



CITY COUNCIL WORKSESSION AGENDA

MONDAY, APRIL 10, 2023

CITY HALL, 1301 81ST AVE NE, SPRING LAKE PARK at 5:30 PM

- 1. CALL TO ORDER**
- 2. DISCUSSION ITEMS**
 - A. Police Department Staffing Study Presentation (*Antoine*)
 - B. Policing Overview (*Antoine*)
 - C. City Hall Update (*Buchholtz/Antoine*)
 - D. Discuss request to remove Section (F) from SLPC 5.08.010 (*Dircks*)
 - E. Discuss sending letter to Dominion regarding rents (*Dicks/Goodboe-Bisschoff*)
- 3. REPORT**
 - A. Councilmember/Staff Reports
- 4. ADJOURN**

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 1301 81st Avenue NE, Spring Lake Park, MN 55432. Ph.763-784-6491 at least 48 hours in advance.

Spring Lake Park Police Department



2023 Staffing Study

Spring Lake Park Police Department

1301 81st Ave Ne.

Spring Lake Park, MN 55432

Phone: (763)792-7220

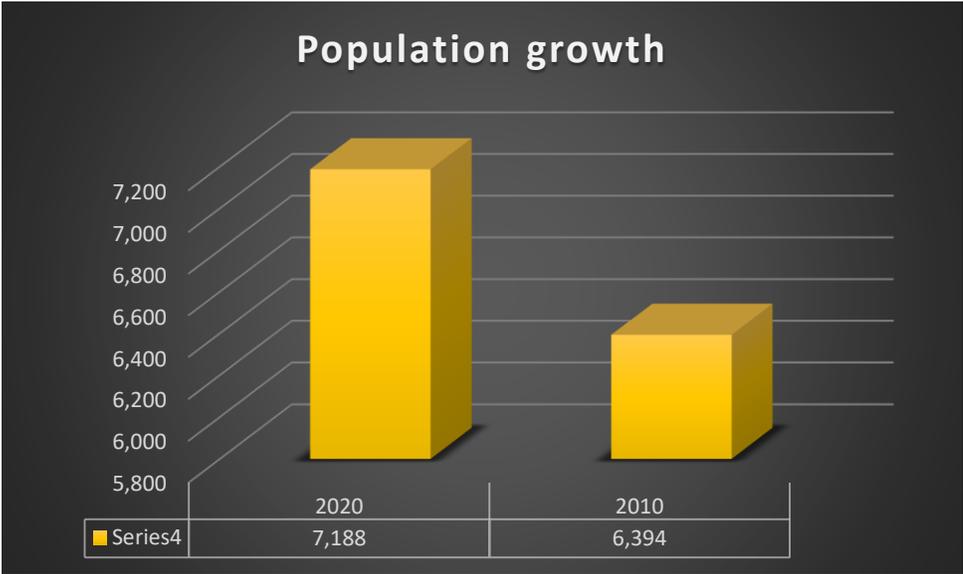
E-mail: records@slpmn.org

Background

Staffing a police department is a complex, challenge. Many variables must be considered when trying to determine a department’s needs. Some of those variables include the amount of time it takes to handle a given call for service the distribution of calls, the nature of the calls, officer-initiated activities, and the expectations of the community. As the Chief of Police, it is my responsibility to look at all of these variables and ensure the Spring Lake Park City Council and our residents are aware of the Department’s staffing needs.

The following study is intended to provide the Spring Lake Park City Council with an evaluation of the Department’s staffing needs, both current and future. Although there are many ways to conduct a staffing study, there is no industry standard. This is because the process can be somewhat complicated and can include a wide variety of factors. To my knowledge, the Spring Lake Park Police Department has never completed a full staffing analysis. Given my conversation with previous Chief Dave Toth and my knowledge of the police department since 2003, we found that there has not been an addition to the current staffing level since the mid to late 1990’s when the school and city added an SRO to the staffing at the police department. Since that time, the City has grown steadily. This has resulted in ever-increasing demands on the Police Department to provide critical services to our residents and those who work, visit or travel through our city.

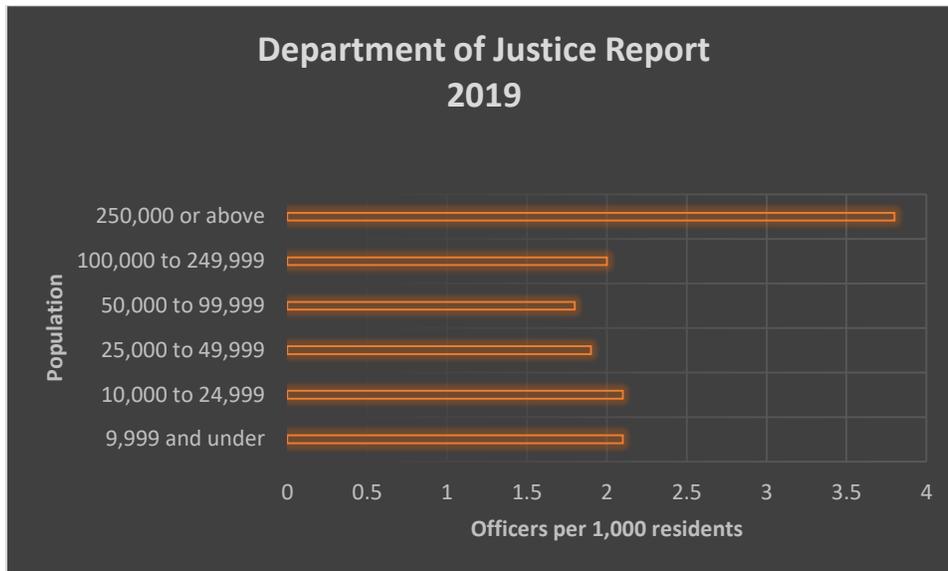
U.S. Census Bureau data 2020:



The Met Council’s estimated 2040 population for Spring Lake Park is 7,400 residents, predicting steady and stable growth over several decades in the City.

This report includes details on the staffing study we conducted, which utilizes national averages. Before your review of the staffing study, it is important to address one of the most commonly discussed methods for determining staffing levels for law enforcement agencies. This method utilizes basic formula that compares a ratio of population to the number of officers a department needs.

On a periodic basis the Bureau of Justice Statistics (BJS) publishes a “Local Police Departments Report”. One aspect of this report is the average ratio of full-time officers per 1,000 residents. The latest BJS report from 2019 shows the following ratios for the Midwest region:



Minnesota’s average officer per 1,000 has been steady at 1.8 since 2018.

The analysis of officers per capita, as specified in the graph above, utilizes the average ratio as a way to determine how many officers are needed. According to the chart depicted above, jurisdictions that are comparable in size to Spring Lake Park have an average of about 2.1 officers per 1,000 residents. Utilizing this data only, and using 2020 US Census data population of 7,188 residents, the national per capita method indicates we should employ 15 full time sworn officers. If we utilize the Minnesota per capita average of 1.8 officers per 1,000 residents we should employ 13 full time sworn officers.

Although this is an accepted average ratio of officers recognized by BJS, I feel there are more accurate and complete comparisons for determining staffing needs. This is because there are many other factors that should be considered before determining what staffing level is required and appropriate to meet a specific community’s needs.

In respond to the BJS analysis, the International Association of Chiefs of Police (IACP) states: “Ratios, such as officers-per-thousand population, are totally inappropriate as a basis for staffing decisions. Accordingly, they have no place in the IACP methodology. Defining patrol staffing allocation and deployment requirements is a complex endeavor which requires consideration of an extensive series of factors and sizeable body of reliable, current data.”

Since a lot of people try to use the BJS model as justification for personnel, I thought it would be important to provide this information as an attempt to answer any questions that may arise about the ratio of officers-per-thousand to population.

The staffing study detailed in the remainder of this analysis is a formula that has been used and applied throughout the country and has been found to be very reliable. This formula is based on several averages. For example, the formula also considers the amount of time an officer is actually available for duty. It does this by averaging scheduled days off, holidays, vacation, sick time, etc. The formula also assumes that one third of a police officer's time should be utilized handling calls for service.

Finally, it is important to note that this formula calculates the staffing needs for officers on the street handling calls for service. It does not include administrators or specialists (such as the Investigator position). An important note on our School Resource Officer is that they do help cover the patrol schedule during the summer months from mid-June to the end of August. The majority of the year they are in the school and only assist on patrol when needed. I have included our Sergeants in this formula, but it is important to remember that our Sergeants have many administrative duties on top of assisting with calls for service. Due to their administrative duties, the study counts the two Sergeants as one full-time responding officer on patrol.

Analysis

The following formula utilized to calculate staffing needs is recognized by the International Association of Chiefs of Police (IACP):

Step 1:

Determine the number of complaints or incidents received and responded to in a year by the Spring Lake Park Police Department. Complaints include all forms of police activity when an officer responded and/or took an official action. Our formula will not include self-initiated traffic stops. Although these calls take up a portion of an officer's day as well as help to enhance the quality of life of our community, they can fluctuate throughout the year. The total calls for service generated by the Spring Lake Park Police Department during the 2022 calendar year were 8,595 calls which includes approximately 2,000 self-initiated traffic stops. These calls for service were taken from the Anoka County Dispatch CAD system.

Utilizing 2022 numbers obtained from an analysis of our Records Management System (RMS) the Spring Lake Park Police Department handled an estimated 7,952 complaints or incidents in 2022. As you can see there is a difference between CAD calls and the RMS system calls. The reason behind this is that the RMS system only records calls for service that an officer spent a specific amount of time on and CAD records all generated calls for service no matter how much time the officer spent on the call. At times, officers will generate a call and close it right away which will not record time spent on the call. The information from the RMS calls we don't see is the time the officer did spend on that dispatch generated CAD call. Examples of

these types of calls are follow ups, child and adult protection calls, officer complaints, etc. For this study I will be using the calls for service from CAD and will be subtracting approximately 2,000 self-initiated traffic stops, bringing our calls for service to 6,500 for the year 2022.

Step 2:

Multiply the total complaints or incidents by .75 (45 minutes). It is generally accepted that 45 minutes is the average time necessary to handle a complaint or incident. This includes administrative duties related to that call.

$$6,500 \times .75 = 4,875$$

Step 3:

Multiply by three to add a buffer and time preventative patrol. General experience has shown that about one-third of an officer's time should be spent handling requests for service. Other requirements for servicing police vehicles, personal relief, eating and supervision must be considered. Time for preventative patrol and community policing opportunities must also be taken into consideration. Multiplying by three makes up the unknowns.

$$4,875 \times 3 = 14,625$$

Step 4:

Divide the product by 3,193.75- the number of hours necessary to staff one basic patrol unit for one year (8.75hoursX365=3,193.75).

$$14,625 / 3,193.75 = 4.58$$

According to the application of the IACP formula, it takes 4.58 patrol elements to handle the estimated 6,500 complaints or incidents.

Since officers do not work every day of the year without time off, it is necessary to determine the amount of time an officer is actually on duty. This will allow a determination of the number of officers that are required to staff the patrol elements. A review of the department's benefits, including regular days off, holidays, bereavement, vacation and training days shows an officer is unavailable for patrol duties approximately 48% of the time, we come up with an average of 1,500 hours (see chart below) in which an officer is off duty during this specific time frame.

