issued by the City Council to provide relief to the land owner in those cases where the ordinance imposes ~~undue hardship~~practical difficulty on the property owner in the use of his land. No use variances may be issued. A variance may be granted only in the event that the following circumstances exist.

- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of the property, since enactment of this ordinance, have had no control.
- (2) The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- (3) That the special conditions or circumstances do not result from the actions of the applicant.
- (4) That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other owners of lands, structures or buildings within the same district.
- (5) That the variance requested is the minimum variance which would alleviate the hardship. Economic considerations alone shall not be considered a hardship.
- (6) A variance would not be materially detrimental to the purposes of this ordinance, or to other property in the same zone.
- (7) The proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion of public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(b) The City Council may impose such restrictions and conditions upon the premises benefited by the variance as may be necessary to comply with the standards established by this ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance.

(c) Required exhibits for variances.

~~(1) Abstractor's property certificate showing property owners names and addresses within three hundred fifty (350) feet of the outer boundaries of the property in question.~~

- (2) The boundary survey and preliminary building and site development plan.
- (3) Any other information as required.

(d) Procedures. The procedure for obtaining a variance from the regulations of this ordinance are as follows:

- (1) The property owner or agent shall meet with the Zoning Administrator to explain his situation, learn the procedures and obtain an application form.
- (2) The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay a filing fee as established by the City Council. Applications for variance must be submitted to the Office of Community Development no later than thirty (30) days prior to a Planning Commission meeting.
- (3) The Zoning Administrator shall transmit the application to the Planning Commission and shall notify all property owners of record within three hundred fifty (350) feet of the exterior boundaries of the property in question and within three hundred fifty (350) feet of all contiguous property under common ownership. (Ord. No. 88-1065, amended 2-4-1988)
- (4) The Planning Commission shall hold the public hearing and determine possible adverse effects of the variance and determine what additional requirements may be necessary to reduce such adverse effects and recommend to the City Council one (1) of three (3) actions - approval, denial, or conditional approval.
- (5) The Planning Commission shall transmit its recommendation to the City Council for its official action. (Ord. No. 04-2035, amended 12-16-2004)
- (6) The City Council shall take appropriate action on the request for a variance after receiving the recommendations by the Planning Commission. (Ord. No. 04-2035, amended 12-16-2004)
- ~~(4) The Planning Commission shall study the application and shall make a decision one of three actions: approval, denial, or conditional approval. (Ord. No. 04-2035, amended 12-16-2004)~~
- (57) No application by a property owner for a variance shall be submitted to the Planning Commission within a twelve-month period following denial of such request, except that the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
- (68) The City Council may revoke a variance if any conditions established by the City Council, as part of granting the variance request, are violated.
- (e) Expiration. When a variance has been issued pursuant to the provisions of this ordinance, the variance shall become null and void without further action by the Planning Commission or City Council unless construction relative to the variance commences within one (1) year of the date of granting the variance. If a variance ceases to exist for a period of more than one (1) year, it shall also expire without further action by the City. (Ord. No. 85-921, amended 1-2-1986; Ord. No. 04-2035, amended 12-16-2004)

~~27.06 - Enforcement.~~

- ~~(a) Enforcing Officer. It shall be the duty of the Zoning Administrator to cause the provisions of this ordinance to be properly enforced through the proper legal channels.~~
- ~~(b) Building permit.~~
 - ~~(1) Hereafter, no person shall erect, alter, remodel, wreck or move any kind of a structure or building or part thereof without first securing a building permit.~~
 - ~~(2) Applications for commercial, industrial, and multiple dwelling building permits shall be accompanied by the following exhibits:~~
 - ~~(aa) A complete site plan application form together with all applicable filing requirements.~~
 - ~~(bb) A boundary survey of the area including the property in question and one hundred (100) feet beyond its outer boundaries showing existing utilities, lot boundaries, and dimensions, buildings, easements, foliage, topography, and waterways. Soil tests may be included if pertinent.~~

~~(cc) Preliminary building and site development plans showing buildings, location, dimensional parking and loading arrangement, vehicular and pedestrian access and egress, surface drainage plan, landscaping, utility plan, screening, size and location of all signs, building and floor plans of all floors, elevations of all sides of all buildings, and sections and outline material specifications as appropriate.~~

~~(3) Applications for single and two-family building permits shall be accompanied by building plans and certificate of survey.~~

~~(c) Procedure.~~

~~(1) Persons requesting a building permit shall fill out a building permit form and site plan application form available from the Zoning Administrator.~~

~~(2) Completed building permit forms and a fee as established by resolution of the City Council shall be submitted to the Zoning Administrator. If the proposed development conforms in all respects to the zoning ordinance, a building permit shall be issued upon approval of the Zoning Administrator within a period of sixty (60) days.~~

~~(3) If the proposed development involves a zoning amendment, variance, or conditional use permit, the application, together with a building permit, shall be submitted to the Planning Commission and City Council for review and appropriate action.~~

~~(d) Violations and Penalties. Any person or entity who shall violate or refuse to comply with any condition of a conditional use permit or any other provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed ninety (90) days, or both, together with the cost of prosecution.~~

~~In addition to the potential criminal sanctions set forth above, a violation of any condition of a conditional use permit will result in revocation of such permit by the City Council, following public hearing.~~

~~Notice and public hearings of violations and termination proceedings and all nonconforming, conditional, incompatible, accessory, special uses, or home occupation uses, notice of hearing shall be given by the City Council to the interested party or parties by certified mail or in lieu thereof one (1) legal published notice at least ten (10) days before the public hearing date, which notice shall be given by the City Council within a reasonable time.~~

(Ord. No. 11-2227, amended 8-04-2011)

27.07 - Administration.

(a) The Director of Community Development shall serve as the Zoning Administrator. The Zoning Administrator shall enforce the ordinance and shall perform the following duties.

(a1) Enter upon land or within a building during reasonable working hours as found necessary to fulfill his duties as Administrator of this ordinance.

(b2) Conduct inspections of buildings, structures, and uses of land, to determine compliance with the terms of this ordinance.

(c3) Maintain permanent and current records of this ordinance, including, but not limited to the following: all maps, amendments, conditional use permits, variances, appeals, nonconforming uses, planned unit developments, and other applications thereto.

(d4) To receive, file, and forward to the Planning Commission all applications for amendments, appeals, variances, conditional use permits, planned unit developments, and other matters which these bodies are required to consider under this ordinance.

- (e5) Institute, in the name of the City of Blaine, appropriate actions or proceedings against a violator as provided by law.
- (f6) Establish and enforce necessary or desirable regulations in writing, clarifying or explaining any provision of this ordinance.
- (g7) To provide such clerical, technical, and professional assistance as may be required by the Planning Commission in the exercise of their duties.
- (h8) Other information; the staff may require the applicant to furnish such additional information as may be necessary.

(b) Building permit. No person shall erect, alter, remodel, wreck or move any kind of a structure or building or part thereof without first securing a building permit.

(1) Single and two family home permits: Applications for building permits shall be made with the building permit forms available from the zoning administrator and shall be accompanied by building plans and a certificate of survey. Building permits shall not be issued prior to receipt of permit fees established by the city council.

(2) Site Plan: All applications for commercial, industrial, institutional, apartments, attached townhomes, or detached townhomes must secure site plan approval in addition to required building permits. Building permits shall not be issued prior to approval of site plan by the Zoning Administrator or his or her designee. All applications shall be accompanied by the following materials:

(a) Certificate of Survey. The survey shall be drawn to an established scale indicated on the survey and indicate all existing structures and site improvements

(b) Site plan. The site plan shall include the location of all proposed buildings and their proposed uses; location of driveways and parking areas; front, side and rear setbacks; location, size, and purpose of all easements; location and size of existing buildings and structures on site and within the distance of 100 feet from the property; location of refuse areas; location of outdoor storage areas

(c) Tree preservation plan. Plan shall include all requirements of 33.10

(d) Landscape plan. Plan shall include all requirements of 33.08.

(e) Grading and drainage plan. Grading and drainage plan shall contain existing and proposed grades with a minimum of two-foot contour intervals to a known datum. All proposed stormwater management facilities, roadway gradients, flood hazard zones, and spot elevations on parking lots and curb lines must also be shown on the grading plan. The grading and drainage plan must also comply with the requirements of [Section] 33.16(h), Submittal Components.

(f) Utilities plan. Utilities plan shall indicate the location of existing and proposed water and sanitary sewer lateral and service locations and size of pipe. Other utilities information required as requested by the city engineer.

(g) Lighting and photometric plan. The lighting plan shall include detail drawings for all proposed lighting fixtures and a photometric plan depicting the extent of lighting within and beyond the property lines.

(h) Floor plans. Floor plans shall indicate the square footage and dimensions of all proposed rooms and areas identifying the proposed uses.

(i) Elevations. Elevations shall include specification of colors and materials to be used. A material board including samples of the proposed materials shall be submitted upon request of the zoning administrator.

All plans to be drawn to an established engineering scale and prepared by a registered architect, engineer, landscape architect, or surveyor.

(c) Procedure

All building permits shall be issued by the Building Official following review and approval by the Zoning Administrator of the site plan for conformity with the city's present development code and Comprehensive Land Use Plan. The zoning administrator may submit the application to the Administrative Review Committee for review.

(d) *Violations and Penalties.* Any person or entity who shall violate or refuse to comply with any condition of a conditional use permit or any other provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed ninety (90) days, or both, together with the cost of prosecution.

In addition to the potential criminal sanctions set forth above, a violation of any condition of a conditional use permit will result in revocation of such permit by the City Council, following public hearing.

Notice and public hearings of violations and termination proceedings and all nonconforming, conditional, incompatible, accessory, special uses, or home occupation uses, notice of hearing shall be given by the City Council to the interested party or parties by certified mail or in lieu thereof one (1) legal published notice at least ten (10) days before the public hearing date, which notice shall be given by the City Council within a reasonable time.

~~27.08 – Administrative Review Committee (ARC).~~

~~The Director of Community Development, at his discretion, may submit site plans for any development to the Administrative Review Committee for review in the following districts: R-3A, R-3B, R-3C, R-4, RF, B-1, B-2, B-3, B-4, PIP and I-2. The site plan shall include location of all buildings, use of land, waste disposal, water supply, drainage, ingress and egress, landscaping, screening and other pertinent data. The Administrative Review Committee shall undertake a comprehensive review of the site plan in order to determine how the proposed development will affect and provide for traffic, utilities, drainage, community facilities, public safety, surrounding development, natural features, historic sites, landscaping, open spaces, and other development factors. The Committee shall also consider the proposed development in terms of its conformity with the City's codes and comprehensive land use plan.~~

~~The Director of Community Development may refer the building permit application to the City Council for its review and determination. If the building permit application is referred to the City Council, a permit shall be issued for construction only if authorized by majority vote of the Council. The Council may, before taking final action, refer the building permit to the Planning Commission for its consideration and recommendation.~~

27.09 - Financial guarantee.

- (a) *Improvements required, agreement providing for proper installment of improvements.* Prior to installation of any required improvements and prior to issuance of a building permit, the developer shall complete a detailed cost estimate of proposed site improvements on a City form titled "The Work," and shall enter into a contract in writing, called the "Site Improvement Performance Agreement," with the City (on file in the Office of Community Development), requiring the developer to furnish and construct said site improvements at his sole cost and in accordance with the plans and specifications and usual contract conditions, all approved by the City Council. The contract shall provide that the developer will assure the City that the improvements and utilities will be constructed and installed according to the specifications approved by the City Council. The developer shall secure the City by a cash deposit, certified check, or in lieu thereof, by furnishing a letter of credit or performance bond as hereinafter set forth in Section 27.09(b) of this Code.
- (b) *Improvements required, financial guarantee.* The contract provided by Section 27.09(a) above shall require the developer to make a cash deposit, certified check, or in lieu thereof, furnish the performance bond(s) as follows:

- (1) *Performance Bonds et al.* The developer shall provide a ~~performance bond, letter of credit, savings certificate assigned to the City, certified check, or a cash deposit in a sum equal to at least one hundred percent (100%), or one hundred fifty percent (150%) for a bond, times the total cost of the improvements.~~ cash deposit equal to at least 10% of the cost of the improvements with any difference between the cost of the improvements and the cash deposit guaranteed by a letter of credit or performance bond with the City listed as beneficiary. These guarantees shall be filed with the City prior to issuance of a building permit. Items covered by these guarantees include:

Lighting;

Fences, screen structures;

Trash disposal enclosures;

Curbing, islands, delineators;

Storm drainage system, sewers, catch basins, culverts, swales;

Public trail and/or sidewalk construction;

Grading;

Paving;

Private trail and sidewalk construction;

Driveway, curb cut, parking lot, fire lane construction;

Water mains, hydrants, sanitary sewers;

Landscaping;

Sod and seed;

Trees;

Other plantings and materials;

Site grading, berming (except public trail grading).

These financial guarantees are for all of the improvements to be furnished and installed by the developer, pursuant to the contract.

- (2) The developer may request a one-time reduction in the financial guarantee, provided there has been substantial progress shown in completion of the proposed plans.

(c) *Single Family Landscape Escrows.* (Ord. No. 99-1812, added 9-16-1999)

- (1) Landscaping improvements or other site requirements that are required for single family homes either by ordinance or development agreement can be completed after Certificate of Occupancy provided an escrow has been deposited with the City. The escrow will contain a fee to be collected at the time of escrow to cover the City's cost of reinspection. Additional fees may be charged by the City for work that is not completed within the required time frame.
- (2) If escrow related work is not completed within the time period required by the City, the Zoning Administrator may authorize escrow account closure. Written notification to the escrow payor will be made by regular and certified mail to payor's last known address at least thirty (30) days in advance of account closure. Closed accounts will be used by the City to complete unfinished items with any unused balance dispersed to the current owner of the property.

(Ord. No. 86-957, amended 7-10-1986)

27.10 - Administrative fees.

All permit fees, application fees, planning fees, administrative fees and other charges for services under this ordinance shall be set in accordance with a fee schedule adopted by resolution of the City Council.

(Ord. No. 90-1184, added 2-1-1990)

Chapter 28 - ZONING DISTRICTS—PROVISIONS

28.00 - ZONING DISTRICTS

28.01 - Zoning districts.

The zoning districts are so designed to assist in carrying out the intents and purposes of the comprehensive plan and are based upon the comprehensive plan which has the purpose of protecting the public health, safety, convenience and general welfare. For the purposes of this ordinance, the City of Blaine is hereby divided into the following zoning districts.

Symbols	Names
AG	Agricultural
FR	Farm Residence

R-E	Residential Estate
R-1	Single Family
R-1A	Single Family
R-1AA	Single Family
R-2	Two Family
R-1B	Single Family
R-3A	Multi-Family Low Density
R-3B	Multi-Family Medium Density
R-3C	Multi-Family High Density
R-4	Mobile Home
RR	Regional Recreation
DF	Development Flex
B-1	Neighborhood Business
B-2	Community Commercial
B-3	Regional Commercial
B-4	Office Research Park
I-1	Light Industrial
I-1A	Light Industrial
I-2	Heavy Industrial
I-2A	Heavy Industrial I

PBD	Planned Business District
PBD-A	Planned Business District-Airport
POD	Planned Office District
FP	Floodplain
HOD	Highway 65 Overlay District

(Ord. No. 98-1753, amended 11-19-1998; Ord. No. 15-2322, amended 9-17-2015)

28.02 - Zoning map.

The location and boundaries of the districts established by this ordinance are set forth on the official zoning map which is hereby incorporated as part of this ordinance and which is on file with the Office of Community Development. ~~The zoning map shall be at a scale of one (1) inch on the map equals one thousand (1,000) feet on the ground.~~

District boundary lines recorded on the City zoning map are intended to follow lot lines, the center lines of streets or alleys, the center lines of streets or alleys projected, railroad right-of-way lines, the center of watercourses or the corporate limit lines as they exist at the time of the enactment of this ordinance.

Whenever any street, alley, or other public way is vacated, the zoning district adjoining that of such vacated street, alley or public way, shall automatically be extended to the center of such vacated area and all area included therein shall be then and hence forth subject to all of the regulations of the extended district.

Any area shown on the zoning map as park, playground, school, cemetery, water body, etc., shall be subject to the zoning regulations of the district in which it is located. In case of doubt, the zoning regulations of the most restricted adjoining district shall govern.

All territory which may hereafter be annexed to the City shall be considered zoned in the same manner as contiguous territory inside the previous City limits unless otherwise classified.

It shall be the responsibility of the Zoning Administrator to maintain and amend said zoning map. The Zoning Administrator shall make, or cause to have made, any corrections or amendments to said map after all of the procedures outlined in this ordinance for the making of such revisions or amendments shall have been followed by The Planning Commission and City Council.

Amendments to the zoning map shall be recorded on said map within fifteen (15) days after adoption by the City Council. The copy of the official zoning map shall be kept on file in the Office of the Community Development Department and shall be open to public inspection at all times during which the office is customarily open.

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may, by ordinance, adopt a new official zoning map. The new official zoning map may correct drafting or other errors or omissions in the principal zoning map, but no such corrections shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the

signature of the Mayor, attested by the City Clerk, and under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map."

28.03 - Exemptions.

The following essential services are permitted in any district: the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies of systems, including gas, electrical, steam or water transmission or distribution systems; collection, communication systems, including communication equipment facilities, supply or disposal systems; elevated and underground water storage tanks; poles, wires, mains, drains, sewers, pipes, conduits, cables; fire alarm boxes, police call boxes; traffic signals, hydrants, and other similar equipment and accessories in connection therewith, including city buildings and parks; reasonably necessary for the furnishing of adequate service of such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

(Ord. No. 86-929, amended 2-20-1986)

Chapter 29 - RESIDENTIAL DISTRICTS

29.00 - AGRICULTURAL (AG)

29.01 - Intent.

This district is intended for areas for long term agricultural preserves. No sewer service will be provided to these areas. This district is established to preserve farmland in the City.

29.02 - Permitted uses.

