

Chapter 33 - PERFORMANCE STANDARDS

33.01 - Intent.

These performance standards are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. These standards are also designed to ~~eliminate blight~~ preserve the quality of development and reduce negative impacts on surrounding properties. All future development in all districts shall be required to meet these standards. These standards shall also apply to existing developments where stated.

33.02 - Lighting.

- (a) In all commercial, industrial, or multi-family zoning districts, any lighting used to illuminate off-street parking and driving areas, signs, or structures shall, except as permitted under [Section] 33.02(e), consist of downcast style fixtures with a concealed or shielded light source to prevent glare or spill to adjacent right-of-way or properties.
- (b) Pole-mounted lighting in commercial, industrial, or multi-family residential zoning districts shall not have pole heights exceeding twenty (20) feet. Pole heights exceeding twenty (20) feet for larger commercial or industrial parking areas (exceeding one hundred twenty (120) parking stalls or sites with developed area greater than 2.5 acres), or outdoor recreational facilities in all zoning districts may be considered with review and issuance of a Conditional Use Permit.
- (c) No light or combination of lights, including illuminated signs, that cast light upon a public street shall exceed one (1) foot-candle meter reading as measured at the edge of roadway. No light or combination of lights that cast light upon a residentially-zoned property shall exceed .4 foot-candle meter reading as measured at the residential property line. All measurements shall be made after dark at the property line or edge of roadway. The City may limit the hours of operation of outdoor lighting if it is deemed necessary by the City to reduce impacts on the surrounding neighborhood.
- (d) Direct or sky-reflected glare, whether from floodlights or from high-temperature processes, such as combustion or welding, shall not be directed into any adjoining property. No flickering or flashing lights shall be allowed. Lighting shall not be placed on a site if the light source or its reflected image can be viewed directly from a location off the site.
- (e) Direct view ornamental fixtures shall only be approved when the developer can demonstrate that undesirable off-site impacts stemming from direct or reflected views of the light source are eliminated by reducing light intensity, fixture design, or location of the lighting fixture. City approval of direct view ornamental light fixtures shall be by City Council action in the form of either a Conditional Use Permit or subdivision approval.
- (f) The City shall require submission of a light distribution plan to ensure compliance with the intent of this Ordinance for all new commercial, industrial, or multi-family residential developments, ~~as well as~~ commercial, industrial, or multi-family residential redevelopment or additions which exceed twenty percent (20%) of the floor area of the principal structure, and any modifications to lighting, including conversion to LED lighting. This plan shall include the type, arrangement of proposed lighting, and proposed lighting levels in foot-candles at all locations on the site including its property boundaries and edge of all adjacent roadways.

(Ord. No. 98-1732, amended 7-9-1998)

~~33.03 - Storage of chemicals.~~

~~All commercial and industrial uses associated with the bulk storage of oil, gasoline, liquid fertilizer or other hazardous materials, shall require a conditional use permit in order that the City Council may have assurance that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety and welfare.~~

33.04 - Nuisances.

No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other adverse influences shall be permitted that will in any way have an objectionable effect upon adjacent or nearby property.

- (a) *Noise.* Noises emanating from any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation Noise Pollution Control Rules, and Section 11-70 of the Blaine Code of Ordinances. (Ord. No. 97-1640, amended 3-6-1997)
- (b) *Emission of Smoke.*
 - (1) No person owning, or in charge of, or operating any fuel burning, refuse burning, combustant, or process equipment, process device, portable boiler, stacks, vents or premises, shall cause, suffer, or allow emission or discharge of smoke from any single such source into the atmosphere, the appearance, density, or shade of which is darker than number one and one-half (1½) of the Ringleman Chart.
- (c) *Emission of particular matter.*
 - (1) No person shall cause or allow the emission of particulate matter from any process, including any material handling or storage activity, that is visible beyond the property line of the emission source.
- (d) *Toxic and noxious matter.*
 - (1) No use shall discharge across the boundaries of the lot where it is located, toxic, odorous or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause appreciable injury or damage to property or business.

~~(e) *Storage of vehicles.*~~

- ~~(1) It shall be unlawful for any person to store or keep any vehicle of any type requiring a license to operate on a public highway but without a current license attached, whether such vehicle be dismantled or not, outside of any enclosed building, except in automobile reduction yards.~~

33.05 - Land reclamation/earth removal.

- (a) Earth removal, land reclamation, material storage of filling, shall be permitted in all zoning districts, on any lot or parcel except that it shall be unlawful for any person to remove, store, excavate, or place as fill any rock, sand, dirt, gravel, clay, or other like material within the City, in excess of one hundred (100) cubic yards without first having applied for and having obtained a permit from the City. When five thousand (5,000) or more cubic yards of material is to be removed or deposited on any lot or parcel, a conditional interim use permit shall be required.
- (b) The City Council may incorporate and attach, to the conditional interim use permit, any conditions or restrictions that it deems necessary for the preservation of health, welfare, and safety of the citizens.

(Ord. No. 90-1190, amended 4-19-1990)

33.06 - Lot provisions.

- (a) Any lot of record existing upon the effective date of this ordinance in a residential district, which does meet the minimum requirements of this ordinance as to area or dimensions, may be utilized for residential dwelling purposes, provided the area and lot dimensions are within seventy-five percent (75%) of the requirements of this ordinance, but said lot of record shall not be more intensely developed unless combined with one (1) or more abutting lots or portions thereof, so as to create a lot meeting the requirements of this ordinance.

- (b) If in a group of contiguous existing lots under single ownership, any individual lot does not meet the minimum requirements of this ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots and/or parcels under the same ownership so that the combination of lots will equal one (1) or more parcels of land, meeting the minimum requirements of this ordinance. No building permit will be issued for a lot that does not comply with this paragraph.
- (c) Any lot, group of lots, or parcels of land of five (5) acres or less, or less than three hundred (300) feet in width, created by any means after the effective date of this ordinance, for the purpose of erecting a structure, must be approved by the City Council. The plan for such subdivision shall be reviewed by the Planning Commission, which shall submit a report to the City Council.
- (d) Except in the case of ~~Residential Flex Districts or Planned Unit Developments~~, Development Flex Districts or Conditional Use Permits issued for multiple buildings no more than one (1) principal building shall be located on a lot.
- (e) On a corner lot, both street lines shall be front lines for applying the yard and parking requirements of this ordinance, except where specific standards are outlined for corner sideyards in single-family and two-family districts. (Ord. No. 97-1672, amended 9-4-1997)
- (f) The required front yard of a corner lot shall not contain any wall, fence, or other structure, tree, shrub, or other growth, which may cause danger to traffic on a street or public road by obscuring the view. On corner lots, in any district, no structure or planting in excess of thirty (30) inches above the curb line shall be permitted within the intersection sight distance triangle.
- (g) All specified setbacks within the specific zoning districts shall be measured from a minimum distance of sixty (60) feet from the centerline of rural section County roads and fifty (50) feet from the centerline of urban section County roads. Structures lawfully existing prior to the enactment of this section are exempt from these provisions. (Ord. No. 00-1840, added 4-20-2000)

33.07 - Site plans.

- (a) All applications for commercial, industrial, or institutional development, apartments, attached townhomes, or detached townhomes must secure site plan approval in addition to required building permits whenever a new structure or addition to a structure is proposed. Site plan approval is also required for site improvements to commercial, industrial, institutional, and multifamily properties. 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:

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

(2) 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

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

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

(5) 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.

(6) 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.

(7) 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.

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

(9) 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.

~~All building construction in the R-3A, R-3B, R-3C, RF, B-1, B-2, B-3, B-4, I-1, I-2 and PI zoning districts shall be accompanied by a complete site plan, showing the proposed building or buildings and also the proposed use of the balance of the property. The plan shall show waste disposal, water supply, drainage, ingress and egress, landscaping, screening, and other supportive and pertinent data. Distances to surrounding buildings must also be shown on the site plan. All building permits shall be approved by the Director of Community Development following his review of the site plan for conformity with the City's present development codes and Comprehensive Plan. The Director of Community Development, in his discretion, may submit the application to the Administrative Review Committee for site plan review. The Committee shall also consider the proposed development in terms of its conformity with the City's present development code and Comprehensive Land Use Plan. The Director of Community Development, with the concurrence of the Administrative Review Committee, may refer the building permit application to the Planning Commission and City Council for its review and approval.~~

~~(b) Preliminary plans required.~~

~~(1) Certificate of survey. The certificate of survey shall be drawn at a scale of one (1) inch equals fifty (50) feet, or one hundred (100) feet, or two hundred (200) feet. The certificate of survey shall indicate all existing structures and site improvements.~~

- ~~(2) Preliminary site plan. The preliminary site 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. The submission may be composed of one (1) or more sheets and drawings and shall include the location of all proposed buildings and their proposed uses; location of driveways and parking areas; indicate front, rear, and side yard setbacks proposed and approved by the Zoning Administrator; location of all easements, width and purposes; location and size of existing public improvements adjacent to the lot site, excluding sanitary sewer, watermain, and storm drainage; location and size of existing buildings and structures on site and within the distance of one hundred (100) feet of the site; existing zoning and land use; location of refuse areas; location of outdoor storage areas; locations and specifications of signs; location and type of lighting.~~
- ~~(3) Landscape Plan. The landscape plan shall be prepared at a scale of one (1) inch equals fifty (50) feet and in accordance with the requirements of Section 33.08 landscaping requirements.~~
- ~~(4) 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: existing and proposed grades with a minimum of two-foot contour intervals to a known sea level datum; sufficient spot elevations on all proposed hard surface areas; estimated runoff of the area based upon 10- and 100-year storm events; provisions to carry runoff to the nearest adequate outlet, such as a storm drain, natural drainage way, or street; location of any proposed ponding areas, indicating the size and depth of the pond and amount of acre feet of water to be stored; finished floor elevations of all buildings; identification of soil conditions by type and location, including identification of the water table, and suitability of soil for proposed development; identification of any areas located within a flood hazard zone as identified by the City's floodplain maps. The grading and drainage plan must also comply with the requirements of [Section] 33.16(h), Submittal Components. (Ord. No. 10-2203, amended 5-20-2010)~~
- ~~(5) A 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: two (2) foot contour intervals to a known sea level datum; identification of water courses, rock outcroppings, and other significant land features; use USGS datum for mapping.~~
- ~~(6) Floor plans and elevations. All floor plans and elevations shall be drawn to a legible scale and include the following information: floor plans indicating square footage and dimensions of all proposed rooms and areas identifying the proposed uses; elevations of the proposed building, identifying exterior treatment, materials to be used, and color of paint.~~
- ~~(7) Tree Preservation Plan. (Ord. No. 93-1337, amended 6-3-1993)~~
- ~~(c) Preparation of plans.~~
- ~~(1) Site plans shall be prepared by a registered architect, engineer, landscape architect or land surveyor.~~

33.08 - Landscaping.

- (a) All building construction in the R-3A, R-3B, R-3C, RF, DF, B-1, B-2, B-3, B-4, I-1, I-1A, I-2, I-2A, PBD, RR, and POD and PI zoning districts shall be accompanied by a complete landscape plan. The landscape plan should be developed in accordance with the site plan submitted for approval.
- (b) Detailed landscape plans shall include the following information:
- (1) General. Name and address of developer/owner, name and address of architect/designer, date of plan preparation, date and description of all revisions, name of project or development, scale of plan, north point indication.
 - (2) Site analysis. Boundary lines of property line with dimensions based upon certified survey, name and alignment of proposed and existing adjacent on-site streets, location of all proposed utility easements and right-of-way, location of existing and proposed buildings, topographic contours at two-foot contour intervals, location of parking areas, water bodies proposed sidewalks, and percent of site not covered by structures.

- (3) Landscape data. A planting schedule table shall contain the following information including symbols, quantities, common names, botanical names, size of plant materials, root specifications, and special planting instructions.
- (4) Typical sections and details of fences, tywalls, planting boxes, retaining walls, tot-lots, picnic areas, berms and other landscape improvements.
- (5) Typical sections of landscape islands and planter beds with identification of materials used.
- (6) Details of planting beds and foundation plantings.
- (7) Delineation of both sodded and seeded areas indicated in square footage.
- (8) Where landscape or manmade materials are used to provide required screening from adjacent and neighboring properties, a cross section shall be provided at a legible scale illustrating the prospective of the site from the neighboring property and property line elevation.

~~(c) Copies. Fifteen (15) prints at full scale and size of site plan for Planning Commission meetings and ten (10) prints at full scale and size of site plan for City Council meetings plus additional prints as required.~~

- (d) Number of plant materials required. In order to achieve an appropriate and complete quality landscaping of a site, the following minimum number of plant materials shall be provided as indicated below:

- (1) One (1) overstory deciduous shade tree for every two thousand (2,000) square feet of total building floor area or one (1) tree for every one hundred (100) feet of site perimeter, whichever is greater.
- (2) One (1) coniferous tree for every two thousand (2,000) square feet of building or one (1) coniferous tree for every two hundred (200) feet of site perimeter, whichever is greater.
- (3) One (1) understory shrub for every three hundred (300) square feet of building or one (1) shrub for every thirty (30) feet of site perimeter, whichever is greater. (Ord. No. 86-956, amended 7-10-1986)
- (4) One (1) ornamental tree for every two thousand (2,000) square feet of building or one (1) ornamental tree for every two hundred (200) feet of site perimeter, whichever is greater.
- (5) The number of plant materials required in (d)(1)—(4) may be reduced by fifteen percent (15%) in each category in the Light Industrial (I-1) and Heavy Industrial (I-2) zoning districts. (Ord. No. 89-1177, added 12-21-1989)

- (e) Minimum size of plantings:

- (1) Overstory deciduous—Two and one-half-inch caliper.
- (2) Coniferous—Six (6) feet in height.
- (3) Shrubs—Twenty-four-inch (pot).
- (4) Ornamental trees—Two-inch caliper.

In the event a site plan layout does not have adequate open space to accommodate plant quantities as per [Section] 33.08(d), such quantities per species can be combined into less quantities per species, provided total required height or caliper is maintained. (Ord. No. 86-956, amended 7-10-1986)

- (f) ~~Method of installation. All deciduous and coniferous trees shall be ball and burlap and staked and guyed per National Nurserymen's Standards. All shrubs shall be potted. Trees planted in accordance with a required landscape plan shall not be removed without the approval of the Zoning Administrator.~~

- (g) Sodding and ground cover. All open areas of any site not occupied by building, parking, or storage, shall be sodded over four (4) inches of topsoil. Exceptions to this are as follows: (Ord. No. 86-972, amended 8-21-1986)
 - (1) Seeding over four (4) inches of topsoil of future expansion areas ~~(areas to be built upon within eighteen (18) months)~~ as shown on approved plans. (Ord. No. 86-972, amended 8-21-1986)
 - (2) Undisturbed areas containing existing natural vegetation which can be maintained free of foreign and noxious materials.
 - (3) Areas designated as open space for future expansion area properly planted and maintained with grass.
- (h) Slopes and berms:
 - (1) Final slope grade steeper than the ratio of 3:1 will not be permitted without special approval or treatment, such as terracing or retaining walls.
 - (2) Berming used to provide required screening of parking lots and other open areas shall not have a slope to exceed 3:1.
- (i) Tree Preservation and Credit Policy: (Ord. No. 93-1337, amended 6-3-1993)
 - (1) It is the policy of the City with respect to specific site development to retain, as far as practical, existing trees which should be incorporated into the site. Credit for retention of existing trees which are of the acceptable minimum size, species, and location, may be given to satisfy the minimum number of requirements. Replacement trees required by a tree preservation plan will be credited to the landscape requirements.
- (j) Use of Landscaping for Screening:
 - (1) Where natural materials, such as trees or hedges are approved in lieu of the required screening by means of walls or fences, density and species of planting shall be such to achieve ~~ninety percent (90%)~~ opaqueness year round.
- (k) Maintenance Policy:
 - (1) It is the responsibility of the property owner to insure that the landscaping is maintained in an attractive condition. The owner shall replace any damaged or dead trees, shrubs, ground covers, and sodding.
- (l) Erosion Control:
 - (1) All open disturbed areas of any site shall be seeded as an erosion control measure in accordance with the provisions of Section 33.16.
- (m) Preservation of Shoreland, Wetland, and Marsh Areas:
 - (1) ~~Land and vegetation within one hundred (100) feet of any shoreland or marsh area shall be preserved and not altered in any way, shape, or form except seed or sod. A protective buffer strip of natural vegetation at least 15 feet (25 feet average width) shall surround all wetlands.~~
- (n) Landscaping may be permitted in utility and drainage easements or road right-of-way with the approval of the Zoning Administrator. (Ord. No. 86-972, amended 8-21-1986)
- (o) For the purpose of aesthetically enhancing a site the Zoning Administrator may approve exchanging up to fifty percent (50%) between categories of plant materials and sizes as set forth in [Section] 33.08(d) and (e) or a landscape plan signed by a registered landscape architect which meets the intent of [Section] 33.08 but varies quantities and sizes of plant materials. (Ord. No. 89-1177, added 12-21-1989).

33.09 - Fences.

- (a) Purpose. The purpose of this section is to promote a pleasant physical environment and to protect the public and private property within the City by regulating the location, height, type of construction, and maintenance of all fences.
- (b) Definitions. [The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]
 - (1) *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. For the purpose of this section, a fence shall not include naturally growing shrubs, trees or other foliage.
 - (2) *A Boundary Fence*: A boundary fence is any fence parallel to the property line.
 - (3) *Privacy Fence*: A privacy fence is any fence used for screening of outdoor living areas and for enclosures where restricted visibility or protection is desired.
 - (4) *Farm Fence*: A fence located on property zoned FR or AG constructed to contain livestock and located a minimum of 300 feet from any residentially zoned property.
- (c) Permit Required:
 - (1) No fence shall be erected or substantially altered without securing a permit from the Building Inspector. All such permits shall be issued upon a written application which shall set forth the type of fence to be constructed, the material to be used, height, and exact location of the fence. A fee shall be paid with each application. (Ord. No. 90-1184, amended 2-1-1990)
- (d) Location of Fences:
 - (1) Fences, when constructed to enclose any lot or tract of land, shall be located in such a way that the entire fence shall be on the property of the owner. Posts and framework shall be placed within the property lines of the owner and the actual fencing material, such as wire, lumber, pickets, etc., shall be placed on the side of the fence which faces the street or the adjacent property.
 - (2) No fences shall be allowed or constructed on street right-of-ways. Fences may, by permit, be placed on public utility easements so long as the structures do not interfere in any way with existing underground or over ground utilities. Further, the City or any utility company having authority to use such easements, shall not be liable for repair or replacement of such fences in the event they are moved, damaged or destroyed by virtue of the lawful use of said easement.
- (e) Construction and Maintenance:
 - (1) Every fence shall be constructed in a workmanlike manner and of substantial material reasonably suited to the purpose for which the fence is to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition which would constitute a public nuisance or a dangerous condition. If such a fence is allowed to become and remain in such condition, the Building Inspector is authorized to notify the owner or owners of such fences of the condition and allow owner or owners ten (10) days in which to repair or demolish the fence.
 - (2) Link fences, wherever permitted, shall be constructed in such a manner that the barbed end is at the bottom of the fence.
 - (3) No barbed wire or barbed wire fences shall be allowed on private property in residential zones, except for farm fences as described in 33.09 (j). No barbed wire or barbed wire fences shall be allowed on private property in business or industrial zones where the property lines of such property abut lots or parcels adjacent to residential districts.