Leave Time for SLPPD Patrol Shifts	
Category	Time Off (Hours)
Holiday	80
Sick Time	96
Vacation	104
Training	100
Regular Days Off	1,120
Total	1,500

Since there are 3,193.75 hours necessary to staff one basic officer, this gives an available duty time of 1,693.75 hours. Therefore, to determine how many officers are necessary to staff one patrol element, divide 3,193.75 hours needed for one year, by the number of hours available (3,193.75/1,693.75=1.9). This means that 1.9 officers are required to fill each patrol element. By multiplying the available factor (1.9) by the number of patrol elements, you have the number of patrol officers needed.

$$1.9 \times 4.58 = 9 \text{ (8.7)}$$

The calculations indicate that 9 (8.7) patrol officers are needed to respond to the number of incidents in the City of Spring Lake Park. As a reminder, this number indicates the number of patrol officers needed. It does not include the Chief or any other sworn personnel assigned to duties other than patrol. This would include myself, Investigator Bennek and School Resource Officer Imig. This does include Sergeant Kramer and Sergeant Fiske since they are assigned to patrol division. As stated above due to both of the Sergeants administrative duties I am only counting them as one patrol officer.

Since we are currently allotted a full-time complement of 8 officers (7 if the Sergeants are not counted as 2 patrol officers) within the Patrol Division this study would indicate we need to hire approximately 2 officers to meet a staffing level of 9 officers within the Patrol Division.

Financing

As you recall, long time Records Technician Lori Brahs retired in November 2022. Since Lori's retirement staff has been evaluating the work load of our full-time records staff. Although at times our records staff can be very busy with work, we have found that the two full-time records technician positions we have is meeting our administrative needs in the Police Department and will for the foreseeable future. We have been able to streamline many

processes in the police department making the transition easier and bringing their overall workload down.

During the 2023 budget process, staff kept the salary and benefits of the Records Technician in the budget, pending the outcome of the staffing study. Based on the outcome of the staffing study, Administrator Buchholtz and I agree that the salary for, a third full-time records technician in the police budget would be better utilized for an additional police officer. We are requesting that the city council authorize the use of the budgeted records tech salary for an additional full-time police officer. The current records tech salary is \$92,880.21 with benefits and a full-time police officer salary at 3 years is \$107,909.55 with benefits. As you can see the difference is \$15,029.34 or a 15% increase for the officer's salary.

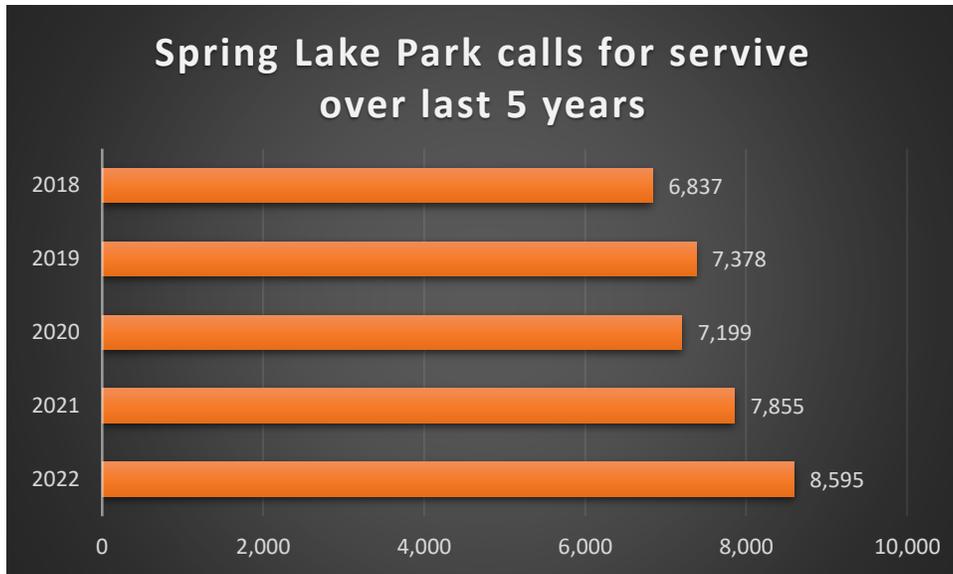
There is a possible funding option in the Governor's public safety spending bill, but as of this date that bill is still making its way through the Legislature. We will keep you informed if any funding from the bill is made available to the City of Spring Lake Park.

Conclusion

Included in this analysis are two methods of determining the current staffing needs of the Spring Lake Park Police Department. As detailed in the first section of this report, the ratio provided by the BJS indicates that the Spring Lake Park Police Department needs a staffing compliment of 13 full-time patrol officers (using the 1.8 ratio); we are currently authorized for 11 full-time positions including the non-patrol sworn officers. It is, however, important to note that although this ratio is accepted by the BJS, we feel as though it is not the most accurate means of determining appropriate staffing levels.

As a result, included in this report is a detailed analysis of the formula utilized by the International Association of Chiefs of Police, which is a recognized professional body representing law enforcement professionals across the county. The results of this formulation indicate that the Spring Lake Park Police Department needs a staffing level of 9 (8.7) full time police officers within the Patrol Division in order to meet service demands.

The last increase in our compliment of full-time police officers was in the mid to late 1990's for an SRO position. To site a simple example of our growth and increase in service, the Spring Lake Park Police Department handled approximately 5,112 calls for service in 2003. In comparison, the Spring Lake Park Police Department handled 8,595 calls for service in 2022 (including traffic stops), which constitutes an approximate increase of 50% in calls for service in that twenty-year time period. Although calls for service will fluctuate from year-to-year, the chart below clearly shows an increase in calls over the last 5 years since 2018.



The benefits of adding an officer are much more significant than just responding to calls for service. An additional officer would help with proactive law enforcement and community outreach, and adds a critical office safety component. Currently, our morning, afternoon, and night officer work a period alone during their shift. With the addition of another officer, the Department will evaluate new schedules that minimize or eliminate officers working alone, keeping our officers and the City safer.

We are respectfully asking for authorization to add one full-time police officer position, thereby increasing our staffing level to 12 full-time police officers' positions including non-patrol divisions.

Thank you for taking the time to consider the proposal to add an additional patrol officer to the Spring Lake Park Police Department. It has and always will be our goal to provide the best public safety services to the City of Spring Lake Park and its residents.

With the compilation of this staffing study, I also recommend that a plan be implemented to conduct an updated staffing study every three years.

Sincerely,

Joshua Antoine

Chief of Police

Resources and Thanks:

I want to thank the Hollis NH Police Department, Blaine Police Department, Coon Rapids Police Department, Wyoming Police Department and the Ramsey Police Department for sharing their studies and expertise during this process.

For our analysis we relied upon two main sources for direction and research:

- 1.) ***A Performance-Based Approach to Police Staffing and Allocation*** by Jeremy M. Wilson and Alexander Weiss of Michigan State University working with the US Department of Justice – Office of Community Oriented Policing Services, August, 2012

- 2.) ***Budgeting and Staffing*** by Hugo McPhee of the Minnesota Bureau of Criminal Apprehension, Management and Staffing, April, 2019.



Memorandum

To: Mayor Nelson and Members of the City Council

From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

Date: April 5, 2023

Subject: City Hall update

Chief Antoine and I held a Zoom meeting with the Bruce Paulson, our architect with Stantec, to discuss security measures for City Hall.

The following measures are being incorporated into the plan design:

- The Link and the north and south entrances will be constructed with 1¼ inch polycarbonate, which falls under a level 3 bullet resistant classification.
- Bollards will be placed along with edge of parking lot along the width of the Link.
- The remaining windows will be double paned with a film in-between. This will provide level 1 bullet resistance. It will also make the window shatter-proof as well.
- Fitted plywood sheets that can be shimmed into the window openings on the inside will be purchased to add additional protection to the building.
- Installing lighting around the building to ensure areas around it are well lit. We are also studying adding supplemental lights that could be turned on during an event to provide additional lighting.
- Placing security cameras inside and outside the building.

Chief Antoine and I will address additional security topics during the work session.

If you have any questions, please do not hesitate to contact me at 763-784-6491.



Memorandum

To: Mayor Nelson and Members of the City Council
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: March 27, 2023
Subject: Review SLPC 05.08.010(F)

The City Council received a request from Rebekah Buck to amend SLPC 05.08.010 to remove Section F requiring dumpster enclosures within the City. I have included her email with this memorandum. Ms. Buck, Property Manager at Suntide Commercial Realty, manages the property located at 8409-8421 Center Drive NE.

SLPC 05.08.010 (F) reads as follows:

F. Dumpster Enclosures Required.

1. The owners or responsible parties of all commercial, industrial, and residential/rental properties with three or more units within the city having a dumpster for the containment of garbage, rubbish or recyclables shall provide an enclosure for that dumpster.
2. The construction and location of the enclosure referenced above shall be approved by the City Building Official. The dumpster enclosure shall be constructed of concrete block for all commercial and residential rental properties. The dumpster enclosure may be constructed of an approved composite wood with a minimum-three-quarter-inch thickness for all residential rental properties housing up to eight units.
3. All owners of existing properties defined in Paragraph F,1 shall be required to come into compliance with these regulations no later than December 31, 1992.

The original language requiring dumpster enclosures was adopted under Ordinance 277 on May 18, 1992. The requirement for a concrete block construction was approved by Ordinance 325 on July 5, 2000. An option to allow a dumpster enclosure constructed of composite wood with a minimum thickness of $\frac{3}{4}$ inch for residential rental properties with 8 units or less was approved under Ordinance 380 on October 1, 2012. The City Council reaffirmed the current language when the City Council updated the solid waste ordinance in 2017 (Ordinance 437).

The intent of the ordinance was to minimize the visibility of trash and debris in the City. Over the past thirty years, many of our commercial properties have been brought into compliance with this provision.

Our Code Enforcement staff has obtained dumpster enclosure requirements from our neighboring cities. Our current code requirements are on par with our neighboring cities.

The dumpster enclosure on this property was constructed in 2021. It is sized to fit 2 – 6 yard dumpsters. The tenants have more dumpsters than can be held in the enclosure. Currently, the dumpsters are placed in the enclosure sideways to fit the additional dumpsters. The garbage haulers will not pull them out in this arrangement, which is leading to the issue of the dumpsters being left out. Fire Code also prohibits the dumpsters from being stored in a non-sprinkled building due to fire load concerns.

Ms. Buck expressed her opinion that the Code does not specifically require dumpsters on non-residential properties to be inside a trash enclosure at all times. Staff understands that the dumpsters may need to be removed from the dumpster enclosure on garbage day. As such, Staff is not enforcing this requirement on garbage days. The enforcement action is happening several days after garbage day. The property owner, property manager or tenants are not placing the dumpsters back into the dumpster enclosure, resulting in enforcement action.

Staff has done significant enforcement work on dumpster enclosures. The vast majority of commercial properties within the City have a dumpster enclosure. Code Enforcement is working to bring the remaining properties into compliance.

In discussing this issue with Councilmember Dircks, she asked that we consider the following questions during our discussion:

- Do we feel that there is a community benefit to removing this section of the code?
- Is there a need to clarify this section of Code so that is more understandable to the average person?
- What is the best way to address this business owner's concern and bring the property into compliance with our Code of Ordinances?

Building Official Jeff Baker will be in attendance at the work session to answer any questions the City Council may have.

If you have any questions, please do not hesitate to contact me at 763-784-6491.