- (a) Agricultural preserves.
- (b) Single family detached dwellings.
- (c) Raising of domestic farm animals, excluding ~~hogs~~ swine and fur bearing animals, not to exceed one (1) animal unit per acre.

~~(d) Public parks.~~

- (e) Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

~~(f) Fire Stations. (Ord. No. 91-1264, amended 9-19-1991)~~

(g) State licensed residential care facilities serving six or fewer persons

(h) Essential services

29.03 - Accessory uses.

- (a) Private garages/accessory buildings.
- (b) Private swimming pools and tennis courts.
- (c) Signs as regulated in Section 34.07(c).
- (d) Keeping of not more than two (2) boarders and/or roomers per dwelling unit.
- (e) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, amended 7-21-1994)

(Ord. No. 94-1501, amended 4-21-1994)

29.04 - Conditional uses.

- (a) Boarding houses.
- (b) Churches.
- (c) Schools.
- (d) Golf courses.
- ~~(e) Public buildings.~~
- (f) Home occupations as described in 33.11(d).
- (g) Kennel—Private.
- (h) Accessory buildings with a total combined area greater than three thousand (3,000) square feet.

(Ord. No. 94-1501, amended 4-21-1994)

29.05 - Standards.

- (a) Minimum area to be zoned AG—Forty (40) acres.
- (b) Minimum lot area—Forty (40) acres.
- (c) Front footage—One thousand two hundred (1,200) feet.
- (d) Minimum depth—None.
- (e) Average width—One thousand two hundred (1,200) feet.
- (f) Front yard setback—Forty-five (45) feet for house, forty-five (45) feet for garage/accessory building, two hundred (200) feet for accessory buildings sheltering domestic farm animals. (Ord. No. 94-1501, amended 4-21-1994)
- (g) Rear yard—House thirty (30) feet, garage/accessory building thirty (30) feet, accessory buildings sheltering domestic farm animals fifty (50) feet. (Ord. No. 94-1501, amended 4-21-1994)
- (h) Side yard—House twenty (20) feet, garage/accessory building twenty (20) feet, accessory buildings sheltering domestic farm animals fifty (50) feet. (Ord. No. 94-1501, amended 4-21-1994)
- (i) Corner lot—House forty-five (45) feet, garage/accessory building forty-five (45) feet, accessory buildings sheltering domestic farm animals two hundred (200) feet. (Ord. No. 94-1501, amended 4-21-1994)
- (j) It shall be required for all single family dwellings that there be a garage constructed of a minimum of four hundred (400) square feet with no dimension less than twenty (20) feet. Total garage/accessory building space shall not exceed three thousand (3,000) square feet of gross area except provided for in Section 29.04. (Ord. No. 94-1501, amended 4-21-1994)

The architectural style and color of a garage/accessory building shall be compatible with the principal building. The facing material of the garage shall be compatible with the principal building. (Ord. No. 94-1501, amended 4-21-1994)

- (k) Maximum building height—Two and one-half (2½) stories or thirty (30) feet.

~~(l) There shall be at least three (3) livable rooms per dwelling unit.~~

~~(m) No livable room, except a kitchen, shall have a floor area of less than seven (7) feet wide.~~

- (n) No ~~area more than six (6) feet below grade nor any~~ part of the garage shall be considered a livable area.

- (o) For a single family dwelling, the minimum above grade finished ~~first~~ floor area of the various kinds of dwellings shall be as follows: ~~first floor area as used herein shall mean the overall dimensions of the first floor:~~

(1) ~~One (1) story with basement—One thousand forty (1,040) square feet; one thousand two hundred forty (1,240) [square feet] without basement. Without basement 1,240~~

(2) ~~Multi-level dwellings—Eight hundred thirty-six (836) square feet. With basement 1,040~~

- (p) No residential structure shall have a width of less than twenty-four (24) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.

- (q) All residential structures shall have permanent concrete or wood foundations, which comply with the ~~Uniform Building~~Minnesota Residential Code as adopted by the State of Minnesota and which is solid for the complete circumference of the house.

- (r) All single family dwellings and additions to single family dwellings, other than earth sheltered homes and rear yard pre-engineered patio enclosures, shall have at least a three-twelfths (3/12) roof pitch and shall have a shingled roof. Pre-engineered patio enclosures shall be limited to not more than three hundred twenty (320) square feet of floor area and shall not have any dimension greater than

twenty (20) feet. All pre-engineered patio enclosure plans need to be approved by the building department with issuance of a building permit. (Ord. No. 98-1743, amended 9-17-1998^[ES1])

- (s) All residential dwellings must be built in conformance with the Uniform-BuildingMinnesota Residential Code as adopted in the State of Minnesota.
- (t) All residential dwellings shall have roof overhangs which extend a minimum of one (1) foot from the exterior wall of the structure.
- (u) Any metal siding upon residential structure shall have horizontal edges and overlapping sections no wider than twelve (12) inches. Sheet metal siding shall not be permitted in this residential district except as follows: (Ord. No. 84-856, amended 1-3-1985)
 - (1) For parcels of five (5) acres or more, metal siding shall be permitted for accessory structures other than the garage. (Ord. No. 84-856, amended 1-3-1985)
- (v) All single family lots shall contain a minimum of two (2) front yard trees of a minimum of two and one-half (2½) inch caliper. (Ord. No. 94-1501, amended 4-1-1994)
- (w) Driveways shall not be constructed closer than five (5) feet to the property line ~~without written authorization from the adjacent property owner and Zoning Administrator.~~
- ~~(x) The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986) ^[ES2]~~
- (y) Single family lots shall provide a driveway with a surface equal to the street's surface for the first thirty-five (35) feet off the traveled street.

29.10 - FARM RESIDENTIAL (FR)

29.11 - Intent.

This district is intended for areas where urban services are not presently available. A minimum lot size of ~~four-ten~~ (410) acres will retain these lands in their natural uses and agricultural uses pending proper timing of economical provision for parks, streets, utilities, and other public facilities, so that orderly development will occur.

29.12 - Permitted uses.

- (a) Single family detached dwellings.
- ~~(b) Public parks.~~
- (c) General farming and gardening.
- (d) Raising of domestic farm animals, excluding hogs-swine and fur bearing animals, not to exceed one (1) animal unit per acre.
- (e) Group family day care. (Ord. No. 91-1248, amended 4-4-1991)
- ~~(f) Fire stations. (Ord. No. 91-1264, amended 9-19-1991)~~
- ~~(g) Agricultural buildings as principal structures on parcels of land forty (40) acres or greater. Use of building limited to active farm operations including general farming or live stock. (Ord. No. 91-1248, amended 4-4-1991)~~
- (h) Nurseries (Ord. No. 98-1728, amended 6-25-1998)
- (g) State licensed residential care facilities serving six or fewer persons

(g) Essential services

29.13 - Accessory uses.

- (a) Private garages/accessory buildings. (Ord. No. 94-1501, amended 4-21-1994)
- (b) Private swimming pools and tennis courts.
- (c) Signs as regulated in Section 34.07(c). (Ord. No. 94-1501, amended 4-21-1994)
- (d) Keeping of not more than two (2) boarders and/or roomers per dwelling unit. (Ord. No. 94-1501, amended 4-21-1994)
- (e) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, amended 7-21-1994)

29.14 - Conditional uses.

- (a) Churches.
- (b) Golf courses and golf driving ranges. (Ord. No. 93-1492, amended 12-16-1993)
- (c) Schools.
- (d) Public buildings.
- (e) Home occupations as described in 33.11(d). ~~Home occupations.~~
- (f) Kennel—Private.
- (g) Boarding houses.
- (h) Private stables with a density exceeding one (1) horse per acre, or more than twenty (20) horses in aggregate, meeting standards outlined in [Section] 29.15. (Ord. No. 89-1113, amended 4-20-1989)
- ~~(i) Commercial stables meeting standards outlined in [Section] 29.15(z). (Ord. No. 89-1113, added 4-20-1989; Ord. No. 95-1574, amended 9-21-1995)~~
- ~~(j) Accessory buildings for parcels located outside the Metropolitan Urban Services Area (MUSA) with a total combined area greater than three thousand (3,000) square feet in area. (Ord. No. 94-1501, amended 4-21-1994; Ord. No. 01-1933, amended 12-20-2001)~~
- (k) Garden supply stores. (Ord. No. 95-1574, added 9-21-1995.; Ord. No. 98-1729, amended 6-25-1998)
- (l) Accessory buildings located within the front yard, provided the structure to be placed in the front yard has at least a one-hundred-foot front yard setback. (Ord. No. 01-1910, added 7-19-2001; Ord. No. 01-1933, amended 12-20-2001)
- (m) Accessory buildings for parcels ~~located within the Metropolitan Urban Services Area (MUSA)~~ with a total combined area greater than twelve hundred (1,200) square feet but less than three thousand (3,000) square feet. (Ord. No. 01-1933, amended 12-20-2001).

29.15 - Standards.

- (a) Minimum lot area—~~four ten (104) acres. Exception to this is all land located inside the MUSA (Metropolitan Urban Service Area) boundary. These lands shall have a minimum lot area of ten (10) acres. (Ord. No. 94-1505, amended 2-17-1994)~~
- (b) Frontage—Three hundred (300) feet.
- (c) Average width—Three hundred (300) feet.
- (d) Minimum depth—None.

- (e) Front yard setback—Forty-five (45) feet for house, forty-five (45) feet for garage/accessory building, two hundred (200) feet for accessory buildings sheltering domestic farm animals. (Ord. No. 94-1501, amended 4-21-1994)
- (f) Rear yard—House thirty (30) feet, garage/accessory building thirty (30) feet, accessory buildings sheltering domestic farm animals fifty (50) feet. (Ord. No. 94-1501, amended 4-21-1994)
- (g) Side yard—House twenty (20) feet, garage/accessory building twenty (20) feet, accessory buildings sheltering domestic farm animals fifty (50) feet. (Ord. No. 94-1501, amended 4-21-1994)
- (h) Corner lot—House forty-five (45) feet, garage/accessory building forty-five (45) feet, accessory buildings sheltering domestic farm animals two hundred (200) feet. (Ord. No. 94-1501, amended 4-21-1994)
- (i) It shall be required for all single family dwellings that there be a garage constructed of a minimum of four hundred (400) square feet with no dimension less than twenty (20) feet. Total garage/accessory building space shall not exceed 1,200 square feet, except as provided by Section 29.14(m). ~~The height of the accessory structure shall not exceed the height of the principal building.~~
 - ~~(1) Three thousand (3,000) square feet of gross area except as provided for in Section 29.14(j). This limit applies to property located outside the Metropolitan Urban Service Area; or~~
 - ~~(2) Twelve hundred (1,200) square feet for property located within the Metropolitan Urban Service Area (MUSA) except as provided by Section 29.14(m). No garage/accessory building covered under this subsection shall exceed the height of the principal building. (Ord. No. 01-1933, amended 12-20-2001)~~

Accessory buildings shall only be located in the rear yard, except as permitted by [Section] 29.14(l). The architectural style and color of a garage/accessory building shall be compatible with the principal building. The facing material of the garage shall be compatible with the principal building. ((Ord. No. 94-1501, amended 4-21-1994; Ord. No. 01-1910, amended 7-19-2001)

- (j) Maximum building height—Two and one-half (2½) stories or thirty (30) feet.

~~(k) There shall be at least three (3) livable rooms per dwelling unit.~~

~~(l) No livable room, except a kitchen, shall have a floor area of less than seven (7) feet wide.~~

- (m) No ~~area more than six (6) feet below grade nor any~~ part of the garage shall be considered a livable area.

- (n) For a single family dwelling, the minimum above grade finished floor area of the various kinds of dwellings shall be as follows:

(1) Without basement 1,240

(2) With basement 1,040

~~For a single family dwelling, the minimum finished floor area of the various kinds of dwellings shall be as follows: first floor area as used herein shall mean the overall dimensions of the first floor:~~

~~(1) One (1) story with basement—One thousand forty (1,040) square feet; one thousand two hundred forty (1,240) [square feet] without basement.~~

~~(2) Multi-level dwellings—Eight hundred thirty-six (836) square feet.~~

- (o) No residential structure shall have a width of less than twenty-four (24) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.

- (p) All residential structures shall have permanent concrete or wood foundations, which comply with the Uniform Building Minnesota Residential Code as adopted by the State of Minnesota and which is solid for the complete circumference of the house.

- (q) All single family dwellings and additions to single family dwellings, other than earth sheltered homes and rear yard pre-engineered patio enclosures, shall have at least a three and one-half-inch roof pitch and shall have a shingled roof. Steel panel (standing seam) roofing can be used as an alternative to a shingled roof provided the material used is 1) a minimum twenty-six (26) gauge steel base sheet 2) provided with a minimum G-90 galvanized protective coating or equivalent 3) a factory finished solid color material with a minimum paint quality grade of Standard or Better. All steel panel roofing shall be installed per the most current edition of the Minnesota ~~State~~ Residential Building Code and the manufacturer's installation instructions. Only manufacturer produced flashing, fasteners, trim pieces and vents shall be used in the installation of steel panel roofing. Variations on non-manufacturer produced accessories shall be pre-approved by the City Building Official for use with any steel panel roofing. Pre-engineered patio enclosures shall be limited to not more than three hundred twenty (320) square feet of floor area and shall not have any dimension greater than twenty (20) feet. All pre-engineered patio enclosure plans need to be approved by the building department with issuance of a building permit. (Ord. No. 98-1743, amended 9-17-1998; Ord. No. 11-2225, amended 6-16-2011)
- (r) All residential dwellings must be built in conformance with the ~~Uniform Building Code~~ Minnesota Residential Code as adopted in the State of Minnesota.
- (s) All residential dwellings shall have roof overhangs which extend a minimum of one (1) foot from the exterior wall of the structure.
- (t) Any metal siding upon residential structure shall have horizontal siding edges and overlapping sections no wider than twelve (12) inches. Sheet metal siding shall not be permitted in this residential district except as follows: (Ord. No. 84-856, amended 1-3-1985)
- (1) For parcels of four (4) acres or more, metal siding shall be permitted for accessory structures other than the garage. (Ord. No. 84-856, amended 1-3-1985)
- (u) All single family lots shall contain a minimum of two (2) front yard trees of a minimum of two and one-half (2½) inch caliper. (Ord. No. 94-1501, amended 4-21-1994)
- (v) Driveways shall not be constructed closer than five (5) feet to the property line ~~without written authorization from the adjacent property owner and Zoning Administrator.~~
- ~~(w) The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)~~
- (x) Single family lots shall provide a driveway with a surface equal to the street's surface for the first thirty-five (35) feet off the traveled street. (Ord. No. 94-1501, amended 4-21-1994)
- (y) All new homes constructed ~~northeast of the Anoka County Airport, as subsequently described, and within five hundred (500) feet of any minor and principal roadways as defined by the City of Blaine Transportation Plan, shall meet the Noise Abatement Standards, Section 33.22. The northeast area is bounded by 101st Avenue, Naples Street, 109th Avenue, and Radisson Road. (Ord. 94-1543, added 2-16-1995; Ord. No. 05-2053, amended 8-18-2005)~~
- (z) Standards and requirements for private ~~or commercial~~ stables: (Ord. No. 89-1113, added 4-20-1989; Ord. No. 95-1574, amended 9-21-1995)
- (1) Minimum lot area—Ten (10) acres.
- (2) Maximum density—Three (3) horses per acre.
- (3) Must obtain Minnesota Pollution Control Agency (MPCA) feedlot permit.
- (4) Building(s) used for sheltering, training, or riding horses shall have a minimum two-hundred-foot setback from any property line.
- (5) Fences to control livestock adjacent to ~~R-1 (Single family)~~ single family zoning districts, excluding AG and FR shall have a minimum setback of one hundred (100) feet.

- (aa) Standards and requirements for churches, golf courses and golf driving ranges, schools, and garden supply stores: (Ord. No. 95-1574, added 9-21-1995; Ord. No. 98-1728, amended 6-25-1998)
 - (i) Shall have principal access to a collector or arterial roadway.
 - (ii) Front, rear, and side yard building and parking setbacks—Forty-five (45) feet.
 - (iii) Maximum building height two (2) stories.
 - (iv) Off street loading and overhead doors shall comply with Section 33.15.
 - (v) All site improvements and landscaping shall comply with Sections 33.07 and 33.08.
 - (vi) Underground irrigation is required for all front and corner side yards.
 - (vii) Architectural style and building materials shall be compatible with the surrounding area and subject to Council approval.

29.20 - RESIDENTIAL ESTATE (RE)

29.21 - Intent.

The residential estate district is established to provide for a large lot zoning of two and one-half (2½) acres or more in size. Single family homes are permitted in this district. This district shall be located only in areas where sanitary sewer and water services can be extended in the near future.

29.22 - Permitted uses.

- (a) Single family detached dwellings.
- ~~(b) Public parks.~~
- (c) Group family day care. (Ord. No. 91-1248, amended 4-4-1991)
- ~~(d) Fire stations. (Ord. No. 91-1264, amended 9-19-1991)~~
- (g) State licensed residential care facilities serving six or fewer persons
- (g) Essential services

29.23 - Accessory uses.

- (a) Private garages/accessory buildings.
- (b) Private swimming pools and tennis courts.
- (c) Signs as regulated in Section 34.07(c).
- (d) Keeping of not more than two (2) boarders and/or roomers per dwelling.
- (e) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, amended 7-21-1994)
- (f) Keeping of not more than six (6) hen chickens consistent with standards outlined in Section 33.23. (Ord. No. 15-2320, amended 8-6-2015)

(Ord. No. 94-1501, amended 4-21-1994)

29.24 - Conditional uses.

- (a) Boarding houses.
- (b) Schools.

(c) Churches.

~~(d) Public buildings.~~

(e) Home occupations as described in 33.11(d).~~Home occupations.~~

(f) Golf courses.

(g) Kennel—Private.