- (4) All fences shall be constructed in conformity with the wind, stress, foundation, structural and other requirements of the State-Minnesota Building Code.
- (f) In all single and two-family residential districts, fences, except as allowed for Special Purpose Fences, shall have the following setbacks and height limitations: (Ord. No. 97-1672, amended 9-4-1997; Ord. No. 08-2164, amended 8-7-2008)
 - (1) Front yard—Maximum height of four (4) feet above ground level in front of the front face of the residential structure.
 - (2) ~~Front~~ Corner sideyard:
 - (a) Maximum height of four (4) feet above ground level when placed at the property line.
 - (b) Maximum height of six (6) feet above ground level when placed with a minimum setback of one (1) foot. (Ord. No. 98-1725, amended 6-25-1998)
 - (3) Sideyard along interior lot line(s)—Maximum height of six (6) feet above ground level.
 - (4) Rear yard:
 - (a) Maximum height of six (6) feet above ground level for fences along rear yards not adjacent or fronting on public right-of-way.
 - (b) Fences adjacent or fronting on public right-of-way shall have a maximum height of four (4) feet above ground level when placed at the property line.
 - (c) Fences adjacent or fronting on public right-of-way that are placed with a minimum setback of one (1) foot shall have a maximum height of six (6) feet above ground level. (Ord. No. 98-1725, amended 6-25-1998)
 - (5) The required front yard of a corner lot shall not contain any fence which may cause danger to traffic on a street or public road, by obscuring the view. On corner lots, no fence shall be permitted within the intersection sight distance triangle.
- (g) Commercial and Industrial Fences:
 - (1) In business and industrial zones, fences may not exceed seven (7) feet in height above the ground level, and the use of barbed wire is prohibited, except that the top one (1) foot of any fence along side or rear lot lines in these zones may be constructed of barbed wire. Barbed wire is also permitted for the top one (1) foot of fences in industrial zones when fronting a public street and placed no closer than the parking setback. Barbed wire shall not be permitted adjacent to any residential district. (Ord. No. 95-1572, amended 9-21-1995)
- (h) Special Purpose Fences:
 - (1) Fences for special purpose and fences differing in construction, heights, or location, may be permitted in any commercial or industrial district in the city, only by issuance of a conditional use permit approved by the City Council after a recommendation by the Planning Commission, and upon evidence that such special purpose fence is necessary to protect, buffer, or improve the premises for which such fence is intended.
 - (2) Residential fences, higher than 6 (six) feet and up to 10 (ten) feet in height, built for screening and noise attenuation, that are placed on private property adjacent to county, state or federally designated roadways, shall be allowed in the rear and corner side yards, only by issuance of a conditional use permit. (Ord. No. 08-2164, added 8-7-2007)
 - (3) The approval of special purpose fences may include stipulations as to the material, height, construction detail, or location of such special purpose fences. (Ord. No. 08-2164, amended 8-7-2008)
- (i) Non-conforming fences:
 - (1) All existing fences, at the time of the adoption of this section, which are not in violation of this section and are not located within a public right-of-way or easement, but which violate other

sections of this code, may be continued to be maintained and to exist but may not be replaced, if destroyed or removed, to the extent that the violations be continued.

(j) Farm Fences:

- (1) Fences which are constructed for the purpose of containing livestock in any Farm Residence or Agricultural District may be electrified with no more than twelve (12) volts DC. Such electrification shall be installed so as to not have current going through said fence except on an intermittent basis. Current shall not remain on longer than three (3) seconds.
- (2) No fence shall be located closer than three hundred (300) feet from any residentially zoned property and shall be clearly designated as an electrified fence by the installation of one (1) by one (1) foot square sign stating "this fence is electrified".
- (3) ~~Barb wire fences.~~ Farm fences with a maximum height of 4 feet may use barbed wire.

33.10 - Tree preservation.

(a) *Standards of Preservation During Construction or Grading.*

- (1) *Intent.* Developments, structures, utilities, and all other site activities must 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.
- (2) *Tree Preservation Plan Required.* To minimize tree loss and to mitigate tree removal on wooded lots or parcels with trees, a tree preservation plan must be submitted for approval along with application for any excavation permit, grading permit, building permit, Conditional Use Permit, site plan or plat approval. All site activity associated with the proposed permit or plat must be in compliance with the approved tree preservation plan.
- (3) *Replacement:*
 - (aa) *General.* All significant trees removed or damaged through activities described in (a) and (b) must be replaced on-site with approval of the Zoning Administrator, or in the form of payment of a fee to the city reforestation fund in an amount established by the City Council. Additional replacement trees shall be required as determined by the Zoning Administrator when trees of any size are removed in violation of this ordinance, or when trees have been impacted by failing to comply with the Tree Preservation Plan. Trees required by the approved landscape plan will be credited to replacement tree requirements if all the requirements of this ordinance have been fulfilled.
 - (bb) *Nonresidentially Zoned Property.* In nonresidentially zoned districts the total number of replacement trees shall not exceed eight (8) trees per acre. The removal of trees on public right-of-way in commercial or industrial zoning districts; conducted by or on behalf of a governmental agency in pursuance of its lawful activities or functions, will be exempt from this replacement.
 - (cc) *On Residentially Zoned Lots.* On public right-of-way in residential zoning districts and on residentially zoned lots exceeding one (1) acre in size the total number of replacement trees shall not exceed eight (8) trees per acre of upland. On residentially zoned lots less than one (1) acre in size a one (1) to one (1) replacement of all trees will be required for the first seven trees removed from the lot.
- (4) *The Tree Preservation Plan.* The tree preservation plan must be prepared by a registered architect, landscape architect or forester. The plan must include a scaled drawing or survey including the following information:
 - (aa) A tree inventory indicating size, species, location and condition of all significant trees and clumps of non-significant trees within the limits of the proposed activity; also location of existing and proposed structures, improvements, utilities and existing and proposed

contours. This requirement may be waived by the Zoning Administrator upon determination that the maximum tree replacement requirement shall apply.

- (bb) Specific disease control, if applicable, and protection techniques that will be utilized to minimize disturbance to all trees remaining on site.
 - (cc) A reforestation plan indicating size, species, location, and planting specifications of all street and yard trees and all replacement trees.
 - (1) The reforestation plan shall utilize a variety of tree species with emphasis on native species when possible.
 - (2) Replacement trees shall be a minimum two and one-half (2½) inches in diameter if deciduous, or six (6) feet in height if coniferous.
 - (dd) Financial Guarantee. All installations of trees required by the tree preservation plan or as a penalty for failing to comply with the tree preservation ordinance or plan must 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. Property owners/contractors/developers required to install replacement trees because of unauthorized removal or disturbance of existing trees on undeveloped parcels must submit a cash deposit in an amount required by the Zoning Administrator to guarantee installation of landscaping. (Ord. No. 99-1771, amended 3-4-1999)
- (5) *[Approval.]* Tree preservation plans must receive approval of the Zoning Administrator.
- (6) *Inspection and Enforcement.* Prior to commencement of site grading or excavation, the site shall be staked and fenced for tree protection per the approved tree preservation plan. Construction activities shall cease until compliance with the tree preservation plan has been achieved. Violations of this ordinance and/or Tree Preservation or Forestry management plan are considered a misdemeanor. Each day is considered a separate offense.
- (b) *Tree Removal on Lots without Construction or Grading Permits.*
- (1) The number of trees removed from privately owned land shall be limited to two (2) significant trees per year, unless an approved Forest Management Plan has been obtained. Trees removed because they are an obstruction to traffic or power lines, or trees removed because they pose a hazard to structures or sewer systems, shall be excluded from these requirements.
 - (2) Forest Management Plan. An approved Forest Management Plan will be required if more than two (2) significant trees per year are removed. At a minimum, the plan must include the following information:
 - (aa) A scaled map designating all forested areas and existing and proposed uses of such areas.
 - (bb) Location of all existing structures, roads, utilities, and driveways on the site.
 - (cc) A written narrative describing specific activities and reasons for developing the plan, and how these actions and activities will affect the forest. Specific examples include, but are not limited to: better forest management (thinning or removal of dead or diseased trees), improved wildlife habitat, recreational use, outdoor education, and trails.
 - (dd) Tree Replacement may also be required as part of the Forest Management Plan. Tree replacement, as outlined in Section 33.10(a)(3), shall be required if trees are removed without obtaining an approved approval for a Forest Management Plan.
 - (ee) Forest Management Plans must be ~~prepared by a forester and~~ approved by the Zoning Administrator.

(Ord. No. 93-1337, amended 6-3-1993; Ord. No. 97-1653, amended 4-17-1997; Ord. No. 99-1785, amended 4-15-1999)

33.11 - Home occupations.

- (a) *Intent.* In order to provide peace, quiet, and domestic tranquility within all residential neighborhoods, within the City, and in order to guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of commercial uses being conducted in residential areas.
- (b) *Definitions.*
 - (1) A *home occupation* is defined as any business, occupation, profession, or commercial activity that is conducted or petitioned to be conducted from property that is zoned for residential use. General farming and gardening activities are not considered home occupations and are not regulated by this ordinance. (Ord. No. 87-1007, amended 2-19-1987)
 - (2) A *home occupation conditional use permit* is a permit authorized by the City Council only after a public hearing by the Planning Commission. (Ord. No. 87-1007, amended 2-19-1987)
- (c) All home occupations which conform to the following standards may be conducted without a conditional use under this ordinance: (Ord. No. 87-1007, amended 2-19-1987)
 - (1) Permitted home occupations shall not be conducted in any building on the premises other than the building which is used by the occupant as the private dwelling and, furthermore, that not more than one (1) room may be used for such purposes. (Ord. No. 87-1007, amended 2-19-1987)
 - (2) Home occupation may have one (1) wall sign per dwelling which may not exceed 2.5 square feet. (Ord. No. 87-1007, amended 2-19-1987)
 - (3) There shall be no exterior or garage storage of any materials including business equipment, merchandise, inventory or heavy equipment. Motor vehicles used in the home occupation must be stored inside. (Ord. No. 87-1007, amended 2-19-1987)
 - (4) The area set aside for home occupations shall not exceed twenty percent (20%) of the total floor area of such residence. (Ord. No. 87-1007, amended 2-19-1987)
 - (5) Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation. (Ord. No. 87-1007, amended 2-19-1987)
 - (6) The use of mechanical equipment other than is usual for purely domestic or hobby purposes is prohibited. (Ord. No. 87-1007, amended 2-19-1987)
 - (7) Off-street loading and off-street parking requirements of Sections 33.14 and 33.15 must be provided. (Ord. No. 87-1007, amended 2-19-1987)
 - (8) Merchandise shall not be regularly or openly displayed or offered for sale within the residence. (Ord. No. 87-1007, amended 2-19-1987)
 - (9) The operation of any wholesale or retail business, unless it is conducted entirely by mail or by occasional home invitation ~~and does not involve the sale, shipment, or delivery of merchandise on the premises is prohibited.~~ (Ord. No. 87-1007, amended 2-19-1987)
 - (10) Any home occupation or activity which produces noise or obnoxious odors, vibrations, glare, fumes, fire hazard, or electric interference detectable to normal sensory perception beyond the property line is prohibited. (Ord. No. 87-1007, amended 2-19-1987)
 - (11) Trucks shall not be stored, operated, or maintained in residential districts. (Ord. No. 87-1007, amended 2-19-1987)
 - (12) A home occupation must normally involve fewer than four (4) customers entering daily. (Ord. No. 87-1007, amended 2-19-1987)

(13) Home occupation is serviced by delivery trucks no larger than 20,000 GVW

~~(13) Garage sales or sales of household items are permitted without special permit provided they meet the following standards: (Ord. No. 87-1007, amended 2-19-1987)~~

~~(aa) Garage sales last no longer than three (3) days and sales of individual household items last no longer than fifteen (15) days. (Ord. No. 87-1007, amended 2-19-1987)~~

~~(bb) Sales are held no more than twice yearly. (Ord. No. 87-1007, amended 2-19-1987)~~

~~(cc) Sales are conducted on the owner's property. Multiple family sales are permitted if they are held on the property of one (1) of the participants. (Ord. No. 87-1007, amended 2-19-1987)~~

~~(dd) No goods purchased for resale may be offered for sale. (Ord. No. 87-1007, amended 2-19-1987)~~

~~(ee) No consignment goods may be offered for sale. (Ord. No. 87-1007, amended 2-19-1987)~~

~~(ff) All directional and advertising signs shall be freestanding and removed after completion of the sale. (Ord. No. 87-1007, amended 2-19-1987)~~

~~(gg) All directional and advertising signs shall be placed on private property and shall have the owner's permission. (Ord. No. 87-1007, amended 2-19-1987)~~

~~(hh) No directional or advertising sign may be larger than two (2) feet by three (3) feet. (Ord. No. 87-1007, amended 2-19-1987)~~

(d) *Conditional Use Permits:*

- (1) All home occupations which do not conform to the standards contained in Section 33.11(c) shall only be conducted with a home occupation conditional use permit. Conditional use permits shall be made and considered in accordance with 27.04 of this code.

~~Conditional Use Permits granted by this section shall be temporary in nature and shall be granted to a designated natural person who resides at a residential address. They are not transferable from person to person or from address to address. (Ord. No. 87-1007, amended 2-19-1987)~~

- (2) ~~Applications for home occupation conditional use permits shall be filed with the Director of Community Development together with a filing fee established by City Council in an annual fee resolution. The application shall be forwarded to the Planning Commission for a public hearing. All such hearings shall be at public meetings of the Planning Commission and shall be conducted as provided in Section 27.04 of this ordinance. Legal notice of all such hearings shall be given as required for petitions for rezonings, variances, and other conditional uses. At the conclusion of its hearing, the Planning Commission shall make findings of fact and recommendations to the City Council. (Ord. No. 86-939, amended 4-3-1986; Ord. No. 87-1007, amended 2-19-1987)~~

- (3) ~~A conditional use permit in zoning districts R-1, R-2, R-3, R-4, and RE will only be considered for those specific home occupations which do not meet the requirements of Section 33.11(c), (1), (3), (4), (5), and (12). (Ord. No. 87-1007, amended 2-19-1987)~~

(2) Conditional use permits, once granted, may be revoked by the City Council for cause after hearing before the City Council. Complaints seeking the revocation of such permit shall be filed with the Director of Community Development and may be initiated by the Planning Commission or any three (3) residents of the block (both sides where the home occupation is being conducted). All such revocation hearings shall be conducted in accordance with Section 27.06 of this ordinance. Publication and notice

requirements shall be the same as for home occupation conditional use permit application hearings.
(Ord. No. 87-1007, amended 2-19-1987)

- ~~(4) A conditional use permit in zoning districts AG and FR will be considered provided the home occupation conforms to the following standards: (Ord. No. 87-1007, amended 2-19-1987)~~
 - ~~(aa) A building containing a rural home occupation shall be located at least 100 feet from any property line and shall be located in the rear yard of the principal dwelling. (Ord. No. 87-1007, amended 2-19-1987)~~
 - ~~(bb) A rural home occupation shall be contained entirely within one building with a maximum floor area of one thousand five hundred (1,500) square feet (twenty-five percent (25%) of total floor area if operating from principal dwelling). No outside storage of materials, equipment or vehicles used in the home occupation is permitted. (Ord. No. 87-1007, amended 2-19-1987)~~
 - ~~(cc) One rural home occupation per parcel. (Ord. No. 87-1007, amended 2-19-1987)~~
 - ~~(dd) The operator of the rural home occupation must reside on the same parcel of land upon which the rural home occupation is located. (Ord. No. 87-1007, amended 2-19-1987)~~
 - ~~(ee) No more than three people who do not reside on the premises may be employed by the home occupation. (Ord. No. 87-1007, amended 2-19-1987)~~
 - ~~(ff) Off-street loading and off-street parking requirements of Sections 33.14 and 33.15 must be met. (Ord. No. 87-1007, amended 2-19-1987)~~
 - ~~(gg) Rural home occupations may have one (1) wall or freestanding sign per parcel which may not exceed 2.5 sq. feet. (Ord. No. 87-1007, amended 2-19-1987)~~
 - ~~(hh) Any rural home occupation or activity which produces noise or obnoxious odors, vibrations, glare, fumes, fire hazard or electric interference detectable to normal sensory perception beyond the property line is prohibited. (Ord. No. 87-1007, amended 2-19-1987)~~
 - ~~(ii) All appropriate building and fire codes are applicable to this section. (Ord. No. 87-1007, amended 2-19-1987)~~
- ~~(5) Conditional use permits shall expire April 30 of each year and once granted may be renewed without additional hearing subject to the provisions of this section, by completing the renewal form described by the Director of Community Development and paying the annual permit fee. Failure to timely apply for renewal, and/or failure to pay the conditional use permit shall be grounds for revocation of a conditional use permit. (Ord. No. 87-1007, amended 2-19-1987)~~
- ~~(6) There may be one (1) annual inspection each year by the Director of Community Development or his designee of the property covered by a conditional use permit. In addition, the Director of Community Development, or his designee, shall have the right at any time, upon reasonable request, to enter and inspect the premises covered by said permit for safety and compliance purposes. (Ord. No. 87-1007, amended 2-19-1987)~~
- ~~(7) The annual fee for conditional use permits issued under this section shall be established by the City Council in an annual fee resolution and shall be payable no later than May 1 of each year. (Ord. No. 86-939, amended 4-3-1986; Ord. No. 87-1007, amended 2-19-1987)~~
- ~~(8) All home occupations conducted in violation of Section 33.11(c) and without a conditional use permit are illegal and punishable according to the terms of Section 27.06(d). (Ord. No. 87-1007, amended 2-19-1987)~~