Request to amend Municipal Code 5.08.010 (F)

1 message

Rebekah Buck <Rebekah@suntide.com>

Tue, Mar 21, 2023 at 1:02 PM

To: Bob Nelson <rbnelson@slpmn.org>, Lisa Dircks <ldircks@slpmn.org>, Barbara Goodboe-Bisschoff <bbisschoff@slpmn.org>, April Moran <amoran@slpmn.org>, Ken Wendling <kwendling@slpmn.org>

This message was sent from outside of the organization. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Mayor Nelson and Spring Lake Park City Council Members,

I am writing to request your consideration in amending Municipal Code 5.08.010 to remove Section F. This section of the Municipal Code dates back to 1992, but was not enforced for existing properties until the last few years. Section F of the code requires owners of all commercial, industrial, and residential properties with three or more units to provide a trash enclosure on the property in accordance to the attached specifications. I received bids from 3 general contractors in 2021 ranging from \$11,300-\$23,885 to construct an enclosure according to these specifications. The low bid was due to getting permission to use an existing concrete pad next to the building, reducing the cost approximately \$7,000.

Municipal Code 5.08.010 (F) does not take into consideration the property value, use of the property, visibility from public property, available space on the property for the enclosure or the ability to effectively use the enclosure during winter months. I am the property manager of an industrial building constructed in 1967 with annual property taxes of \$2,864 in 2021. We were required to construct a trash enclosure costing \$11,300 on the property, which is equivalent to approximately 4 years of property taxes. The trash enclosure is the rear of the building, not visible to the public and is only accessible via private drive lanes.

In addition to the financial hardship imposed on the property owner to construct the trash enclosure, the city's code enforcement department has routinely issued Administrative Citations and assess fines for trash dumpsters located outside the trash enclosure. Walter Morris with Spring Lake Park's Code Enforcement inspected the property I manage on December 27, 2022 and issued Administrative Citations for dumpsters out of the enclosure and storage of junk/debris with fines totaling \$150. I was given until 01/09/23 to correct the nuisance violations or fines doubled. Attached are pictures Walter Morris provided me to justify these fines. Please note that the dumpsters are on casters wheels and need to be rolled in and out of the enclosure to be emptied by the trash hauler. I attempted to talk with Walter Morris to let him know that the dumpsters cannot be rolled in and out of the enclosure due to the extreme snow, ice and thaw/freeze events we have had this winter, but he notified me that these winter conditions are not an excuse for not having the dumpsters in the enclosure. We have incurred \$1,867 of additional snow removal and salt expenses this winter in an attempt to get the trash enclosure clear of snow and ice so the dumpsters could be moved in and out. As of February 28, 2023 the Administrative Citation fines assessed to the property for dumpsters outside of the enclosure have increased to \$800 for the period of December 27, 2022-February 28, 2023.

Finally, Municipal Code 5.08.010 (F) states that the owner of all commercial, industrial and residential/rental properties with three or more units shall provide an enclosure for dumpster. The building official, Jeff Baker, confirmed that the permit for our dumpster enclosure was closed on August 8, 2022 and we have met the code requirement to provide an enclosure. Section E of 5.08.010 addresses container location and timing for residential dwellings, but there is nothing written in the Municipal Code that requires dumpsters on non-residential properties to be within an enclosure at all times. I asked building official Jeff Baker to provide me the specific code requiring dumpsters on non-residential properties to be inside a trash enclosure at all times. Jeff Baker's response was, "The City of Spring Lake Park interprets SLPC: 5.08.010 F(1), As an accessory structure that encloses a dumpster. A dumpster outside of the structure is not considered enclosed." Please note that he stated the city interprets that they should be in an enclosure, but there is nothing in the municipal code that requires dumpsters to be located within an enclosure at all times. Therefore, the city's code enforcement department has been issuing administrative citations and assessing fines on property owners based on an interpretation of city code and not on actual city code.

Thank you in advance for your time and consideration of amending Municipal Code 5.08.010 to remove Section F.

Sincerely,

Rebekah Buck | Property Manager

Suntide Commercial Realty, Inc.

o 651-603-0321 | d 651-209-9610 | c 612-481-8653

Property Management | Construction | Brokerage

www.suntide.com

2550 University Ave W, Suite 416S, St. Paul MN 55114

7 attachments

- SLP Dumpster Enclosure Specifications.pdf**
226 KB
- IMG_2288.JPG**
3.1 MB
- IMG_2289.JPG**
4.4 MB
- IMG_2290 (3).JPG**
3.8 MB
- IMG_2217.JPG**
3.1 MB
- IMG_2216.JPG**
2.9 MB
- IMG_2215.JPG**
4.4 MB

113.07 CONTAINER SCREENING/PLACEMENT

1. Commercial Establishments and Multiple Dwelling Units. Any bulk container or dumpster used for the storage of mixed municipal solid waste, recyclables, or organics must be screened from view of the public right-of-way, public park, or residential area. Any bulk container or dumpster located inside a building for collection of mixed municipal solid waste must be metal for fire safety. Laundry rooms must have metal cans with metal lids for collection of mixed municipal solid waste. Recycling containers less than one (1) cubic yard in capacity do not need to be screened from view of the public right-of-way, provided there are less than six (6) containers at a given location, but must be placed on a paved surface. Baled recyclables must be stored out of view from the public right-of-way other than a 24-hour time period before a scheduled collection.

Screening shall consist of a solid fence or wall not less than six (6) feet high in the side and rear yards and shall not extend to within fifteen (15) feet of any "street right-of-way" line. Mixed municipal solid waste, organics and recyclables container enclosures must be constructed in a manner that does not prevent residents or haulers from accessibility to other containers placed therein. Plantings may be used in addition to, or in lieu of, fencing. If plantings are used to meet screening requirements, the type, size and location of such plantings must be approved by the Community Development Director or designee.

The screening requirements shall be satisfied by the use of a screening fence or planting screen according to the following standards:

- a. Plantings shall not be placed so as to obstruct lines of sight at street corners and driveways.
 - b. A screening fence shall be attractive, in a state of good repair, and compatible with the principal building and the surrounding land use.
 - c. A planting screen shall consist of a closely grown hedge, shrubs, evergreens or other vegetation approved by the Community Development Director or designee and shall be kept weeded, watered and maintained in good health.
 - d. If the topography, natural growth of vegetation, permanent buildings or other barriers meet the standards for screening as approved by the City, they may be substituted for all or part of the screening fence or planting screen.
 - e. If a four-sided enclosure is necessary to screen a solid waste container from the public right-of way, doors, allowing for removal of the container, must be constructed of durable material in a location that allows for safe material pickup, and shall be maintained in an attractive, well-kept condition. The doors must be constructed so that residents or commercial establishments may easily access solid waste, recycling, yard waste and organics dumpsters and containers within.
2. Residential Properties. Wheeled containers used for the storage of mixed municipal solid waste, recyclables, yard waste and organics may be placed at the curb, but not in the public drive area of the right-of-way, for collection from 5:00 pm the day prior to collection until 9:00 pm the day of collection. Containers must not be stored between weekly collections in the front yard setback.

HISTORY

Amended by Ord. [1339](#) on 11/28/2016

8-206 - Location of Containers and Yard Waste.

- (1) The outside location of residential containers for the storage of mixed municipal solid waste, yard waste and recycling materials must be placed no closer to the street than the existing front yard setback of the residence.
- (2) The location and screening of any commercial containers for the storage of mixed municipal solid waste and recycling materials must be approved in advance by the City and in accordance with land use regulations of Title 11.
- (3) Yard waste must be prepared for collection in a manner required by the person's licensed hauler. No yard waste may be stored on the property except as allowed in Chapter 8-1600 (Composting).
- (4) Yard waste, residential containers for mixed municipal solid waste and recycling materials that are prepared for collection must be placed in one location at ground level and off the traveled roadway (such as in the driveway, or in the boulevard behind the curb) no sooner than 4:00 p.m. the day prior to collection. Such containers must be returned to their outside storage location no later than midnight on the day of collection. Upon pick up licensed haulers will be required to place empty containers off the traveled roadway.
- (5) Hours for the placement of yard waste generated by a residential household for collection purposes may be extended by the Director in event of emergency situations.

[Revised 11/06/13, Ordinance 2110]

CHAPTER 11-1200 - GENERAL DISTRICT STANDARDS

11-1201 - Compliance.

11- All future development will be required to meet the standards of this Chapter. These standards
1201.1 also apply to existing development where so stated. No structure can be erected, substantially altered, or its use changed unless in compliance with the provisions of this Chapter.

11- No property can be used in a manner that violates the standards of this chapter.

1201.2 11- Violation of these standards will be determined by the Director, the Chief Building
1201.3 Official, or the City Engineer and may be cited under Chapter 2-1100 (Administrative Procedures and Penalties). In matters where technical complexity or great expense makes it difficult to determine if a violation has occurred, the City may retain the necessary personnel to make a determination of the existence of the violation. If a violation is found, the cost of the determination must be paid by the violator, in addition to such penalties as may be appropriate.

11- No building permit will be approved for any structure at the end of a street which would impede
1201.4 the further extension of such street. This provision applies only to dead-end streets and streets possessing temporary cul-de-sacs. It does not apply to permanent cul-de-sacs.

11-1202 - Design Standards for Parking, Driving, Loading, and Open Storage Areas Accessory to Institutional, Commercial, Industrial, Townhouse, Mobile Home, and Multiple Dwelling Uses.

11- Location.

1202.1 (1) Each use must, at a minimum, provide the number of parking, loading, and stacking spaces required in subsections 11-1202.7 and 11-1202.9. Such spaces must be located:

- (a) On the same lot or tax parcel or within the same common interest community as the use they serve, or
- (b) On an adjoining lot or tax parcel to the use they serve, provided:
 - (i) The parking area serves more than one use,
 - (ii) No public street separates the parking spaces and the uses, and
 - (iii) A recorded legal instrument, approved by the City Attorney, provides for the perpetual joint use and maintenance of the parking area.

(2) Spaces on a public street may not be counted toward the minimum requirements.

11- Access and Driveways.

1202.2 (1)

No parking or loading space can directly access a public street. All parking, driving, open storage, and loading areas must be designed so that any vehicle entering or leaving such areas is traveling forward. Driveways must be located so any vehicle entering or leaving a parking, open storage, or loading area is clearly visible to oncoming motorists or pedestrians.

- (2) The maximum driveway width within the boulevard is 36 feet in an Industrial District and 30 feet in all other districts and a minimum width within the boulevard is 14 feet for one-way traffic, and 24 feet for two-way traffic, all excluding entrance radii.
- (3) Notwithstanding subsection 11-1202(1) and (2), a design may allow vehicles leaving tandem parking spaces or attached garage spaces accessory to dwelling units to back onto a public street other than a Principal, A Minor or B Minor Arterial public street. Driveways for such parking spaces must have a minimum width within the boulevard of 10 feet per garage to a maximum of 48 feet per driveway, both excluding the entrance radii.

11- Circulation.

- 1202.3 (1) Parking, driving, open storage areas, and loading and street approaches must be designed to preclude traffic congestion and promote the safe and efficient movement of vehicular and pedestrian traffic on and adjacent to the site. Drives must allow continuous circulation within the paved area. Truck traffic, and other traffic must unless no other arrangement is possible, be excluded from residential streets. Within the site, service traffic must be separated from customer traffic.
- (2) Parking and loading areas must be designed so that vehicles are parked in an orderly pattern. All parking and loading spaces must be striped. The design must include traffic safety islands, barriers, planting strips, signs, markings, or other methods of traffic control as necessary for vehicular and pedestrian safety. Fire lanes must be installed and marked as required by the Fire Chief.