(h) More than two (2) garage/accessory buildings. (Ord. No. 94-1501, amended 4-21-1994)

(i) Garage and accessory building space with total combined area larger than two thousand (2,000) square feet and up to three thousand (3,000) square feet for properties outside the MUSA boundary. (Ord. No. 09-2195, added 10-15-2009)

29.25 - Standards.

(a) The minimum area to be zoned RE is forty (40) acres.

(b) Front yard setback—Thirty-five (35) feet.

(c) Side yard setback—Ten (10) feet.
Corner lots—Thirty-five (35) feet.

(d) Rear yard setback—Thirty (30) feet.

(e) Minimum lot size—One hundred four thousand (104,000) square feet (two and one-half (2½) acres).

(f) Minimum frontage—One hundred (100) feet.

(g) Minimum lot depth—Three hundred (300) feet.

(h) Average lot width—One hundred fifty (150) feet.

(i) Maximum building height shall not exceed two and one-half (2½) stories or thirty (30) feet.

(j) It shall be required for all single family dwellings that there be a garage constructed of a minimum of four hundred (400) square feet with no dimension less than twenty (20) feet. Total garage and accessory building space shall not exceed two thousand (2,000) square feet of gross area for parcels inside the MUSA boundary. (Ord. No. 94-1501, amended 4-21-1994; Ord. No. 01-1911, amended 7-19-2001; Ord. No. 09-2195, amended 10-15-2009)

The architectural style and color of a garage and accessory building shall be compatible with the principal building. The facing material of the garage shall be compatible with the principle building. Garage/accessory building access doors shall not exceed ten (10) feet in height. Accessory buildings shall only be located in the rear yard. (Ord. No. 94-1501, amended 4-21-1994).

~~(k) Parking—One (1) garage space plus two (2) off-street spaces.~~

~~(l) There shall be at least three (3) livable rooms per dwelling unit.~~

~~(m) No livable room, except a kitchen, shall have a floor area of less than seven (7) feet wide.~~

(n) No ~~area more than six (6) feet below grade nor any~~ part of the garage shall be considered a livable area.

(o) For a single family dwelling, the minimum above grade finished floor area of the various kinds of dwellings shall be as follows:

(1) Without basement 1,240

(2) With basement 1,040

~~For a single family dwelling, the minimum finished first floor area of the various kinds of dwellings shall be as follows: first floor area as used herein shall mean the overall dimensions of the first floor:~~

~~(1) One story with basement—One thousand forty (1,040) square feet; one thousand two hundred forty (1,240) [square feet] without basement.~~

~~(2) Multi-level dwellings—Eight hundred thirty-six (836) square feet.~~

(p) No residential structure shall have a width of less than twenty-four (24) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.

(q) All residential structures shall have permanent concrete or wood foundations, which comply with the ~~Uniform Building Code~~Minnesota Residential Code as adopted by the State of Minnesota and which is solid for the complete circumference of the house.

(r) All single family dwellings and additions to single family dwellings, other than earth sheltered homes and rear yard pre-engineered patio enclosures, shall have at least a three-twelfths (3/12) roof pitch and shall have a shingled roof. Steel panel (standing seam) roofing can be used as an alternative to a shingled roof provided the material used is 1) a minimum twenty-six (26) gauge steel base sheet 2) provided with a minimum G-90 galvanized protective coating or equivalent 3) a factory finished solid color material with a minimum paint quality grade of Standard or Better. All steel panel roofing shall be installed per the most current edition of the Minnesota ~~State-Residential Building Code~~ and the manufacturer's installation instructions. Only manufacturer produced flashing, fasteners, trim pieces and vents shall be used in the installation of steel panel roofing. Variations on non-manufacturer produced accessories shall be pre-approved by the City Building Official for use with any steel panel roofing. Pre-engineered patio enclosures shall be limited to not more than three hundred twenty (320) square feet of floor area and shall not have any dimension greater than twenty (20) feet. All pre-engineered patio enclosure plans need to be approved by the building department with issuance of a building permit. (Ord. No. 98-1743, amended 9-17-1998; Ord. No. 11-2225, amended 6-16-2011)

(s) All residential dwellings must be built in conformance with the ~~Uniform Building Code~~Minnesota Residential Code as adopted in the State of Minnesota.

(t) All residential dwellings shall have roof overhangs which extend a minimum of one (1) foot from the exterior wall of the structure.

(u) Any metal siding upon residential structure shall have horizontal edges and overlapping sections no wider than twelve (12) inches. Sheet metal siding shall not be permitted in this residential district. (Ord. No. 84-856, amended 1-3-1985)

(v) Driveways shall not be constructed closer than five (5) feet to the property line ~~without written authorization from the adjacent property owner and Zoning Administrator.~~

~~(w) The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)~~

29.30 - SINGLE FAMILY (R-1)

29.31 - Intent.

The purpose of this district is to allow low density single family units in developing portions of the city where sanitary sewer and water services are available.

29.32 - Permitted uses.

(a) Single family detached dwellings.

~~(b) Public parks.~~

(c) Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

~~(d) Fire stations. (Ord. No. 91-1264, amended 9-19-1991)~~

(c) State licensed residential care facilities serving six or fewer persons

(c) Essential services

29.33 - Accessory uses.

- (a) Private garages/accessory buildings.
- (b) Private swimming pools.
- (c) Signs as regulated in Section 34.07(c).
- (d) Keeping of not more than two (2) boarders and/or roomers per dwelling unit. (Ord. No. 90-1193, amended 3-15-1990)
- (e) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, amended 7-21-1994)
- (f) Keeping of not more than six (6) hen chickens consistent with standards outlined in Section 33.23. (Ord. No. 15-2320, amended 8-6-2015)

(Ord. No. 94-1501, amended 4-21-1994)

29.34 - Conditional uses.

- (a) Boarding houses.
- (b) Churches.
- (c) Schools.
- (d) Golf courses.

~~(e) Public buildings.~~

~~(f) Home occupations as described in 33.11(d). Home occupations.~~

- (g) More than two (2) garage/accessory buildings. (Ord. No. 94-1501, amended 4-21-1994)

~~(h) Group home, licensed by the State Department of Human Services, operated by a service provider under contract with Anoka County Social Services, serving from seven (7) through ten (10) youth under the age of eighteen (18), and located abutting a collector or minor arterial roadway with a minimum lot size of one-half (1/2) acre. (Ord. No. 95-1559, amended 6-22-1995)~~

- (i) ~~Garages with floor areas larger than~~ Total combined garage and accessory structure space greater than one thousand (1,000) square feet and up to one thousand two hundred (1,200) square feet. (Ord. No. 99-1799, amended 7-8-1999)

29.35 - Standards.

- (a) Front yard setback—Thirty (30) feet. (Ord. No. 90-1193, amended 3-15-1990; Ord. No. 98-1694, amended 1-22-1998)
- (b) Side yard setback—Ten (10) feet.
Corner lots—Twenty (20) feet.
- (c) Rear yard setback—Thirty (30) feet. Building setback of seventy-five (75) feet from the surveyed ordinary high water mark of public waters as defined by the Minnesota Department of Natural Resources. ([Ord. No. 17-2371](#), amended 2-2-2017)
- (d) Garages and accessory building shall have rear and side yard setbacks of not less than five (5) feet with the exception that accessory buildings, less than one hundred twenty (120) square feet in area,

shall have a rear and side yard setback of not less than one (1) foot. Accessory buildings placed within the five (5) foot setback area, and within a drainage and utility easement, shall not be placed or constructed, in the easement, in a manner to limit the use of the easement or alter storm drainage in any way as to negatively impact other property. Accessory buildings placed within a drainage and utility easement are placed, by the owner, at the owner's risk of removal by the City or other agencies that may have legal use of the easement. Garages and accessory buildings shall have corner yard setbacks of not less than twenty (20) feet. (Ord. No. 05-2062, amended 10-20-2005; Ord. No. 90-1193, amended 3-15-1990)

- (e) Conditional use permits under [section] 29.34(b), (c), (d), and (e) shall have the following setbacks; building—Fifty (50) feet front, rear and side; parking—Thirty (30) feet front, rear and side. (Ord. No. 90-1193, amended 3-15-1990)
- (f) Minimum lot size—Ten thousand (10,000) square feet.
- (g) Minimum lot width as measured at the front setback line—Eighty (80) feet. (Ord. No. 90-1193, amended 3-15-1990)
- (h) Minimum frontage—Sixty (60) feet. (Ord. No. 99-1813, amended 9-16-1999; Ord. No. 90-1193, amended 3-15-1990)
- (i) Minimum depth—One hundred twenty-five (125) feet.
- (j) Maximum building height shall not exceed two and one-half (2½) stories or thirty (30) feet, whichever is less.
- (k) It shall be required for all single family dwellings that there be a garage constructed of a minimum of four hundred (400) square feet with no dimension less than twenty (20) feet. Total combined garage and accessory building space shall not exceed one thousand (1,000) square feet and two hundred (200) square feet respectively unless specifically authorized by a Conditional Use Permit. The architectural style and color of a garage and accessory building shall be compatible with the principal building. The facing material of the garage shall be compatible with the principal building. Garage/accessory building access doors shall not exceed ten (10) feet in height. (Ord. No. 94-1501, amended 4-21-1994; Ord. No. 99-1799, amended 4-21-1994)
- (l) No accessory building, other than a garage shall be located within any yard other than the rear yard, except that single story accessory buildings may be permitted in the side yard with the approval of the Zoning Administrator only if there is a door on the same side of the single family dwelling that is accessible to living space. Side yard shed approval will also be based on a screening plan consisting of privacy fencing and or landscaping to minimize the impact to adjacent properties. Garages located in the rear yard must have capability of hard surface driveway access meeting all setback requirements. The minimum width of access drive shall be no less than eight (8) feet. Access can include the ability to drive through existing garage into the rear yard upon providing evidence that an eight-foot minimum width garage door has been installed along the rear of the garage and that access to rear door is not restricted by non-vehicular storage. Garages or accessory buildings not having driveway access capability shall be limited in door size to no more than five (5) feet in width to preclude storage of vehicles normally requiring driveway access. (Ord. No. 00-1836, amended 3-16-2000; Ord. No. 98-1705, amended 3-19-1998)
- (m) Parking—Two (2) garage spaces plus two (2) off-street spaces. (Ord. No. 95-1546, amended 1-19-1995)
- (n) For a single family dwelling, the minimum above grade finished floor area of the various kinds of dwellings shall be as follows:
 - (1) Without basement 1,240
 - (2) With basement 1,040

For a single family dwelling, the minimum finished first floor area of the various kinds of dwellings shall be as follows: first floor area as used herein shall mean the overall dimensions of the first floor:

~~(1) One story with basement—One thousand forty (1,040) square feet; one thousand two hundred forty (1,240) [square feet] without basement.~~

~~(2) Multi-level dwellings—Eight hundred thirty-six (836) square feet.~~

- (o) No residential structure shall have a width of less than twenty-four (24) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.
- (p) All single family dwellings and additions to single family dwellings, other than earth sheltered homes and rear yard pre-engineered patio enclosures, shall have at least a three-twelfths (3/12) roof pitch and shall have a shingled roof. Steel panel (standing seam) roofing can be used as an alternative to a shingled roof provided the material used is 1) a minimum twenty-six (26) gauge steel base sheet 2) factory finished solid color material with a minimum paint quality grade of Standard or Better. All steel panel roofing shall be installed per the most current edition of the MN ~~State~~ Residential ~~Building~~ Code and the manufacturer's installation instructions. Only manufacturer produced flashing, fasteners, trim pieces and vents shall be used in the installation of steel panel roofing. Variations on non-manufacturer produced accessories shall be pre-approved by the City Building Official for use with any steel panel roofing. Pre-engineered patio enclosures shall be limited to not more than three hundred twenty (320) square feet of floor area and shall not have any dimension greater than twenty (20) feet. All pre-engineered patio enclosure plans need to be approved by the building department with issuance of a building permit. (Ord. No. 98-1743, amended 9-17-1998; Ord. No. 12-2249, amended 4-19-2012)
- (q) All residential dwellings must be built in conformance with the ~~Minnesota State Building~~ Minnesota Residential Code. (Ord. No. 90-1193, amended 3-15-1990)
- (r) All residential dwellings shall have roof overhangs which extend a minimum of one (1) foot from the exterior wall of the structure.
- (s) Any metal siding upon residential structure shall have horizontal edges and overlapping sections no wider than twelve (12) inches. Sheet metal siding shall not be permitted in this residential district. (Ord. No. 84-856, amended 1-3-1985)
- (t) Driveways shall not be constructed closer than three (3) feet to the property line. All driveways and approaches shall be hard surfaced using concrete, blacktop, or equivalent paving approved by the City Engineer. ~~Single family lots of more than one-half (½) acre in size are exempt from this provision except that the first thirty-five (35) feet of the driveway directly off the traveled street shall be surfaced equal to the street's surface.~~ (Ord. No. 87-1000, amended 5-7-1987; Ord. No. 89-1163, amended 10-19-1989)
- (u) It shall be required that all front yards, rear yards, and side yards be sodded over a minimum of four (4) inches of black dirt. Each lot shall also contain ~~one (1) boulevard deciduous over story tree and one (1) front yard deciduous over story tree of two and one-half inch caliper or six-foot coniferous tree. In addition, all corner lots will contain an additional boulevard tree along the corner side yard.~~ two front yard overstory deciduous trees of two and one half caliper. One of the required trees may be replaced by a six foot conifer or two ornamental trees of two caliper inches. One additional overstory tree shall be planted in side corner yards on corner lots. All trees shall meet the City's residential tree planting requirements. All landscaping work to be completed at the time of request for a Certificate of Occupancy if issued between May 15th and October 15th, unless dates have been modified by the Zoning Administrator to accommodate unseasonable weather. A Certificate of Occupancy requested after October 15th and before May 15th may be issued with a cash deposit submitted by the builder in an amount required by the Zoning Administrator to guarantee installation of landscaping. Natural areas left undisturbed can be excluded from this requirement with the approval of the Zoning Administrator. (Ord. No. 99-1823, amended 11-18-1999; Ord. No. 99-1771, amended 3-4-1999; Ord. No. 84-839, amended 9-6-1984; Ord. No. 86-972, amended 8-21-1986; Ord. No. 97-1686, amended 11-20-1997; Ord. No. 01-1903, amended 5-23-2001)

~~(v) The lowest floor elevation shall be no lower than the Regulatory Flood Protection elevation or four (4) feet above the high ground water level established by a registered professional engineer, whichever is greater. (Ord. No. 90-1193, amended 3-12-1990)~~

- (w) All new homes constructed southeast or northeast of the Anoka County Airport, as subsequently described, and within five hundred (500) feet of any minor and principal roadways as defined by the City of Blaine Transportation Plan, shall meet the Noise Abatement Standards, Section 33.22. The southeast area is bounded by 85th Avenue, 35W, 95th Avenue and the Airport; the northeast area is bounded by 101st Avenue, Naples Street, 109th Avenue, and Radisson Road. (Ord. No. 05-2053, amended 8-18-2005)

(Ord. No. 94-1543, added 2-16-1995)

29.300 - SINGLE FAMILY (R-1AA)

29.3001 - Intent.

The purpose of this district is to allow low density single family units in developing portions of the city where sanitary sewer and water services are available. This district establishes lot sizes and house sizes that are slightly larger than those of the R-1 District.

(Ord. No. 90-1181, added 1-18-1990)

29.3002 - Permitted uses.

- (a) Single family detached dwellings.

~~(b) Public parks.~~

- (c) Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

~~(d) Fire stations. (Ord. No. 91-1264, amended 9-19-1991)~~

(c) State licensed residential care facilities serving six or fewer persons

(c) Essential services

(Ord. No. 90-1181, added 1-18-1990)

29.3003 - Accessory uses.

- (a) Private garages/accessory buildings.
- (b) Private swimming pools.
- (c) Signs as regulated in Section 34.07(c).
- (d) Keeping of not more than two (2) boarders and/or roomers per dwelling unit.
- (e) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, Amended 7-21-1994)
- (f) Keeping of not more than six (6) hen chickens consistent with standards outlined in Section 33.23. (Ord. No. 15-2320, amended 8-6-2015)

(Ord. No. 90-1181, added 1-18-1990; Ord. No. 94-1501, amended 4-21-1994)

29.3004 - Conditional uses.

- (a) Boarding houses.
- (b) Churches.
- (c) Schools.
- (d) Golf courses.
- ~~(e) Public buildings.~~
- (f) Home occupations as described in 33.11(d).~~Home occupations.~~
- (g) More than two (2) garage/accessory buildings. (Ord. No. 94-1501; amended 4-21-1994)
- (h) Total combined garage and accessory structure space greater than one thousand (1,000) square feet and up to one thousand two hundred (1,200) square feet. Garages with floor areas larger than one thousand (1,000) square feet and up to one thousand two hundred (1,200) square feet. (Ord. No. 99-1799, amended 7-8-1999)

(Ord. No. 90-1181, added 1-18-1990)

29.3005 - Standards.