~~(e) General Provisions:~~

- ~~(1) Should a conditional use permit holder die or move to a new location, the existing permit shall be automatically terminated, except that in the case of death, should a surviving spouse or child, residing at the same address, desire to continue the home occupation, written notice to~~

~~that effect shall be given to the Director of Community development and the City Council may authorize continuation of that permit without further hearing. (Ord. No. 87-1007, amended 2-19-1987)~~

- (2) ~~Conditional use permits, once granted, may be revoked by the City Council for cause after hearing before the City Council. Complaints seeking the revocation of such permit shall be filed with the Director of Community Development and may be initiated by the Planning Commission or any three (3) residents of the block (both sides where the home occupation is being conducted). All such revocation hearings shall be conducted in accordance with Section 27.06 of this ordinance. Publication and notice requirements shall be the same as for home occupation conditional use permit application hearings. (Ord. No. 87-1007, amended 2-19-1987)~~

- ~~(3) All businesses being conducted at property zoned for residential use on the effective date of this ordinance shall have thirty (30) days thereafter to apply for the necessary conditional use permit. (Ord. No. 87-1007, amended 2-19-1987)~~

~~(4) Persons who are conducting a business from property zoned for residential use on the effective date of this ordinance must make application under Section 33.11, but may continue to conduct such businesses pending final determination of their application. Should the City Council deny the petition for conditional use permit, all such persons shall immediately cease their business activities from such residential premises. (Ord. No. 87-1007, amended 2-19-1987)~~

- (e) Garage sales or sales of household items are permitted without special permit provided they meet the following standards: (Ord. No. 87-1007, amended 2-19-1987)

(aa) Garage sales last no longer than three (3) days and sales of individual household items last no longer than fifteen (15) days. (Ord. No. 87-1007, amended 2-19-1987)

(bb) Sales are held no more than twice yearly. (Ord. No. 87-1007, amended 2-19-1987)

(cc) Sales are conducted on the owner's property. Multiple family sales are permitted if they are held on the property of one (1) of the participants. (Ord. No. 87-1007, amended 2-19-1987)

(dd) No goods purchased for resale may be offered for sale. (Ord. No. 87-1007, amended 2-19-1987)

(ee) No consignment goods may be offered for sale. (Ord. No. 87-1007, amended 2-19-1987)

(ff) All directional and advertising signs shall be freestanding and removed after completion of the sale. (Ord. No. 87-1007, amended 2-19-1987)

(gg) All directional and advertising signs shall be placed on private property and shall have the owner's permission. (Ord. No. 87-1007, amended 2-19-1987)

(hh) No directional or advertising sign may be larger than two (2) feet by three (3) feet. (Ord. No. 87-1007, amended 2-19-1987)

33.12 - Permitted encroachments—Yards.

For the purpose of this ordinance, the following shall be considered as permitted encroachments within the yards indicated:

- (a) Decks, patios, balconies, open terraces, marques, flues, sills, lintels, pilasters, cornices, gutters, open canopies, open porches, doors, awnings, cantilevers, and window wells are permitted to encroach by up to 25% of the required setbacks in the front, side, and rear yard. In any yard: overhanging roof eaves, open terraces, marquees, flues, sills, lintels, pilasters, cornices, gutters, open canopies, open porches not enclosed by walls, screens, windows, or doors and awnings attached to the principal building, not to exceed twenty-five percent (25%) of

~~the depth of the front or rear yards or twenty-five percent (25%) of the width of the side yards. Chimneys, flag poles, ornamental features, sidewalks, fences, landscaping, posts, or other similar amenities. (Ord. No. 98-1694, amended 1-22-1998)~~

(b) Chimneys, flag poles, sidewalks, fences, landscaping, posts and similar amenities are permitted encroachments in any location

(cb) Yard lights and name plate signs in residential districts, provided such lights and signs are three (3) feet or more from all lot lines. Lights for illuminating parking and loading areas or yards for safety and security purposes may be provided where necessary, provided that the glare is not visible from public right-of-way or adjacent residential property.

~~(de) In front yards, balconies may extend a distance of four (4) feet or less, provided they are seven (7) feet or more above the grade at the building line. Patios may extend a distance of eight (8) feet or less. Detached picnic shelters and pools located in the rear yard are permitted with a minimum 10 foot setback from the side and rear lot lines.~~

~~(ed) In rear yards, balconies, breezeways, detached picnic shelters, or swimming pools, provided they are ten (10) feet from all property lines. Recreational equipment, uncovered porches, patios, picnic tables, open arbors, trellises, laundry drying equipment, satellite dishes exceeding twenty-four (24) inches in diameter, detached outdoor living room and outdoor eating facilities, provided they are not less than five (5) feet from any lot line. (Ord. No. 96-1600, amended 5-16-1996) Recreation equipment, picnic tables, arbors, trellises, outdoor living rooms, outdoor eating facilities, and laundry drying equipment are permitted in the rear yard with a minimum 5 foot setback from the side and rear lot lines.~~

(e) Encroachments in any yard that abut a public or private street, shall be considered as permitted encroachments, as outlined above, except that no encroachment shall be permitted within present or proposed street right-of-way lines.

(f) On corner lots, in any district, encroachments are not permitted in excess of thirty (30) inches above the curb line in the intersection sight distance triangle.

33.13 - Traffic control.

The traffic generated by any use shall be channeled and controlled in a manner that will avoid: congestion on public streets, traffic hazards, and excessive traffic through residential areas, particularly truck traffic.

(a) Internal traffic shall be so regulated as to insure its safe and orderly flow. Traffic into and out of commercial and industrial areas shall, to the extent possible, be forward moving with no backing into streets. On corner lots, no structure or other materials shall be placed within the intersection sight distance triangle between the height of two and one-half (2½) and ten (10) feet above the center line grade of the intersecting street.

(b) Access Drives and Access:

(1) ~~Access drives may not be placed closer than five (5) feet to any side or rear lot line.~~ A number and type of access drives onto arterial or collector streets may be controlled and limited in the interest of public safety and efficient traffic flow.

(2) Access drives onto county and state highways shall require a review by the county or state engineer who shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.

(3) Access drives to principal structures which traverse wooded, steep, or open fields, shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles.

- (4) All lots or parcels shall have an approved direct access for emergency service vehicles along the frontage of the lot or parcel from a publicly dedicated street. (Ord. No. 89-1173, amended 12-21-1989)

(c) Vacated Streets.

- (1) Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the center line of said vacated area shall not be affected by such proceedings.

33.14 - Parking.

- (a) Any off-street parking space in connection with existing buildings or structures, on the effective date of this ordinance, shall not be removed, enlarged or altered, except in conformance with the requirements of this ordinance.

In connection with any building or structure which is to be erected or substantially altered and which required off-street parking spaces, off-street parking spaces shall be provided in accordance with the following regulations. No change in use is permitted until the required parking spaces are furnished.

The following requirements are designed to provide adequate off-street parking space for passenger automobiles of patrons, occupants or employees.

- (b) Size. (Ord. No. 86-956, amended 7-10-1986; Ord. No. 07-2148, amended 9-6-2007)

- (1) Stall and aisle dimensions shall be constructed to the following minimum specifications listed below. ~~In addition, there shall be no parallel parking permitted.~~ Parallel parking subject to Zoning Administrator approval.

Standard Vehicle

Parking Angle	Stall Width Including Striping	Stall Length	Aisle Width
90 degrees	9 feet	20 feet	24 feet
60 degrees	9 feet	23 feet	15 feet
45 degrees	9 feet	27 feet	12 feet
<u>Parallel</u>	<u>9 feet</u>	<u>23 feet</u>	<u>12 feet</u>

The stall length can be reduced by the amount of the curb overhang up to a maximum of two (2) feet.

Vehicles for Handicapped

Parking Angle	Stall Width Including Striping	Stall Length	Aisle Width
90 degrees	16 feet	20 feet	24 feet
60 degrees	16 feet	23 feet	15 feet
45 degrees	16 feet	27 feet	12 feet

The stall length can be reduced by the amount of the curb overhang up to a maximum of two (2) feet.

Compact Vehicles

Parking Angle	Stall Width Including Striping	Stall Length	Aisle Width
90 degrees	8.5 feet	18 feet	23 feet
60 degrees	8.5 feet	21 feet	12 feet
45 degrees	8.5 feet	25 feet	12 feet

The stall length can be reduced by the amount of the curb overhang up to maximum of two (2) feet.

~~(2) All compact car requests shall be handled as a conditional use permit. In granting a conditional use request, the City shall use the following criteria:~~

- ~~(i) Request must be for long-term parking needs for employees of industrial uses.~~
- ~~(ii) The design of compact car stalls shall be in a manner to permit such stalls to be utilized prior to the entire parking lot becoming filled (such as designing all compact stalls at the entrance to a lot).~~
- ~~(iii) All compact car stalls shall be clearly designated by signage.~~
- ~~(iv) In no case shall more than twenty-five percent (25%) of all required parking spaces be designated for compact cars.~~

~~For purposes of this Section, compact vehicles shall mean any vehicle containing between one hundred (100) and one hundred ten (110) cubic feet of passenger and luggage volume, or any vehicle smaller than a compact.~~

~~For purposes of this Section, standard vehicles shall mean all vehicles larger than compact vehicles.~~

- (3) All off-street parking areas shall be striped between stalls. Directional arrows shall be used on one-way traffic lanes.
 - (4) Traffic safety islands shall be installed at the ends of each parking tier. Additional traffic safety islands may be required to maintain a safe and orderly flow of traffic within the parking lot and/or driveways.
- (c) Access.
- (1) Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to parking spaces.
 - (2) All off-street parking facilities shall be provided with appropriate means of vehicular access to a street, alley, or a driveway, in a manner which will least interfere with traffic movements.
 - (3) All parking areas shall have vehicular access to it by a street or driveway, containing all-weather, hard-surfaced pavement. No driveway access across public property shall have a width exceeding twenty-four (24) feet for single family residential lots with less than seventy (70) feet of frontage, thirty (30) feet for lots with seventy (70) or more feet of frontage and multi-family developments, or thirty-six (36) feet for commercial/industrial, exclusive of curb returns. (Ord. No. 89-1163, amended 10-19-1989)
- (d) Yards.
- (1) Off-street parking and driveways shall not be permitted within any front yard, corner side yard, side yard, or rear yard minimum setbacks established for parking and driveways. (Ord. No. 85-898, amended 8-15-1985)
 - (2) Parking spaces required for single or two family dwelling units shall be located on the same lot as the dwelling served.
- (e) Computation of Parking Spaces.
- (1) When determination of the number of parking spaces required by ordinance results in a requirement of a fractional space, any fraction of one-half ($\frac{1}{2}$) or less may be dropped, while a fraction in excess of one-half ($\frac{1}{2}$) shall be counted as one (1) parking space.
- (f) Collective Parking Provisions for Non-residential Uses.
- (1) Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements of each use and if all regulations governing the location of accessory parking spaces in relation to the use served are observed. But no parking space, or portion thereof, shall serve as a required space for more than one (1) use unless otherwise authorized in this ordinance.
- (g) Repair and Service.
- (1) No motor vehicle repair work of any kind shall be permitted in parking lots.
 - (2) No merchandise shall be sold in conjunction with any parking facilities unless such facilities are located within a completely enclosed building.
- (h) Design, Maintenance, and Installation.
- (1) All open off-street parking areas or areas traveled by vehicles, shall be of four-inch MnDOT Class 5 base and a minimum two-inch bituminous surface.

- (2) All open automobile parking areas, in commercial and industrial districts, containing more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any residential property by a wall or fence that conforms with existing ordinances.
 - (3) Illumination of an off-street parking area shall be arranged so as not to project or reflect rays of light into adjacent and residential districts, and so as not to create a traffic hazard on adjacent streets.
- (i) Required Parking Spaces. Off-street parking spaces accessory to designated uses shall be provided as follows:
- (1) *Single family dwellings*: At least one (1) parking space for each dwelling, plus one (1) additional parking space for each two (2) roomers or lodgers accommodated, but no more than four (4) parking spaces for each single family dwelling.
 - (2) *Two family dwellings*: Two (2) for each dwelling unit.
 - (3) *Multiple family dwellings*: No less than two (2) parking spaces per dwelling in addition to garage requirements. (Sections: 29.55, 29.65, 29.75)
 - (4) *Automobile ~~service stations~~reparir*: ~~At least one (1) parking space for each employee, plus two (2) for each service stall.~~ Four (4) parking spaces, plus two (2) parking spaces per service bay.
 - (5) *Banks*: At least one (1) parking space for each four hundred (400) square feet of floor area.
 - (6) *Boarding and Rooming Houses*: At least two (2) parking spaces, plus one (1) parking space for each three (3) persons for whom living accommodations are provided.
 - (7) *Bowling alleys*: At least five (5) parking spaces for each alley, plus one (1) space for every four hundred (400) square feet of area not used as a bowling alley. (Ord. No. 06-2099, amended 6-1-2006)
 - (8) *Business and professional offices or public administration buildings*: At least one (1) parking space for each two hundred (200) square feet of floor area.
 - (8) *Childcare facility, not including group family daycare*: At least one (1) parking space for each three hundred (300) square feet of floor area.
 - (9) ~~*Churches and synagogues*~~Places of worship: At least one (1) parking space for each four (4) seats in accordance with design capacity of the main auditorium.
 - (10) *Establishments handling the sale and consumption of food and refreshment on the premises, including event centers*: At least one (1) parking space for each one hundred (100) square feet of floor area, excluding bar area and one (1) parking space for each forty (40) square feet of bar area.
 - (10) *Fitness Centers*: 1 space for each three hundred (300) square feet of floor area
 - (11) *Furniture and appliance stores, motor vehicle sales, stores for repair of household equipment, or furniture*: At least one (1) parking space for each six hundred (600) square feet of floor area.
 - (12) *Hospitals*: ~~At least one (1) parking space for each two (2) hospital beds, plus one (1) parking space for each four (4) employees, other than doctors, plus one (1) parking space for each two (2) doctors assigned to the staff.~~ At least two (2) parking spaces per bed
 - (13) *Hotels*: At least one (1) space for each guest room~~three (3) separate rooms and at least one (1) space for each three (3) suites of more than one (1) room.~~
 - (14) *Libraries and museums*: At least one (1) parking space for each five hundred (500) square feet of floor area.
 - (15) *Manufacturing, fabricating, general industrial building, and processing plants not engaged in retail trade*: Six (6) off-street parking spaces plus one (1) for each five hundred (500) square feet of floor area. (Ord. No. 88-1071, amended 2-18-1988)

- (16) *Medical and dental clinics:* At least one (1) parking space for each one hundred fifty (150) square feet of floor area. At least two (2) spaces for each examining or treatment room, plus one (1) for each doctor and employee in the building.
- (17) *Motels:* At least one (1) parking space for each dwelling unit, plus one (1) space per employee.
- (18) *Private clubs and lodge:* One (1) parking space for each sixteen (16) square feet of assembly area or one (1) parking space for every two and one-half (2½) seats, whichever is greater.
- ~~(19) *Public utility and public service uses:* At least one (1) parking space for each three (3) employees, plus spaces in adequate number as determined by the Zoning Administrator to serve the visiting public.~~
- (20) *Recreational buildings or community centers:* Spaces in adequate number as determined by the Zoning Administrator.
- (21) *Schools, elementary, junior high, public or private:* At least one (1) parking space for each faculty member and other full-time employees, plus adequate off-street parking for students who are permitted to drive. At least three (3) parking spaces per classroom, plus necessary spaces for student drop off. May be reduced at Zoning Administrator discretion.
- (21) *Schools, high school, public or private:* At least two (2) parking spaces per student, plus necessary spaces for student drop off. May be reduced at Zoning Administrator discretion.
- (21) *Self Storage Facility:* Minimum of five (5) spaces
- (22) *Supermarkets, discount houses, mail order outlets, retail stores and other stores with high customer volume:* At least one (1) parking space for each two hundred (200) square feet of floor area.
- (23) *Theaters:* At least one (1) parking space for each four (4) seats in the theater.
- (24) *Undertaking establishments and funeral homes:* At least one (1) space for every twenty-eight (28) square feet of area devoted to funeral services or display area plus one (1) parking space per employee. (Ord. No. 03-1990, amended 8-21-2003)
- (25) *Warehouse and storage establishments and freight terminals:* At least one (1) off-street parking space for each two thousand (2,000) square feet of floor area or one (1) parking space for every two (2) employees, whichever is greater.
- (26) *Other uses:* Parking spaces on the same basis as required for the most similar use.
- ~~(j) *Credit for Required Parking Spaces.* (Ord. No. 86-956, amended 7-10-1986)~~
- ~~(1) *For industrial purposes only, a reduction shall be given to the number of required parking spaces provided the following conditions are met:*~~
- ~~(i) *Applicant must submit a transportation plan for his/her operation detailing how employees will be utilizing different modes of transportation to and from work.*~~
- ~~(ii) *Applicant must demonstrate a reasonable number of his/her employees will be utilizing MTC bus service, ride share, van pooling, or any combination thereof.*~~
- ~~(iii) *Applicant must submit a site plan which will maintain sufficient land available to reinstate all required parking if applicant's transportation plan should not be implemented.*~~
- ~~The Community Development Department shall review such transportation plans on a "as-needed basis" and shall determine if the transportation plan is being properly implemented.~~
- (k) Residential (R-1, R-1A, R-1AA, R-1B, R-2, DF, RF) on-site parking requirements. (Ord. No. 91-1243, added 1-17-1991; Ord. No. 01-1889, amended 1-18-2001)
- (1) Parking and storage shall be limited to operable vehicles registered and licensed to the occupants of the dwelling unit and their guests only.

- (2) Except as provided in [Section] 29.35(t), parking or storage of vehicles shall be permitted in the front and corner side yard on paved driveways only. Total combined area of paved driveways shall not exceed forty-five percent (45%) of the combined areas of the front yard and corner side yard, except that in no case shall the width of a paved driveway beyond the public right-of-way, exceed thirty-six (36) feet, with the exception that a paved driveway may extend, into the front yard, a maximum of ten (10) feet beyond the width of a garage for a length of not to exceed twenty (20) feet from the front face of the garage. (Ord. No. 05-2062, amended 10-20-2005)
- (3) Provided area has an access drive, storage of vehicles shall be permitted in the side yard subject to required driveway setback.