- 11- Paving. All parking, driving, loading, and open storage areas must be paved in accordance with specifications on file in the office of the Chief Building Official. The paved areas must be designed to prevent any damage to adjacent properties by surface water runoff and to minimize the amount of paved area on a site. Pavement may be deleted on any portion of an open storage area which is used for the storage of heavy equipment that would damage pavement.
- 1202.4

11- Curbing.

- 1202.5 (1) Concrete curb or curb and gutter must be used around the entire perimeter of the paved areas required under subsection 11-1202.4 and around any traffic safety or landscape islands. Bituminous curb may be substituted for concrete curb for those portions of the perimeter where expansion of the paved area will occur. Curb may be deleted for low use portions of parking and driving areas for quads, townhouses,

multiple dwellings, and public utility buildings. All dimensions including, but not limited to, setbacks, driveway widths, and parking space widths must be measured from the face of the curb, not the back of the curb.

- (2) Notwithstanding subsection 11-1202.5, concrete curb and gutter must be used where a gutter is required for drainage purposes.
- (3) A sidewalk may be substituted for a curb when the parking lot directly abuts the sidewalk and the grade of the sidewalk is at least six inches above the grade of the paved area.
- (4) Curbs or curb and gutter must be constructed according to standards on file in the office of the Chief Building Official.
- (5) Curb and gutter may be waived with a City Engineer approved Low Impact Design (LID) stormwater management plan.
- (6) Notwithstanding subsection 11-1202.5(1), upon approval of the Planning Commission a fence may be substituted for a curb if all of the following conditions are met:
 - (a) The area enclosed by the fence is used solely for the storage of vehicles or other items in conjunction with a commercial, industrial or institutional use.
 - (b) The entire area used for storage is enclosed by fence or building.
 - (c) The enclosed area is located in the side or rear yard of the principal structure.
 - (d) The enclosed area is not used for the parking of customer or employee vehicles.
 - (e) The fence is at least 80 percent opaque, is at least six feet in height and is constructed of masonry, cedar, redwood, treated lumber or other durable material approved in advance by the City.
 - (f) The fence shall be located no more than 12 inches from the edge of the paved area.
 - (g) Gates meeting the same requirements as a fence are provided at all openings in the enclosure. Gates will be open only to permit the passage of vehicles, other items or individuals into or out of the enclosure in conjunction with the operation of the use. Gates must remain closed at all other times.
 - (h) Curb and gutter is not required for drainage purposes.
 - (i) Curb is not required to protect landscaping from snow removal operations.
 - (j) Movement of vehicles and other items within or into the fenced area is restricted to employees of the use or of delivery services for the use.
 - (k) Such other conditions as the Planning Commission may determine are reasonably necessary to meet the intent of this Code.
 - (l) Upon the failure of any party to conform to the conditions provided for herein, the Planning Commission may amend or revoke its approval. Any party whose approval has been revoked by the Planning Commission will be subject to the provisions of subsection

11-1202.5(1). Any person aggrieved by the decision of the Planning Commission may appeal that decision to the City Council in the same manner as an appeal from an application for Conditional Use Permit under subsection 11-305.6.

11- Lighting. Parking, loading, and stacking spaces must be illuminated to a minimum level of one footcandle at ground level over the entire surface of the paved area, provided that additional lighting may be required as necessary for safety and security.

11- Stall, Aisle, Stacking and Loading Space Dimensions. Stall, aisle, stacking and loading spaces must be constructed to the following minimum specifications:

(1) Standard Parking Stalls.

				Bay Width	
Parking Angle	Stall Width (Including Striping)	Stall Length	Aisle Width	Interlock to Interlock	Wall to Wall
90 degrees	nine feet	20 feet	24 feet	64 feet	64 feet
60 degrees	nine feet	20 feet	16 feet	55.5 feet	60 feet
45 degrees	nine feet	20 feet	16 feet	50.5 feet	57 feet
Parallel	eight feet	22 feet	12 feet (one way)		
24 feet (two way)	n/a	n/a			
Tandem	eight feet	25 feet	24 feet	n/a	n/a

Stall length for 90, 60, and 45 degree angles parking stalls may be reduced by the amount of the curb overhang up to a maximum of two feet.

(2) Accessible Parking Stalls. Accessible parking spaces must be provided according to Chapter 1341 of Minnesota Rules (the Minnesota Accessibility Code).

(3) Off-Street Loading or Stacking Space. An off-street loading or stacking space must be a minimum of 12 feet wide, 50 feet long and 15 feet high, unless the maximum size of trucks used does not necessitate such space.

(4) Drive-Thru Stacking Space. A stacking space shall be a minimum of 12 feet wide and 20 feet long. Six stacking spaces are required per drive thru service window or wash bay.

[Revised 4/1/14, Ordinance 2120]

11- Private Streets. Private streets must be a minimum of 24 feet wide when intended for two-way traffic and 14 feet wide when intended for one-way traffic.

11- Minimum Number of Parking Spaces Required.
1202.9

Parking Requirements

Residential Uses	
Single family detached dwelling	3 spaces
Two-family dwellings	3 spaces per unit
Townhouses	2.5 spaces per unit
Multiple family dwellings	2.25 spaces per unit;
Mobile homes	2.5 spaces per dwelling
Nursing homes and assisted living	1.2 spaces per unit
Boarding Homes	1 space per room plus 2 spaces
Retail Sales and Service	
General retail sales	1 space per 250 sf of floor area
Banks and financial institutions	1 space per 300 sf of floor area
Building material sales	200 spaces for bldg.50,000 to 130,000 sf
Greenhouse, lawn and garden supply store	8 + 1/800sf over 1,000 sf

Personal service establishment	2 spaces per chair or tanning bed or 1 per 300 sf of floor area
Service Business	1 space per 300 sf of floor area
Daycare facility	1 space per 5 students
Self service storage	30 foot wide drive aisles plus one employee space
Furniture store/retail showroom	1 space per 1000 sf of floor area
Automobile Services	
Vehicle repair	4 spaces plus 2 per stall
Vehicle sales	6 spaces plus 1 per 500 sf over 1,000 sf
Convenience store	12 spaces plus pumps
Vehicle rental	2 spaces plus 1 per rental car
Food and Beverage	
Coffee shop/deli	25 spaces with drive thru, 35 spaces without drive thru
Restaurant	1 space per 2 seats plus 1 space for every 40 sf of banquet or meeting area
Bar/tavern	1 space per 100 sf of floor area
Commercial Recreation, Entertainment and Lodging	

Hotel	1 space per guest room plus 1 space per employee plus 1 space per 40 sf of banquet area
Fitness center	<50,000sf = 1/400 sf >50,000sf = 1/667 sf
Theater	1 space per 4 seats
Bowling alley	5/alley
Office and Medical Facilities	
General office	1 space per 200 sf. for the first 20,000 sf, plus 1 space per 450 sf for any additional square footage over 20,000 sf.
Medical office or clinic	1 space per 300 sf of floor area
Hospital	4.5 spaces per bed
Social, Cultural and Places of Assembly	
Club, banquet or meeting hall	1 space per 4 seats
Place of worship	1 space per 4 seats
Library	1 space per 350 sf of floor area
Museum	1 space per 750 sf of floor area
Community center	1 space per 312 sf of floor area
College	.18 spaces per school population
Industrial Uses	

Research and development	1 space per 1,000 sf of floor area
Light industry	1 space per 1,000 sf of floor area
Wholesale business, warehouse, truck terminal	1 space per 2,000 sf of floor area

Parking requirements for uses not listed above will be based on the parking requirements for similar uses and the needs of the proposed use. The minimum parking requirement may be reduced for a specific project if the applicant provides documentation supporting the reduction.

11- Maintenance and Use.

- 1202.10 (1) The surface and curbs of all parking, driving, and loading areas must be maintained in good condition, and remarked or striped when worn or faded.
- (2) Parking, driving, and loading areas must be kept clear of trash and debris.
- (3) Lighting for parking, driving, and loading areas must be kept in good working order. Broken or burned-out light bulbs must be replaced within 24 hours.
- (4) No vehicle, trailer, or truck, truck-tractor, semitrailer, or special mobile equipment may be driven, towed or parked off a paved surface except as provided by subsection 11-1202.4.

11- Nonconforming Parking, Driving, Loading, and Open Storage Areas. Nonconforming parking, 1202.11 driving, loading and open storage areas must comply with subsection 11-1300.2(5).

11- Land Dedication. The City Council may require a developer to dedicate land planned for public 1202.12 streets and service drives before a building permit may be issued. The purpose of such dedication would be to assure safe and efficient traffic circulation.

11-1203 - Sign Regulations.

- 11- Purpose and Intent. It is not the purpose or intent of this sign ordinance to regulate the message 1203.1 displayed on any sign; nor is it the purpose or intent of this Section to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this Section is to:
- (1) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety, and welfare;
- (2) Maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community;
- (3)

Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics; and

(4) Provide for fair and consistent enforcement of the sign regulations set forth herein.

11- Definitions. For the purposes of this Section, definitions in Chapter 11-200 apply.

1203.2

11- General Provisions.

1203.3

- (1) Permit Required. The following general provisions are applicable to all signs. It shall be unlawful for any person to erect, alter, replace, or relocate any sign or other advertising structure without first obtaining a permit and paying the required fees, except as herein otherwise provided.
- (2) Exempted Signs. The following signs are exempt from the requirements of this Section:
- (a) Signs erected by a public agency in a public right-of-way.
 - (b) Private traffic directional signs not exceeding eight square feet.
- (3) Prohibited Signs.
- (a) No sign will be attached to trees or utility poles.
 - (b) No sign will be painted directly on any exterior building surface. Sign letters and symbols may be attached directly to a wall by adhesive or mechanical means.
 - (c) No sign will overhang the public right-of-way, sidewalk easement, walkway easement or bicycle path easement except a bus bench or approved trash container at a designated public transportation pick up location.
 - (d) No sign will extend above the roof line of a building.
 - (e) Projecting signs must not project further than two feet from the wall to which they are anchored.
 - (f) No sign will be installed that by reason of position, movement, shape, illumination, or color would constitute a traffic hazard by obstructing a driver's vision or by interfering, confusing, or misleading traffic.
 - (g) No sign will noticeably move either by mechanical means or as a result of normal wind pressure.
 - (h) All other signs not expressly permitted by this Section.
- (4) Permit Application. An application for a sign permit must be made on blanks provided by the Director and state or have attached thereto the name and address of the person or company that will be erecting the sign; the location of the building, structure, or lot on which the sign is to be erected; the position of the sign in relation to nearby buildings or structures; the written consent of the owner of the land on which the sign is to be erected; and any other information the Director considers necessary. These requirements may be waived by the Director where they are not applicable. The Director will approve or deny a sign permit

application in an expedited manner no more than 30 days from the receipt of the complete application, including the applicable fee. Any application not approved or denied within 30 days will be deemed denied. If the permit is denied, the Director will issue a written notice of denial within 10 days of the decision, describing the applicant's appeal rights under subsection 11-305.6.

- (5) Fees. Every applicant must pay a fee for each sign regulated by this Section before being granted a permit.
 - (a) The City Council will establish the permit fee by ordinance.
 - (b) Except for maintenance, any substantial alteration, replacement of the business message, or relocation of a sign constitutes a new sign, requiring an additional permit and fee.
 - (c) A double fee will be charged if a sign is erected without first obtaining a permit for such sign.
 - (d) The permit fee for a temporary sign erected without first obtaining a permit may be charged against the lot or parcel of land if the property owner fails to comply with a written request from the Director to obtain a permit. The amount so charged against the lot or parcel of land together with a description of the premises and the name of the owner will be certified to the County Auditor and will be collected in the same manner as taxes or special assessments against said premises. The charge is a perpetual lien on the premises until paid.
- (6) Revocation of Permit. The Director is hereby authorized to revoke a sign permit upon failure of the holder thereof to comply with any provision of this Chapter. Any party aggrieved by such revocation may appeal the action to the Board of Adjustment and Appeals within 10 days after the revocation.
- (7) Expiration of Permit. A permit expires if the sign is not erected within 180 days after issuance and no permit fees or inspection fees for such sign will be refunded.
- (8) Initial Inspection. All sign installations for which a permit is required are subject to inspection by the Director to ensure that such signs are erected according to the permit.