- (a) Front yard setback—Thirty (30) feet.
- (b) Side yard setback—Ten (10) feet.
Corner lots—Twenty (20) feet.
- (c) Rear yard setback—Thirty (30) feet.
- (d) Garages and accessory buildings shall have rear and side yard setbacks of not less than five (5) feet. And Corner side yard setback of
- (e) Conditional use permits under [section] 29.3604(b), (c), (d) and (e) shall have the following setbacks; building—Fifty (50) feet front, rear and side; parking—Thirty (30) feet front, rear and side.
- (f) Minimum lot size—Ten thousand eight hundred (10,800) square feet.
- (g) Lot width—Eighty (80) feet.
Lot width corner—Ninety (90) feet.
- (h) Minimum frontage—Sixty (60) feet. (Ord. No. 99-1813, amended 9-16-1999)
- (i) Minimum depth—One hundred twenty-five (125) feet.
- (j) Maximum building height shall not exceed two and one-half (2½) stories or thirty (30) feet, whichever is less.
- (k) It shall be required for all single family dwellings that there be a garage constructed of a minimum of four hundred (400) square feet with no dimension less than twenty (20) feet. Total combined garage and accessory building space shall not exceed one thousand (1,000) square feet and two hundred (200) square feet respectively unless specifically authorized by a Conditional Use Permit. The architectural style and color of a garage and accessory building shall be compatible with the principal building. The facing material of the garage shall be compatible with the principal building. Garage/accessory building doors shall not exceed ten (10) feet in height. (Ord. No. 99-1799, amended 6-24-1999; Ord. No. 94-1501, amended 4-21-1994)
- (l) No accessory building, other than a garage shall be located within any yard other than the rear yard, except that single story accessory buildings may be permitted in the side yard with the approval of

the Zoning Administrator only if there is a door on the same side of the single family dwelling that is accessible to living space. Side yard shed approval will also be based on a screening plan consisting of privacy fencing and or landscaping to minimize the impact to adjacent properties.. Garages located in the rear yard must have capability of hard surface driveway access meeting all setback requirements. The minimum width of access drive shall be no less than eight (8) feet. Access can include the ability to drive through existing garage into the rear yard upon providing evidence that an eight-foot minimum width garage door has been installed along the rear of the garage and that access to rear door is not restricted by non-vehicular storage. Garages or accessory buildings not having driveway access capability shall be limited in door size to no more than five (5) feet in width to preclude storage of vehicles normally requiring driveway access. (Ord. No. 00-1836, amended 03-16-2000; Ord. No. 98-1705, amended 3-19-1998)

- (m) For a single family dwelling, the minimum finished floor area above grade shall be one thousand two hundred forty (1,240) square feet.
- (n) No residential structure shall have a width of less than twenty-four (24) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.
- (o) All single family dwellings and additions to single family dwellings, other than earth sheltered homes and rear yard pre-engineered patio enclosures, shall have at least a three-twelfths (3/12) roof pitch and shall have a shingled roof. Pre-engineered patio enclosures shall be limited to not more than three hundred twenty (320) square feet of floor area and shall not have any dimension greater than twenty (20) feet. All pre-engineered patio enclosure plans need to be approved by the building department with issuance of a building permit. (Ord. No. 98-1743, amended 9-17-1998)
- (p) All residential dwellings must be built in conformance with the Minnesota ~~State Building Residential~~ Code.
- (q) Any metal siding used on residential structures shall have horizontal edges and overlapping sections no wider than twelve (12) inches. Sheet metal siding shall not be permitted in this residential district.
- (r) Residential driveways and vehicle parking areas shall not be constructed closer than three (3) feet to the property line. All driveways, approaches and vehicle parking areas shall be hard surfaced using concrete, blacktop, or equivalent paving approved by the City Engineer.
- (s) All front yards, rear yards, and side yards shall be sodded over a minimum of four (4) inches of black dirt. All landscaping work to be completed at the time of request for a Certificate of Occupancy if issued between May 15th and October 15th, unless dates have been modified by the Zoning Administrator to accommodate unseasonable weather. A Certificate of Occupancy requested after October 15th and before May 15th may be issued with a cash deposit submitted by the builder in an amount required by the Zoning Administrator to guarantee installation of landscaping. Natural areas left undisturbed can be excluded from this requirement with the approval of the Zoning Administrator. In addition, each lot shall contain two front yard overstory deciduous trees of two and one half caliper. One of the required trees may be replaced by a six foot conifer or two ornamental trees of two caliper inches. One additional overstory tree shall be planted in side corner yards on corner lots one (1) boulevard deciduous over story tree and one (1) front yard deciduous over story tree of two and one half inch caliper or six foot coniferous tree. In addition, all corner lots will contain an additional tree along the corner side yard. All trees shall meet the City's residential tree planting requirements. Existing trees within the front yard can be substituted upon approval of the Zoning Administrator. (Ord. No. 99-1823, amended 11-18-1999; Ord. No. 99-1771, amended 3-4-1999; Ord. No. 97-1686, amended 11-20-1997; Ord. No. 01-1903, amended 5-23-2001)
- ~~(t) The lowest floor elevation shall be no lower than the Regulatory Flood Protection elevation or four (4) feet above the high ground water level as established by a registered professional engineer, whichever is greater.~~
- ~~(u) Parking Two (2) garage spaces plus two (2) off-street spaces. (Ord. No. 95-1546, added 1-19-1995)~~

- (v) All new homes constructed southeast or northeast of the Anoka County Airport, as subsequently described, and within five hundred (500) feet of any minor and principal roadways as defined by the City of Blaine Transportation Plan, shall meet the Noise Abatement Standards, Section 33.22. The southeast area is bounded by 85th Avenue, 35W, 95th Avenue and the Airport; the northeast area is bounded by 101st Avenue, Naples Street, 109th Avenue, and Radisson Road. (Ord. No. 05-2053, amended 8-18-2005; Ord. No. 94-1543, added 2-16-1995)

(Ord. No. 90-1181, added 1-18-1990)

29.301 - SINGLE FAMILY (R-1A)

29.3011 - Intent.

The purpose of this district is to allow larger lot low density single family units ~~in developing portions of the City. This district shall encourage larger lot single family dwelling units~~ utilizing City services of sanitary sewer, water, street, and storm drainage.

(Ord. No. 87-1044, added 11-5-1987)

29.3012 - Permitted uses.

- (a) Single family detached dwellings.

~~(b) Public uses or utilities, except major buildings, substations, towers, or transmission lines.~~

- (c) Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

~~(d) Fire stations. (Ord. No. 91-1264, amended 9-19-1991)~~

(c) State licensed residential care facilities serving six or fewer persons

(c) Essential services

(Ord. No. 87-1044, added 11-5-1987)

29.3013 - Accessory uses.

- (a) Private garages/accessory buildings.

- (b) Private swimming pools.

- (c) Private tennis courts and patios.

- (d) Signs as regulated under [Section] 34.07(c).

- (e) Keeping of not more than two (2) boarders and/or roomers per dwelling unit.

- (f) Keeping of not more than six (6) hen chickens consistent with standards outlined in Section 33.23. (Ord. No. 15-2320, amended 8-6-2015)

(Ord. No. 87-1044, added 11-5-1987; Ord. No. 94-1501, amended 4-21-1994)

29.3014 - Conditional uses.

- (a) Boarding ~~or group homes of more than six (6) persons. House.~~
- ~~(b) Public buildings.~~
- (c) Home occupations as described in 33.11(d). Home occupations regulated under [Section] 33.11.
- (d) More than two (2) garage/accessory buildings.
- (e) Recreation facilities such as golf courses and country clubs.

(Ord. No. 87-1044, added 11-5-1987; Ord. No. 94-1501, amended 4-21-1994)

29.3015 - Standards.

- (a) Front yard setback—Thirty-five (35) feet.
- (b) Side yard setback—Ten (10) feet.
- (c) Corner side yard setback—Twenty-five (25) feet (Ord. No. 90-1193, amended 3-15-1990)
- (d) Rear yard setback—Thirty (30) feet (Ord. No. 92-1304, amended 8-20-1992)
- (e) Rear yard and side yard setback for detached garage—Fifteen (15) feet, and accessory buildings—Five (5) feet (Ord. No. 96-1599; amended 5-16-1996) Corner side yard side back for garages and accessory buildings- twenty-five (25) feet.
- (f) Uses by conditional use permit [Section] 29.3014(b) and (g) shall have the following building setbacks for front yard, side yard, and rear yard—Fifty (50) feet (Ord. No. 90-1193, amended 3-15-1990)
- (g) Parking/driveway for conditional uses [Section] 29.3014(b) and (g) shall have a minimum setback of twenty-five (25) feet. (Ord. No. 90-1193, amended 3-15-1990)
- (h) Minimum lot size—Twelve thousand one hundred fifty (12,150) square feet (interior lot) with City sewer and water services. Thirteen thousand five hundred (13,500) square feet (corner lot) with City water and sewer services. Ten (10) acres without City sewer and water services.
- (i) Minimum lot width as measured at the front setback line—Ninety (90) feet. Minimum corner lot width—One hundred (100) feet. (Ord. No. 90-1193, amended 3-15-1990)
- (j) Minimum lot depth—One hundred thirty-five (135) feet.
- (k) Maximum building height—Two and one-half (2½) stories or thirty-five (35) feet—An accessory structure shall not exceed the height of the home.
- (l) It shall be required for all single family dwellings that there be a garage constructed of a minimum of five hundred twenty-eight (528) square feet (twenty-four (24) feet by twenty-two (22) feet). Total combined garage and accessory building space shall not exceed one thousand two hundred (1,200) square feet ~~and two hundred (200) square feet respectively.~~ Attached garages shall have a side yard setback of not less than ten (10) feet. Triple stall attached garages shall have a side yard setback of not less than five (5) feet. (Ord. No. 90-1193, amended 3-15-1990)

The architectural style and color of a garage and accessory building shall be compatible with the principal building. The facing material of the garage shall be compatible with the principle building. Garage and accessory access doors shall not exceed ten (10) feet in height. (Ord. No. 94-1501, amended 4-21-1994)

- (m) No accessory building, other than a garage, shall be located within any yard other than the rear yard, except that single story accessory buildings may be permitted in the side yard with the approval of the Zoning Administrator only if there is a door on the same side of the single family dwelling that is accessible to living space. Side yard shed approval will also be based on a screening plan consisting of privacy fencing and or landscaping to minimize the impact to adjacent properties. Garages located in the rear yard must have capability of hard surface driveway access meeting all

setback requirements. The minimum width of access drive shall be no less than eight (8) feet. Access can include the ability to drive through existing garage into the rear yard upon providing evidence that an eight-foot minimum width garage door has been installed along the rear of the garage and that access to rear door is not restricted by non-vehicular storage. Garages or accessory buildings not having driveway access capability shall be limited in door size to no more than five (5) feet in width to preclude storage of vehicles normally requiring driveway access. (Ord. No. 00-1836, amended 03-16-00; Ord. No. 98-1705, amended 3-19-1998)

~~(n) Parking Two (2) garage spaces plus two (2) off-street spaces.~~

~~(o) For a single family dwelling, the minimum finished floor area at or above grade of the various kinds of dwellings shall be as follows:~~

For a single family dwelling, the minimum above grade finished floor area of the various kinds of dwellings shall be as follows:

(1) Without basement 1,700

(2) With basement 1,500

~~(1) One story dwelling with basement One thousand five hundred (1,500) square feet; one thousand seven hundred (1,700) square feet without basement.~~

~~(2) Two story dwelling One thousand five hundred (1,500) square feet of which a minimum of one thousand (1,000) square feet must be constructed on first floor.~~

~~(3) Multi-level dwelling One thousand five hundred (1,500) square feet of which a minimum of seven hundred fifty (750) square feet must be constructed on first floor.~~

(p) No residential structure shall have a width of less than twenty-six (26) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.

(q) All single family dwellings and additions to single family dwellings, other than earth sheltered homes and rear yard pre-engineered patio enclosures, shall have at least a three-twelfths (3/12) roof pitch and shall have a shingled roof. Pre-engineered patio enclosures shall be limited to not more than three hundred twenty (320) square feet of floor area and shall not have any dimension greater than twenty (20) feet. All pre-engineered patio enclosure plans need to be approved by the building department with issuance of a building permit. (Ord. No. 98-1743, amended 9-17-1998)

(r) All residential dwellings must be built in conformance with the Minnesota ~~State Building~~Residential Code. (Ord. No. 90-1193, amended 3-15-1990)

(s) Residential dwellings shall have roof overhangs which extend a minimum of two (2) foot from the exterior wall of the structure or approved alternative. (Ord. No. 89-1167, amended 11-16-1989)

(t) Any single family house constructed in this zoning district shall use the following exterior materials:

— Front elevation: Use of wood, stone, stucco, cementious siding, or brick. Metal or vinyl siding is also permitted on the front exterior when used in combination with wood, stone, stucco, or brick. The minimum gauge of the siding shall be .024 for metal and .042 for vinyl. The maximum coverage of metal and vinyl siding shall be seventy-five percent (75%) of front exterior exclusive of window and door openings.

— Side/rear elevations: Use of wood, stone, stucco, brick, wood paneling, metal, cementious siding product or vinyl. (Ord. No. 90-1217, amended 8-2-1990)

(u) Driveways shall not be constructed closer than five (5) feet to the property line. All driveways and approaches shall be hard surfaced using concrete, blacktop, or equivalent paving approved by the City Engineer.

(v) It shall be required that all front yards, side yards, and rear yards of a new single family dwelling be sodded over a minimum of four (4) inches of black dirt. Each lot shall also contain two front yard

overstory deciduous trees of two and one half caliper. One of the required trees may be replaced by a six foot conifer or two ornamental trees of two caliper inches. One additional overstory tree shall be planted in side corner yards on corner lots. one (1) boulevard deciduous over-story tree and one (1) front yard deciduous over-story tree and two and one half inch caliper, or six foot coniferous tree. In addition, all corner lots will contain an additional boulevard tree along the corner side yard. All trees shall meet the City's residential tree planting requirements. All landscaping work to be completed at the time of request for a Certificate of Occupancy if issued between May 15th and October 15th, unless dates have been modified by the Zoning Administrator to accommodate unseasonable weather. A Certificate of Occupancy requested after October 15th and before May 15th may be issued with a cash deposit submitted by the builder in an amount required by the Zoning Administrator to guarantee installation of landscaping. Any undisturbed area beyond the first one hundred twenty (120) feet of lot depth may be left in its natural vegetative state. (Ord. No. 99-1823, amended 11-18-1999; Ord. No. 99-1771, amended 3-4-1999; Ord. No. 01-1903, amended 3-4-1999)

- ~~(w) The lowest floor elevation shall be no lower than the Regulatory Flood Protection elevation or four (4) feet above the high ground water level established by a registered professional engineer, whichever is greater. (Ord. No. 90-1195, amended 3-15-1990)~~
- ~~(x) All developments within an R-1A zoning district shall construct an entry way monument sign designating the name of the development. All signage shall be approved by the Community Development Department.~~
- ~~(y) In addition to the total yard being sodded, all single family lots shall contain a boulevard tree (within the public right-of-way); and a minimum of two (2) front yard trees of a minimum of two and one-half inch caliper. Existing trees within the front yard can be substituted upon approval of the Community Development Department.~~
- ~~(z) All developments within an R-1A zoning district shall develop and implement an uniform mailbox plan subject to the approval of the Community Development Department.~~
- ~~(aa) All developments within an R-1A zoning district shall develop and implement an uniform and decorative street lighting plan subject to the approval of the Community Development Department.~~
- (bb) All new homes constructed southeast or northeast of the Anoka County Airport, as subsequently described, and within five hundred (500) feet of any minor and principal roadways as defined by the City of Blaine Transportation Plan, shall meet the Noise Abatement Standards, Section 33.22. The southeast area is bounded by 85th Avenue, 35W, 95th Avenue and the Airport; the northeast area is bounded by 101st Avenue, Naples Street, 109th Avenue, and Radisson Road. (Ord. No. 05-2053, amended 8-18-2005; Ord. No. 94-1543, added 2-14-1995)

(Ord. No. 87-1044, added 11-5-1987)

29.40 - TWO FAMILY (R-2)

29.41 - Intent.

The purpose of this district is to allow single and two family dwelling units in developing portions of the city where sanitary sewer and water services are available. This district shall be located adjacent to collector or arterial streets. (Ord. No. 90-1222, amended 9-6-1990)

29.42 - Permitted uses.

- (a) Two family detached dwellings.
- (b) Single family detached dwelling meeting all requirements of [Section] 29.35.
- (c) Public parks.
- (d) Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

(e) Fire stations. (Ord. No. 91-1264, amended 9-19-1991)

(c) State licensed residential care facilities serving six or fewer persons

(c) Essential services

(Ord. No. 90-1222, amended 9-6-1990)

29.43 - Accessory uses.

(a) Private garages/accessory. (Ord. No. 94-1501, amended 4-21-1994)

(b) Private swimming pools.

(c) Signs as regulated in Section 34.07(c).

(d) One accessory building.

(e) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, amended 7-21-1994)

29.44 - Conditional uses.

(a) Boarding houses.

(b) Churches.

(c) Public buildings.

(d) Home occupations as described in 33.11(d).

~~Home occupations.~~

(e) Golf courses.

(f) Zero lot line splits.

(g) More than two (2) garage/accessory buildings. (Ord. No. 94-1501, amended 4-21-1994)

(h) Manufactured home park meeting the standards of 29.90.

29.45 - Standards.

(a) Front yard setback—Thirty-five (35) feet.

(b) Side yard setback—Ten (10) feet.
Corner lots—Thirty-five (35) feet.

(c) Rear yard setback—Thirty (30) feet.

(d) Rear yard setback—Detached garages and accessory buildings—Five (5) feet.

(e) Minimum lot size—Fourteen thousand (14,000) square feet. Zero lot line split—Six thousand two hundred fifty (6,250) square feet/lot. (Ord. No. 89-1141, amended 5-18-1989)

(f) Average lot width—Ninety (90) feet. (Ord. No. 89-1141, amended 5-18-1989)

(g) Minimum frontage—Sixty (60) feet. (Ord. No. 86-948, amended 6-5-1986)

(h) Minimum depth—One hundred twenty-five (125) feet.

- (i) Maximum building height shall not exceed two and one-half (2½) stories or thirty (30) feet, whichever is less.
- (j) It shall be required for all two family dwellings that there be a garage constructed of a minimum of four hundred (400) square feet with no dimension less than twenty (20) feet for each individual dwelling unit. Total garage space per unit shall not exceed ten (10) percent of the lot area and in no case exceed one thousand (1,000) square feet of gross area. Garages shall have a side yard setback of not less than five (5) feet. (Ord. No. 84-856, amended 1-3-1985)

The architectural style and color of a garage shall be compatible with the principal building. The facing material of the garage shall be compatible with the principle building. Garage access doors shall not exceed ten (10) feet in height No Accessory building, other than the garage, shall be located within any yard other than the rear yard. (Ord. No. 94-1501, amended 4-21-1994)

- (k) ~~All uses permitted by C~~conditional use permits permit (except zero lot line splits a, b, c, and e) shall have the following setbacks; front yard—Fifty (50) feet, side yard—Fifty (50) feet; rear yard—Fifty (50) feet.