(4) Parking in the rear yard is limited to:

- (a) Passenger vehicles parked on paved driveways extending to a detached garage located in the rear yard which serves as the sole garage for the residence
- (b) Recreational vehicles, boats, truck toppers, and trailers parked in the rear yard on paved or unpaved surfaces subject to the driveway setbacks
- (c) Collector vehicles parked on paved or unpaved surface for a maximum of two years bearing collector vehicles license plates appearing operable, and screened from all four sides by a six foot high solid fence installed with the required fence permit from the city. The two year time frame will commence as soon as a collector vehicle has been observed and documented and will not be extended even if the vehicle is removed from the rear yard for consecutive days or if the vehicle is replaced with another collector vehicle.

~~—Parking in the rear yard, except as noted by Exception (a) below, shall be limited to recreational vehicles and one (1) passenger size collector vehicle only, as defined by State Statutes, and subject to required driveway setbacks. For the purposes of this ordinance, collector vehicles must have collector plates, issued by the State of Minnesota, displayed on the vehicle, appear operable, have all major exterior components installed including tires and must be screened, from all four (4) sides, at grade, by a six-foot-high one hundred percent (100%) opaque fence installed with required fence permit from the City. The collector vehicle may not be parked or stored in the rear yard for more than two (2) years. The two-year time frame will commence as soon as a collector vehicle has been observed and documented and will not be extended even if the vehicle is removed from the rear yard for consecutive days or if the vehicle is replaced with another collector vehicle. (Ord. No. 05-2062, amended 10-20-2005)~~

~~Exception (a): Passenger vehicle parking shall be permitted in the rear yard if a paved driveway extends to a detached garage that is located in the rear yard and serves as the sole garage for the residence. Passenger vehicles may not be parked or stored off of the paved surface in the rear yard. Parking area in rear yard shall be limited to the width of the detached garage except for those lots where the sole garage is a single stall garage and less than sixteen (16) feet in width, where in that instance one (1) additional paved parking stall shall be allowed, not exceeding ten (10) feet in width or twenty (20) feet in depth. (Ord. No. 05-2062, added 10-20-2005)~~

- (5) All existing parking and storage of vehicles not in compliance with the provisions of this ordinance shall be brought into compliance within one (1) year of the date of its adoption, except those lots which did not have a paved driveway at the time of adoption shall not be required to pave.

~~_(6) For the purpose of this section, truck toppers and private utility trailers shall be considered recreational vehicles. (Ord. No. 95-1569, added 7-20-1995)~~

- (7) For the purpose of this section, these standards shall apply to all detached single-family residential lots approved under the City's DF (Development Flex) and RF (Residential Flex) zoning districts. (Ord. No. 01-1889, added 1-18-2001)

33.15 - Overhead doors and loading spaces.

- A. *Overhead doors.* In connection with any building or structure there is often the need for passenger vehicle and/or trucks the ability to enter a building for the purposes not limited to loading, unloading, service, maintenance and general storage.

~~Commercial District~~/~~Industrial District~~.

(a) *Location:*

- (1) Overhead doors shall attempt to be placed primarily in the designated rear yard, and secondarily in the designated side yard.
- (2) An overhead door may be placed in the front yard and face a public right-of-way when additional screening/buffer is provided as outlined in the screening/buffer standards section. When more than one (1) frontage exists, the Zoning Administrator shall determine the frontage with the least significant impact which an overhead door may be directed.

(b) *Size:*

- (1) Overhead doors shall not be larger than ten-feet-wide by twelve-feet-high. If an overhead door is to exceed these dimensions a written statement explaining the reason shall be submitted to the Planning Department for review.

(c) *Screening/Buffer Standards:*

- (1) The intent of screening/buffer standards is to provide an emphasis on reducing the visual impact overhead doors may have when located facing right-of-ways or residential zoning districts. This screening/buffer may consist of a combination of fencing, and/or earth berming and landscaping. The quantity and quality of these materials will depend on the overhead door location and how the site is designed to accommodate these spaces. This screening/buffer plan shall be approved by the Planning Department.

(d) *Access:*

- (1) Each required overhead door shall be designed with appropriate means of vehicular access to/from a street or drive aisle in a manner which will least interfere with traffic circulation. Overhead door access shall be subject to approval by the City Engineer.

(e) *Architecture:*

- (1) Overhead doors should be designed to ~~reflect harmonious compatibility~~be compatible with the principal structure. Architectural techniques are encouraged to reduce the visual impacts an overhead door may have on adjacent properties or roadways.

- B. *Loading spaces.* In connection with any building or structure, which requires the receipt or distribution of materials or merchandise by trucks or other similar vehicles, there shall be off-street loading spaces provided. These spaces shall be provided according to the following guidelines.

~~Commercial Districts~~/~~Industrial Districts~~:

(a) *Location:*

- (1) All required loading spaces shall be located on the same lot as the use to be served and no portion of any vehicle shall, while occupying or servicing any loading space, project into a street or drive aisle.
- (2) All required loading spaces shall be located primarily in the designated rear yard and secondarily in the designated side yard.

- (3) When loading spaces are adjacent to a residential district, additional screening shall be used as outlined in the screening/buffer standards section.
- (4) The only time a loading space may be located in the front yard is when there exists more than one (1) frontage on a public right-of-way, as determined by the Zoning Administrator, with the least impact. Additional landscaping and earth berming will be required as set forth in the screening/buffer standards to reduce the visual impact of the loading space.
- (5) No above grade loading spaces shall be located facing a public right-of-way.
- (b) *Screening/Buffer Standards:*
 - (1) The intent of these screening/buffer standards is to provide an emphasis on reducing the visual impact loading spaces may have when located facing rights-of-ways or residential zoning districts. This screening/buffer may consist of a combination of fencing, and/or earth berming and landscaping. The quantity and quality of these materials will depend on the loading space location and how the site is designed to accommodate these spaces. This screening/buffer plan shall be approved by the Planning Department.
- (c) *Access:*
 - (1) Each required off-street loading space shall be designed with appropriate means of vehicular access to/from a street in a manner which will least interfere with traffic circulation. These spaces shall be subject to approval by the City Engineer.
- (d) *Architecture:*
 - (1) Loading spaces should be designed to ~~reflect harmonious compatibility~~be compatible with the principal structure. Architectural techniques are encouraged to reduce the visual impacts a loading space may have on adjacent properties or roadways.

(Ord. No. 89-1132, amended 4-20-1989)

33.16 - Soil erosion and sedimentation control.

- (a) *Findings of Fact.* It is hereby determined that:
 - (1) Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition;
 - (2) This stormwater runoff contributes to increased quantities of water-borne pollutants, and;
 - (3) Stormwater runoff, soil erosion and non-point source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.

Therefore, the City of Blaine establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and non-point source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety. All new development and redevelopment shall conform to Blaine engineering specifications for site work and the natural limitations as presented by the topography and soil to create the best potential for preventing soil erosion.

- (b) *Purpose.* The purpose of this ordinance is to control and eliminate, to the greatest extent possible, stormwater pollution and soil erosion and sedimentation in order to protect and safeguard the general health, safety, and welfare of the public. It establishes standards and specifications for development and conservation practices and planning activities designed to:

- (1) Minimize increases in stormwater runoff from any new development or redevelopment in order to reduce flooding, siltation, streambank erosion and maintain the integrity of stream and ditch channels;
 - (2) Minimize increases in non-point source pollution caused by stormwater runoff from new development or redevelopment which would otherwise degrade local water quality;
 - (3) Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.
 - (4) Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.
- (c) *Scope.* In order to achieve compliance with the Municipal Separate Storm Sewer System (MS4) permit coverage extended to the City by the Minnesota Pollution Control Agency (MPCA), and to be consistent with the Local Surface Water Management Plan adopted by the City of Blaine, all public and private development and redevelopment projects, alterations, or improvements shall meet the requirements of this ordinance, the NPDES Construction Stormwater Permit (if applicable) and the rules of whichever Water Management Organization has jurisdiction on the subject property. Except where a variance is granted or ordinance does not require, any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision proposing a land disturbance activity within the city shall apply to the city for project approval which shall include one (1) or more of the following:
- (1) Grading, Erosion and Sediment Control Plan;
 - (2) Stormwater Pollution Prevention Plan (SWPPP); and
 - (3) Stormwater Management Plan.

No land shall be disturbed until the project is approved by the city, has received a watershed district permit, any other applicable permits, and conforms to the standards set forth herein. Chapter 34, Article V, Divisions 1 and 2, Sections 34.131 to 34.155 and Chapter 74, Article III, Section 74.81 of the Blaine City Code of Ordinances, Section 33.07 of the Blaine City Zoning Ordinance and other pertinent sections of Code shall also be applied.

- (d) *Abrogation and Greater Restrictions.* This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- (e) *Severability.* The provisions of this ordinance are severable, and if any provision of this ordinance, or application of any provision of this ordinance to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance must not be affected thereby.
- (f) *Definitions.* Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the same meaning as they have in common usage and to give this Section its most reasonable application. For the purpose of this Section, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally. As used in this Section, the following words and terms shall have the meanings ascribed to them in this Section:

Bench is a relatively level step excavated into earth material on which fill is to be placed.

Best Management Practices (BMP) are erosion control, sediment control and water quality management practices that are most effective and practicable for means of controlling, preventing and reducing the degradation of surface water as published by state or designated area-wide planning agencies.

Borrow is soil or other earth materials acquired from an off-site location for use in grading or filling on a site.

Buffer means land that is used to protect adjacent lands and waters from development and more intensive land uses. The land is kept in a natural state of trees, shrubs, and low ground cover and understory of plants and functions to filter runoff, control sediment and nutrient movement, and protect fish and wildlife habitat. In areas of agricultural use, the land may be used for less intensive agricultural purposes provided its function as a buffer remains intact.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clearing and grubbing is the cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots and other remains in the designated areas.

Common Plan of Development or Sale is a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, or on different schedules, but under one (1) proposed plan. This item is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

Detention facility is a temporary or permanent natural or manmade structure that provides for the temporary storage of stormwater runoff.

Discharge is the release, conveyance, channeling, runoff or drainage of stormwater, including snowmelt, from a construction or development site.

Disturbed ground is any clearing, grading, excavating or other activity that removes vegetation and/or exposes or loosens the soil making it susceptible to erosion by wind, water, vehicular traffic or manmade activity.

Erosion is any process that wears away the surface of land by the action of wind, water, ice, gravity, nature or manmade activities.

Erosion control refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Exposed soil areas are areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surfaces have been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas; borrow areas and disposal areas within the construction site. It does not include temporary stockpiles or surcharge areas of clean sand, gravel, concrete or bituminous, which have less stringent protection requirements. Once soil is exposed, it is considered "exposed soil", until it meets the definition of "final stabilization".

Fill is a deposit of soil or other earth materials placed by artificial means.

Filter strip is a vegetated section of land designed to treat runoff as overland sheet flow. It may be designed in any natural vegetated form from a grassy meadow to a small forest. The dense vegetated cover facilitates pollutant removal, reduces erosion and promotes infiltration.

Floodplain [means] 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.

Final Stabilization requires that all soil disturbing activities at the site have been completed and all soils must be stabilized by a uniform perennial vegetative cover with a minimum density of seventy percent (70%) over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions.

High water level is the expected elevation the water in a stormwater pond will rise to a 100-year rain event as calculated by the pond design.

Hydric soils are soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper soil horizon.

Hydrologic Soil Group (HSG) means a Natural Resource Conservation Service classification system in which soils are categorized into four (4) runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

Impaired Waters are water bodies that do not meet water quality standards and designated uses because of pollutant(s), pollution, or unknown causes of impairment.

Impervious surface is a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads. Class 5 gravel surfaces are considered to be impervious surfaces.

Land disturbance activity is any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including but not limited to construction, clearing and grubbing, grading, excavating, transporting and filling of land. Within the context of this ordinance, land disturbance activity does not mean:

- (1) Minor land disturbance activities including, but not limited to, underground utility repairs, home gardens, home landscaping, minor repairs and maintenance work which do not disturb more than two thousand (2,000) square feet of land or exceed one hundred (100) cubic yards of earthwork provided work does not obstruct or modify a watercourse or storm sewer system and is not located in a floodplain;
- (2) Installation and maintenance of fences, signs, posts, poles, electric, telephone, cable television, utility lines or individual service connections to these utilities; or
- (3) General farming practices; or
- (4) Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the city's requirements as soon as possible.

Native vegetation is the pre-settlement (already existing in Minnesota at the time of statehood in 1858) group of plant species native to the local region, that were not introduced as a result of European settlement or subsequent human introduction.

Normal water level refers to the permanent pool of water retained in a stormwater pond. By design, this is the water level below the invert elevation of the pond outlet with a depth not to exceed eight (8) feet.

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

- (1) 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;
- (2) For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and
- (3) For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Outfall is the point of discharge to any watercourse from a public or private stormwater drainage system.

Permanent cover means "final stabilization". Examples include grass, gravel, asphalt and concrete. See also the definition of "final stabilization".

Public Waters are waters of the state as defined in Minnesota Statutes, Section 103G.005, Subdivision 15.

Retention facility is a temporary or permanent natural or manmade structure that provides for the storage of stormwater runoff by means of a permanent pool of water.

Runoff is rainfall, snowmelt, dewatering discharge, irrigation or any man-made sources of water flowing over the ground surface.

Sediment is the product of an erosion process; solid material both mineral and organic, which is in suspension, is being transported, or has been moved by water, wind, or ice and has come to rest on the earth's surface either above or below water level.

Slope is the incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

Special Water [means] surface water or receiving water that is of a high quality or is deemed worthy to receive extra protection.

Stormwater. Under Minnesota Rule 7077.0105, Subpart 41b), stormwater, "means precipitation runoff, stormwater runoff, snow melt runoff and any other surface runoff and drainage". According to the Code of Federal Regulations (CFR), under 40 CFR 122.26 [b][13], "Stormwater means stormwater runoff, snow melt runoff and surface and drainage". Stormwater does not include construction site dewatering.

Storm sewer system, includes but is not limited to, the combination of roadway gutters, roadway section ditches, culverts, storm sewer piping, overflow channels, infiltration trenches, detention and retention water quality treatment basins and other methods or devices used for capturing, conveying, controlling and treating stormwater and snow melt runoff.

Stormwater Pollution Prevention Plan is joint stormwater, erosion prevention and sediment control plan that is a document containing the requirements of Section I. When implemented, the plan will define the methods to be used to reduce soil erosion on a parcel of land and off-site non-point pollution. The plan involves both temporary and permanent controls.

Stormwater pond (also referred to as wet sedimentation basin, wet retention basin, or simply wet pond) is a manmade or modified natural basin constructed to capture and retain stormwater runoff for the purpose of removing pollutants and mitigating downstream water quantity impacts.

Surface Waters means all streams, ponds, lakes, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems, whether natural or artificial, public or private.

Surveyor is a person duly registered or authorized to practice land surveying in the State of Minnesota.

Temporary Erosion Protection means short-term methods installed to prevent erosion. Examples include: silt fence, straw mulch, wood fiber blanket, wood chips and erosion netting.

Vegetated (Grassy) swale is a vegetated earthen channel that conveys stormwater while treating the stormwater by biofiltration. Such swales aid in the removal of pollutants by both filtration and infiltration.

Waters of the State as defined in Minnesota Statutes Section 115.01, Subdivision 22, the term, ". . . waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof". *Commentary: According to Minnesota Rules 7050.0130, Subpart A, disposal systems or treatment works operated under either a Minnesota Pollution Control Agency (MPCA) permit or an agency certificate of compliance are not considered "waters of the state." Under Minnesota Rules 7050.0130, Subpart F, constructed wetlands designed for wastewater treatment are not "waters of the state." Also see the definition of "Wetlands".*

Wetlands means 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:

- (1) Have a predominance of hydric soils;
 - (2) 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
 - (3) Under normal circumstances support a prevalence of such vegetation. (Minnesota Statutes Section 103.G.005)
- (g) *General Criteria.* The Grading, Erosion and Sediment Control plan shall be required for any land disturbance activity or project disturbing more than twenty thousand (20,000) square feet and shall minimize exposed soil and unstable soil conditions in area and duration, disturbance of natural soil cover and vegetation, work in and adjacent to water bodies and wetlands, off-site sediment transport by trucks and equipment, and disturbance to the surrounding soils, root systems and trunks of trees adjacent to site activity that are intended to be left standing. The Plan shall also protect receiving water bodies, wetlands, storm sewer inlets and adjacent properties from sediment deposition. It shall provide a plan for minimal compaction of site soils.
- (h) *Submittal Components.* An acceptable application for construction will include the following requirements and contain the components detailed in the following sections.
- (1) *Grading and Erosion and Sediment Control Plans.* The Grading/Erosion Control Checklist And Approval Form should be used as a reference. These can be obtained from the City of Blaine Engineering Department. All grading and erosion and sediment control plans shall include the following items:
 - (a) Plans for existing and proposed conditions. A complete site plan and specifications, signed by the person who designed the plan shall be in compliance with Blaine Zoning Ordinance [Section] 33.07, shall be clearly labeled with a north arrow and a date of preparation, and shall include, at a minimum, the following information:
 - (i) Project map indicating site boundaries and existing elevations, property lines and lot dimensions in relation to surrounding roads, buildings and other structures, and other significant geographic features.
 - (ii) Identification of all surface waters, on and adjacent to the site and within one-half (½) mile of project boundary, including, but not limited to lakes, ponds, streams (including intermittent streams), wetlands, natural or artificial water diversion or detention areas, public and private ditches, subsurface drainage facility (including drain tiles), stormwater conveyance, and storm sewer catch basins. Show ordinary high water marks of all navigable waters, 100-year flood elevations, normal and high water elevations of ponds, and delineated wetland boundaries, if any. If not available, appropriate flood zone determination or wetland delineation, or both, may be required at the applicant's expense.
 - (iii) For projects that have a discharge point on the project that is within one (1) mile of, and flows to, an impaired water, the applicant must identify the impaired water(s) in the SWPPP, and whether there is a USEPA approved TMDL for the pollutant(s) or stressor(s) identified in this part. Unless otherwise notified by the MPCA in writing, the applicants identification of impaired waters must be based on the most recent USEPA approved section 303(d) Clean Water Act list of impaired waters and USEPA approved TMDLs at the time a complete permit application is submitted. The applicants identification must include those TMDLs applicable to the project's stormwater discharge that were approved at any time prior to permit application submittal and are still in effect.