11- Maintenance and Removal of Signs.

1203.4

- (1) All signs must be maintained by the sign owner in a safe, neat, clean and attractive condition. A sign must be replaced or refurbished so as to restore the original appearance thereof whenever it begins to fade, chip or discolor, rust, ceases to be in good repair or becomes unsightly. (2) Removal of signs will be governed by the following:
 - (a) On-premises signs shall be removed from the building and property by the owner of such property within 14 days after the use is terminated.
 - (b)

Off-premises signs shall be removed within 30 days after discontinuation of use of the sign. A sign shall be considered discontinued if the message is removed, the subject of the message no longer exists, or the sign is not maintained.

- (3) If the Director finds that any sign is unsafe, a detriment to the public, not maintained, or constructed, erected, or maintained in violation of the provisions of this Section, the sign owner shall be notified of the violation in writing personally or by U.S. Mail. If the sign owner fails to comply with the standards of this Section within 20 days after such notice is given or mailed, if no appeal is taken pursuant to the provisions of subsection 11-305.6 or if no owner, occupant, or agent can be found, such sign may be removed or altered to comply by the Director; provided, that for temporary signs, the notice and appeal period is seven days. The records showing the cost of such work attributable to each separate lot or parcel shall be delivered to the City Clerk. The amount so charged against said lot or parcel of land, together with a description of the premises and the name of alleged owner, will be certified to the County Auditor and will be collected in the same manner as taxes or special assessments against said premises. The charge shall be a perpetual lien on the premises until paid.

11- Design of Illuminated Signs.

- 1203.5 (1) Signs must not have blinking, flashing, or fluttering lights or change in brightness or color.
- (2) On-premises signs may include dynamic displays, except as regulated in Table 11-1203.7(2), provided that the message is changed at intervals of not less than four seconds by electronic process or remote control and the only movement is the periodic changing of information against a solid, colorless background, engineered for maximum legibility and readability, and having a constant light level and glare-reducing screens. Fading, dissolving, scrolling, traveling, or any transition that creates the illusion of movement is prohibited.
- (3) The light from illuminated signs must not reflect direct rays of light onto adjacent property or public streets.
- (4) No incandescent lamps may be used on exterior surfaces of any sign that exceeds 15 watts during nighttime hours.

11- Temporary Signs.

- 1203.6 (1) Banners, Streamers, Spinners, Revolving Beacons, Search Lights, and Portable Signs.
- (a) The Director may issue permits for the use of portable signs 12 square feet or less in area, banners, streamers, spinners, revolving beacons, search lights or other exterior temporary signs in commercial and industrial districts, as well as for institutional uses in residential districts.
- (b)

Permits for portable signs 12 square feet or less in area, banners, streamers, spinners and other exterior temporary signs must not be issued in conjunction with the same business activity for more than 60 days in any calendar year.

- (c) No more than three portable signs or banners may be displayed under a single permit.
- (d) A business activity may only be issued one permit at any given time. A separate permit is required for each display period.
- (e) Search lights and revolving beacons must not be directed into residential areas or onto streets and are not to be permitted more than six days per calendar year.
- (f) Twenty days will be subtracted as a penalty from a business activity's allotted number of days when that activity maintains a temporary sign past the expiration date for the permit, irrespective of compliance during the period under subsection 11-1202.(2)(e). If the business activity has fewer than 20 allotted temporary sign days remaining for the calendar year in which the penalty is imposed, the balance of those penalty days will be subtracted from that activity's allotted temporary sign days in the following calendar year.

(2) Other Temporary Signs:

- (a) No permit or permit fee is required, however, all other provisions of this Section shall apply.
- (b) A temporary sign under this subsection must be set back at least one foot from a public sidewalk or 18 feet from the street pavement if there is no sidewalk. In no case will a sign be located within a public right-of-way or within 10 feet from any other property line.
- (c) A temporary sign under this subsection must be removed within 10 days after its use has been terminated.
- (d) A temporary sign under this subsection must not exceed eight square feet in a residential district and 32 square feet in all other districts and no more than one temporary sign will be allowed on each street frontage.
- (e) Limitations on size and number of nonconforming speech signs do not apply from 46 days before the state primary in a state general election year until 10 days following the state general election and 46 days before a primary for a special election, or, in the event there is no primary, 46 days before the special election until 10 days following the special election.
- (f) The City may, without notice, remove any sign erected in violation of this Section or any other federal, state, or local law or ordinance. Any signs not claimed within 30 days after removal may be destroyed by the City.
- (g) Temporary window signs will only be permitted in a commercial district, provided that they do not occupy more than 40 percent of the window area on any building frontage.

- (h) One temporary real estate sign constructed of durable materials located on the premises is permitted for sale or lease of building or vacant lot for each street frontage.
- (i) One temporary construction sign constructed of durable materials is permitted on each street frontage of a development under construction

11- On-Premises District Sign Provisions.

1203.7 (1) Wall Signs. Wall signs will be permitted by zoning district in accordance with the standards established in Table 11-1203.7(1):

Table 11-1203.7(1) Wall Sign Allowances by Zoning District

Use Type/Zoning District	Number/Location	Maximum Area per Wall on which signs are permitted
Multi-Family Buildings/ Residential Developments in LDR1, LDR2, MDR, HDR, MH	One per street frontage identifying the name of the building only. A wall containing a public entrance may be signed in lieu of a wall facing a street frontage.	20 square feet
O, Institutional Uses in LDR1, LDR2, MDR, HDR, MH	Unlimited number of signs permitted on one business frontage.	32 square feet or 10 percent of the building face to which the sign is attached whichever is greater, to a maximum of 100 square feet.
Shopping Centers/ Multiple Tenant Buildings in O, NC, I	Unlimited number of signs permitted on each business frontage, not to exceed two walls per business.	40 square feet or 10 percent of the area of the front of the building, whichever is greater, to a maximum of 100 square feet

Other Developments in NC, I	Unlimited number of signs permitted on each business frontage, not to exceed two walls per building, subject to standards in 11-1203.7(1)(a).	40 square feet or 10 percent of the area of the front of the building, whichever is greater, to a maximum of 100 square feet
Shopping Centers/ Multiple Tenant Buildings in CC, GC	Unlimited number of signs permitted on each business frontage, not to exceed two walls per business, subject to standards in 11-1203.7(1)(b).	40 square feet or 10 percent of the face of the building to which the sign is attached, whichever is greater, to a maximum of 200 square feet
Other Developments in CC, GC	Unlimited number of signs permitted on each business frontage, not to exceed two walls per building.	80 square feet or 10 percent of the wall to which it is attached, whichever is greater, to a maximum of 200 square feet
RS	Unlimited number of signs permitted on each building wall facing a street or parking field.	80 square feet or 10 percent of the wall to which it is attached, whichever is greater, to a maximum of 200 square feet
RRO, PORT	Governed by underlying zoning outside of PORT districts. Within PORT districts, governed by district most similar to use.	Governed by underlying zoning outside of PORT districts. Within PORT districts, governed by district most similar to use.
Permitted Uses in CD	One wall or ground sign per street frontage.	32 square feet

Conditional Uses in CD	Governed by district most similar to use, unless otherwise specified in development plans.
PUD	Governed by the approved development plan. This Chapter is the standard by which the PUD sign plan will be evaluated.
Nonconforming Uses	No additional signs permitted.

Zoning Districts

Abbreviation	Zoning District
LDR1	Low-Density Residential 1 District
LDR2	Low-Density Residential 2 District
MDR	Moderate-Density Residential District
HDR	High-Density Residential District
MH	Mobile Home District
O	Office District
NC	Neighborhood Commercial District
CC	Community Commercial District
GC	General Commercial District
I	Industrial District
RS	Regional Shopping District
RRO	River Rapids Overlay District

PORT	Port Evergreen, Port Riverwalk, Port Campus Square, and Port Wellness Districts
CD	Conservancy District
PUD	Planned Unit Development

- (a) Shopping Center Signs in NC. No sign will be erected to the rear of a business except for an identification sign of up to four square feet. Signs in shopping centers and multiple tenant buildings must be standardized in terms of location on building and style. Sign criteria will be documented in standards to be approved by the Director prior to issuance of any sign permit for the center. A copy of the standards will be kept on file with the Director.
 - (b) Shopping Centers/Multiple Tenant Buildings in CC, GC, RS, and I. No sign will be erected to the rear of a business except for an identification sign of up to four square feet if the rear of the business faces a residential district. Signs in shopping centers must be standardized in terms of location on building, method of construction, and style. Sign criteria will be documented in standards to be approved by the Director prior to issuance of any sign permit for the center. A copy of the standards will be kept on file with the Director.
- (2) Ground Signs. Ground signs are permitted by zoning district in accordance with the standards established in Table 11-1203.7(2).

Table 11-1203.7(2) Ground Sign Allowances by Zoning District

Use/District	Number	Maximum Area	Maximum Height	Min. Setback
Multi-Family Buildings/ Residential Developments in LDR,1 LDR2, MDR, HDR, MH	One per frontage.	32 square feet	10 feet	See 11-1203.8

Other Residential Uses, including Home Occupations in LDR1 LDR2, MDR, HDR, MH	One per lot. Cannot be illuminated.	Six square feet	Three feet	See 11-1203.8
O, Institutional Uses in LDR1, LDR2, MDR, HDR, MH	One per building	100 square feet A sign greater than 25 square feet may only be displayed on a frontage greater than 100 feet	See 11-1203.9	See 11-1203.8
Shopping Centers/ Multiple Tenant Buildings in O, NC, I	One area identification sign per center.	100 square feet	See 11-1203.9	See 11-1203.8
Other Developments in NC, I	One	100 square feet	See 11-1203.9	See 11-1203.8

<p>Shopping Centers/ Multiple Tenant Buildings in CC, GC</p>	<p>For centers less than 15 acres, One identification sign is permitted per arterial/ collector frontage. For centers greater than 15 acres, two identification signs are permitted or two area identification signs per arterial/ collector street frontage, whichever is greater.</p>	<p>For centers less than 15 acres, the maximum size of an identification sign is 264 square feet, but no more than 200 square feet may be devoted to the permanent message portion of the sign with the remainder being reader board or electronic display. For centers greater than 15 acres, the maximum size of an identification sign is 300 square feet.</p>	<p>See 11-1203.9</p>	<p>See 11-1203.8</p>
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<p>Unified Developments in CC, GC</p>	<p>One per business frontage, not to exceed two per building. One area identification sign per development subject to standards in 11-1203.7(2)(a)</p>	<p>100 square feet for individual building signs; 300 square feet for area identification signs if there are no other ground signs on the same frontage.</p>	<p>See 11-1203.9</p>	<p>See 11-1203.8</p>
<p>Other Developments in CC, GC</p>	<p>One per building frontage.</p>	<p>For properties with less than 300 feet of frontage-100 square feet; for properties with 300 feet of frontage or more-100 square feet + one square foot for each additional foot of frontage over 300 feet for a maximum of 200 square feet</p>	<p>See 11-1203.9</p>	<p>See 11-1203.8</p>

RS	Governed by the approved development plan.	Governed by the approved development plan.	See 11-1203.9	See 11-1203.8
RRO PORT	One; must be monument sign, limited to two faces, per property or residential development, subject to standards in 11-1203.7(2)(b).	100 square feet, including base and supporting material. Base and supporting material must constitute at least 25 percent of the total area. A reader board or electronic display must not exceed 50 percent of the area containing sign copy.	10 feet	See 11-1203.8 (4)
Permitted Uses in CD	One wall or ground sign per street frontage.	32 square feet	See 11-1203.9	See 11-1203.8
PUD	Governed by the approved development plan. This Section will be the standard by which the PUD sign plan will be evaluated.			
Nonconforming Uses				No additional signs permitted.