~~(l) Parking—One (1) garage space plus two (2) off street spaces per unit.~~

~~There shall be at least three (3) livable rooms per dwelling unit.~~

~~(m) No livable room, except a kitchen, shall have a floor area of less than seven (7) feet wide.~~

- (n) No ~~area more than six (6) feet below grade nor any~~ part of the garage shall be considered a livable area.

- (o) For two-family dwelling house, the minimum finished floor area for one- and two-bedroom units shall be eight hundred fifty (850) square feet per unit. Each additional bedroom beyond two shall require an additional one hundred twenty (120) square feet of finished floor area.

- (p) No residential structure shall have a width of less than twenty-four (24) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.

- (q) All residential structures shall have permanent concrete or wood foundations, which comply with the Uniform BuildingMinnesota Residential Code as adopted by the State of Minnesota and which is solid for the complete circumference of the house.

- (r) All two-family and single family dwellings and additions to two-family and single family dwellings, other than earth sheltered homes, shall have at least a three-twelfths (3/12) roof pitch and shall have a shingled roof. Pre-engineered patio enclosures shall be limited to not more than three hundred twenty (320) square feet of floor area and shall not have any dimension greater than twenty (20) feet. All pre-engineered patio enclosure plans need to be approved by the building department with issuance of a building permit. (Ord. No. 98-1743, amended 9-17-1998)

- (s) All residential dwellings must be built in conformance with the Uniform BuildingMinnesota Residential Code as adopted in the State of Minnesota.

- (t) All residential dwellings shall have roof overhangs which extend a minimum of one (1) foot from the exterior wall of the structure.

- (u) Any metal siding upon residential structure shall have horizontal edges and overlapping sections no wider than twelve (12) inches. Sheet metal siding shall not be permitted in this residential district. (Ord. No. 84-856, amended 1-3-1985)

- (v) Driveways shall not be constructed closer than five (5) feet to the property line except for common lot lines on zero lot line splits ~~without written authorization from the adjacent property owner and Zoning Administrator.~~

- (w) It shall be required that all front yards, rear yards, and side yards be sodded over a minimum of four (4) inches of black dirt and that the work be completed at the time of request for a certificate of occupancy. Natural areas left undisturbed can be excluded from this requirement with the approval

of the Zoning Administrator. Two front yard overstory deciduous trees of two and one half caliper are required for each unit. One of the required trees may be replaced by a six foot conifer or two ornamental trees of two caliper inches. One additional overstory tree shall be planted in side corner yards on corner lots. (Ord. No. 84-839, amended 9-6-1984; Ord. No. 86-972, amended 8-21-1986; Ord. No. 97-1686, amended 11-20-1997)

~~(x) The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)~~

- (y) Maintenance free exterior as approved by the Zoning Administrator. (Ord. No. 94-1538, amended 11-17-1994)

29.400 - R-1B (SINGLE FAMILY)

29.401 - Intent.

The purpose of this district is to allow low density single family units in developing portions of the City. This district shall encourage tree preservation, open space, and larger lot single family dwelling units utilizing City services of sanitary sewer, water, street, and storm drainage.

(Ord. No. 99-1770, added 2-19-1999)

29.402 - Permitted uses.

- (a) Single family detached dwellings.

~~(b) Public uses or utilities, except major buildings, substations, towers, or transmission lines.~~

- (c) Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

(c) State licensed residential care facilities serving six or fewer persons

(c) Essential services

(Ord. No. 99-1770, added 2-19-1999)

29.403 - Accessory uses.

- (a) Attached private garages only. No detached garages or accessory buildings permitted.
- (b) Private swimming pools.
- (c) Private tennis courts and patios.
- (d) Signs as regulated under [Section] 34.07(c).
- (e) Keeping of not more than two (2) boarders and/or roomers per dwelling unit.
- (f) Keeping of not more than six (6) hen chickens consistent with standards outlined in Section 33.23. (Ord. No. 15-2320, amended 8-6-2015)

(Ord. No. 99-1770, added 2-19-1999)

29.404 - Conditional uses.

- (a) Boarding ~~or group homes of more than six (6) persons. house~~
- ~~(b) Public buildings.~~
- (c) Home occupations as described in 33.11(d). ~~Home occupations regulated under [Section] 33.14~~
- (d) Recreation facilities such as golf courses and country clubs.

(Ord. No. 99-1770, added 2-19-1999)

29.405 - Standards.

- (a) Front yard setback—Twenty-five (25) feet minimum. ~~Setbacks greater than twenty-five (25) feet can be proposed on a lot by lot basis where it can be demonstrated that increasing the setback will enhance tree preservation. Plan to be approved by the Zoning Administrator.~~
- (b) Side yard setback—Ten (10) feet.
- (c) Corner side yard setback—Twenty-five (25) feet.
- (d) Rear yard setback—Thirty-five (35) feet.
- ~~(e) Utilities must be located under driveway or immediately adjacent with Zoning Administrator approval.~~
- (f) Developments, structures, utilities, and all other site activities shall be designed, installed, and constructed so that the maximum number of trees are preserved on all lots or parcels. Flexibility of city standards shall be considered when possible to ensure the preservation of the maximum number of trees.
- (g) Parking/driveway for conditional uses shall have a minimum setback of twenty-five (25) feet.
- (h) Minimum lot size—Fifteen thousand (15,000) square feet (interior lot) with City sewer and water services. Sixteen thousand five hundred (16,500) square feet (corner lot) with City water and sewer services. Ten (10) acres without City sewer and water services.
- (i) Minimum lot width—One hundred (100) feet.
Minimum corner lot width—One hundred ten (110) feet.
- (j) Minimum lot depth—One hundred thirty-five (135) feet.
- (k) Maximum building height—Two and one-half (2½) stories or thirty-five (35) feet.
- (l) It shall be required for all single family dwellings that there be a garage constructed of a minimum of five hundred twenty-eight (528) square feet (twenty-four (24) feet by twenty-two (22) feet). Total garage space shall not exceed twelve hundred (1,200) square feet of gross area. A minimum garage shall be located on the lot such to allow for future expansion of ten (10) feet in width.

The architectural style and color of a garage shall be compatible with the principal building. The facing material of the garage shall be compatible with the principle building. Garage doors shall not exceed ten (10) feet in height. (Ord. No. 94-1501, amended 4-21-1994)

- ~~(m) Parking—Two (2) garage spaces plus two (2) off-street spaces.~~
- ~~(n) There shall be at least three (3) livable rooms per dwelling unit.~~
- ~~(o) No livable room, except a kitchen, shall have a floor area of less than seven (7) feet wide.~~
- (p) No ~~area more than six (6) feet below grade nor any~~ part of the garage shall be considered a livable area.
- (q) For a single family dwelling, the minimum above grade finished floor area of the various kinds of dwellings shall be as follows:
 - (1) Without basement 2,000

(2) With basement 1,800

~~For a single family dwelling, the minimum finished floor area at or above grade of the various kinds of dwellings shall be as follows:~~

~~(1) One-story dwelling with basement One thousand eight hundred (1,800) square feet; two thousand (2,000) square feet without basement. Minimum one thousand (1,000) square feet must be constructed on first floor.~~

~~(2) Two-story dwelling One thousand eight hundred (1,800) square feet of which a minimum of one thousand (1,000) square feet must be constructed on first floor.~~

~~(3) Multi-level dwelling One thousand eight hundred (1,800) square feet of which a minimum of seven hundred fifty (750) square feet must be constructed on first floor.~~

(r) No residential structure shall have a width of less than twenty-eight (28) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.

(s) All residential structures shall have permanent concrete or wood foundations, which comply with the ~~Uniform Building Code as adopted by the State of Minnesota~~ Minnesota Residential Code and which is solid for the complete circumference of the house.

(t) All single family dwellings, other than earth sheltered homes, shall have at least a five-twelfths (5/12) roof pitch and shall have a shingled roof, unless alternative is approved by the Zoning Administrator.

(u) All residential dwellings must be built in conformance with the Minnesota Residential~~Uniform Building~~ Code as adopted in the State of Minnesota.

(v) All residential dwellings shall have roof overhangs which extend a minimum of one (1) foot from the exterior wall of the structure.

(w) Any single family house constructed in this zoning district shall use the following exterior materials:

* Front elevation: Use of wood, cementitious composite plank, stone, stucco or brick. Steel, [or] aluminum, or .041 or better vinyl siding may be used in combination with these other materials. (Ord. No. 01-1922, amended 10-4-2001)

* Side/rear elevations: Use of wood, cementitious composite plank, stone, stucco, brick, aluminum, [or] steel, or .041 or better vinyl siding. (Ord. No. 01-1922, amended 10-4-2001)

(x) Driveways shall not be constructed closer than five (5) feet to the property line. All driveways and approaches shall be hard surfaced using concrete, blacktop, or equivalent paving approved by the City Engineer.

(y) It shall be required that all front yards, side yards, and rear yards of a new single family dwelling be sodded over a minimum of four (4) inches of black dirt. Each lot shall contain two front yard overstory deciduous trees of two and one half caliper. One of the required trees may be replaced by a six foot conifer or two ornamental trees of two caliper inches. One additional overstory tree shall be planted in side corner yards on corner lots~~a minimum of one (1) boulevard deciduous over story tree and one (1) front yard deciduous over story tree of a minimum of two and one half inch caliper or six foot coniferous tree. In addition, all corner lots will contain an additional boulevard tree along the corner side yard.~~ All trees shall meet the City's residential tree planting requirements. Existing trees within the front yard can be substituted upon approval of the Community Development Department. All landscaping work to be completed at the time of request for a Certificate of Occupancy if issued

between May 15th and October 15th. A Certificate of Occupancy requested after October 15th and before May 15th may be issued with a cash deposit submitted by the builder in an amount required by the Zoning Administrator to guarantee installation of landscaping. Natural areas left undisturbed can be excluded from this requirement with the approval of the Zoning Administrator. (Ord. No. 01-1903, amended 5-23-2001)

~~_(z) — Reserved.~~

~~(aa) — The lowest floor elevation shall be no lower than the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater.~~

~~(bb) — All developments within an R-1B zoning district shall develop and implement an uniform mailbox plan subject to the approval of the Community Development Department.~~

~~(cc) — All development within an R-1B zoning district shall develop and implement an uniform and decorative street lighting plan subject to the approval of the Community Development Department.~~

(Ord. No. 99-1770, added 2-19-1999)

29.50 - LOW DENSITY MULTI-FAMILY (R-3A)

29.51 - Intent.

The district is intended to create low density areas, with a maximum density of five (5) dwelling units per acre. These districts shall be located on the fringe of established one and two-family residential neighborhoods.

29.52 - Permitted uses.

(a) Townhouses.

(b) Quads.

~~_(c) — Public parks.~~

(d) Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

~~_(e) — Fire stations. (Ord. No. 91-1264, amended 9-19-1991)~~

(a) State licensed residential care facility serving between 7 through 16 persons

(b) State licensed childcare facilities serving from 13 to 16 persons

(b) Essential services

29.53 - Accessory uses.

(a) Private garages.

(b) Signs as regulated in Section 34.07(c).

(c) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, amended 7-21-1994)

29.54 - Conditional uses.

- (a) Schools.
- (b) Churches.

~~(c) Public buildings.~~

- (d) Home occupations as described in 33.11(d).

~~Home occupations.~~

- (e) Golf courses (public and private).
- (f) Private tennis courts.
- (g) Private swimming pools.
- (h) ~~Elderly/Retirement~~ Senior Housing complying with standards as set forth in Section 29.59. (Ord. No. 87-1017, added 4-2-1987^[ES3])

- (i) Manufactured home park meeting the standards of 29.90.

29.55 - Standards—Quad, townhouse.

- (a) Minimum area to be zoned R-3A—Ten (10) acres.
- (b) Minimum frontage—None.
- (c) Minimum width—None. Minimum depth—None.
- (d) Front yard—Thirty-five (35) feet.
- (e) Rear yard—Twenty (20) feet.
- (f) Side yard—Twenty (20) feet.
- ~~(g) Parking—Two (2) garage spaces plus two (2) off-street spaces per unit or as required by the Director of Community Development.~~
- (h) Maximum density—Five (5) units per acre.
- (i) Minimum dwelling size:
 - (1) Two-bedroom multi-level—Nine hundred sixty (960) square feet on first finished floor.
 - (2) More than two (2) bedrooms—One hundred twenty (120) square feet for each additional bedroom.
- (j) Minimum distance between buildings—Forty (40) feet.
- (k) Number of units permitted per building—Minimum of three (3), maximum of six (6) - (townhouses only).
- (l) Maximum building height—Two and one-half (2½) stories or thirty (30) feet, whichever is less.
- (m) Parking and driveways may be constructed to within the following minimum setbacks of property line: (Ord. No. 85-898, amended 8-15-1985)
 - (1) Front yard/corner side yard 30 feet
 - (2) Side yard 20 feet
 - (3) Rear yard 20 feet

~~(n) The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)~~

- (o) Garage access doors shall not exceed eight (8) feet in height. (Ord. No. 94-1501, amended 4-21-1994)
- (p) Maintenance free exterior as approved by the Zoning Administrator. (Ord. No. 94-1538, amended 11-17-1994)

29.56 - Setback buffers.

- (a) When higher density districts are located adjacent to lower density districts, the following setbacks shall apply for all buildings. (Ord. No. 85-898, amended 8-15-1985)
 - (1) R-3A adjacent to ~~single family districts~~R-4—Sixty (60) feet.
 - (2) R-3A adjacent to R-2—Fifty (50) feet.
 - (3) A reduction in the required setback buffer may be requested by following the requirements of Section 33.21, Buffer Yard Flexibility. (Ord. No. 86-937, amended 4-3-1985)

29.57 - Landscaping.

- (a) All open areas of any lot not occupied by building or parking shall be landscaped with trees, shrubs, and berms, in accordance with requirements of Section 33.08.
- (b) Underground irrigation shall be required for all front yards and corner side yards. Such irrigation shall extend to include public boulevards and into landscaped parking islands, except natural areas to be preserved. (Ord. No. 89-1177, added 1-4-1990)

29.58 - Screening.

- (a) At least seventy-five percent (75%) of the setback requirements shall be maintained as an opaque landscape buffer zone.

29.59 - ~~Elderly/retirement~~Senior housing standards.

- (a) Notwithstanding other provisions of this chapter, ~~Elderly/Retirement~~Senior Housing projects shall meet the following requirements.
 - (1) *Minimum Floor Area:*
 - Efficiency 440 square feet
 - One-bedroom 520 square feet
 - Two-bedroom 700 square feet (minimum 100 square feet per bedroom)
 - (2) *Minimum Lot Area:*
 - One (1) acre
 - (3) *Open Space.* Two hundred fifty (250) square feet per unit, plus on-site sidewalk system with sitting areas. This area shall not include setback area requirements for parking lots. Active open spaces (i.e., game areas, garden plots, etc.) shall be no less than fifty (50) feet in any direction, unless integrated with primary use areas of the site and having suitable access to residents.
 - (4) *Recreation.* Recreational areas for elderly, handicapped, and children shall be provided. ~~The location, size and equipment shall be approved by the City Planner as to the adequacy and ability to meet the needs of the residents.~~
 - (5) *Height.* 30 feet
 - ~~R-3A 30 feet~~
 - ~~R-3B 50 feet~~

~~R-3C 50 feet with greater heights permitted by CUP~~

- (6) *Transit.* Development must be within one-fourth-mile of MTC or private bus line and construct a sidewalk to the nearest bus stop or provide a car/van pool for residence
- ~~(7) *Parking.* One (1) per unit of which .6 shall be constructed as part of the development; .2 shall be held in reserve on site and constructed when eighty percent (80%) of all stalls are committed to residents and/or employees, and .2 shall be constructed as enclosed within two (2) years of development occupancy.~~
- ~~(8) *Restriction to Elderly Occupancy.* Restrictions to permanently commit such development to elderly retirement persons, or until both parties agree to terminate the arrangement.~~
- ~~(9) *Development Guarantee.* The property owner shall file with Anoka County, subject to review and approval of the City of Blaine, such restrictive covenants to permanently commit such development to elderly retirement persons, or until both parties agree to terminate such restrictive covenants.~~
- (10) *Maintenance Free Exteriors.* Maintenance free exterior as approved by the Zoning Administrator. (Ord. No. 94-1538, amended 11-17-1994)

(Added 4-2-1987)

29.60 - MEDIUM DENSITY MULTI-FAMILY (R-3B)

29.61 - Intent.

The district is intended to allow the development of townhouses, quads, and other types of medium density multi-family units at ten (10) dwelling units per acre located adjacent to major collector streets and served by public services and facilities.

29.62 - Permitted uses.

- (a) Townhouses.
- (b) Quads.
- (c) Multiple dwellings.
- ~~(d) Public parks.~~
- (e) Group family day care. (Ord. No. 91-1248, amended 4-4-1991)
- ~~(f) Fire stations. (Ord. No. 91-1264, amended 9-19-1991)~~
- (a) State licensed residential care facility serving between 7 through 16 persons
- (b) State licensed childcare facilities serving from 13 to 16 persons
- (b) Essential services

29.63 - Accessory uses.

- (a) Private garages.
- (b) Signs as regulated in Section 34.07(c).
- (c) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, amended 7-21-1994)

29.64 - Conditional uses.

- (a) Schools.
- (b) Churches.
- (c) Public buildings.
- (d) Golf courses (public and private).
- (e) Home occupations.
- (f) Private tennis courts.
- (g) Private swimming pools.
- (h) ~~Elderly/Retirement~~Senior Housing complying with standards as set forth in Section 29.693 (Ord. No. 87-1017, added 4-2-1987).
- (i) Structure heights of greater than two and one-half (2½) stories or thirty (30) feet for non-~~elderly~~senior multiple dwellings. (Ord. No. 88-1072, amended 3-17-1988)
- (j) Manufactured home park meeting the standards of 29.90.