- (iv) Map of watershed drainage areas showing direction of flow for pre and post construction drainage, soil types, infiltration rates, and depth to seasonal high water table.
 - (v) Existing and proposed grades showing drainage on and adjacent to the site using two-foot contours or less.
 - (vi) Existing and proposed impervious surfaces.
 - (vii) Steep slopes of twelve percent (12%) or more existing over a distance for fifty (50) feet or more.
 - (viii) Location of all areas not to be disturbed during construction including trees, vegetation, and designated areas for infiltration.
 - (ix) Proposed grading or other land-disturbing activity; areas of soil or earth material storage; quantities of soil or earth material to be removed, placed, stored or otherwise moved on site, and delineated limits of disturbance.
 - (x) Locations of proposed runoff control, temporary and permanent erosion and sediment control, and temporary and permanent soil stabilization measures.
 - (xi) If more than ten (10) acres are disturbed and drained to a single point of discharge temporary sediment basins must be installed, however, if the site has special waters as defined by the NPDES Construction Permit requirements, then temporary sediment basins must be installed where five (5) or more acres are disturbed. When site restrictions do not allow for a temporary sediment basin, equivalent measures as approved by the City may be used.
 - (xii) Any mitigation measures required as a result of any review conducted for the project (e.g. wetland mitigation, etc.).
- (b) A Stormwater Pollution Prevention Plan (SWPPP) specific to the conditions and requirements of the site. (See Chapter I)
- (i) *SWPPP Design Components.* All SWPPPs shall be reviewed by the city for effectiveness of erosion and sediment control measures in the context of the site topography and drainage, proposed design, suggested location and phased implementation of effective practicable stormwater pollution prevention measures.
- (1) *General Criteria.* Design, engineering and implementation of these measures shall use the following performance standards, BMPs, and design criteria:
- (a) Project Compliance. Statement of how the project will comply with all requirements of the NPDES Phase II regulations.
 - (b) Description. Explanation of the project and associated construction activity.
 - (c) Contact information for the on-site individual responsible for implementation of the SWPPP; and for the project manager and contractor.
 - (d) Training. The applicant must identify a person knowledgeable and experienced in the application of erosion prevention and sediment control BMPs who will oversee the implementation of the SWPPP, and the installation, inspection and maintenance of the erosion prevention and sediment control BMPs before and during construction.
 - (e) Runoff easements. If a stormwater management plan involves directing some or all runoff from the site, the applicant shall obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.
 - (f) Scheduling site activities. The applicant shall schedule site activities to lessen their impact on erosion and sediment creation. A detailed schedule indicating dates and sequence of land alteration activities; implementation, maintenance and removal of erosion and

sedimentation control measures; and permanent site stabilization measures shall be provided.

- (2) *Best Management Practice Implementation.* All erosion and sediment control and water quality BMPs must be constructed and or installed prior to the commencement of land disturbing activities. These measures shall be coordinated with the different stages of development.
 - (3) *Monitoring and inspection.* The trained person identified in the SWPPP or their assigned designee must routinely inspect the entire construction site at least once every seven (7) days during active construction and within twenty-four (24) hours after a rainfall event greater than 0.5 inches in twenty-four (24) hours. Following an inspection which occurs within twenty-four (24) hours after a rainfall event, the next inspection must be conducted within seven (7) days after that. All inspections and maintenance conducted during construction must be recorded in writing and these records must be retained with the SWPPP in accordance with the NPDES Construction Site Permit.
 - (4) *Other information.* The city will require additional or modified information as warranted.
 - (a) The city may require soil borings or other site investigation to be conducted and may require submission of a soils engineering or geology report. The report shall include information as requested by the city.
 - (b) The City may require a stormwater runoff volume and rate analysis report or other hydrologic, water quality and hydraulic computations to be submitted.
 - (c) The SWPPP shall be modified when there is a change in design, operation, maintenance, weather or seasonal conditions that have a significant effect on discharge and/or inspections indicate that the plan is not effective and existing BMPs are not controlling pollutants and discharges from the site.
 - (5) *Contractor/Owner inspections and maintenance.* The contractor or owner shall be responsible for inspections and maintenance on the site.
 - (a) Inspections and maintenance must be documented and readily available for review on-site. Inspections are required as follows:
 - (i) Once every seven (7) days on exposed soil areas.
 - (ii) Within twenty-four (24) hours after a one-half-inch rain event over twenty-four (24) hours.
 - (iii) Once every thirty (30) days on stabilized areas.
 - (iv) As soon as runoff occurs or prior to resuming construction on frozen ground.
 - (b) Maintenance is required as follows:
 - (i) When sediment reaches one-third ($1/3$) the height of the BMP on perimeter control devices, sediment must be removed within twenty-four (24) hours.
 - (ii) If the perimeter control device is not functional it must be repaired or replaced within twenty-four (24) hours.
 - (iii) Temporary sediment basins shall be maintained when sediment reaches one-half ($1/2$) the outlet height or one-half ($1/2$) the basin storage volume. Basin must be drained or sediment removed within seventy-two (72) hours.
 - (iv) Sediment tracked from construction site vehicle entrance and exit locations must be removed from paved surfaces within twenty-four (24) hours of discovery.
 - (v) Inlet protection devices must be cleaned weekly or more frequently as necessary. Sediment and other debris captured in these devices must be deposited in appropriate locations or containers.
- (j) *SWPPP Implementation Components.*

- (1) *Minimize exposed soil.* Land shall be developed in increments of workable size such that adequate erosion and sedimentation control can be provided as construction progresses. At no time shall more than twenty (20) acres be exposed. Special consideration shall be given to the stabilization of steep slopes. Development shall be carefully reviewed to insure adequate measures have been taken to prevent erosion, sedimentation and structural damage.
- (2) *Restabilization.* The area exposed shall be covered by an approved ground cover within fourteen (14) days after work is completed. When construction work is completed, a minimum depth of four (4) inches of topsoil meeting current MnDOT specifications shall be spread over the developed area and turf establishment started.
- (3) *Reduce Compaction.* To reduce soil compaction and enhance vegetation establishment all compacted soil shall be tilled to a depth of at least six (6) inches before revegetation.
- (4) *Perimeter sediment controls.* Perimeter sediment control measures shall be properly installed before construction activity begins. These control measures shall be designed to contain sediment on site and control the quality and quantity of stormwater leaving a site before, during, and after construction. Control measures may include sit fence, compost logs, berms, or other approved methods.
- (5) *Channel protection.* Channels shall be diverted around disturbed areas if practical, or other channel protection measures will be required. The normal wetted perimeter of any temporary or permanent drainage channel must be stabilized within two hundred (200) lineal feet of the property edge, or from a point of discharge to any surface water. Stabilization must be completed within twenty-four (24) hours of connecting to surface water. Sediment control is required along channel edges to reduce sediment reaching the channel. Stabilization of all waterways and outlets shall conform with the stipulations of this ordinance.
- (6) *Outlet Protection.* Pipe outlets must have approved energy dissipation measures installed within twenty-four (24) hours of connection to a surface water.
- (7) *Slope Protection.* The following control measures shall be taken to control erosion during construction.
 - (a) No exposed slopes shall be steeper in grade than four (4) feet horizontal to one (1) foot vertical.
 - (b) Exposed slopes steeper than ten (10) feet horizontal to one (1) foot vertical shall be stabilized to minimize erosion.
 - (c) At the foot of exposed slopes or slopes with long runs a channel and berm may be required to be constructed to control erosion. The channeled water shall be diverted to the sedimentation basin (debris basin, sediment basin, or silt trap) before being allowed to enter the natural drainage system.
 - (d) Along the top of exposed slopes or slopes with long runs a berm may be required to be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind said berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. These methods shall be approved by the City Engineering Department. At the base of the slope, an energy dissipater shall be installed to prevent erosion.
 - (e) Exposed slopes shall be protected by whatever means will effectively prevent erosion considering the degree of slope, soils materials, and expected length of exposure. Slope protection shall consist of mulch, burlap, jute netting, sod blankets, fast growing seeds or temporary plantings or annual grasses. A mulch shall consist of hay, straw, or other approved protective materials. Mulch must be anchored to the slopes by an approved method to provide additional slope stability.
 - (f) Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will effectively protect exposed slopes and are approved by the Engineering Department.

- (g) Wind Erosion. Snow fences or other wind reducing means shall be employed during construction on-site to reduce wind erosion of the soil. These measures shall be employed as soon as construction has started on-site and shall be extended as needed throughout the development.
 - (h) All exposed soil areas with a continuous positive slope that are within two hundred (200) lineal feet of any surface water, or any conveyance (curb, gutter, storm sewer inlet, drainage ditch, etc.) to a surface water, must have temporary or permanent cover year round. The area shall be stabilized if it has not been worked for seven (7) days on slopes greater than three (3) feet horizontal to one (1) foot vertical (3:1), fourteen (14) days on slopes ranging from 3:1 to 10:1 and twenty-one (21) days for flatter slopes. On sensitive sites or sites with special waters, exposed soil areas with a greater than three (3) feet horizontal to one (1) foot vertical (3:1) must be stabilized within three (3) days and slopes flatter than 3:1 must be stabilized within seven (7) days. All exposed soil areas must have temporary erosion protection or permanent cover no later than November 1 regardless of the stabilization requirements listed above. All exposed soils from construction activities taking place after November 1 must provide temporary erosion protection or permanent cover by the end of the work day if conditions warrant.
 - (i) If more than ten (10) acres are disturbed and drained to a single point of discharge temporary sediment basins must be installed. When site restrictions do not allow for a temporary sediment basin, equivalent measures such as smaller basins, check dams, and vegetated buffer strips can be included.
 - (j) For disturbed areas less than ten (10) acres, temporary sedimentation basins are encouraged, but not required. The applicant shall install erosion and sediment controls at locations that result in maximum protection and sediment capture. Minimum requirements include silt fences, rock check dams, or other equivalent control measures along slopes. Silt fences, rock check dams, etc. must be regularly inspected and maintained.
- (8) *Silt fence.* Silt fence shall be properly installed by being trenched and buried at least six (6) inches into the soil. Generally, sufficient silt fence will be required to contain sheet flow runoff generated at an individual site. This method is used to prevent sediment damage to adjacent properties and sensitive environmental areas such as water bodies, plant communities, rare, threatened and/or endangered species habitat, wildlife corridors, greenways, wetlands, etc. Provide that all silt fences used for erosion and sedimentation control and all other temporary controls shall not be removed until the city and other permitting agencies have determined that the site has been permanently stabilized and shall be removed within thirty (30) days thereafter.
- (9) *Soil stockpiling.* Temporary stockpiling of one hundred (100) cubic yards or more of excess soil on any lot or other vacant area will not be allowed without issuance of a permit for the earth moving activity in question. Stockpiles of soil or other materials subject to erosion by wind or water shall be covered, vegetated, enclosed, fenced on the down gradient side or otherwise effectively protected from erosion in accordance with the amount of time the material will be on site and the manner of its proposed use. No stockpiling is allowed in the street.
- (10) *Stockpile protections.* For soil stockpiles greater than ten (10) cubic yards the toe of the pile must be more than twenty-five (25) feet from a road, drainage channel or stormwater inlet. If left for more than seven (7) days, they must be stabilized with mulch, vegetation, tarps or other means. If left for less than seven (7) days, erosion from stockpiles must be controlled with perimeter control devices such as silt fence. If for any reason a soil stockpile is located closer than twenty-five (25) feet to a road, drainage channel or stormwater inlet, it must be covered with tarps or a more permanent protection and controlled with perimeter control devices immediately.
- (11) *Vehicle exits/entrances.* Vehicle tracking of sediment from the construction site must be minimized by BMPs such as stone pads, concrete or steel wash racks, or equivalent systems. Street sweeping must be used if such BMPs are not adequate to prevent sediment from being tracked onto the street. The exit must be at least fifty (50) feet long (fifteen-foot minimum on

single family residential sites), and the exit must be graded so runoff does not enter the adjacent street. Place a geotextile fabric under a layer of aggregate at least six (6) inches thick. The aggregate size must be a minimum of one (1) to three (3) inches or an approved equal. Direction should be given to use the designated construction exits.

- (12) *Street cleaning.* Streets and outlying roads shall be cleaned and swept within twenty-four (24) hours whenever tracking of sediments occurs and before sites are left idle for weekends and holidays.
- (13) *Dewatering treatment required.* Sediment laden water that is being removed from the site by pumping or trenching shall be treated to remove a minimum of eighty percent (80%) of suspended solids before discharge. Water may not be discharged in a manner that causes erosion to receiving channels or flooding of the discharge site.
- (14) *Storm drain protection.* All storm drain inlets shall be protected during construction with control measures as approved by the city. These devices shall remain in place until final stabilization of the site. A regular inspection and maintenance plan shall be developed and implemented to assure these devices are operational at all times, providing protection of storm sewer infrastructure from sediment loading/plugging. Silt fence fabric under catch basin grates will not be considered appropriate protection. Protective devices shall be removed prior to freeze up and replaced when temperature permits.
- (15) *Waste Containment.* Appropriate on-site containment must be provided for all trash, solid waste, construction debris, floating debris, and hazardous materials. Disposal of collected sediment shall be deposited only in approved locations.
- (16) *Special Precautions.* Extra precautions must be taken to contain sediment when working in or crossing water bodies.
- (k) *Review.* The city shall complete a review of the SWPPP concurrent with other submittals. City approval is contingent on issuance of all other permits required by other agencies having jurisdiction on the project. There shall be no work on the site until the requirements are met and approval has been granted.
 - (1) *Compliance.* A SWPPP will be considered compliant when the City determines that the SWPPP meets the requirements of this ordinance and all other requirements for project approval. Compliance assumes implementation and maintenance of the SWPPP components.
 - (2) *Noncompliance.* If the City determines that the SWPPP does not meet the requirements of this ordinance the City shall not issue approval for the land disturbance activity. The SWPPP must be resubmitted for approval before the land disturbance activity begins.
 - (3) *City inspections and enforcement.* Inspections are required before any land disturbing activity begins, at the completion of the project and prior to the release of financial securities. The City shall also conduct inspections on a regular basis during the course of construction to ensure that erosion and sediment control measures are properly installed and maintained. In all cases the inspectors will attempt to work with the applicant to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld or applicant fails to achieve compliance, enforcement proceedings will be applied as outlined in subsection (o)(4) below. An inspection must be conducted before any work is allowed to restart.
- (l) *Modification of Plan.* The applicant must amend the SWPPP as necessary to include additional requirements such as additional or modified BMPs designed to correct problems identified or address situations whenever:
 - (1) A change in design, construction, operation, maintenance, weather, or seasonal conditions that has a significant effect on the discharge of pollutants to surface waters or underground waters.
 - (2) Inspections indicate the SWPPP is not effective in eliminating or significantly minimizing the discharge of pollutants to surface waters or underground waters or that the discharges are causing water quality standard exceedances.

- (3) The SWPPP is not achieving the general objectives of controlling pollutants and sediments or is not consistent with the terms and conditions of the approved project plans.
- (m) *Financial Securities.* The applicant shall be subject to the financial security provisions of the City of Blaine Development Agreement and/or Site Improvement Performance Agreement.
- (n) *Emergency Action.* If circumstances exist such that non-compliance with this ordinance poses an immediate danger to the public health, safety and welfare, as determined by the city, the city may take emergency preventative action. The city shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the city may be recovered from the applicant's financial security.
- (o) *Notification of Failure of the SWPPP.* The city shall notify the project contact of the failure of the SWPPP's measures.
 - (1) *Initial contact.* The initial contact will be to the party or parties listed on the application and/or the SWPPP as contacts. Except during an emergency action, forty-eight (48) hours after notification by the city or seventy-two (72) hours after the failure of erosion control measures, whichever is less, the city at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical. If after making a good faith effort to notify the responsible party or parties, the city has been unable to establish contact, the city may proceed with corrective work. If there are conditions when time is of the essence in controlling erosion, the city may take immediate action, and then notify the applicant as soon as possible. Any cost incurred by the City may be recovered from the applicants financial security.
 - (2) *Erosion off-site.* If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of entry from the adjoining property owner, and implement the cleanup and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the city, may more than seven (7) calendar days go by without corrective action being taken. If in the discretion of the city, the permit holder does not repair the damage caused by the erosion, the City may do the remedial work required. Any cost incurred by the City may be recovered from the applicants financial security. When restoration to wetlands and other resources are required, the applicant will be required to work with the appropriate agency to ensure that the work is done properly.
 - (3) *Erosion into streets, wetlands or water bodies.* If eroded soils (including` tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, cleanup and repair shall be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.
 - (4) *Failure to do corrective work.* When an applicant fails to conform to any provision of this policy within the time stipulated, the city may take one (1) or more of the following actions:
 - (a) Issue a stop work order, withhold the scheduling of inspections, and/or the issuance of a Certificate of Occupancy
 - (b) Correct the deficiency or hire a contractor to correct the deficiency. Project approval constitutes a right-of-entry for the city or its contractor to enter upon the construction site for the purpose of correcting deficiencies in erosion control.
 - (c) Require reimbursement to the city for all costs incurred in correcting stormwater pollution control deficiencies. If payment is not made within thirty (30) days after costs are incurred by the city, payment will be made from the applicant's financial securities.
- (p) *Right of Entry and Inspection.*
 - (1) *Powers.* The applicant shall allow the City and their authorized representatives, upon presentation of credentials, to:

- (a) Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys.
- (b) Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.
- (c) Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site.
- (d) Inspect the stormwater pollution control measures.
- (e) Sample and monitor any items or activities pertaining to stormwater pollution control measures.

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

33.17 - Preservation of natural drainage ways.

(a) *Waterways.*

- (1) The natural drainage system shall be used as far as is feasible for storage and flow of runoff. Stormwater drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of stormwater to marshlands or swamps shall be considered for existing or planned surface drainage provided such diversion is in compliance with state law and all necessary easements have been obtained. Marshlands and swamps used for stormwater shall provide for natural or artificial water level control. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flow, erosion damage, and construction cost. Pretreatment of runoff and dewatering operations must be provided before discharging to any surface water. (Ord. No. 10-2203, amended 5-20-2010)
- (2) The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten-year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.
- (3) No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.
- (4) The banks of the waterway shall be protected with a permanent vegetation.
- (5) The banks of the waterway should not exceed five (5) feet horizontal to one (1) foot vertical in gradient.
- (6) The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.
- (7) The bed of the waterway should be protected with turf, sod, or rip-rap. If turf or sod will not function properly, rip-rap shall be used. Rip-rap, in conformity with engineering specifications, shall consist of MnDOT 3601 material Class A with filter blanket Type 1.
- (8) If the flow velocity in the waterway is such that erosion of the turn side wall will occur and said velocity cannot be decreased by velocity control structures, then rip-rap shall replace turf on the side walls.