(a)

Signs for Unified Developments. All ground signs on the same frontage must be the same height. All ground signs must be mounted on supports of identical design. Area identification signs for shopping centers 20 or more acres in size located within unified developments may be placed on a lot within the unified development less than 20 acres in size. The following requirements apply to such signs:

- (i) The sign must be located within 500 feet of the shopping center.
 - (ii) The sign must not be separated from the shopping center by an arterial street.
 - (iii) The sign will be subject to the height, setback and separation requirements of a ground sign in the zoning district in which it is located. It will otherwise be subject to the requirements of 11-1202.7(2).
 - (iv) The sign will not be included in the total signage permitted for the property on which it is located.
 - (v) The general location of area identification signs for shopping centers within unified developments must be approved by the Planning Commission as part of the site plan approval.
- (b) Monument Sign Design in River Rapids Overlay District. The monument sign base must be constructed of materials similar in appearance to those of the principal structure and consist of brick, natural stone, stucco, textured cast stone, or integrally colored concrete masonry units. The structure surrounding the face of the sign from the base to the top of the sign must be solid, continuous, and consist of the base materials or complementary materials that match the appearance and color of the principal building. The 200 square feet of ground area around the base of a monument sign must be landscaped with shrubs or perennials. Landscape material must be selected to withstand the environmental conditions of the site and provide seasonal interest.
- (3) Fuel Pump Canopy Signs. Signs may be placed on two faces of a fuel pump canopy. Canopy signs are limited to a business logo and/or graphic design not to exceed 10 percent of each canopy face area or 24 square feet on each canopy face, whichever is greater. Canopy signage will be deducted from the permitted wall signage area for the business. Fuel pump canopy signs must not project above or below the canopy area. Dynamic displays are not permitted on fuel pump canopies.

11- On-Premises Sign Setbacks.

1203.8

- (1) Permanent pylon signs must be set back at least 15 feet from any right-of-way line and at least 10 feet from any other property line. Permanent monument signs must be set back at least 10 feet from any property line or right-of-way line.
- (2) A sign (including supporting structure) within the sight triangle must either have maximum height of two and one half feet or a minimum clearance of 10 feet above the center line grade of the intersecting streets.

- (3) A ground sign of over 25 square feet may be displayed only on a frontage of 100 feet or more and must not be closer than 100 feet to any other ground sign of over 25 square feet.
- (4) Signs must be located a minimum of 10 feet from a public street right-of-way, except that along Coon Rapids Boulevard the minimum setback is 20 feet from the curb of the roadway, two feet behind a public sidewalk, or two feet from the right-of-way of Coon Rapids Boulevard, whichever location places the sign farthest from the roadway.

11- On-Premises Sign Height. Ground signs must not exceed the following height as measured 1203.9 perpendicularly from the highest point of the sign structure to the grade level directly below the sign. Existing grade may not be altered for the purpose of increasing the sign height.

- (1) River Rapids Overlay District. Maximum height for ground signs in the River Rapids Overlay district is 10 feet.
- (2) Zoning Districts Outside of River Rapids Overlay District. Maximum height for monument signs is 10 feet. Maximum height for pylon signs is established in Table 11-1203.9.

Table 11-1203.9: Maximum Permitted Pylon Sign Height

Square Footage of Sign	Maximum Height Permitted
40 square feet or less	20 feet
41 to 80 square feet	24 feet
81 to 264 square feet	30 feet
Over 264 square feet	36 feet

11- Off-Premises Signs.

- 1203.10
- (1) Applicability. No off-premises sign may be placed, erected, or maintained in the City, nor may an owner or lessee permit property under the control of the owner or lessee to be used for such a sign, except in accordance with this Section.
 - (2) Prohibition. No off-premises signs not already existing as of September 10, 2001 may be placed or erected in the City except that a nonconforming off-premises sign located outside the highway corridor may be replaced with a conforming off-premises sign placed or erected within the highway corridor in accordance with this subsection.
 - (3)

Conforming Off-premises Signs. Off-premises signs located within the highway corridor are conforming signs and may be structurally maintained and replaced as needed provided they otherwise comply with this Section.

- (4) Requirements. All off-premises signs must meet the following requirements:
- (a) May not exceed 250 square feet of display area on any single side. The sign faces must be roughly perpendicular to the roadway. A sign will have no more than two display sides with the two sides mounted back-to-back. The angle of intersection between the display sides will be no greater than 15 degrees.
 - (b) May not exceed 30 feet in height as measured perpendicularly from the highest point of the sign structure to the grade level directly below the sign. The existing grade level may not be altered for the purpose of increasing sign height.
 - (c) Must be of mono-pole design. Any exposed metal on the supporting structure must be painted a single dark color.
 - (d) May be located only in areas zoned Community Commercial, General Commercial or Industrial.
 - (e) May not be located within an interchange.
 - (f) Maintain the following setbacks and separations:

Public parks and rest areas		
	Measured laterally along roadway	500 feet
	Measured in any other direction	200 feet
Residentially zoned property		
	Measured laterally along roadway	500 feet
	Measured in any other direction	200 feet
Non-residential buildings		200 feet
On-premises sign		100 feet
Property line		100 feet
Right-of-way line		50 feet

Another off-premises sign on same side of roadway	1,000 feet
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(5) Dynamic Display Techniques. Nonconforming off-premises signs may not use dynamic display techniques. Any conforming off-premises sign using dynamic display techniques in whole or in part must meet the following operational standards:

- (a) Duration. In all districts the full sign image or any portion thereof must have a minimum duration of 60 seconds and must be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.
- (b) Transition. In all districts where the full sign image or any portion thereof changes, the change sequence must be accomplished by means of instantaneous re-pixelization. Fading, dissolving, scrolling, traveling, or any transition that creates the illusion of movement is prohibited.
- (c) Brightness. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.
- (d) Dimmer Control. Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.
- (e) Fluctuating or Flashing Illumination. No portion of any sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams zooms, twinkles, sparkles, or in any manner creates the illusion of movement.
- (f) Video Display. No portion of any sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imager, or depicts action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.

11- Wall Graphics. Wall graphics are considered wall signs for purposes of calculating area and are subject to the size requirements established in table 11-1203.7(1). The Board of Adjustment and Appeals may permit a larger wall graphic if:

- (1) It is compatible in scale, color, and size with the surrounding land uses;
- (2) There is a unique feature to the design which requires more area than is permitted; and
- (3) The wall graphic is the minimum size necessary for the effective presentation of the design.

11- Municipal Entry Monuments. Signs or monuments located at street or highway entry points to the City which indicate, exclusive of any commercial message, that one is entering the City are permitted in all districts, subject to the following requirements:

- (1) Municipal entry monuments must be of a design approved by the City Council and shall be owned and maintained exclusively by the City.
- (2) Municipal entry monuments must be set back at least 10 feet from any street right-of-way or property line.
- (3) Any municipal entry monument located within 25 feet of the intersection of a street right-of-way line and a driveway entrance must have a minimum vertical clearance of 10 feet above the centerline of the street pavement.
- (4) The message portion of a municipal entry monument cannot exceed 60 square feet in area. Nor more than four additional square feet in area may be used to set forth the name or logo of any donor.
- (5) The monument or sign structure cannot exceed 30 feet in height as measured perpendicularly from the height of the highest point of the structure to the grade level directly below the monument or sign. Existing grade may not be altered for the purpose of increasing monument or sign height.

11- Nonconforming Signs. It is recognized that signs exist within the zoning districts which were lawful before this Section was enacted but will be prohibited under the terms of this Section. Nonconforming signs must not be enlarged or expanded nor used as grounds for adding other signs or uses prohibited elsewhere in the same district. Permitting legal nonconforming signs existing on the effective date of this Section may continue as legal nonconforming signs provided such signs are safe and are maintained as not to be unsightly, and have not been abandoned or removed, subject to the following provisions:

- (1) No sign will be enlarged or altered in a way which increases its nonconformity.
- (2) If the use of the nonconforming sign or sign structure is discontinued for a period of one year the sign or sign structure cannot be reconstructed or used except in conformity with the provisions of this Chapter.
- (3) Should such nonconforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than 50 percent of its market value and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was damaged, it must not be reconstructed or used except in conformity with the provisions of this Section.
- (4) Should such nonconforming sign or sign structure be moved for any reason for any distance whatsoever, it must conform to the regulations for the zoning district in which it is located.
- (5)

No existing sign devoted to a use not permitted in the zoning district in which it is located will be enlarged, expanded, or moved except to change the sign to a sign permitted in the zoning district in which it is located.

- (6) When a building loses its nonconforming status all signs devoted to the structure must be removed, and all signs painted directly on the structure must be repainted in a neutral color or a color which will harmonize with the structure.

11- Enforcement.

- 1203.14 (1) The Director or designated agent will be responsible for enforcement of this Section.
- (2) Violation of any provision of this Section shall be a misdemeanor. Each day the violation continues in existence shall be deemed a separate violation. All signs are subject to penalty for violation even when not required to pay a fee or acquire permit.
- (3) Inspections to determine compliance with the provision of this Section will be carried out periodically.
- (4) The owner of any sign which is otherwise allowed by this Code may substitute nonconforming copy in lieu of any other commercial or nonconforming copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over nonconforming speech, or favoring of any particular nonconforming message over any other nonconforming message. This provision prevails over any more specific provision to the contrary.

- 11- Severability. If any subsection, sentence, clause, or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section. The City Council hereby declares that it would have adopted the Section and each sub-section, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, sentences, clauses, or phrases may be deemed invalid.

11-1204 - Fences and Walls.

For the purpose of this Section, "Fence" includes any non-vegetative freestanding structure, including a wall, designed or functioning to impede movement across or mark a boundary, act as a barrier or enclosure, or obstruct vision; "Wall" is a fence made of rock, brick, concrete, or similar materials.

11- Construction and Maintenance.

- 1204.1 (1) Fences must be constructed in accordance with applicable building code and City Code provisions, in a professional and workmanlike manner, and of materials suitable and intended for the purpose for which they are used.
- (2)

Fences must be maintained in accordance with applicable building code provisions and Chapter 12, Building and Fire Codes, of the Coon Rapids Revised-1982 City Code. Every fence must be maintained in a condition of good repair and must not be allowed to become a danger or fall into a state of disrepair. Any fence that becomes a danger or falls into a state of disrepair is hereby declared a nuisance. Any side of a fence facing a neighboring property or street must be finished. For this clause, a "finished" side means a side on which framing, supports, or posts are not visible.