29.65 - Standards—Quad, townhouse.

- (a) Minimum area to be zoned R-3B—Ten (10) acres.
- (b) Minimum frontage—None.
- (c) Minimum depth—None.
- (d) Front yard—Thirty-five (35) feet
- (e) Rear yard—Twenty (20) feet.
- (f) Side yard—Twenty (20) feet.
- ~~(g) Parking—Two (2) garage spaces plus two (2) off-street spaces per unit or as required by the Director of Community Development.~~
- (h) Maximum density—Ten (10) units per acre.
- (i) Minimum dwelling size:
 - (1) Two-bedroom multi-level—Nine hundred sixty (960) square feet on first finished floor.
 - (2) More than two (2) bedrooms—One hundred twenty (120) square feet for each additional bedroom.
- (j) Minimum distance between buildings—Forty (40) feet.
- (k) Number of units permitted per building—Minimum of three (3), maximum of six (6) - (townhouses only).
- (l) Maximum building height—Two and one-half (2½) stories or thirty (30) feet, whichever is less.
- (m) Parking and driveways may be constructed to within the following minimum setbacks of property line: (Ord. No. 85-898, amended 8-15-1985)
 - (1) Front yard/corner side yard 30 feet
 - (2) Side yard 20 feet
 - (3) Rear yard 20 feet
- (n) The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)
- (o) Garage access doors shall not exceed eight (8) feet in height. (Ord. No. 94-1501, amended 4-21-1994)

(p) Maintenance free exterior as approved by the Zoning Administrator. (amended 11-17-1994)

29.66 - Standards—Multiple dwelling.

(a) Minimum area to be zoned R-3B—Ten (10) acres.

(b) Minimum width—None.

(c) Minimum frontage—None.

(d) Minimum depth—None.

(e) Front yard setback—Forty-five (45) feet

(f) Rear yard setback—Thirty (30) feet.

(g) Side yard setback—Thirty (30) feet.

~~(h) Parking—One-half (½) garage space plus two (2) off-street spaces per unit.~~

(i) Maximum density—Ten (10) units per acre.

(j) Minimum dwelling size: Six hundred (600) square feet plus one hundred twenty (120) additional square feet

(1) One-bedroom—Six hundred (600) square feet.

(2) Two-bedroom—Seven hundred twenty (720) square feet.

(3) More than two (2) bedroom—One hundred twenty (120) additional square feet.

(k) Parking and driveways may be constructed to within the following minimum setbacks of property line: (Ord. No. 85-898, amended 8-15-1985)

(1) Front yard/corner side yard 30 feet

(2) Side yard 20 feet

(3) Rear yard 20 feet

When a R-3B, Multiple Family, is located adjacent to a R-1 or R-2 zoning district, the side yard and rear yard parking/driveway setback shall be a minimum of twenty-five (25) feet.

~~(l) The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)~~

(m) Maximum building height—Two and one-half (2½) stories or thirty (30) feet, whichever is less. Greater heights up to fifty (50) feet as permitted by Conditional Use Permit. (Ord. No. 88-1072, amended 3-17-1988)

(n) Maintenance free exterior as approved by the Zoning Administrator. (Ord. No. 94-1538, amended 11-17-1994)

29.67 - Setback buffers.

(a) When higher density districts are located adjacent to lower density districts, the following setbacks shall apply for all buildings. (Ord. No. 85-898, amended 8-15-1985)

(1) R-3B adjacent to R-4 single family districts—Eighty (80) feet.

(2) R-3B adjacent to R-2—Sixty (60) feet.

(3) R-3B adjacent to RE—Thirty (30) feet.

(4) A reduction in the required setback buffer may be requested by following the requirements of Section 33.21, Buffer Yard Flexibility. (Ord. No. 86-937, amended 4-3-1986).

29.68 - Landscaping.

- (a) All open areas of any lot not occupied by building or parking shall be landscaped with trees, shrubs, and berms, in accordance with requirements of Section 33.08.
- (b) Underground irrigation shall be required for all front yards and corner side yards. Such irrigation shall extend to include public boulevards and into landscaped parking islands, except natural areas to be preserved. (Ord. No. 89-1177, added 4-1-1990)

29.69 - Screening.

- (a) At least seventy-five percent (75%) of the setback requirements shall be maintained as an opaque landscape buffer zone.

29.691 - Storage.

- (a) For multiple dwellings, garbage receptacles must be in either the rear or side yards and screened from public view by a six-foot-high solid fence.

29.692 - Parking.

- (a) Parking is permitted in the front yards provided that the parking area is opaquely screened from public view by a combination of berms and plantings. (Ord. No. 85-898, amended 8-15-1985)

~~(b) Parking stall Nine (9) feet by twenty (20) feet. All parking areas shall be striped.~~

~~(c) Driveways and aisles shall be twenty-four (24) feet minimum.~~

~~(d) No parking is permitted within setback requirements.~~

- (e) For additional requirements, refer to Section 33.14.

29.693 - ~~Elderly/retirement~~Senior housing standards.

- (a) Notwithstanding other provisions of this chapter, ~~Elderly/Retirement~~Senior Housing projects shall meet the following requirements.

(1) *Minimum Floor Area:*

Efficiency 440 square feet

One-bedroom 520 square feet

Two-bedroom 700 square feet (minimum one hundred (100) square feet per bedroom)

(2) *Minimum Lot Area:*

One (1) acre.

- (3) *Open Space.* Two hundred fifty (250) square feet per unit, plus on-site sidewalk system with sitting areas. This area shall not include setback area requirements for parking lots. Active open spaces (i.e., game areas, garden plots, etc.) shall be no less than fifty (50) feet in any direction, unless integrated with primary use areas of the site and having suitable access to residents.

- (4) *Recreation.* Recreational areas for elderly, handicapped, and children shall be provided. ~~The location, size and equipment shall be approved by the City Planner as to the adequacy and ability to meet the needs of the residents.~~

- (5) *Height.* 50 feet

~~R-3A 30 feet~~

~~R-3B 50 feet~~

~~R-3C 50 feet with greater heights permitted by CUP~~

- ~~(6) *Transit.* Development must be within one-fourth mile of MTC or private bus line and construct a sidewalk to the nearest bus stop or provide a car/van pool for residence~~
- ~~(7) *Parking.* One (1) per unit of which .6 shall be constructed as part of the development; .2 shall be held in reserve on site and constructed when eighty percent (80%) of all stalls are committed to residents and/or employees, and .2 shall be constructed as enclosed within two (2) years of development occupancy.~~
- ~~(8) *Restriction to Elderly Occupancy.* Restrictions to permanently commit such development to elderly retirement persons, or until both parties agree to terminate the arrangement.~~
- ~~(9) *Development Guarantee.* The property owner shall file with Anoka County, subject to review and approval of the City of Blaine, such restrictive covenants to permanently commit such development to elderly retirement persons, or until both parties agree to terminate such restrictive covenants.~~
- (10) *Maintenance Free Exterior.* Maintenance free exterior as approved by the Zoning Administrator. (Ord. No. 94-1538, amended 11-17-1994)

(Added 4-2-1987)

29.70 - HIGH DENSITY MULTI-FAMILY (R-3C)

29.71 - Intent.

The district is intended to create, preserve, and enhance areas for multi-family use at higher densities up to twenty (20) units per acre for both permanent and more transient families. It is appropriate only in areas served by public utilities, with good accessibility to thoroughfares, public community centers, libraries, and shopping centers.

29.72 - Permitted uses.

- (a) Townhouses.
- (b) Quads.
- (c) Multiple dwellings.

~~(d) Public parks.~~

- (e) Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

~~(f) Fire stations. (Ord. No. 91-1264, amended 9-19-1991)~~

(a) State licensed residential care facility serving between 7 through 16 persons

(b) State licensed childcare facilities serving from 13 to 16 persons

(b) Essential services

29.73 - Accessory uses.

- (a) Private garages.
- (b) Signs as regulated in Section 34.07 (c).
- (c) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, amended 7-21-1994)

29.74 - Conditional uses.

- (a) Schools.
- (b) Churches.
- ~~(c) Public buildings.~~
- (d) Home occupations.
- (e) Golf courses (public and private).
- (f) Private swimming pools.
- (g) Private tennis courts.
- (h) ~~Elderly/Retirement~~Senior Housing complying with standards as set forth in Section 29.793. (Ord. No. 87-1017, added 4-2-1987).
- (i) Structure height of greater than two and one-half (2½) stories or thirty (30) feet for ~~non-elderly~~ multiple dwellings other than Senior Housing. (Ord. No. 88-1072, amended 3-17-1988)
- (j) Manufactured home park meeting the standards of 29.90.

29.75 - Standards—Quad, townhouse.

- (a) Minimum area to be zoned R-3C—Ten (10) acres.
- (b) Minimum frontage—None.
- (c) Minimum depth—None.
- (d) Front yard—Fifty-five (55) feet.
- (e) Rear yard—Thirty (30) feet.
- (f) Side yard—Thirty (30) feet.
- ~~(g) Parking—Two (2) garage spaces plus two (2) off-street spaces per unit or as required by the Director of Community Development.~~
- (h) Maximum density—Twenty (20) units per acre.
- (i) Minimum dwelling size:
 - (1) Two-bedroom multi-level—Nine hundred sixty (960) square feet on first finished floor.
 - (2) More than two (2) bedrooms—One hundred twenty (120) square feet for each additional bedroom.
- (j) Minimum distance between buildings—Forty (40) feet.
- (k) Number of units permitted per building—Minimum of three (3), maximum of six (6) - (townhouses only).
- (l) Maximum building height—Two and one-half (2½) stories or thirty (30) feet, whichever is less.
- (m) Parking and driveways may be constructed to within the following minimum setbacks of property line: (Ord. No. 85-898, amended 8-15-1985)
 - (1) Front yard/corner side yard 30 feet
 - (2) Side yard 20 feet
 - (3) Rear yard 20 feet
- ~~(n) The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)~~
- (o) Garage access doors shall not exceed eight (8) feet in height. (Ord. No. 94-1501, amended 4-21-1994)

- (p) Maintenance free exterior as approved by the Zoning Administrator. (Ord. No. 94-1538, amended 11-17-1994)

29.76 - Standards—Multiple dwelling.

- (a) Minimum area to be zoned R-3C—Ten (10) acres.
- (b) Minimum frontage—None.
- (c) Minimum depth—None.
- (d) Front yard—Fifty-five (55) feet.
- (e) Rear yard—Twenty (20) feet.
- (f) Side yard—Twenty (20) feet.
- (g) Parking—One-half (½) garage space plus two (2) off-street spaces per unit.
- (h) Maximum density—Twenty (20) units per acre.
- (i) Minimum dwelling size: Six hundred (600) square feet plus 120 square feet for each bedroom exceeding one.
 - ~~(1) One (1) bedroom—Six hundred (600) square feet on first finished floor.~~
 - ~~(2) Two (2) bedrooms—Seven hundred twenty (720) square feet for each additional bedroom.~~
 - ~~(3) More than two (2) bedrooms—One hundred twenty (120) additional square feet.~~
- (j) Minimum distance between buildings—Forty (40) feet.
- (k) Maximum building height—Two and one-half (2½) stories or thirty (30) feet, whichever is less. Greater heights permitted by Conditional Use Permit. (Ord. No. 88-1072, amended 3-17-1988)
- (l) Parking and driveways may be constructed to within the following minimum setbacks of property line: (Ord. No. 85-898, amended 8-15-1985)
 - (1) Front yard/corner side yard 30 feet
 - (2) Side yard 20 feet
 - (3) Rear yard 20 feet
- When a R-3C, Multiple Family, is located adjacent to a R-4 or R-2 single or two family zoning district, the side yard and rear yard parking/driveway setback shall be a minimum of twenty-five (25) feet.
- ~~(m) The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)~~
- (n) Maintenance free exterior as approved by the Zoning Administrator. (Ord. No. 94-1538, amended 11-17-1994)

29.77 - Setback buffers.

When higher density districts are located adjacent to lower density districts, the following setbacks shall apply for all yards and shall not be used for parking.

- (a) R-3C adjacent to R-4 single family zoning districts—One hundred (100) feet.
- (b) R-3C adjacent to R-2—Seventy (70) feet.
- (c) R-3C adjacent to R-3A—Fifty (50) feet.
- (d) R-3C adjacent to R-3B—Thirty (30) feet.

- (e) A reduction in the required setback buffer may be requested by following the requirements of Section 33.21, Buffer Yard Flexibility. (Ord. No. 86-937, amended 4-3-1986).

29.78 - Parking.

- (a) Parking is permitted in the side or front yards provided that the parking area is effectively screened from public view by a combination of fence, plantings, and berms. (Ord. No. 85-898, amended 8-15-1985)

~~(b) — Parking areas in R-3C Districts shall be striped. Standard parking stalls shall be nine (9) feet by twenty (20) feet. Driveways and parking aisles to be twenty four foot minimum.~~

~~(c) — No parking is permitted within setback requirements.~~

- (d) For additional requirements, refer to Section 33.14.

29.79 - Landscaping.

- (a) All open areas of any lot not occupied by building or parking shall be landscaped with trees, shrubs, and berms, in accordance with regulations of Section 33.08.
- (b) Underground irrigation shall be required for all front yards and corner side yards. Such irrigation shall extend to include public boulevards and into landscaped parking islands, except natural areas to be preserved. (Ord. No. 89-1177, added 1-4-1990)

29.791 - Screening.

- (a) At least seventy-five percent (75%) of the setback requirements between districts shall be maintained as a landscape buffer zone sufficient enough to provide an opaque screen. The buffer zone shall contain a combination of trees, shrubs, berms and fences.

29.792 - Storage.

- (a) For multiple dwellings, garbage receptacles must be in either the rear or side yards and screened from public view by a six-foot-high solid fence.

29.793 - ~~Elderly/retirement~~Senior housing standards.

- (a) Notwithstanding other provisions of this chapter, ~~Elderly/Retirement~~ Senior Housing projects shall meet the following requirements.

(1) *Minimum Floor Area:*

Efficiency 440 square feet

One-bedroom 520 square feet

Two-bedroom 700 square feet (minimum one hundred (100) square feet per bedroom)

(2) *Minimum Lot Area:*

One (1) acre.

- (3) *Open Space.* Two hundred fifty (250) square feet per unit, plus on-site sidewalk system with sitting areas. This area shall not include setback area requirements for parking lots. Active open spaces (i.e., game areas, garden plots, etc.) shall be no less than fifty (50) feet in any direction, unless integrated with primary use areas of the site and having suitable access to residents.

- (4) *Recreation.* Recreational areas for elderly, handicapped, and children shall be provided. ~~The location, size and equipment shall be approved by the City Planner as to the adequacy and ability to meet the needs of the residents.~~

(5) *Height.* 50 feet with greater heights permitted by CUP

~~R-3A 30 feet~~

~~R-3B 50 feet~~

~~R-3C 50 feet with greater heights permitted by CUP~~

~~(6) *Transit.* Development must be within one-fourth mile of MTC or private bus line and construct a sidewalk to the nearest bus stop or provide a car/van pool for residence~~

~~(7) *Parking.* One (1) per unit of which .6 shall be constructed as part of the development; .2 shall be held in reserve on site and constructed when eighty percent (80%) of all stalls are committed to residents and/or employees, and .2 shall be constructed as enclosed within two (2) years of development occupancy.~~

~~(8) *Restriction to Elderly Occupancy.* Restrictions to permanently commit such development to elderly retirement persons, or until both parties agree to terminate the arrangement.~~

~~(9) *Development Guarantee.* The property owner shall file with Anoka County, subject to review and approval of the City of Blaine, such restrictive covenants to permanently commit such development to elderly retirement persons, or until both parties agree to terminate such restrictive covenants.~~

(10) *Maintenance Free Exteriors.* Maintenance free exterior as approved by the Zoning Administrator.(Amended 11-17-94. Ord. 94-1538)

(Added 4-2-1987)

29.80 ~~DEVELOPMENT FLEX~~ Development Flex (DF)

29.81 ~~Intent.~~

The Development Flex District (formerly known as the Residential Flex District) is intended to provide for greater flexibility in land use planning and maximize the choice of housing types and styles ~~at a more affordable price range~~ than is possible under the strict application of other sections of this ordinance. The Development Flex District also attempts to create a reasonable balance between the interests of the property owner in freely developing his property with greater flexibility in land uses, and at the same time protect the interest of surrounding properties in the following ways:

- ~~a) (a)~~—By encouraging a more creative approach in housing developments, that will result in quality living environments through innovative design and aesthetic controls;
- ~~b) (b)~~—By permitting a combination of housing types and style, including single, two-family, and multiple family dwellings, with the exception of mobile homes;
- ~~c) (c)~~—By allowing flexibility in design by permitting cluster developments and a variety of architectural styles and treatments;
- ~~d) (d)~~—By allowing for any type of ownership, private, condominium, or rental;
- ~~e) (e)~~—By allowing flexibility in setback and height restrictions;
- ~~f) (f)~~—By allowing non-residential uses, such as commercial or light industrial uses which will serve the inhabitants of such district, provided such non-residential uses will enhance the character, amenities, and convenience of those who live in the proposed development;
- ~~g) (g)~~—By providing an efficient use of land resulting in more cost efficient installation of utilities, streets, and other facilities.
- ~~h) (h)~~—By encouraging the preservation of common open space, recreational facilities, natural features, such as woodland and wetland areas;
- ~~i) (i)~~—By contributing to the tax base of the community without making undue demands on the community services; and
- ~~j) (j)~~—By providing the means for greater creativity and flexibility in environmental design than is provided under the strict application of the Blaine Zoning Ordinance and Subdivision Ordinance, while, at the same time, preserving the health, safety, order, convenience, prosperity, and general welfare of the City of Blaine and its inhabitants.

~~(Ord. No. 97-1658, amended 5-15-1997)~~

29.82 - Criteria.