(b) *Sediment Control of Waterways.*

- (1) To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment, control structures shall be incorporated throughout the contributing watershed.
- (2) Temporary pervious sediment traps shall be constructed according to standard details per plan requirements. Such structures would serve as temporary sediment control features during the construction stage of development. Development of housing and other structures shall be

restricted from the area on either side of the waterway required to channel a 100-year storm. (Ord. No. 10-2203, amended 5-20-2010)

- (3) Permanent impervious sediment control structures consist of sediment basins (debris basins, desilting basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water or stream.

33.18 - Height limitations.

- (a) Height Limitations, as set forth in this ordinance, shall not apply to church spires, flag poles, and municipal water towers and attachments, including antennae ~~and flag poles~~. Any structure over fifty (50) feet in height from ground level shall require a conditional use permit. Communication antennae over fifty (50) in height shall also be regulated by the standards outlined in Section 33.18(b). Any structure over one hundred fifty (150) feet in height from ground level shall not be permitted, unless specifically permitted in another section of the zoning ordinance. (Ord. No. 97-1673, amended 9-4-1997; Ord. No. 98-1761, amended 12-17-1998)
- (b) Standards for communication antennae, except those located on municipal water towers, are as follows: (Ord. No. 97-1673, amended 9-4-1997; Ord. No. 98-1761, amended 12-17-1998)
 - (1) The applicant must hold an FCC license to operate the proposed communication system.
 - (2) The applicant submit a study which demonstrates that existing municipal water tower sites are not technically feasible.
 - (3) That all structures must be mono-pole.
 - (4) That all structures must be constructed for co-location at market rate.
 - (5) That the applicant must provide proof that the construction and operation of the facilities will not interfere with reception and transmission of radio or television services enjoyed by neighboring residential and non-residential properties.
 - (6) That the structures have no lighting other than what is required by the FAA, FCC, or other governmental bodies.
 - (7) That the structures have no signage except as required by state and federal regulations.
 - (8) That the structures not be multi-colored and the color be of minimal visibility unless the architectural design or materials that are used, as determined by the City, suggest otherwise. (Ord. No. 08-2166, amended 10-16-2008)
 - (9) That the structures not be located in the designated front yard of a property.
 - (10) That the structure not be within three hundred fifty (350) feet of any residentially-zoned property which is intended for residential dwellings. (Ord. No. 98-1761, amended 12-17-1998; Ord. No. 08-2166, amended 10-16-2008; Ord. No. 11-2221, amended 3-17-2011)
 - (11) That the height of any structure does not exceed one hundred fifty (150) feet.
 - (12) That the structures be placed with a minimum setback from all lot lines equal to the height of the proposed structure.
 - (13) That the owner agrees to remove the structure within twelve (12) months after terminating transmission from the facility.

(Ord. No. 96-1613, amended 10-3-1996)

33.19 - Building relocation.

To maintain a high standard of residential development in the City of Blaine and to protect residential areas from deleterious effects through insuring that both new and relocated buildings from within the city limits or from other areas outside of the city, building relocation shall meet specified requirements.

- (a) Each relocation of a residence or residential accessory building shall require a conditional use permit from the City Council and all such buildings shall conform with and be situated in a properly zoned area in accordance with all of the provisions of this ordinance and the City building code. Commercial and industrial buildings shall not be moved.
- (b) Application for a permit to move a building shall be accompanied by an abstractor's certificate of property ownership within three hundred fifty (350) feet of the boundary lines of the lot upon which the building is to be located. The application must also be accompanied by a written consent and approval of at least fifty percent (50%) of the property owners within the said three hundred fifty (350) feet of said lot.
- (c) The application may be granted or rejected by the City Council after a public hearing before the Planning Commission.

33.20 - Curbing.

- (a) All driving areas and parking areas which are accessory to multiple family, commercial, planned commercial, planned industrial business park, or high use institutional developments, shall be bounded by a B6-12 concrete curb and gutter. "High use institutional development" shall include hospitals, schools, public buildings, and similar uses. (Ord. No. 87-1016, amended 4-1-1987)
- (b) All driving areas and parking areas which are accessory to industrial or low use institutional developments shall contain a B6-12 concrete curb and gutter on the portions of such areas which front on a public right-of-way extending back to the building wall. Concrete curb and gutter or curb only may be required on the perimeter of any other driving or parking areas where necessary for drainage or traffic control. "Low use institutional developments" shall include churches, parks, private clubs, and similar uses.
- (c) The City may exempt curbing:
 - (1) Where the parking lot directly abuts a sidewalk which is sufficiently higher than the grade of the parking lot to substitute for the curbing requirements; or
 - (2) Where the City has approved future expansion of the parking lot.
- (d) Curbing shall be required around islands in pavement.
- (e) Curb cuts and ramps for the handicapped shall be installed as required by State Law.
- (f) Construction shall be in accordance with curbing specifications on file in the office of the City Engineer.

(Ord. No. 85-898, amended 8-15-1985)

33.21 - Buffer yard flexibility.

If a reduction to the setback buffer is requested, the Director of Community Development may consider a reduction in five-foot increments down to ~~forty~~twenty-five (25) feet, provided the applicant agrees to provide additional plant materials in the setback area using the following standards for each five-foot increment.

Required plant units/one hundred (100) lineal feet.

.3 overstory deciduous trees (minimum size two and one-half-inch caliper b&b)

.6 ornamental trees (minimum size one and one-half-inch caliper b&b)

2.0 shrubs (minimum size twenty-four-inch pot)

1.1 evergreens/conifers (minimum size six-foot b&b)

~~For reductions from forty-five (45) feet down to twenty-five (25) feet, the following will apply:~~

~~Required plant units/one hundred (100) lineal feet.~~

~~.3 overstory deciduous trees (minimum size two and one-half-inch caliper b&b)~~

~~.6 ornamental trees (minimum size one and one-half-inch caliper b&b)~~

~~1.0 shrubs (minimum size twenty-four-inch pot)~~

~~.5 evergreens/conifers (minimum size six-foot b&b)~~

Also, ~~if the applicant wants a reduction from forty-five (45) feet to twenty-five (25) feet~~, there shall be an eight-foot-high ~~board-on-board~~ solid fence constructed of maintenance free materials required along the lot line, all mechanical equipment shall be roof mounted (screened from view), no wall fans, no flood lighting or directional security lighting will be allowed to create glare or spill over onto adjacent properties.

(Ord. No. 86-937, amended 4-3-1986)

33.22 - Noise abatement standards.

Homes constructed southeast and northeast of the Anoka County airport, and within five hundred (500) feet of any minor and principal arterial roadways as defined by the City of Blaine Transportation Plan, shall incorporate the following standards for construction:

- (a) Use of two-inch by six-inch studs or better for all exterior wall cavity construction to be shown on building plans.
- (b) All exterior building elements shall meet the following minimum STC (Sound Transmission Class) values: Walls (40 STC), Roof (40 STC), Windows (30 STC), Doors (20 STC). Manufacturers STC Rating for each window, door, and skylight shall be attached to the building plans. Upon approval of the building official, typical two-inch by six-inch walls and truss roofs constructed in accordance with the Uniform-Minnesota Building Code (~~UBC~~) and the Minnesota Model Energy Code shall be considered as conforming with this requirement.
- (c) All homes shall incorporate the following acoustical design features which shall be shown on the building plans.
 - (1) A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh-air supply requirements as required in the Uniform-Minnesota Building Code for the proposed occupancy without the need to open any exterior doors or windows.
 - (2) The perimeter of all exterior windows and door frames shall be sealed airtight to the exterior wall construction.
 - (3) Fireplaces shall be equipped with well-fitted chimney cap devices.

- (4) All ventilation ducts, except range hoods, connecting interior space to outdoors shall be provided with a bend such that no direct line of sight exists from exterior to interior through the vent duct.
- (5) Doors and windows shall be constructed so that they are close fitting. Weather stripping seals shall be incorporated to eliminate all edge gaps.
- (6) All penetrations through exterior walls by pipes, ducts, conduits and the like shall be caulked airtight to the exterior construction.

(Ord. No. 94-1543, added 2-16-1995; Ord. No. 05-2053, amended 10-18-2005)

33.23 - Standards for rear yard chickens.

- (a) All chicken operations must be registered by the property owner with the City prior to placement. The City Council will establish a fee for the one-time registration.
- (b) Registration process consists of a site and building plan with location and specifics of coop, pen or run, and coop setbacks.
- (c) Not more than six (6) hens are allowed. No roosters are allowed.
- (d) Coop (and covered run) is limited to not more than sixty (60) square feet.
- (e) Shelters or coops shall be in the rear yard only and located at least five (5) feet from side or rear lot lines.
- (f) Shelters or coops shall be at least thirty (30) feet from an adjacent home (living space).
- (g) All runs must be fenced unless the entire rear yard is fenced. Chickens are not allowed to run free.
- (h) Chicken waste must be removed from the coop so as to not cause a nuisance and be properly disposed of or composted.
- (i) Slaughtering and processing of the chickens must be done off-site.
- (j) Failure to comply with these standards will result in need for removal of birds and structure.
- (k) Structure must be removed and site restored if keeping of chickens is discontinued for more than twelve (12) months.
- (l) If the home is within a managed community and has a home ownership association the association management must also sign off on the placement of the chickens. Note: Many neighborhood associations may prohibit the keeping of chickens or have more stringent standards.

(Ord. No. 15-2320, added 8-6-2015)

33.23 – Roof top equipment.

All roof top facilities shall either be:

- 1) Screened from the eye level view of adjoining properties by use of exterior wall(s); or
- 2) Painted to match or complement the building structure; or
- 3) Incorporated into an architectural design, as approved by the Zoning Administrator

33.23 – Donation Drop-Off Boxes.

Donation drop-off boxes are allowed in all commercial and industrial districts and at institutional uses in residential districts, subject to the following standards:

1. Boxes to be located in rear or side yards
2. Boxes must be screened from three sides by an enclosure constructed of materials consistent with the principal building(s).

Chapter 34 - SIGNS

34.01 - Intent.

The purpose of this section is to protect and promote the public health, safety, and general welfare of the citizens of the City of Blaine through the establishment of a comprehensive and impartial set of regulations governing the erection, display, and use of signs serving as a visual media to persons on public or private properties within the City of Blaine. (Ord. No. 85-877, amended 5-16-1985)

These regulations are intended to:

- (a) Preserve and protect property values and civic beauty, and not allow signs which detract from this objective due to excess size, height, number, visual impact, undesirable location, maintenance (or lack thereof), spacing, or illumination. (Ord. No. 85-877, amended 5-16-1985)
- (b) Provide for signs which are compatible with their surroundings and appropriate to the type of activity to which they pertain. (Ord. No. 85-877, amended 5-16-1985)
- (c) Control signs which invade privacy, constitute a public nuisance, or increase the likelihood of accidents by distracting attention or obstructing vision. (Ord. No. 85-877, amended 5-16-1985)
- (d) Establish standards which will permit businesses a reasonable and equitable opportunity for effective communication, but will avoid excessive and unreasonable visual competition among sign displays. (Ord. No. 85-877, amended 5-16-1985)
- (e) Allow a reasonable freedom of choice, while promoting a concern for the visual amenities on those persons designing, displaying, erecting, or utilizing signs in the City of Blaine. (Ord. No. 85-877, amended 5-16-1985)
- (f) Assure that the public health, safety, and general welfare of the citizens of the City of Blaine is preserved. (Ord. No. 85-877, amended 5-16-1985)

34.02 - Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Billboards: A sign located on premises other than where the establishment, product, service, or activity is located, manufactured, or sold, offered, displayed or conducted.

Canopy: A roof-like structure projecting from and attached to a building.

Display window: A window in a business establishment used to display wares or services.

Establishment: Any of the following definitions may apply: A distinct business entity situated in a single building; a distinct business entity located in a structure attached to other similar structures by common walls and ceilings or floors, or attached by means of an enclosed arcade; a distinct business entity contained within a single structure and not separated by walls or other physical barrier, but distinct because of its existence as a single lease space and operation by a separate entrepreneur, or by its singularity of purpose carried on by a single or separate proprietors.

Highway 65/Main Street Interchange District: A district for purposes of allowing additional signage in a specified area, described as all commercially zoned property located within one thousand two hundred (1,200) feet of the Centerline of Highway 65 and between six hundred (600) feet south of the Centerline of 121st Avenue and six hundred (600) feet north of the Centerline of 129th Avenue. (Ord. No. 07-2119, added 5-17-2007; Ord. No. 08-2174, amended 12-18-2008)

Major shopping center commercial complex: A retail area or commercial complex including sports or entertainment facilities which comprise at least one hundred thousand (100,000) square feet of occupied building area or complex area. The square footage will be based only on facility space utilized by occupants or patrons.

~~Marquee: A canopy.~~

Nonconforming sign: A sign which lawfully existed at the time of the adoption of this ordinance, which does not conform to the requirements hereof.

Regional recreation complex: A defined group of adjacent and related athletic and recreation facilities within the Regional Recreation zone with a combined area of at least one hundred (100) acres.

Regional shopping center/commercial complex: A retail area or commercial complex including sports or entertainment facilities which comprise at least five hundred thousand (500,000) square feet of occupied building area or complex area. The square footage will be based only on facility space utilized by occupants or patrons. (Ord. No. 99-1822, added 11-18-1999)

Roof Line: In structures with a flat roof, the top line of the coping; in structures with pitched roofs, the intersection of the outside wall with the roof.

Sign, abandoned: A sign which no longer correctly advertises a bona fide business, lessor, lessee, owner, activity, use, product, or service available on the premises where the sign is displayed for a continuous period of three (3) months. (Ord. No. 86-934, amended 6-5-1986)

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, banner: A flexible piece of cloth, nylon, canvas, plastic, or similar material upon which copy, images, branding, colors and the like may be located

Sign, changeable copy: A sign designed to permit an immediate change of copy which may be other than the name of the business such as readerboards and billboards. (Ord. No. 86-934, amended 6-5-1986)

Sign, directional: A sign, the primary function of which is to provide location directions.

Signs, electronic readerboard: A sign which uses artificial lights as an integral part of the message. The message is changed by electronic means, not manually. (Ord. No. 86-934, amended 6-5-1986)

Sign, feather: A freestanding temporary sign consisting of a piece of flexible cloth, plastic or other similar material that is attached lengthwise to a single pole and designed to flutter/wave in the wind.

Sign, flashing: Any illuminated sign that has artificial light or color which is not maintained at a constant intensity or color when such sign is in use. A flashing sign shall not include electronic readerboard signs providing the sign is in compliance with Section 34.07(3). (Ord. No. 86-934, amended 6-5-1986)

Sign, freestanding: A sign that is supported by upright braces or posts placed in the ground, rather than affixed to any part of the building.

Sign, gross surface area of: That physical area of the sign constituted as the face upon which the advertisement is borne. The gross surface area shall be that area enclosed within the smallest regular geometric figure needed to encompass completely all letters, insignias or symbols of the sign, including horizontal spacing between letters, insignias or symbols, and including the physical area constituting the face of the sign. This shall be determined using one (1) side of a double-faced sign. Architectural columns or significant architectural features constructed on the front of a building as determined by the Zoning Administrator may be subtracted from the area calculated for allowable square footage for a permitted sign. (Ord. No. 00-1870, amended 9-21-2000; Ord. No. 86-934, amended 6-5-1986)

Sign, identification: Any sign, the primary function of which is to identify an establishment located upon the premises where such is located, or to which such sign is affixed. ~~Signs identifying industrial~~

~~establishments may secondarily call attention to the products, goods or materials which are produced, processed, assembled or stored upon the premises.~~

Sign, illuminated: Any sign that is lighted by artificial means. (Ord. No. 86-934, amended 6-5-1986)

Sign, monument style: A freestanding sign that contains a solid or enclosed base and where the sign support post(s) is/are not visible. Base shall be constructed of materials that are consistent with and complementary to the building. Width of base to be a minimum of two-thirds (2/3) the width of sign face. (Ord. No. 94-1502, amended 2-19-1994)

Sign, noncommercial: a sign not bearing a message advertising a business, profession, commodity, service, or entertainment. Noncommercial signs include, but are not limited to, signs bearing messages concerning political, religious, social, ideological, public service, and informational topics.

Sign, portable: A sign so designed as to be movable from one (1) location to another and not permanently attached to the ground or to any immobile structure.

Sign, projecting: A sign which is affixed perpendicular to the wall of a building or other structure and extends outward from that building wall or structure more than eighteen (18) inches. (Ord. No. 86-934, amended 6-5-1986)

Sign, roof: A sign erected or attached in whole or in part upon the roof of a building, or a non-freestanding sign which projects above the roof line of a respective building.

Sign, structure: The supports, uprights, bracing and framework for a sign, including the sign surface itself. In the case of a wall sign, the sign surface constitutes the sign structure. In the case of a sign structure consisting of two (2) or more signs, where the interior angle formed between any of the sides exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.

Sign, temporary: A sign which is erected or displayed for a limited period of time.

Sign, wall: A sign which is affixed upon and parallel to the wall of a building.

Wall graphic: Visual artistic representations, symbols, and affiliations with state, federal, or international organizations. (Ord. No. 97-1637, amended 2-6-1997)

(Ord. No. 88-1078, amended 4-21-1988)

34.03 - Nonconforming signs.

- (a) The Zoning Administrator shall order the removal of any sign erected or maintained in violation of the law as it existed prior to the date of adoption of this ordinance, except as provided herein. Removal shall be in accordance with Section 34.14.
- (b) Whenever the use of a nonconforming sign or an abandoned sign has been discontinued for a period of ~~three-twelve~~ (123) months, such use shall not thereafter be resumed unless in conformance with this ordinance.
- (c) All nonconforming signs not otherwise prohibited by the provisions of this chapter shall be removed or shall be altered to conform to the provisions of this chapter (a) when the nature of the business conducted on the premises changes and the sign is changed or modified either in shape, size, or legend excluding the legend on changeable copy signs, or (b) when the name of the business changes or the sign is changed or modified either in shape, size, or legend, or (c) the sign is moved, enlarged or altered in a way which would increase its nonconformity, or (d) when the sign is damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at time of damage unless a sign permit application has been applied for within one hundred eighty (180) days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this chapter.