- (3) Electric, barbed, razor, wire, and chain link less than 11 gauge fences are prohibited.
- (4) Maximum height without building permit: seven.
- (5) No part of a fence shall exceed the maximum height allowed in subsection 11-204.4, as measured from the finished grade at the base of the fence. The height of a fence built on a berm or wall is measured from the base of the berm or wall.
- (6) Fences must be constructed of the same material for a minimum run length of 30 feet. No fence less than six feet in height may have boards, planks, or panels larger than 12 inches in width.
- (7) No temporary fence may be permitted on any property for a period in excess of 30 days unless otherwise approved in writing by the City for good cause. Snow fences are allowed between November 1st and April 15th. A temporary fence is any fence that is not permanently secured or anchored to the ground by posts which are suitable to the fencing material used. Prohibited materials are not acceptable as a temporary fence.

11- Location.

- 1204.2
- (1) A fence placed within a drainage or utility easement must not impede the flow of runoff or interfere with planned or installed utilities. The City or any utility company having authority to use such easement will not be liable for any damages, or to repair or replace such a fence, in the event it is moved, damaged, or destroyed in the maintenance of the easement or the installation, maintenance, or repair of utilities thereto.
 - (2) Walls are prohibited within drainage or utility easements.
 - (3) Fences are prohibited within site triangles as defined in subsection 11-1206.2(3).

11- Setbacks.

- 1204.3
- (1) Property Boundary: Within the boundary lines.
 - (2) Public Rights of Way, Trail or Sidewalk Easements: Three feet.

11- Height Maximums.

- 1204.4
- (1) Front Yard Setback: Four feet, except as provided in subsection 11-1204.4(6).
 - (2)

Street Side Yard, Single Family or Two-Family Residential Uses: Four feet; provided, if the front of the house faces the front yard, seven feet between the rear lot line and the front of the house.

(3) Interior Side Yard: Seven.

(4) Rear Yard: Seven.

(5) Side and Rear Yards where a Residential District abuts a Commercial, Industrial, or Office District: Eight feet.

(6) Front or Street Side Yard, Commercial, Industrial or Office Districts: Four feet, except in an approved site plan.

(Ord. No. 2146, 9-15-15)

11-1205 - Screening.

11- Screening must satisfy the requirements of subsections 11-1205.2 through 1205.6 and the 1205.1 requirements of the current version of the *Landscape Standards on File in the Office of the Community Development Director*.

11- Residential Uses.

- 1205.2 (1) Where any multiple-family use with more than four parking spaces adjoins another residential use, the off-street parking for such use must be screened from adjoining properties. Parking for two-family homes is exempt from this requirement.
- (2) The light from automobile headlights and other sources must be screened whenever it may be directed onto residential windows to the extent that it will cause an unreasonable disturbance.

11- All Districts.

- 1205.3 (1) Exterior storage of goods or materials which are not prohibited under Chapter 8-1000 must be screened. If such permitted storage is not screened, it will be considered a public nuisance.
- (2) All parking areas containing more than four spaces which adjoin a public street must be screened.

- 11- Trash and Recycling Storage Screening. Trash, recycling, and similar containers provided in 1205.4 conjunction with institutional, public, commercial, or industrial uses, or with residential uses where a common collection location is designated for three or more dwelling units must be screened by a masonry enclosure constructed on three sides with materials compatible with the exterior materials of the principal structure being served by the enclosure. For all residential uses where such screening is required, the fourth side must consist of a durable gate. For all other uses requiring such screening, a durable gate must be provided where the open side of the enclosure is visible from a public street or from an abutting residential zoning district. All gates must provide 100 percent opaqueness and must be constructed in conformance with standards

on file in the office of the Director. Enclosures for trash, recycling, and similar containers must be of sufficient size to accommodate the containers and any mechanical means of servicing the containers. Screening enclosures must be located in the side or rear yard of the property in such a manner as to provide easy access thereto, and must conform to the setback requirements for accessory structures. Screening enclosures may be attached to principal or accessory structures with Fire Department approval. Screening enclosures must be maintained in a good condition.

11- Mechanical Screening. Except for mobile homes, townhouses, and single- and two-family homes, 1205.5 all mechanical equipment on the ground or roof, such as heating and air conditioning, must be screened, located or painted so as not to be readily visible from public streets or adjoining property. Screening structures, if used, must be designed and constructed of a material that is compatible with the principal building.

11- Screening Materials and Maintenance.

1205.6 (1) Requirements. The screening requirements of subsections 11-1205.1 through 11-1205.5 must be satisfied by the use of one or more of the following:

- (a) Screening Fence. A screening fence or wall at least six feet in height, or of sufficient height to completely block the view of items within the screening fence enclosure from surrounding properties, with a minimum opaqueness of 80 percent. The fence must be constructed of wood, masonry or other durable material and must be compatible with the principal building and surrounding properties. Screening fences must be painted or stained, whenever necessary, to prevent fading, chipping or discoloration. Damaged or destroyed fences must be repaired or restored.
- (b) Planting Screen. A planting screen consisting of a row of evergreen trees planted 10 feet on center in two parallel rows. When planted, the evergreen trees must have a minimum height of six feet. The planting screen must be maintained in a neat and healthy condition. Dead trees must be replaced.
- (c) Berm. A berm no less than six feet in height with a side slope of no greater than one and one-half to two. The berm must be sodded. Slopes greater than one and one-half to one may be used if the slopes are stepped using retaining walls. Plant materials resistant to erosion may be substituted for sod with the approval of the Planning Commission. Dead sod or plant materials must be replaced.
- (d) Parking Areas. Except in the River Rapids Overlay and Port Districts where subsections 11-1003.11(13)(b)(i) and (ii) apply, a continuous hedge or sodded berm not less than three feet in height.
- (e) Others. Topography, existing vegetation, permanent buildings, or other barriers may be substituted for the above if, the Planning Commission finds, they provide equivalent screening.

- (f) Maintenance. The owner or occupant of the premises must maintain screening in good condition. Screening fences must be promptly repaired, replaced or refinished as necessary. All diseased, damaged or dead sod and plant materials must be promptly replaced with the same materials or equivalent materials approved by the Director.
- (2) The Planning Commission or, where required by this Chapter, the City Council, with a recommendation from the Planning Commission, must approve how the screening requirement is satisfied.
- (3) Compliance. Existing uses must comply with the screening requirements of this Chapter within three months of notice by the Director and with the maintenance requirements within three weeks of notice. The Director must specify in what manner the screening requirement must be satisfied and specify the compliance dates to correspond with appropriate planting seasons.
- (4) Bufferyard. A bufferyard must provide plant materials between adjacent residential and non-residential districts and abutting residential and non-residential uses in residential districts. A bufferyard must meet the requirements of the *Landscape Standards on File in the Community Development Director's Office* and the following requirements.
 - (a) Bufferyard width and type and number of plants required abutting an adjacent residential district must be in conformance with the following table.

Adjacent District or Use	Required Along Boundary Between Adjacent Residential and Non-Residential Districts and Between Adjacent Residential and Non-Residential Use in Residential Districts					
	Minimum Bufferyard Width in Feet (Bufferyard width may include width of required rear and side yard setbacks)					Bufferyard Landscape Units (1) Required for Each 100 Feet of Adjacent Residential
	Low Density Residential-1	Low Density Residential-2	Mobile Home	Moderate Density Residential	High Density Residential	
Moderate Density Residential	25	25	0	0	0	40

High Density Residential	30	30	30	20 (2)	20 (2)	80
Office	20	20	20	20	20	80
Neighborhood Commercial	30	30	30	30	30	120
General Commercial	30	30	30	30	30	120
Community Commercial	30	30	30	30	30	120
Industrial	50	50	50	50	50	160
Regional Shopping	30	30	30	30	30	120
Ports	30	30	30	0	0	80

(1) Landscape Units: Over story tree = 10, Evergreen or Ornamental Tree = 8 and Shrub = 1. No single plant type may exceed one third of the number of required Landscape Units.

(2) Applies only to day care facilities serving more than 17 persons.

- (b) There can be no buildings, patios, decks, stairways, walkways or mechanical equipment within a bufferyard.
- (c) The width of required building rear and side yard setbacks may be used as part of the required width of the bufferyard.
- (d) The owner or the occupant of the premises must maintain bufferyard in good condition. All diseased, damaged or dead plant materials must be promptly replaced with the same materials, or equivalent materials approved by the Director.

11-1206 - Encroachments into Setbacks and Street Frontage.

11- The following are not considered as encroachments on setback and height requirements:

- 1206.1
- (1) In any yard: patios, awnings, steps, or chimneys that are no closer than three feet to any lot line, underground garages that are no closer than five feet to a lot line, flag poles, light poles, and public utilities (subject to the requirements of subsection 11-601.9).
 - (2) Roof eaves, overhangs, balconies, and similar appurtenances must not encroach more than two feet into a setback area.
 - (3) In rear yards: recreational equipment, clotheslines, and detached outdoor living rooms that are not closer than five feet to a lot line.
 - (4) Height limitations for the following uses may be increased by 50 percent:
 - (a) Antenna—radio and television.
 - (b) Belfries.
 - (c) Church spires and steeples.
 - (d) Cooling towers.
 - (e) Flag poles.
 - (f) Elevator penthouse.
 - (g) Smoke stacks.
 - (h) Water towers.
 - (i) Barns, silos, and windmills.Heights in excess thereof may be permitted only by a conditional use permit after determining that such structure would not be dangerous and would not adversely affect adjacent property.
 - (5) Parapet walls will not exceed more than four feet above the limiting height of the building.
 - (6) Upon written approval of the Director, trash containers may be placed within a public right-of-way at a designated public transportation pick up location provided:
 - (a) Only one such container is located at any pick up location; and
 - (b) Approval is received from the State or County before placing the container within any State or County right-of- way; and
 - (c) The container is of sufficient weight or will be securely anchored to avoid tipping, as determined by the City; and
 - (d) The container is adequately designed to prevent trash from being blown out of the container or removed by rodents, birds or other wildlife; and

- (e) The container is so located as to provide the greatest accessibility with the least possible visual impact; and
- (f) Advertising on the container is limited to the business or the product of the container owner, and will not comprise more than 20 percent of the total exterior area of the container; and
- (g) The owner of the container enters into a written agreement with the City regarding maintenance and City Code compliance. Such agreement may be executed on behalf of the City by the Director.

11- Street Frontage Required. A building is not permitted on a lot unless the lot abuts at least 20 feet on a public street, or has a permanent easement of access to a public street of at least 20 feet in width. A private easement cannot be used as the access for more than one principal building, except by permission of the City Council after a public hearing and recommendation by the Planning Commission. In any case, a private easement cannot be approved for more than one principal building unless there is a minimum of 20 feet of width for each principal building. In no case will more than 60 feet of width be required.

11-1207 - Performance Standards.

11- Environmental Standards.

- 1207.1
- (1) Nuisance Uses. No land, existing building, or proposed structure can be used or occupied in any manner creating dangerous, noxious, or otherwise objectionable conditions which could adversely affect the surrounding area.
 - (2) Radiation and Electrical Emissions. No activity can emit dangerous radioactivity beyond enclosed areas approved for such use. No equipment, other than domestic household appliances, can be utilized which creates electrical disturbances.
 - (3) Noise. Noise must be muffled or otherwise controlled so as not to become a nuisance. Noise levels are regulated by the standards of the Minnesota Pollution Control Agency.
 - (4) Odor. The emission of odorous matter is subject to the regulations established by the Minnesota Pollution Control Agency for Odor Control in Ambient Air.
 - (5) Vibrations. No vibration is permitted which is discernible without instruments on any adjoining property in a residential district. Within commercial and industrial districts, no vibration is be permitted which is discernible beyond the property line to the human sense of feeling for three minutes or more duration in any one hour.
 - (6) Smoke. The emission of visible smoke is subject to the Minnesota Pollution Control Agency's restrictions on the emission of visible air contaminants.
 - (7) Particulate Matter.
 - (a)

Particulate matter includes fly ash, soot, and similar materials.