The Development Flex District is a zoning district which may be allowed in combination with any residential, commercial, or light industrial land use designation. Every proposal presented to the City Council for rezoning to the Development Flex District shall be accompanied by a ~~preliminary site plan as provided in Section 29.89 of this ordinance. A conditional use permit is required at the time of final plan approval to insure adherence to the preliminary site plan as approved at the time of rezoning of the site to Development Flex District.~~ conditional use permit application and a site plan. The City Council shall consider the following criteria and objectives in processing the application for rezoning to Development Flex District and the application for the conditional use permit:

a) ~~(a)~~—That the proposal shall provide for a wider range of housing types, price ranges and styles than could be accomplished under the existing zoning;

b) ~~(b)~~—That the proposal shall provide amenities and facilities and open spaces greater than the minimum requirements under existing zoning;

c) ~~(c)~~—That the proposed development is compatible with the purposes and intents of this ordinance and with the comprehensive plan;

~~(d)—That the proposal shall exercise no substantial detrimental influence upon the market value of surrounding properties;~~

~~(e)—That the proposal shall show a favorable economic impact on the community at large;~~

d) ~~(f)~~—That the proposal shall in no way be detrimental to the environment. Scenic aspects and natural features, such as streams, trees, topography, and geological features, shall be protected and preserved to the greatest extent possible;

e) ~~(g)~~—That the proposal shall not impose any undue burden upon the public services and facilities, such as fire and police protection, schools, streets, water systems, sanitary sewer systems, and storm sewer systems;

f) ~~(h)~~—That the proposed development is designed in such a manner to form a desirable and unified environment within its own boundaries, and also which will not be detrimental to future land uses in the surrounding areas; and

g) ~~(i)~~—That the proposal be consistent with all other applicable City and State regulations.

~~(Ord. No. 97-1658, amended 5-15-1997)~~

29.83 - Procedure.

a) ~~(a)~~—Prior to ~~the preparation and filing of a preliminary site plan and formal~~making an application for the conditional use permit and ~~the rezoning to the~~Development Flex District, the ~~developers or owners~~developer shall meet with the ~~Director of Community Development~~Zoning Administrator, or their designee, to review all applicable ordinances, regulations and plans that will affect the area to be rezoned.

~~(b)—The developers or owners of the property shall prepare~~present a preliminary concept plat or site plan in accordance with the regulations of Section 29.89 and shall submit the plan to the ~~Office of Community Development~~ forty-five (45) days prior to the public hearing.

b) ~~(c)~~—Zoning Administrator. The preliminary site plan and the applications for a Development Flex District and conditional use permit shall be submitted to the Administrative Review Committee for Zoning Administrator shall review the concept design and comment, and recommend changes to insure compliancecomply with other City codes and regulations. the criteria listed in 29.82.

c) ~~(d)~~—Upon staff approval of the preliminary site plan and the concept design, a formal application may be made for a rezoning and conditional use permit. If applicable, the application for conditional use permit, a public hearingpreliminary plat shall be scheduled before the Planning Commission. made concurrently.

~~(e)—The notice for public hearing shall be published in the official newspaper at least ten (10) days, but not more than thirty (30) days, prior to the public hearing, at which time the item will be heard. Notices will also be sent during this time period to property owners of record within three hundred~~

~~fifty (350) feet of the exterior boundaries of subject property and within three hundred fifty (350) feet of all contiguous property under common ownership. (Ord. No. 88-1066, amended 2-4-1988)~~

- ~~(f) A written evaluation from the Office of the Community Development shall be forwarded to the Planning Commission and the applicant one (1) week prior to the public hearing.~~
- ~~(g) The Planning Commission shall simultaneously hold a public hearing on the preliminary site plan and proposed rezoning rezoning and conditional use permit requests. Following the public hearing, the Planning Commission shall submit in writing to the City Council its report, its findings, and its recommendations shall be reviewed and considered as to the appropriateness of the preliminary site plan, outlined under Sections 27.03 and shall recommend approval, modification, postponement, or disapproval, based upon the criteria set forth in Section 29.82 27.04 of this Ordinance.~~
- ~~(h) ordinance. The preliminary site plan and public hearing for the proposed rezoning application shall be scheduled for a City Council meeting within thirty (30) days after the submittal of the Planning Commission report.~~
- ~~(i) The City Council shall consider the application for rezoning, pursuant to Section 29.82 and shall approve, postpone, or disapprove the application for the rezoning. If the application for the rezoning is approved, the City Council shall approve or modify and approve the preliminary site plan.~~
- ~~(j) The developer shall file final plans in accordance held concurrently with the regulations of Section 29.891 in the office of Community Development at least thirty (30) days before a City Council meeting.~~
- ~~d) (k) The City Council, upon receipt of the final plans and the application for the conditional use permit, may approve the final plans and may grant and preliminary plat. A rezoning to Development Flex shall not be made without a conditional use permit, if, in their determination, the proposed development is consistent with the preliminary site plan, as approved. A certified copy of the conditional use permit shall be recorded in the office of the Anoka County Recorder pursuant to Minnesota Statutes Section 462.3595, Subdivision 4.~~

~~(Ord. No. 97-1658, amended 5-15-1997)~~

- ~~e) 29.84 Major changes. Prior to approval of building permits, the zoning administrator shall find that all standards listed in the conditional use permit have been satisfied in the site plan, building permit, and/or plat applications.~~
- ~~f) Any changes to the standards or allowed uses within an area zoned DF shall require a conditional use permit amendment.~~

~~If the applicant proposes major changes in the final site plan that are inconsistent with the preliminary site plan, these changes can only be made by resubmission of a new preliminary site plan and rezoning application to the Office of Community Development, and rescheduling of a new public hearing before the Planning Commission and review again by the City Council.~~

~~The following constitute major changes:~~

- ~~(a) Increase in density;~~
- ~~(b) Change in architectural design or style~~
- ~~(c) Change in type of ownership, private, condominium, or rental;~~
- ~~(d) Change of more than ten percent (10%) in total floor area;~~
- ~~(e) Increase in height of any building;~~
- ~~(f) Major modification to the landscape plan;~~

- ~~(g) — Reduction in the proposed open space;~~
- ~~(h) — Change in the development schedule;~~
- ~~(i) — Change in the road location or standards; and~~
- ~~(j) — Any changes determined to be major by the City Council.~~

~~(Ord. No. 97-1658, amended 5-15-1997)~~

~~29.85 — Minor changes.~~

~~The City Council may, in its discretion, permit minor deviations from the preliminary site plan which deconstruction does not change the concept or intent of the proposed development as previously approved.~~

~~(Ord. No. 97-1658, amended 5-15-1997)~~

~~29.86 — Denial.~~

~~The City Council shall deny any application for commence within two (2) years after issuance of the conditional use permit if it finds the final plans do not substantially conform to the preliminary site plan as previously approved by the City Council. If the final plans are subsequently modified to conform to the approved preliminary plan, the applicant may resubmit said final plans to the City Council for approval.~~

~~(Ord. No. 97-1658, amended 5-15-1997)~~

~~29.87 — Rezoning.~~

- ~~g) (a) — If a conditional use permit is not granted within a two-year period from the time the City Council approves the rezoning and preliminary site plan, the Council may initiate a rezoning to remove the Development Flex District zoning and rezone the property to the zoning that was in effect at the time of the initial rezoning.~~
- ~~(b) — If construction does not commence within two (2) years after issuance of the conditional use permit, the Council may initiate a rezoning to remove the Development Flex District zoning and rezone the property to the zoning that was in effect at the time of the initial rezoning.~~
- ~~(c) — If construction is not proceeding in accordance with the approved development schedule, the Council may initiate a rezoning of all or part of the land to remove the Development Flex District zoning and rezone all or part of the property to the zoning that was in effect at the time of the initial rezoning.~~

~~(Ord. No. 97-1658, amended 5-15-1997)~~

~~29.88 — Development guarantee.~~

~~Prior to the granting of any building permit within a Development Flex District, a deposit shall be made to the City, in cash or letter of credit, approved by the City, equal to one hundred fifteen percent (115%) of the estimated cost of all landscaping improvements as required by the final plans.~~

~~(Ord. No. 97-1658, amended 5-15-1997)~~

~~29.89 Preliminary plans required.~~

~~(a) Preliminary site plan. The preliminary site plan shall be drawn at a scale of one (1) inch equals fifty (50) feet, one hundred (100) feet, or two hundred (200) feet. The submission may be composed of one (1) or more sheets and drawings and shall include:~~

~~(1) Location of all~~

29.84 - Plan Requirements

Submittal requirements for DF zoning when involving a new residential subdivision, including single family homes, duplexes, quads, and townhomes, the application shall include:

- (a) All materials required for a preliminary plat in section 74-74 of this ordinance
- (b) Floor plans and elevations for all proposed buildings and their homes
- (c) Anticipated pricing for proposed uses; homes
- (d) (2) Location Tree preservation plan meeting the requirements of driveways 33.10.
- (e) Landscape plan including plant materials proposed for common areas and for individual lots
- (f) Narrative explaining the proposed development and mix of housing types

Submittal requirements for DF zoning when involving multifamily dwellings, commercial, industrial, or institutional uses shall include:

- (a) Certificate of survey including all existing structures
- (b) Grading plan existing and proposed grades at 2 foot contour intervals to a known datum, sufficient spot elevations on all proposed hard surfaces, location of proposed stormwater facilities, identification of areas within a flood hazard zone, finished floor elevations of all buildings.
- (c) Utility plan proposed location and size of all utility lines
- (d) Site plan including location of all proposed buildings and proposed uses, location of driveway and parking areas; , building and parking setbacks, location of refuse areas, location of outdoor storage areas
- (e) (3) Indicate front, rear, and side yard setbacks Tree preservation plan meeting the requirements of 33.10.
- (f) Landscape plan meeting the requirements of 33.08.

Floor plan of proposed;

- (4) Indicate square footage and buildings including dimensions of all proposed lots; and
- (5) Location of all easements, width and purpose.

~~(b) Landscape plan. The landscape plan shall be prepared at a scale of one (1) inch equals fifty (50) feet and shall contain the following information:~~

- ~~(1) Indicate areas for berming, and sodding;~~
- ~~(2) Indicate the location of proposed plantings, identify plant materials as shade tree, flowering tree, coniferous tree, or shrubs;~~
- ~~(3) Indicate any existing vegetation; and~~
- ~~(4) Indicate any trees to be removed.~~

- (c) ~~Grading and drainage plan.~~ The grading and drainage plan shall be drawn at a scale of one inch equals fifty (50) feet, one hundred (100) feet or two hundred (200) feet and shall contain the following information:
- (1) ~~Existing and proposed grades with a minimum of two foot contour intervals to a known sea level datum;~~
 - (2) ~~Sufficient spot elevations on all proposed hard surface areas;~~
 - (3) ~~Estimated runoff of the area based upon ten- and one-hundred-year storm events;~~
 - (4) ~~Provisions to carry runoff to the nearest adequate outlet, such as a storm drain, natural drainage way, or street;~~
 - (5) ~~Location of any proposed ponding areas, indicating the size and depth of the pond and amount of acre feet of water to be stored;~~
 - (6) ~~Finished floor elevations of all buildings;~~
 - (7) ~~Identify soils by type and location, including identification of the water table, and suitability of soil for the proposed development; and~~
 - (8) ~~Identify any areas located in a flood hazard zone as identified by the Department of Natural Resources.~~
- (d) ~~Topographic map.~~ The topographic map shall be drawn at a scale of one (1) inch equals one hundred (100) feet and shall contain the following information:
- (1) ~~Two foot contour intervals;~~
 - (2) ~~Indicate watercourses, rock outcroppings, and other significant land features;~~
 - (3) ~~Use USGS datum for mapping.~~
- (e) ~~Floor plans and elevations.~~ All floor plans and elevations shall be drawn to a legible scale and include the following information:
- (g) (1) ~~Floor plans indicating square footage and dimensions of all proposed rooms and areas within the structure, identifying bedrooms, kitchens, garage areas, utility rooms, closets, bathrooms, etc.; and, specification of uses~~
 - (h) (2) ~~Elevations of the proposed building; identifying exterior treatment, such as materials to be used, and the color of paint. colors.~~
- (f) ~~Preliminary plat.~~ If a subdivision is required, the preliminary plant shall be prepared in accordance with the Blaine Code of Ordinances, Chapter 18 – Subdivisions.

(Ord. No. 97-1658, amended 5-15-1997)

29.891 Final plan required.

- (a) ~~Final site plan.~~ The final site plan shall be prepared at a scale of one inch equals fifty (50) feet, one hundred (100) feet, or two hundred (200) feet, and shall contain the following information:
- (1) ~~Location of proposed units;~~
 - (2) ~~Location of proposed driveways and parking areas;~~
 - (3) ~~Indicate front, rear, and side yard setbacks; and~~
 - (4) ~~Indicate square footage of lots and dimensions of lots.~~
- (b) ~~Final landscape plan.~~ The final landscape plan shall be drawn at a scale of one (1) inch equals fifty (50) feet and shall contain the following information:

- (1) ~~Plant types (botanical and common names), number, location, size, and method of installation;~~
 - (2) ~~Areas to be sodded;~~
 - (3) ~~Indicate existing vegetation; and~~
 - (4) ~~Indicate trees to be removed.~~
 - (c) ~~*Final grading and drainage plan.* The grading and drainage plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or one hundred (100) feet or two hundred (200) feet and shall contain the following information:~~
 - (1) ~~Existing and proposed grades with a minimum of two-foot contour intervals to a known sea level datum;~~
 - (2) ~~Sufficient spot elevations on all proposed hard surface areas;~~
 - (3) ~~Estimated runoff of the area based upon ten- and one-hundred-year storm events;~~
 - (4) ~~Provisions to carry runoff to the nearest adequate outlet, such as storm drain, natural drainage way, or street;~~
 - (5) ~~Location of any proposed ponding areas, indicating the size and depth of the pond and amount of acre-feet of water to be stored;~~
 - (6) ~~Finish floor elevations of all buildings;~~
 - (7) ~~Identify soils by type and location, including identification of the water table, and suitability of soil for the proposed development; and~~
 - (8) ~~Identify any areas located in a flood hazard zone as identified by the Office of Housing and Urban Development.~~
 - (9) ~~The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)~~
 - (d) ~~*Floor plans and elevations.* All floor plans and elevations shall be drawn to a legible scale and include the following information:~~
 - (1) ~~Floor plans indicating square footage and dimensions of all proposed rooms and areas within the structure, identifying bedrooms, kitchens, garage areas, utility rooms, closets, bathrooms, etc.; and~~
 - (2) ~~Elevations of the proposed building, identifying exterior treatment, such as materials to be used and the color of paint.~~
 - (e) ~~*Final plat.* If a subdivision is required, the final plat shall be prepared in accordance with the Blaine Code of Ordinances.~~
 - (f) ~~*[Development schedule.]* With the final plans, the developer shall submit, for approval by the City, a development schedule for construction of all structures and open space and recreational facilities.~~
- ~~(Ord. No. 97-1658, amended 5-15-1997)~~
- (i) 29.892—Calculation of necessary parking spaces
 - (j) Narrative explaining the operation of the property

29.85 – Standards-

In order to provide maximum flexibility, no fixed standards shall apply to the Development Flex District. However, All standards for the development shall be established in a conditional use permit. In determining appropriate standards, the City Council shall consider for any proposed use the regulations prescribed in other sections of the Zoning Code for the classification most closely resembling the

proposed use. ~~It is~~ Unless specifically contradicted in the intent that The Planning Commission conditional
use permit, all standards listed in Chapter 33 of this ordinance shall consider and recommend to the City
Council appropriate restrictions in connection with each individual application and site development plan
for rezoning.

~~(Ord. No. 97-1658, amended 5-15-1997)~~

~~29.893—Compliance.~~

~~No development shall occur nor shall any building permits be issued for any construction that is not in accord with the approved final plans.~~

~~(Ord. No. 97-1658, amended 5-15-1997) apply.~~

29.90 - ~~MOBILE-MANUFACTURED~~ HOMES (R-4)

29.91 - Intent.

The purpose of this district is to allow ~~mobile home and~~ manufactured home parks in appropriate areas of the City.

29.92 - Permitted uses.

~~(a) Mobile Homes.~~

(b) Manufactured Homes.

~~(c) Mobile home sales lots in conformity with Chapter 12 of the Blaine Code of Ordinances.~~

(d) Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

29.93 - Accessory uses.

(a) Within the community building: barber and beauty shops, laundromats, small grocery stores.

(b) Carport or garage not to exceed six hundred twenty-four (624) square feet. (Ord. No. 94-1540, amended 11-17-1994)

(c) Shed (accessory building) not to exceed two hundred (200) square feet. (Ord. No. 94-1540, amended 11-17-1994)

29.94 - Conditional uses.

(a) Home occupations as described in 33.11.-

(b) Mobile-Manufactured home sales office. (Ord. No. 86-975, amended 9-18-1986)

~~(c) Mini-storage facility without outdoor storage of any kind, including vehicles. (Ord. No. 91-1246, amended 3-21-1991)~~

~~(d) Recreational vehicle sales lot without service and repair. For the purpose of this ordinance, recreational vehicle sales are defined to include only house trailers, motor homes, tent trailers, converted buses and vans. (Ord. No. 91-1246, amended 3-21-1991)~~

(a) Manufactured home sales lots in conformity with 46-6 of the Blaine Code of Ordinances

29.95 - Standards.

(a) Minimum acreage of ~~mobile-manufactured~~ home park—Twenty (20) acres.

(b) Minimum lot size—Four thousand five hundred (4,500) square feet.

(c) Minimum frontage—Sixty (60) feet. (Ord. No. 86-948, amended 6-5-1986)

(d) Front yard setbacks—Ten (10) feet from the curb; five (5) feet from the sidewalk.

(e) Where an alley is provided adjacent to the rear line, there shall be a minimum setback of five (5) feet.

(f) Side yard setback—Five (5) feet.