~~(d) Notwithstanding Section 26.06, permanent signs which lawfully existed on or before June 5, 1986, and which do not meet the requirements of this chapter shall be allowed to continue in use until the 31st of October, 1998 upon which time all non-conforming signs must be removed or brought into compliance with current codes. Business owners with non-conforming signage, upon submittal of evidence of economic hardship or of pending site development issues, may request the Council to extend the date of compliance for a period up to one (1) year. The Council may grant, by resolution, such request after review of submitted evidence. (Ord. 94-1504, amended 3-17-1994; Ord. No. 97-1637, amended 2-6-1997; Ord. No. 98-1723, amended 5-21-1998)~~

- (e) Permanent signs which lawfully existed and which do not meet the monument sign requirements of this Chapter shall be allowed to continue in use unless required to be modified by site plan improvements or conditional use permit requirements. (Ord. No. 94-1502, amended 2-17-1994)

(Ord. No. 86-934, amended 6-5-1986)

34.04 - Prohibited signs.

- (a) Signs that, by reason of position, shape or color, would interfere with the proper function of a traffic sign or signal.
- (b) Signs within a public right-of-way ~~or easement~~, except for signs installed by governmental subdivisions.
- (b) Signs within an easement, except for signs installed by governmental subdivisions or approved by the holder of the easement.
- (c) Signs that resemble any official marker erected by a governmental agency or that displays such words as "Stop" or "Danger", which are not erected by legal authority.
- (d) Flashing signs, including indoor signs, which are visible from the public streets.
- (e) With the exception of search lights, which may be approved in conjunction with an administrative permit as provided in Section 34.13 of this ordinance, no rotating beam, beacon of flashing illumination shall be used in conjunction with any display.
- (f) Sign or sign structures that obstruct any window, door, fire escape, stairway or opening intended to provide ingress or egress for any building structure. (Ord. No. 86-934, amended 6-5-1986)
- (g) Banners, balloons, and stringers, unless approved in conjunction with an administrative permit, as provided in Section 34.13 of this ordinance. (Ord. No. 86-934, amended 6-5-1986)
- (h) Sign posters, that are tacked or posted on trees, fences, utility posts, or other such supports.
- (i) Portable signs, except as provided in Section 34.06, unless approved in conjunction with an administrative permit, as provided in Section 34.13 of this ordinance.
- (j) Roof signs. (Ord. No. 86-934, amended 6-5-1986)
- (k) Billboards, except as provided in Section 34.08.
- (l) All other signs not expressly permitted by this ordinance.
- (m) Projecting signs. (Ord. No. 86-934, amended 6-5-1986)
- (n) Abandoned signs. (Ord. No. 86-934, amended 6-5-1986)
- (o) Signs with rotating or moving parts. (Ord. No. 86-934, amended 6-5-1986)
- (p) Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. (Ord. No. 86-934, amended 6-5-1986)
- (q) Signs which have become rotted, unsafe or unsightly. (Ord. No. 86-934, amended 6-5-1986)

- (r) Signs for citywide community events, sponsored by government or non-profit organizations unless approved in conjunction with an administrative permit, as provided in Section 34.13 of this ordinance. (Ord. No. 90-1232, amended 10-18-1990)

34.05 - General requirements and standards for permitted signs.

- (a) Where a sign is illuminated, the beam of light shall not shine directly upon any part of a residence or into the street.
- (b) No part of any ~~permanent~~ freestanding sign shall be closer than ten (10) feet from any lot line, or from the public right-of-way.
- ~~_(c) Freestanding signs located within twenty five (25) feet of intersecting streets shall have a minimum vertical clearance of ten (10) feet above the center line grade of the intersecting streets.~~
- (d) When electrical signs are installed, their installation shall be subject to inspection by the ~~State Board of Electricity~~ State Department of Labor and Industry.
- (e) It shall be the responsibility of the lessee, licensee, owner, or agent of the owner of the property to keep the ground under and adjacent to the sign free of weeds and litter.
- (f) The construction of all permitted signs shall be in conformance with ~~the provisions of the Uniform Sign Code published by the International Conference of Building Officials, which hereby is adopted by reference and made a part of this Chapter.~~ the Minnesota Building Code. All monument signs taller than ten (10) feet require a building permit in addition to a sign permit.
- (g) A sign and/or its structural components shall not move as a result of wind pressure.
- ~~_(h) Freestanding signs shall have a length to height ratio of not greater than four (4) to one (1).~~
- ~~_(i) All structural steel used in the construction of, or to support, anchor or brace any sign or billboard, shall be of a minimum thickness of one-fourth inch when such steel is exposed to the weather.~~
- ~~_(j) Where wood is used in the construction of any sign or billboard, such wood shall be given two (2) coats of exterior paint or preservative before, or at the time of erection, and shall be painted at least every two (2) years thereafter.~~
- (k) The design and color of all signs shall be compatible with the design and color of the building.
- (l) The sign height shall be measured from the normal grade of the lot as approved by the Zoning Administrator. (Ord. No. 94-1502, amended 2-17-1994)
- (m) The owner of a freestanding sign, who intends to sell portions or otherwise condominiumize a freestanding sign, shall first notify the City of the owner's intent to do so and secondly, receive written verification from the City (Zoning Administrator) that the sign conforms to current sign standards prior to conveying or condominiumizing said sign. (Ord. No. 96-1609, amended 6-20-1996)
- (n) All temporary signs must be maintained and shall be removed if material shows signs of wear, including but not limited to fraying, fading, chipping, or physical damage to the sign structure.

(Ord. No. 86-934, amended 6-5-1986)

34.06 - Permitted signs—No permit required.

- (a) Identification signs for one- and two-family dwellings, provided that such signs are less than two (2) square feet in area, address numbers exempted. (Ord. No. 86-934, amended 6-5-1986)
- (b) Pedestrian, vehicular-traffic, and parking directional signs in parking lots, provided such signs are less than eight (8) square feet in area and less than five (5) feet in height, unless located on the

building, provided such sign does not constitute traffic hazard ~~and no more than twenty-five percent (25%) of the area of the sign is used for the business logo.~~ (Ord. No. 86-934, amended 6-5-1986)

- (c) Traffic control signs, non-commercial governmental signs, local notices, railroad crossing signs, and temporary non-advertising safety or emergency signs.
- (d) Signs denoting the architect, engineer, contractor, or owner when placed upon a work site, which do not exceed an aggregate of thirty-two (32) square feet in area. Such signs must be removed ten (10) days after completion of construction. (Ord. No. 86-934, amended 6-5-1986)
- (e) Copy of message changing on permitted changeable copy signs including billboards. (Ord. No. 86-934, amended 6-5-1986)
- (f) ~~Political campaign signs~~ Non-commercial signs of any size and number may be posted on private property with the permission of the property owner beginning 46 days before the state primary in a state general election year until 10 days following the state general election. Signs designating candidates seeking public political office and other data pertinent thereto shall be permitted on private property only, provided that the property owner's permission has been obtained. Such signs are subject to the requirements contained in Section 2-10 of the Code of Ordinances. (Ord. No. 86-934, amended 6-5-1986)

(Ord. No. 97-1656, amended 5-1-1997)

- (g) Signs or posters painted on or attached to the inside of a display window occupying less than twenty-five (25%) of the display window area. This shall include illuminated signs, but not flashing signs. (Ord. No. 86-934, amended 6-5-1986)
- (h)
 - (1) ~~Flags, badges, or insignia of any governmental or governmental agency, or of any civic, religious, fraternal or similar organizations.~~ Non commercial flags.
 - (2) Corporate flags ~~or other commercial flags carrying the corporate logo, business name or business image of any commercial, office or industrial use~~ provided the flag meets the following criteria:
 - (a) Flags must be mounted or flown from a ground or roof mounted pole and not affixed to the building wall surface.
 - (b) Flagpoles must be located on the lot occupied by the business for which the flag identifies.
 - (c) Flagpoles shall be placed with a minimum setback of fifteen (15) feet from any property line.
 - (d) Flag heights shall not exceed forty (40) feet in height to the highest point of the flag.
 - (e) Flags shall not exceed thirty-two (32) square feet in area ~~and shall display only the business name, corporate logo or business image of the business wishing to display the flag.~~
 - (f) Multiple flagpoles may be located on a lot with each pole supporting one (1) corporate flag. The number of flagpoles allowed on each site is based on front footage of the lot (address side) divided by fifty (50) feet. (Ord. No. 00-1884, added 12-21-2000)
- (i) Temporary displays which are erected to celebrate, commemorate or observe a civil or religious holiday, provided such displays are removed within thirty (30) days after the event or holiday. (Ord. No. 86-934, amended 6-5-1986)
- (j) Wall graphics are allowed provided they are not used for advertising and provided the approval of the Zoning Administrator has been granted. (Ord. No. 86-934, amended 6-5-1986)
- (k) Real estate signs as follows:
 - (1) Temporary signs for the purpose of selling or leasing individual lots or buildings provided that such signs are less than ten (10) square feet for residential property and thirty-two (32) square

feet for other property, have a maximum height of ten (10) feet, unless located on the building, and provided that only one (1) sign is permitted for each property. The signs must be removed within ten (10) days following the lease or sale. (Ord. No. 86-934, amended 6-5-1986)

- (2) One (1) sign per building for the purpose of leasing dwelling units or office space in building containing two (2) or more units, provided such signs are limited to five (5) square feet in area. (Ord. No. 86-934, amended 6-5-1986)
- (3) One (1) sign for the purpose of announcing or promoting a residential, commercial, or industrial development shall be allowed subject to the following conditions. Each residential project must contain at least six (6) dwellings or lots. The sign must be located at least one hundred thirty (130) feet from any pre-existing home. The sign must be removed within two (2) years of issuance of a first building permit in the development or when the particular development is ninety percent (90%) sold or rented, whichever is sooner. Each sign shall not exceed the following size limitations; project area under ten (10) acres - thirty-two (32) square feet; project area over ten (10) acres - one hundred forty (140) square feet. (Ord. No. 86-934, amended 6-5-1986)

(l) One (1) feather sign with a maximum width of 3.5 feet and a maximum height of 18 feet or a banner with a maximum area of thirty two (32) square feet is permitted without an administrative permit.

(m) Interim banner signs for new establishments installed in the location of lawfully existing freestanding or wall signs not to exceed the size of the existing signs. Interim banner signs permitted for new establishments until permanent signs are installed or 60 days, whichever is less.

~~(l) Anoka County Airport Signs. (Ord. No. 86-934, amended 6-5-1986)~~

~~(1) Wall Signs:~~

- ~~(a) The total area of all wall signs on any wall of a commercial licensed building shall not exceed fifteen percent (15%) of the wall area of that wall when said wall area does not exceed five hundred (500) square feet. When said surface area exceeds five hundred (500) square feet, then the total area of such wall sign shall not exceed seventy-five (75) square feet plus five percent (5%) of the wall area in excess of five hundred (500) square feet, provided that the maximum sign area for any wall sign shall be two hundred (200) square feet. Wall area shall be computed individually for each tenant in a multi-tenant building based on the exterior wall area of the space that tenant occupies.~~
- ~~(b) A commercial licensed building having a wall which faces a runway of the airport shall be permitted a wall sign not to exceed thirty percent (30%) of the wall area facing the runway with a maximum of three hundred (300) square feet. Only one (1) such sign shall be allowed per commercial licensed building.~~
- ~~(c) The total area of all wall signs on any wall of a hangar building, not possessing a commercial license shall not exceed five percent (5%) of the wall area of that wall. Such signs shall contain identification information and may not contain advertising information.~~

~~(2) Freestanding Signs:~~

- ~~(a) Only one (1) freestanding accessory sign for each commercial licensed building site per public street frontage shall be permitted. One (1) freestanding accessory sign located along the runway side shall also be permitted for each commercial licensed building. The total area of each freestanding sign shall not exceed eighty (80) square feet. The maximum height of freestanding signs shall be twenty (20) feet subject to Part 77 of Federal Air Regulations (to provide for air space requirements). The sign shall be set back ten (10) feet from the lot line.~~

~~(3) Gate Identification Signs:~~

~~(a) One (1) sign per gate provided the total area of any sign shall not exceed thirty-two (32) square feet and a maximum height of ten (10) feet.~~

~~(4) Area Directional Signs:~~

~~(a) One (1) sign listing locations of all commercial licensed businesses per street frontage is allowed, provided the total area of any sign shall not exceed eighty (80) square feet and a maximum height of ten (10) feet. And further provided that only commercial licensed businesses are listed.~~

~~(5) Review Process:~~

~~(a) A sign request will be reviewed and approved by the Planning Department after review by and approval of the Metropolitan Airports Commission is received.~~

~~(6) Nonconforming or Illegal Signs:~~

~~(a) Existing as of the date of adoption shall be required to comply with these regulations three (3) years from the date of adoption.~~

~~(7) All other sections of the sign ordinance, applicable to all districts shall be applicable to the airport except as contained herein.~~

(Ord. No. 86-934, amended 6-5-1986)

34.07 - Permitted signs—Permit required.

(a) Commercial (B-2, B-3, B-4, PBD, PBD-A, DF with commercial land uses) and Industrial (I-1, I-1A, I-2, I-2A, DF with industrial land uses) Districts. (Ord. No. 94-1502, amended 2-17-1994)

(1) *Wall Signs*—Commercial (B-2, B-3, B-4, PBD, PBD-A, DF with commercial land uses) and Industrial (I-1, I-1A I-2, I-2A, DF with industrial land uses) Districts.

(aa) Single tenant buildings. There shall not be more than one (1) wall sign for each principal building except that where the building abuts two (2) or more streets, one (1) oriented to each abutting street, shall be permitted, provided that the design of which is approved by the Zoning Administrator. The gross surface area of a wall sign shall not exceed ten percent (10%) of the area of the building wall, including doors and windows, to which the sign is to be affixed or two hundred (200) square feet, whichever is smaller.

(bb) Multi-tenant buildings shall have wall signs of similar design. Each tenant is allowed one (1) wall sign in accordance with 34.07(1)(aa), except that a tenant space which has its only entrance on a side of the building not abutting a public street shall be allowed one (1) sign meeting the size requirements of 34.07(1)(aa) and located on the same wall as the tenant's only entrance. No signage is permitted for tenant entrances abutting immediately adjacent to residentially-zoned property. Future wall sign permits on multi-tenant buildings, including shopping centers, shall be issued only after the building owners have submitted a comprehensive sign plan approved by the Zoning Administrator. The Comprehensive Sign Plan shall include similar design standards involving sign material, color, style, spacing, and size. (Ord. No. 98-1747, amended 10-15-1998)

(cc) For those buildings that are allowed multiple wall signs, the Zoning Administrator has the authority to allow individual wall signs that are larger than two hundred (200) square feet in exchange for reducing or removing other wall signage normally allowed by Subsection (aa) and (bb). In no case shall any individual wall sign occupy more than ten percent (10%) of that particular building wall area. (Ord. No. 90-1180, added 1-18-1990)

(dd) Wall signage elements that are proposed on building elevations that have been designed with significant and material architectural enhancements, above those typically required by the Zoning Ordinance as determined by the Zoning Administrator, can be measured as

separate areas for calculating gross surface area of the sign. (Ord. No. 00-1870, added 9-21-2000)

(2) *Freestanding signs—Commercial (B-2, B-3, B-4, PBD, PBD-A, and DF with commercial land use)*. (Ord. No. 94-1502, amended 2-17-1994)

- (aa) Single tenant buildings and multi-tenant buildings may have one (1) monument sign up to a maximum of one hundred forty (140) square feet in surface area. Monument signs shall not exceed fourteen (14) feet in height.
- (bb) In the event that a multi-tenant building is not a major shopping center/commercial complex but has a lineal frontage of at least four hundred (400) feet and abuts a street which is at least an arterial street, one (1) additional monument sign is allowed providing that the area of the additional sign does not exceed one hundred forty (140) square feet and the height does not exceed fourteen (14) feet. If the second sign is to be located on the same street frontage as the primary sign, the two (2) signs shall be placed no less than one hundred fifty (150) feet apart. (Ord. No. 13-2271, amended 08-15-2013)
- (cc) Major shopping centers/commercial complex are allowed a monument sign up to a maximum of one hundred eighty (180) square feet in area and a maximum height of twenty-five (25) feet. Major shopping center complexes are allowed one (1) additional monument sign per arterial street upon which they front. The width of the base may be reduced to fifty percent (50%) of the width of the sign with the Zoning Administrator's approval.
- (dd) Businesses on adjoining commercial lots may, subject to the approval of the Zoning Administrator, request one (1) freestanding sign with multiple business identification in exchange for eliminating or relinquishing the rights, by restrictive covenant, to have individual free-standing sign(s) on their own separate lot(s). Collaborative signage constructed under this Section shall be monument style, with a maximum area of one hundred eighty (180) square feet and a maximum height of eighteen (18) feet. (Ord. No. 96-1594, amended 4-18-1996)
- (ee) Multiple buildings on one parcel that have been granted a Conditional Use Permit may be allowed one (1) monument sign for each building constructed on an area which, if platted, would meet all the lot requirements of the Zoning Ordinance. One monument sign is allowed up to a maximum of one-hundred forty (140) square feet. All signs thereafter are allowed up to a maximum of ninety (90) square feet. Monument signs shall not exceed fourteen (14) feet in height. (Ord. No. 00-1865, added 8-17-2000)
- (ff) Permitted freestanding signs under previous Sections (aa-ee), and located within the Highway 65/Main Street Interchange District as defined by this ordinance, shall be allowed to a height of not more than fifty (50) feet and an area of not greater than one-hundred eighty (180) square feet. Signs permitted under this section shall have a monument style base constructed of materials that are consistent with the principal building to a minimum height of six (6) feet. Monument base to be a minimum of 2/3 of the width of the sign (Ord. No. 07-2119, added 5-17-2007)
- (gg) Restaurants providing a drive through, take-out service may have ~~an additional menu board monument sign~~ drive-thru signs adjacent to the drive-thru lanes providing that the maximum height of the sign is ten (10) feet and the maximum area is fifty (50) square feet. Drive-thru signs are not required to have a monument style base, but bare support poles shall not be visible.
- (hh) Readerboards.
 - (1) Signs included within this section must meet all the requirements of this ordinance.
 - (2) A minimum display time of four (4) seconds for each message within the frame of the sign is required.