(g) Minimum distance between mobile homes—Twenty (20) feet.

(h) Where a ~~mobile-manufactured~~ home park abuts a residential district, there shall be a setback of at least one hundred (100) feet which shall be landscaped and maintained.

(i) The parking of more than one (1) mobile home on any single lot is not permitted.

~~(j) No mobile home may be inhabited by a greater number of occupants than that for which it was designed.~~

(k) A patio shall be constructed on the ground beside each mobile home parking space. The patio shall not be less than two hundred (200) square feet in area, constructed of concrete, with four-inch thickness or its approved equivalent.

(l) Landscaping.

(1) At least one (1) ~~overstoryshade~~ tree shall be placed and maintained on each lot.

(2) Except for the areas used for the ~~mobile-manufactured~~ home, patios, sidewalks, and off-street parking areas, the entire lot shall be sodded and maintained with grass.

(m) Parking.

(1) An off-street parking area of at least four hundred forty (440) square feet shall be provided for each mobile home lot. The parking area surface shall be equal to street construction.

(2) A parking area equal to one (1) space for each ten (10) mobile home lots shall be provided adjacent to the community building.

(n) Streets, curbs and sidewalks.

(1) Each mobile home park lot shall abut on and have access to a public or private street. The street shall be constructed of a minimum of two (2) inches of bituminous surface material on a MnDOT Class 5 base of at least four-inch thickness.

(2) A concrete curb shall be constructed on each side of the street. The face of this curb shall be at least fifteen (15) feet from the center line of said street. The curb design shall be of a type approved by the City Engineer.

(3) A concrete sidewalk, not less than thirty-six (36) inches wide shall be constructed.

(o) Water and Sewer Facilities—Burial of utility lines.

(1) Water facilities and sewage disposal shall be installed and maintained by the owner of the mobile home park and shall be constructed in accordance with the laws of the state, the recommendations of the State Health Department, and ordinances and requirements of the City.

(2) All utility lines within the mobile home park shall be buried.

(p) Fire Hydrants.

(1) Fire hydrants shall be placed throughout the area in such a way to satisfy the State Department of Public Safety, Fire Marshall Division, that adequate fire protection is achieved.

(q) Lighting.

(1) Street lighting shall be installed and maintained by the owner of the mobile home park and shall be constructed in accordance with all applicable laws and ordinances. Street lighting subject to approval by the City Engineer.

~~(2) A street light standard that extends twenty-five (25) feet above ground level shall be provided at each entrance to a mobile home park and at each intersection therein. Similar standards shall be provided at one-hundred-fifty (150) foot intervals on all streets. Such standards shall be equipped with one-hundred-seventy-five (175) watt light provided with photo-control and fifteen (15) amp fuse connector kit.~~

(r) Storage of Boats, Etc.

(1) All boats, boat trailers, hauling trailers, and all other equipment not stored within the manufactured home or stored within the utility enclosure that may have been provided, shall be stored in a separate area provided by the park, and shall not be stored upon the lot

occupied by manufactured homes, nor upon the streets within the manufactured home park.

(2) The storage area provided by the park must be secured for the storage of boats, campers, and hauling trailers and must be fenced with a minimum of six-foot high fencing. The storage area shall include at least 200 square feet of area for each ten manufactured home lots.

(s) Park and Recreation.

- (1) A minimum of ten percent (10%) of the total mobile home park shall be devoted to park and recreation and shall be furnished with playground equipment.

(t) Office and Community Building.

- (1) In a mobile home park an adequate office and community building shall be provided with a minimum square footage of 3,000 square feet, adjacent to an area to be used for exterior clothes drying. Such community building shall have a minimum square footage of three thousand (3,000) square feet. No exterior clothes drying shall be permitted within the lot or any other area of the mobile home park, except the area designated for exterior clothes drying.

(u) Storm shelter and Civil Defense.

- (1) Storm shelters shall be provided in each mobile home park. Such shelters shall be constructed so as to provide safety for the occupants of the mobile home park in the event of a tornado. There shall be one (1) shelter for every thirty (30) mobile home lots and each shelter shall have a minimum area of eight hundred ten (810) square feet.
- (2) An approved civil defense siren must be installed by the developer of the mobile home park as close to the center of the mobile home park as possible.

(v) Mobile Homes Building Code.

- (1) All mobile homes occupied or stored in a mobile home park shall comply with the requirements of Mobile Homes Building Code and shall bear seals as required by Minnesota Statute 327 32.
- ~~(2) Any mobile home placed in a mobile home park after September 1, 1974, shall have a support system and a ground anchoring system which comply with the rules and regulations promulgated by the State Commissioner of Administration.~~
- ~~(3) All mobile homes placed in a mobile home park, which have been manufactured after July 1, 1972, shall bear a seal from the Commissioner of Administration, pursuant to Minnesota Statutes.~~

~~(w) Speed Limit.~~

- ~~(1) No person shall drive, operate, or be in physical control of a motor vehicle in excess of ten (10) miles per hour within the limits of a mobile home park. Such speed limits shall be clearly posted throughout the mobile home park or recreational camping area.~~

~~(x) Water System Flushing.~~

- ~~(1) All water systems within the mobile home park shall be flushed twice each year. The annual period shall commence on July 1, 1980. The owner of each mobile home park, or its representative, shall contact the Public Utility Department to schedule a time said park will be flushing the water system.~~

~~(y) Driveways shall not be constructed closer than five (5) feet to the property line without written authorization from the adjacent property owner and Zoning Administrator.~~

(z) Accessory Buildings (Garages, Carports, or Sheds). (Ord. No. 94-1540, added 11-17-1994)

- (1) Side and rear yard setbacks—Five (5) feet.
- (2) Front yard setbacks—Ten (10) feet from the curb; five (5) feet from the sidewalk.
- (3) Minimum distance between accessory buildings and mobile homes—Five (5) feet.
- (4) Color of accessory building shall be compatible with the principal building.
- (5) Accessory building total height shall not exceed twelve (12) feet.
- (6) Requests for building permits shall be submitted through park management. The management shall submit a survey of the lot showing the location of the garage or carport, mobile home, patio, off-street parking area, sidewalk, and landscaping prior to issuance of a building permit.

29.96 - Filing requirements.

- (a) *Survey and design information required.* The mobile home park plan shall be clearly and legibly drawn at a scale of one (1) inch equals fifty (50) feet, or one hundred (100) feet, or two hundred (200) feet and shall contain the following information:

- (1) *Identification and description.*

- (a) The proposed name of the plan, which shall not duplicate or be similar in pronunciation to the name of any plan previously recorded in the county.
- (b) The location of the plan by section, township, and range or by other legal description.
- (c) The names and addresses of the owner(s), subdivider, surveyor and designer.
- (d) Graphic scale, north point, date of preparation.

- (2) *Existing Conditions.*

- (a) A boundary line survey of the proposed plan, including measured distances and angles, which shall be tied into the nearest section of quarter section corner by traverse.
- (b) Existing zoning classifications for land within the plan and on abutting property within three hundred fifty (350) feet of the property within the mobile home park plan.
- (c) Total acreage.
- (d) Location, width, and name of every existing or previously platted street or other public way, showing type, width and condition of improvements, railroad and utility right-of-way, parks, and other public open spaces, permanent buildings and structures, easements, section lines and corporate lines within the proposed plan and within a distance of three hundred fifty (350) feet beyond the proposed plan.
- (e) If the proposed plan is a rearrangement or replat of any former plan, the lot and block arrangement of the original plan, along with its original name, shall be indicated by dotted or dash lines. Also, any revised or vacated roadways of the original plan shall be so indicated.
- (f) Location and size of existing sewers, watermain, culverts or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract, including such data as grades, invert elevations, and locations of catch basins, manholes, and hydrants.
- (g) Boundary lines of unsubdivided lands within three hundred fifty (350) feet, identified by name and ownership.

- (3) *Plan design features .*

- (a) Layout of proposed streets showing right-of-way widths and proposed street names. If the proposed street is an extension of an existing named street, that name shall be used. In all other cases, the name of any street shall be consistent with the county and city street naming system.

- (b) Locations and widths of alleys, pedestrian ways, and utility easements.
 - (c) Layout, numbers, and preliminary dimensions of lots and blocks.
 - (d) Areas intended to be dedicated or reserved for public use, including their size in acres.
 - (e) Areas intended for uses other than residential or public.
 - (f) Minimum front and side street building setback lines, as required by the zoning ordinance.
- (b) *Supplementary information required.* the following information shall be filed with the Mobile Home Park Plan:
- ~~(1) A complete topographic map at a scale of one (1) inch equals fifty (50) feet or one hundred (100) or two hundred (200) feet, with contour intervals not greater than two (2) feet, showing watercourses, marshes, rock outcrops and other significant features. At least one (1) print of the mobile home park plan shall be superimposed on a copy of the topographic map. U.S.G.S. datum shall be used for all topographic mapping.~~
 - (2) Soil absorption tests where septic tanks are proposed, and any other subsoil information requested by the City Engineer, including soil borings to a depth of at least fifteen (15) feet.
 - (3) Plans for water supply, sewage disposal, drainage system, and flood control, including the proposed location, size and gradient of proposed sewer lines and watermains, and such other supporting data, as may be required by the City Engineer or the Planning Commission.
 - (4) Center line gradients of proposed streets.
 - (5) Typical cross section of proposed street improvements.
 - (6) If any zoning changes are necessary for property within the mobile home park plan, a rezoning application shall be filed and considered concurrently by the Council with the mobile home park plan.
 - (7) Where the subdivider owns property adjacent to that which is being proposed for subdivision, the Planning Commission may require that the subdivider submit a mobile home park plan of the adjacent property so as to show the relationship of the proposed plan to the future development of the adjacent property.
 - (8) Any additional information required by the Planning Commission and City Staff.
- (c) *Qualifications Governing Approval of a Mobile Home Park Plan.*
- (1) The approval of a mobile home park plan by the Council shall only constitute acceptance of the design as a basis for the preparation of the final mobile home park plan by the owners or subdividers. Subsequent approval by appropriate officials having jurisdiction will be required of the engineering proposals, pertaining to water supplies, storm drainage, sewer disposal, sidewalks, grading, gradients, and roadway widths, and the surfacing of streets prior to the approval of final mobile home park plan by the city. The subdivider shall also present evidence that the mobile home park plan has been reviewed by, and meets the requirements of, those responsible for the provision of gas, electric, and telephone service.
 - (2) No subdivision will be approved for a mobile home park plan which includes any area subject to periodic flooding or which contains poor drainage facilities which would make adequate drainage of the streets and lots impossible, unless the subdivider agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for occupancy and provide adequate street and lot drainage.

29.97 - Procedure.

- (a) *Preapplication requirements.* Prior to the preparation of a mobile home park plan, the owners shall meet with the Director of Community Development, City Engineer, and other appropriate officials, to review all applicable ordinances, regulations and plans in the area to be subdivided. At this time, or at subsequent informal meetings, the subdivider shall submit a general sketch plan of the proposed

subdivision and drainage plan. The sketch plan can be presented in a simple form, but should include any zoning changes which would be required, and should show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivision and development, and to the topography of the site. The subdivider is urged to avail such person of the advice and assistance of the Planning Commission at a Planning Commission meeting at this point, in order to save time and effort and facilitate the approval of the preliminary plan.

- (b) *Preliminary Plan.* After the preapplication meeting, the subdivider shall file, with the Director of Community Development, an application and ~~fifteen (15) copies of~~ the preliminary plan which has been prepared in accordance with regulations set forth in this chapter. At the time of submission of the preliminary plan, a cash fee ~~of ten dollars (\$10.00) per lot (one hundred dollars (\$100.00) minimum) and a cash fee of thirty dollars (\$30.00) per acre as established by City Council~~ shall be paid to the City of Blaine. This fee shall be used to defray costs incurred by the city in connection with consideration of the proposed subdivision.

- (1) The Administrative Review Committee shall undertake a comprehensive review of the preliminary plan in order to determine how the proposed development will affect traffic, utilities, drainage, community facilities, public safety, surrounding development, natural features, historic sites, open space, etc. The committee shall also consider the proposed development in terms of its conformity with the city's Comprehensive Land Use Plan.

- (2) ~~The Chairperson of the Administrative Review Committee shall prepare a written report to be entitled the "Administrative Review Committee Report" and shall forward said report to the attention of the Planning Commission. A copy of the report shall also be sent to the subdivider.~~

- ~~(3) The Administrator shall refer a copy of the preliminary plan to the Park Board. The Park Board shall make a written report to the Council and the Director of Community Development for forwarding to the Planning Commission, prior to the public hearing on the preliminary plan.~~

- (4) The Director of Community Development shall submit copies of the preliminary plan to ~~the Watershed District,~~ the county highway department, the state highway department (where applicable). The written report from the above mentioned agencies shall be submitted to the Director of Community Development prior to referral to the Planning Commission.

- (5) The Director of Community Development shall refer copies of the preliminary plan to the Planning Commission. The Director of Community Development shall arrange for a public hearing to be held ~~within forty five (45) days of the approval of the application by the Director of Community Development.~~ The required legal publication shall be made and notices shall be sent to all property owners of record within three hundred fifty (350) feet of all contiguous property under common ownership.

- (6) The subdivider or a duly authorized representative shall attend the Planning Commission meetings at which the proposal is scheduled for consideration.

- (7) At the public hearing all persons interested in the proposed subdivision shall be heard, and the Planning Commission shall, ~~within sixty (60) days of the hearing,~~ approve, modify and approve, or disapprove the preliminary plan, and submit to the Council, the applicant, and the administrator, its findings and recommendations. The Council shall act upon the preliminary plan and send written notification of its action to the Planning Commission, Administrator, and the applicant. ~~Failure of the Council to act within sixty (60) days of the public hearing is deemed approval.~~ Should the subdivider desire to amend the preliminary plan as approved, such person shall submit the amended plan in accordance with the original procedure set forth above, with the exception of the public hearing and fees. If the Council determines that the scope of the revisions constitutes a new plan, then the public hearing and fees shall be required.

- (c) *Final Plan.*

- (1) The subdivider, within one hundred eighty (180) days after the approval of the preliminary plan, shall file with the Administrator, ~~ten (10) copies of~~ the final plan prepared by a land surveyor duly registered in the state. Failure of the subdivider to submit the final plan within one hundred

eighty (180) days, unless a written request for extension has been submitted and for good cause granted by the Council, shall cause the preliminary plan to become null and void.

- (2) The subdivider shall also submit to the Director of Community Development, at the same time, a currently certified abstract of title or registered property certificate and such other evidence as the City Attorney may require showing the subdividers title or ownership in the land to be subdivided.
- (3) The subdivider shall have incorporated all changes and modifications in the final plan required by the Council. In all other respects, the final plan shall conform to the preliminary plan.
- (4) A development plan for the necessary improvements shall be submitted by the subdivider to the Director of Community Development, and then forwarded to the City Engineer for a review of a cost estimate.
- (5) The Director of Community Development, upon receipt of the final plan, shall retain one (1) copy of the final plan for such officer's records and shall:
 - (a) Refer copies of the final plan to the Administrative Review Committee, which shall review the final plan with respect to its conformance with the approved preliminary plan and the Committee shall report its findings to the Director of Community Development within fifteen (15) days of its receipt by the Committee.
 - (b) Refer one (1) copy each to applicable public and private utility companies.
 - (c) Refer the abstract of title or registered property certificate to the City Attorney for examination and report on any restrictive covenants. The City Attorney's written report shall be submitted to the Director of Community Development within fifteen (15) days of its receipt by the City Attorney. The costs incurred by the City in this regard shall be the responsibility of the subdivider and shall be paid by the subdivider to the City prior to release of the executed final plan.
 - (d) Obtain a written report or statement from the City of Blaine certifying the payment by the subdivider of all fees due the City pursuant to this Chapter.
 - (e) Place the consideration of the final plan on the agenda of the next regularly scheduled Council meeting, and notify the subdivider, in writing, of the date, place, and time of the meeting.
 - (f) Submit all of the above reports to the Council for its consideration.
- (6) The subdivider or a duly authorized representative shall attend the meeting before the Council at which the final plan is scheduled for consideration.
- (7) The Council may, if all reports indicate full compliance with the provisions of this chapter, approve the final plan as submitted and authorize the Mayor and City Manager to sign the final plan.
- (8) The Council may, if the report from the Administrative Review Committee indicates substantial deviation in the final plan from the approved preliminary plan, determine if the submission shall represent a new plan. If the submission does represent a new plan, the Council shall deny the final plan and direct the subdivider to resubmit such subdividers proposal following preliminary plan requirements.
- (9) The Council may, if any of the other reports indicate a lack of compliance with the provisions of this chapter, require full compliance by the subdivider within the one-hundred-eighty-day period from the date of approval of the preliminary plan. Failure of the subdivider to comply shall nullify and void the preliminary and final plans.
- (10) The ~~City Engineer~~subdivider shall, if the final plan is approved by the Council and signed by the Mayor and City Manager, record the final plan with the County Register of Deeds within thirty (30) days of the date of approval and signing of the final plan. Any final plan not so

recorded shall become null and void, unless the Council has granted an extension, which shall not exceed ninety (90) additional days.

- | (11) The ~~City Engineers~~subdivider shall furnish the Director of Community Development a tracing and three (3) copies of the final plan showing evidence of the recording. The subdivider shall be responsible for any costs incurred pertaining to the verification of the final plan materials. The subdivider shall also furnish one (1) reduced tracing of the final plan ~~with a scale of one (1) inch equals two hundred (200) feet~~. Failure to furnish such copies shall be grounds for refusal to issue building permits for lots within the final plan.
- (12) No changes, erasures, modifications or revisions shall be made in any final plan after approval has been given by the Council, unless said plan is resubmitted to the City and the Council approves any modifications. In the event that any such final plan is recorded without complying with this requirement, the same shall be considered null and void, no building permits shall be issued for lots within the final plan, and the Council shall institute proceedings to have the plan stricken from the records of the City and County.