- (3) All displays must include and utilize an automatic dimming mechanism that allows the display to adjust brightness to accommodate a brighter light intensity during daylight and dimmer light intensity after dusk. (Ord. No. 06-2095, amended 5-04-2006)
- (3) *Freestanding Signs—Industrial (I-1, ~~I-1A, I-2, I-2A, DF with industrial land uses~~)*.
 - (aa) Individual structures and multi-tenant buildings are limited to one (1) monument sign up to a maximum of eighty (80) square feet in surface area and have a maximum height of ten (10) feet.
 - (bb) Readerboards. (Ord. No. 06-2095, amended 5-4-2006)
 - (1) Signs included within this section must meet all the requirements of this ordinance.
 - (2) A minimum display time of four (4) seconds for each message within the frame of the sign is required.
 - (3) All displays must include and utilize an automatic dimming mechanism that allows the display to adjust the brightness to accommodate a brighter light intensity during daylight and dimmer light intensity after dusk.
- (b) *Neighborhood Business District (B-1)*. (Ord. No. 87-1045, amended 12-17-1987)
 - (1) *Wall signs*. There shall not be more than one (1) wall sign for each principal building except that where the building abuts two (2) or more streets, one (1) oriented to each abutting street, shall be permitted, provided that the design of which is approved by the Zoning Administrator. The gross surface area of a wall sign shall not exceed ten percent (10%) of the area of the building wall, including doors and windows, to which the sign is to be affixed or sixty-four (64) square feet, whichever is smaller. (Ord. No. 97-1637, amended 2-6-1997)
 - (2) *Freestanding signs*. Each establishment may have one (1) monument sign with a maximum area of one-hundred forty (140) square feet. These signs shall not extend more than fourteen (14) feet above ground level. (Ord. No. 97-1637, amended 2-6-1997)
- (c) *Residential Districts—(R-1, ~~R-1B, R-1A, R-1AA, R-2, R-3, R-4, RF, AG, FR, RE~~)*. (Ord. No. 90-1212, amended 7-19-1990; Ord. No. 95-1574, amended 9-21-1995)
 - (1) The following zoning districts are allowed one (1) sign per household for a home occupation:
 - (aa) R-1, R-1A, R-1AA, R-1B, R-E, R-4, R-2, RF and DF properties with residential land uses—One (1) wall sign not to exceed 2.5 square feet.
 - (bb) FR, AG—One (1) wall sign not to exceed 2.5 square feet or one (1) freestanding sign not exceeding 2.5 square feet in area nor exceeding four (4) feet in height.
 - (2) Churches, synagogues, temples and other public places, and residential subdivisions or multi-family complexes ~~involving three (3) or more buildings which have at least thirty-six (36) dwelling units~~ may have one (1) monument sign with a maximum area of thirty-six (36) square feet. Such signs shall not be located more than ten (10) feet above ground level.
 - (3) Churches, schools and similar public facilities in residential zoning districts may have an electronic readerboard provided the requirements of [Section] 34.07 (a)(2)(hhgg) and (c)(3) have been met and a Conditional Use Permit has been obtained. Sign compatibility with the neighborhood will be required for approval of the Conditional Use Permit. (Ord. No. 91-1253, amended 6-20-1991)
 - (4) Churches, schools, fire stations, golf courses or other public buildings may have one (1) wall sign. Said sign shall consist of non-illuminated block letters with a maximum area of eighty (80) square feet. (Ord. No. 92-1281, amended 3-5-1992)
 - (5) Golf courses, golf driving ranges, commercial stables, nurseries, garden supply stores and general farming or garden operations in the FR (Farm Residential) zoning district may have one (1) monument style freestanding sign with a maximum area of thirty-six (36) square feet and a

maximum height of ten (10) feet above ground level. (Ord. No. 95-1574, amended 9-21-1995; Ord. No. 98-1727, amended 6-25-1998)

(d) *Area Identification Signs.*

- (1) Signs erected for the sole purpose of identifying the name of a recognized commercial or industrial area (not shopping center) shall be permitted in all commercial or industrial districts. Area identification signs are subject to the approval of the Zoning Administrator, provided that the monument sign does not exceed fifty (50) square feet in area and fourteen (14) feet in height. An accompanying landscape plan is required with this permit. A written statement must also be submitted indicating the party responsible for the maintenance of the sign.

(e) *Planned Office District (POD).* (Ord. No. 92-1282, amended 3-5-1992; Ord. No. 08-2168, amended 11-6-2008)

- (1) *Monument Signs.* One (1) monument sign shall be permitted per lot.

- (aa) Said sign shall be no greater than fifty (50) square feet in size and stand no higher than ten (10) feet nor longer than fourteen (14) feet.

- (bb) Said sign shall be constructed of the same exterior material as the front of the building and be architecturally compatible with the building.

~~(cc) Said sign shall not be located within twenty-five (25) feet of any property line.~~

- (dd) Said sign may be illuminated internally or by ground lighting only.

- (ee) Lots occupied and having at least four hundred (400) feet frontage on a second public street may be allowed an additional freestanding monument sign along its second public street frontage.

- (2) *Wall Signs.* One (1) wall sign shall be permitted per building.

- (aa) Said signs shall not be greater than fifty (50) square feet in size.

~~(bb) Said signs shall consist only of individual, outlined alphabetic, numeric and/or symbolic characters without background except that provided by the building surface to which the sign is to be affixed.~~

- (cc) Said signs may be illuminated, if illumination is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters.

No other signs shall be permitted except building safety, address and traffic signs which must be approved by the City on the site plan.

~~(f) *Planned Business District (PBD).* A master sign plan including all proposed wall and monument signs must be provided as required by Chapter 31. The master sign plan shall include similar design standards and be consistent with the requirements of Section 34.07(a).~~

(g) *Regional Recreation.* (Ord. No. 98-1755, amended 11-19-1998)

- (1) *Wall signs.*

- (aa) There shall not be more than one (1) wall sign for each principal building except that where the building abuts two (2) or more streets, one (1) oriented to each abutting street, shall be permitted, provided that the design of which is approved by the Zoning Administrator. The gross surface area of a wall sign shall not exceed ten percent (10%) of the area of the building wall, including doors and window, to which the sign is to be affixed or two hundred (200) square feet, whichever is smaller.

- (bb) For those buildings that are allowed multiple wall signs, the Zoning Administrator has the authority to allow individual wall signs that are larger than two hundred (200) square feet in exchange for reducing or removing other wall signage normally allowed by Subsection

- (aa). In no case shall any individual wall sign occupy more than ten percent (10%) of that particular building wall area.
- (cc) Sponsor boards which advertise products or businesses not connected with the site or building on which they are located shall be permitted on Regional Recreation (RR) zoned property. This signage shall meet the requirements of subsections (aa) and (bb).
- (2) *Freestanding Signs.*
- ~~(aa) — Regional Recreational facilities are allowed one (1) freestanding sign up to a maximum of three hundred seventy-five (375) square feet in area and a maximum height of thirty (30) feet.~~
- ~~(bb) — Sponsor boards which advertise products or businesses not connected with the site or building on which they are located shall be permitted on Regional Recreation (RR) zoned property. This signage shall meet the requirements of subsection (aa).~~
- ~~(cc) — Signage only permitted on parcels on which a building is constructed.~~
- (aa) Each outdoor athletic field and each parking lot is allowed one freestanding sign with a maximum height of eight (8) feet and a maximum area of thirty-two (32) square feet.
- (bb) Each entrance to a regional recreation complex from a public road is permitted one freestanding sign with a maximum height of eight (8) feet and a maximum area of eight (8) square feet.
- (cc) Each intersection of two public roads is permitted one freestanding sign with a maximum height of eight (8) feet and a maximum area of forty (40) square feet.
- (dd) Regional Recreation Complexes are allowed a monument sign up to a maximum of one hundred eighty (180) square feet in area and a maximum height of twenty-five (25) feet. Regional Recreational Facilities area allowed one (1) additional monument sign per arterial street upon which they front. The width of the base may be reduced to fifty (50) percent of the width of the sign with the Zoning Administrators approval.

(Ord. No. 86-934, amended 6-5-1986)

34.08 - Billboards.

- (a) Outdoor advertising structures and billboards which advertise products or businesses not connected with the site or building on which they are located shall be permitted only on property which is zoned Light Industrial (I-1, I-1A), Heavy Industrial, (I-2, I-2A), Planned Business District (PBD), Community Commercial (B-2) or Regional Commercial (B-3). (Ord. No. 10-2204, amended 6-17-2010).
- (b) Billboards shall be restricted to property adjoining Interstate Highway 35W and U.S. Highway No. 10. (Ord. No. 85-877, amended 5-16-1985; Ord. No. 10-2204, amended 6-17-2010).
- (c) Size.
- (1) The maximum gross surface area of a billboard shall be seven hundred (700) square feet. Two (2) facings per structure shall be the maximum permitted, and double faced signs shall be attached back to back with the internal structure or framework concealed. Temporary extensions can extend from the top or sides of the sign to not more than twenty-five percent (25%) of the total area of the primary sign face. (Ord. No. 85-877, amended 5-16-1985; Ord. No. 86-934, amended 6-5-1986; Ord. No. 10-2204, amended 6-17-2010)

- (2) The billboard shall have a maximum height of fifty (50) feet above the elevation grade of the road to be read to, except that a sign between fifty (50) feet and sixty-five (65) feet in height may be allowed by Conditional Use Permit, to enable the proposed sign to be fully seen over man made structures, such as MnDOT sound walls, bridges, etc. (Ord. No. 10-2204, amended 6-17-2010)
- (d) Location.
- (1) The minimum lineal distance between billboards on the same side of the highway shall be five hundred fifty (550) feet. (Ord. No. 85-877, amended 5-16-1985; Ord. No. 10-2204, amended 6-17-2010)
 - (2) The minimum setback from any property line shall be twenty (20) feet. (Ord. No. 85-877, amended 5-16-1985; Ord. No. 10-2204, amended 6-17-2010)
 - (3) The minimum setback at any intersection shall be one hundred (100) feet. (Ord. No. 85-877, amended 5-16-1985; Ord. No. 10-2204, amended 6-17-2010)
 - (4) No billboard or structure shall be located within one hundred (100) feet of a residential district. (Ord. No. 85-877, amended 5-16-1985; Ord. No. 10-2204, amended 6-17-2010)
- (e) Design Requirements—General.
- (1) All visible sign support columns shall be concealed with approved architectural embellishments.
 - (2) The materials used in the sign support embellishments shall be primarily natural stone, brick, approved masonry panels, stucco, or architectural metal. All sign materials and architectural design shall be consistent with the quality and appearance standards suggested by the City's Highway 65 Overlay.
 - (3) All sign structures shall incorporate the City of Blaine's logo near the top of the sign support in a design and style as approved by the City.
 - (4) ~~Design approval shall be required by the Architectural Review Committee, pursuant to Section 27.08 of the Zoning Code. An billboard advertising sign~~ shall require the issuance of a sign permit, pursuant to Section 34.10 of the Zoning Code. (Ord. No. 85-877, amended 5-16-1985; Ord. No. 10-2204, amended 6-17-2010)
- (f) Design Requirement-Dynamic (Electronic) message Signs.
- (1) Changeable messages must be displayed with minimum time duration of eight (8) seconds. All messages must be complete and cannot carry over or lead into a subsequent message.
 - (2) Lighting must be set at the minimum level necessary to provide clear viewing from the right-of-way and must be shielded from side or top view to minimize glare.
 - (3) Messages cannot be animated, moving, flashing, scrolling or crawling.
 - (4) Dynamic signs must contain a "public service" agreement allowing the City the ability, if the City participates, at no cost to the City, to provide up to eight hundred (800), eight-second public service messages per month.
 - (5) Sign must be part of the State of Minnesota's Public Safety Alert System. (Ord. No. 10-2204, amended 6-17-2010)
- (g) Removal of signs. It shall be the responsibility of the billboard owner to send written notification to the Office of Community Development when a billboard has been removed from the City. (Ord. No. 85-877, amended 5-16-1985).
- (h) Other regulations. The Building Inspection Department shall order the removal of any billboard or advertising structure erected or maintained in violation of the law as it exists prior to the effective date of this ordinance, as provided in Section 34.14. Other advertising structures or billboards

existing on the effective date of this ordinance and not conforming to the provisions of this ordinance, shall be regarded as non-conforming signs. (Ord. No. 10-2204, amended 6-17-1010)

34.09 - Directional signs.

- (a) Off-site directional signs are limited in wording to include only the name of the organization or business, the distance to same, and a directional arrow. Organizations or businesses utilizing offsite directional signage are limited to permitted or conditional uses currently operating within the existing FR (Farm Residential) zoning district.
- (b) Signs shall be limited to property with frontage along Lexington Avenue, Radisson Road, and Main Street (125th Avenue NE) and be placed only on parcels zoned FR (Farm Residential).
- (c) Signs shall be a maximum of fifteen (15) square feet in area and mounted on an approved sign standard. The sign standard shall not exceed eight (8) feet in height.
- (d) No two (2) signs shall be closer together than three hundred (300) feet.
- (e) There shall be not more than one (1) off-site directional sign permitted for each business or organization. (Ord. No. 86-934, amended 6-5-1986)
- (f) A permit will be required for all signs. The permit shall give exact location of sign standard, height of same, and the name of the organization or business to be designated on the sign. The permit must be signed by the applicant and the owner of the property on which the standard is to be located. Not more than one (1) sign is permitted per parcel of record. Signs shall have a minimum ten-foot setback from all property lines. (Ord. No. 86-934, amended 6-5-1986)

(Ord. No. 98-1727, amended 6-25-1998)

34.10 - Permits.

- (a) *Sign Permits.* No sign shall hereafter be erected, re-erected or altered, including the replacement of the business message, except permitted changeable copy signs, unless a permit for each sign has been obtained, unless no permit is required pursuant to Section 34.06. In addition, electrical permits shall be obtained for all electric signs. Application for a sign permit shall be made in writing on forms furnished by the Community Development Department. Such application shall contain the location by street and number of the proposed sign structure, the erector, a scale drawing of the sign indicating material copy, and color location. ~~The Zoning Administrator may require filing of plans to be reviewed by the Administrative Review Committee or other pertinent information where such information is necessary to insure compliance with this ordinance and its intent.~~ Maintenance of signs including repainting without changing the wording, composition, size, or colors; or minor nonstructural repairs, (except electrical repairs) shall not require a permit.
- (b) *Sign Permit Fees.* Permit fees shall be in accordance with a fee schedule as adopted by City Council. A double fee shall be charged if a sign is erected without first obtaining a permit for such sign.
- ~~(c) *Biennial Inspection.* A Citywide inspection to determine compliance with the provisions of this Chapter shall be carried out every two (2) years by the Zoning Administrator.~~
- (d) *Revocation of Permit.* The Community Development Department is hereby authorized to revoke a sign permit upon failure of the holder thereof to comply with any provision of this Chapter.
- (e) *Expiration of Permit.*
 - (1) A permit shall expire if the sign is not erected within ~~ninety-one hundred eighty (90180)~~ days after issuance and no permit fees or inspection fees for such sign shall be refunded.
 - (2) A permit shall expire if the use of a sign has been discontinued for a period of ~~ninety-one hundred eighty (90180)~~ days.

(Ord. No. 86-934, amended 6-5-1986)

34.11 - Contractor's license.

- (a) No person, firm, or corporation shall engage in the business of erecting, altering, extending, repairing or maintaining signs or sign structures within the City without first having procured a license as required in Section 6-40 of the Blaine Code, except that the owner, lessee or occupant of the property upon which the sign is located may perform the actual work himself provided he had obtained a permit for the sign.

34.12 - Removal.

- (a) The Zoning Administrator shall remove any sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the City shall be assessed to the owner of the property on which such sign is located or may be collected in appropriate legal proceedings.
- (b) Signs in violation of this ordinance placed on public property or in the public right-of-way are subject to immediate removal.

(Ord. No. 86-934, amended 6-5-1986)

34.13 - Administrative permit.

- (a) Where an administrative permit is required by this ordinance, application shall be made on forms furnished by the City. The applicant shall set forth his name, address, location of the proposed use and shall submit a drawing of the proposed use and any other information required by the Zoning Administrator, which will enable him to determine whether the proposed use meets the standards of this ordinance. An administrative permit, as described in this ordinance, is distinct from the sign permit required herein. The fee for religious institutions, schools, non profit organizations, and government agencies a non-profit service clubs with a 501(c)3 classification is waived. (Ord. No. 03-1984, added 6-5-2003; Ord. No. 86-934, amended 6-5-1986)
- (b) Permits, for temporary signage, may be issued for a period not to exceed fourteen (14) consecutive days. Four (4) such permits may be allowed each premises per calendar year, with the exception that each new commercial or industrial business, may be allowed one (1) additional fourteen-day permit, to announce the opening of the new business, provided such business has been issued a current Certificate of Occupancy for that business space. Permits may be issued for consecutive fourteen (14) day periods. (Ord. 90-1184, amended 2-1-1990; Ord. No. 04-2022, amended 7-15-2004)
- ~~(c) Portable signs shall not exceed fifty (50) square feet in area.~~
- (d) The Zoning Administrator shall be authorized to issue a temporary conditional administrative permit to alleviate hardships associated with public road construction projects. (Ord. No. 92-1279, amended 2-20-1992)

34.14 - Enforcement.

- (a) It shall be the responsibility of the Zoning Administrator to administer and enforce the provisions of this section. (Ord. No. 86-934, amended 6-5-1986)
- (b) If any provision of this ordinance shall be adjudged void or of no effect, for any reason whatsoever, such decision shall not affect the validity of any of the other provisions of this ordinance.

- (c) It shall be unlawful for any person, firm, or corporation, to erect, alter, repair, move, equip, or maintain any sign or sign structure or cause or permit the same to be done in violation of any of the provisions of this ordinance.

34.15 - Notice of public hearing signs.

- (a) Signs shall be posted on sites which are the subject of certain development proposals and/or zoning amendments to City land use regulations, in addition to other notification procedures in accordance with the following:

- (1) Announcement signs shall be designed, acquired, maintained, installed, and removed by the City. Materials and procedures necessary to implement this Section shall be implemented under the Director of Community Development.

~~(b) An administrative fee shall be established in the City's fee schedule, and shall be charged to and paid for by the applicant at the time of application to cover the costs of installing and removing the signs. A new fee shall be charged each time a sign is required.~~

- (c) The sign shall be installed on all sites involving the following: proposed amendment to the zoning classification and applications for preliminary plats.

- (d) Signs required by this section shall be posted on the site to be visible by the general public at least ten (10) calendar days prior to the public hearing. The signs shall be removed following the public hearing.

(Ord. No. 99-1766, added 1-21-1999)

34.16 - Substitution.

- (a) Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.