- (b) Particulate matter emission from industrial processes, substances, products, or materials subject to becoming airborne must be in accordance with the Minnesota Pollution Control Agency's regulations.
- (8) Toxic Matter. The ambient air quality standards of the Minnesota Pollution Control Agency are the guide to the release of airborne toxic materials within the City.
- (9) Erosion. No erosion is permitted which will carry objectionable substances onto neighboring properties or into natural waterways. A property owner must not permit his property to be used or built on without applying all such reasonable measures as may be required to prevent wind or water erosion. The City Engineer may require reasonable measures of a property owner or developer to prevent wind or water erosion. The "Minnesota Storm Water Manual," published by the Minnesota Pollution Control Agency, is the guide for the planning, design, and layout of the conservation measures required. If required, a Nationwide Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit must be obtained from the Minnesota Pollution Control Agency prior to commencing construction activities. The associated Storm Water Pollution Prevention Plan (SWPPP) should be submitted to the City for approval. Proof of NPDES permit acquisition must be provided to the City prior to construction. The City Engineer may review any development plan to ensure that erosion and sedimentation must be effectively controlled. The following conditions must be placed on new developments where applicable:
- (a) The development plan must be designed to minimize erosion potential.
 - (b) Landscaping, streets, storm sewers, and other drainage and erosion controls must be installed as early in the construction schedule as is practical.
 - (c) The area and duration of exposure of disturbed soils must be kept to a practical minimum, as determined by City staff but in no event can exposure of disturbed soils exceed 14 days.
 - (d) Whenever feasible, natural vegetation must be retained, protected, and supplemented.
 - (e) Where there is inadequate vegetation to protect erosion-prone areas during or after development, temporary or permanent vegetation and/or mulching must be established.
 - (f) Cut and fill slopes must not be steeper than four to one unless stabilized by a retaining wall or cribbing or approved by the City Engineer.
 - (g) Cut and fill must not endanger adjoining property.
 - (h) Fill must be placed and compacted so as to minimize sliding or erosion of the soil.
 - (i) Fill must not encroach on floodways, natural watercourses, or constructed channels.
 - (j)

Grading must not be done in such a way so as to divert water onto the property of another landowner without the written consent of that landowner.

- (k) Provisions must be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.
 - (l) The use of temporary and permanent erosion control Best Management Practices including, but not limited to, rock construction entrances, silt fence, turf stabilization mats, and storm drain protection may be required.
 - (m) If sediment and debris is deposited on paved areas, street sweeping must be performed by and at the cost of the responsible party(ies) as determined by the City Engineer. Cleaning must be performed in a manner acceptable to the City Engineer. If this work is not performed by responsible party(ies), the City may perform street sweeping and bill the appropriate party(ies) for this work.
 - (n) The use of debris basins, sediment basins, silt traps, or similar measures may be required to trap sediment in runoff water until a disturbed area is stabilized.
 - (o) The use of ponds for temporary storm water storage is encouraged to reduce peak rainfall runoff and peak stream flows.
- (10) Water Pollution. The discharge of raw sewage, industrial wastes, or other pollutants into waterways, lakes, or Municipal Separate Storm Sewer System (MS4) of the City is subject to the regulations of the Minnesota Pollution Control Agency.
- (11) Solid Waste. Sanitary landfills or other areas used for the accumulation of solid waste, including garbage, refuse, sludge, slag, fly ash, demolition debris, and other discarded solid materials, is be subject to the solid waste disposal regulations of the Minnesota Pollution Control Agency and Anoka County. In addition, use of all such areas must be approved by the City Council after receiving a recommendation from the Planning Commission. Reasonable measures may be required to ensure that the disposal site will not endanger the public health, safety, or welfare; create a public nuisance; result in scenic blight; adversely affect property values; reduce the usability of the site; or be incompatible with present and future surrounding land uses, including the posting of a bond in an amount determined by the Council to ensure satisfactory compliance.
- (12) Glare. Lighting cannot be directed into a residential district from another property or obscure drivers' vision on public streets. No lighting fixture can create more than three footcandles of light intensity at the property line.
- (13) Maintenance of Waterway Slopes. The owner or occupant of property on which is located a ditch, creek or man-made and/or natural waterway, that is part of the public drainage system and which was constructed or reconstructed on or after September 1, 1985, is responsible for the maintenance of all slopes of such ditch, creek or man-made and/or natural waterway

located on their property. The owner or occupant will, at a minimum, maintain the lawn on such slopes and keep the slopes free of debris. This provision will not apply if the City has waived the requirements of Section 11-1506.

- (14) Maintenance of Improvements. The owner or occupant of the premises must maintain the building and site in good condition, free from refuse and debris. All improvements must be repaired, replaced, or repainted as necessary. All diseased or dead plant materials must be promptly replaced with the same or equivalent materials.

[Revised 10/15/13 Ordinance 2109]

11- Miscellaneous Performance Standards.

1207.2

- (1) Semitrailer and Container Storage. The City Council finds that the use of semi-trailers and ground level storage containers for the storage of goods and materials is unsightly, causes public safety concerns, circumvents the intent of the City Code regarding exterior storage, and is detrimental to surrounding property values. The reasonable control of the use of such semitrailer and containers is therefore necessary to protect the public health, safety, and general welfare.
- (a) Except as provided below, it is illegal to park, store, or maintain, or permit to be parked, stored, or maintained on any property a semitrailer, a ground level storage container, or similar container.
- (b) This subsection does not apply to:
- (i) Semitrailers parked at or cued for an approved loading dock or, in the absence of a loading dock, which are being actively loaded or unloaded in Neighborhood, Community, Regional and General Commercial and Industrial Zoning Districts and at institutional uses in residential zoning districts;
 - (ii) Semitrailers located in parking spaces which have received Site Plan Review approval specifically for such use in the Industrial Zoning District;
 - (iii) Semitrailers parked, stored or maintained in an approved, screened open storage area in the Industrial Zoning District; and
 - (iv) Semitrailers and ground level storage containers being used as part of an active development, redevelopment, construction, reconstruction, or remodeling project, provided that the container or trailer is removed within five business days after completion of the project or within five business days after the project has been inactive for a period of 30 consecutive calendar days.
- (c) For the purposes of this subsection, the term "cued for" means waiting to be immediately moved into a loading dock as soon as a dock is available.

(2)

Vehicle Sales in Non-residential Areas. No person, firm, business, or other entity of any kind may display a vehicle for sale on any commercial, industrial, office, or institutional property except as provided in this subsection.

- (a) A state licensed motor vehicle dealer may display vehicles for sale in accordance with the terms of that license and all state and local laws and ordinances.
- (b) If no state license is required, one vehicle may be displayed for sale provided such sale is in conjunction with a business or institutional activity.
- (c) A vehicle displayed for sale must be displayed on property where the business, firm, or entity offering the vehicle for sale is located.
- (d) A vehicle displayed for sale must be located on an improved surface and within a designated parking space. Such vehicle may not interfere with the normal circulation pattern of the property.
- (e) For the purposes of this subsection, the term "vehicle" will have the meaning provided in subsection 11-1206.2(2) as that subsection may be amended from time to time.

(3) Visibility at Intersections.

- (a) A minimum sight triangle must be established on each corner lot at every street intersection through which motorists have reasonable unobstructed view.
- (b) The minimum sight triangle is defined as a triangle located at the corner of intersecting streets. The adjacent sides are located along the curb line, or gutter line of streets without curb and gutter, of the intersecting streets and must be 50 feet in length. The third side is a straight line joining the end points of the adjacent sides.
- (c) The City has the authority to order removal of vision obstructions located within the minimum sight triangle.
- (d) A vision obstruction is defined as any object, living or inanimate, which materially obstructs visibility within this minimum sight triangle between the heights of two and one-half and 10 feet above the center line grade of the intersecting streets.
- (e) Obstructions must be removed within a reasonable period of time as determined by the City Engineer and/or designee and, which time will not exceed 90 days after written notice is given to the property owner of record.
- (f) Visual obstructions which are not removed may be justification for installation of a traffic control device.
- (g) An appeal from the Engineer's order to remove a vision obstruction may be made by the aggrieved party to the Safety Commission. The appeal must be filed in writing with the Public Works Director within 10 days after receipt of the order to remove the obstruction. The Public Services Director must refer the appeal to the Chairperson of the Safety

Commission within seven days after receipt of the appeal. The appeal must be placed on the agenda of the next regularly scheduled Commission meeting, unless a special meeting of the Commission is called by the Chairperson. Notification of the time and place of the meeting must be given to the property owner. Within 30 days after the hearing the Safety Commission must make its recommendation in writing to the City Council. Such recommendation must take into account whether a vision obstruction exists in a sight triangle, the implications for traffic and pedestrian safety because of the alleged hazard, to what extent the hazard remains even after the vision obstruction is removed, the availability of less burdensome means to reduce or eliminate the hazard and the means by which the vision obstruction can be eliminated. At its next available regular meeting following its receipt of the Safety Commission's written recommendation, the City Council must affirm, repeal, or modify the order of the Engineer.

- (4) Sidewalks. A sidewalk must be provided with any new development along any street designated on the City Sidewalk Plan, on any arterial or collector street, or where required by the City Council as part of a permit, rezoning, or subdivision plat. With regard to collector or arterial streets which are adjacent to or extend through the interior of industrial parks, the Council, upon petition of the owner or developer, may postpone the construction of such sidewalks until such time as the Council may determine the need for sidewalks on one or both sides. Such determination must be based upon, but not limited to, consideration of the following factors: the presence of labor-intensive industry; access to public transportation; anticipated frequent use by pedestrians.
- (5) Lighting Districts. In order to promote the identity and aesthetic quality of neighborhoods and the welfare, convenience and living environment of residents, the City Council may by resolution establish lighting districts in the City to provide for a uniform street light style within the district. The resolution must establish the boundaries of the district and may set out the style of street lights to be installed therein and such other requirements as the Council shall deem appropriate.
- (6) Restrictions on Accessory Structures. An accessory structure shall not:
 - (a) Be constructed on any lot prior to the time of construction of the principal building.
 - (b) Exceed the height of the principal building, except when on a farm and related to a farming operation.
 - (c) Be located within the required front setback area or within five feet of a lot line.
 - (d) Be located nearer to the front lot line than the principal building. This provision shall not apply to attached garages or to those lots which have the shoreline of the Mississippi River or Crooked Lake as the rear lot line.
 - (e)

An accessory structure larger than 200 square feet in floor area must have a permanent concrete slab under the entire structure. Accessory structures 200 square feet in floor area or less must include ground anchors per building code.

- (7) Donation Drop-Off Boxes. Donation drop-off boxes are allowed in all Commercial and Industrial Districts and at institutional uses in residential districts. Designated recycling collection centers, as determined by the Community Development Director, are exempt from these regulations.
- (a) The placement of donation drop-off boxes are subject to the following conditions:
- (i) Requires written approval of the property owner.
 - (ii) Must be placed against the building in the side and rear yards only.
 - (iii) Can not take up required parking or loading area and can not block sidewalks.
 - (iv) Can not be placed in a drive aisle or landscaped area.
 - (v) Can not be placed on vacant or undeveloped property.
 - (vi) Only one drop-off box per property.
 - (vii) Must be kept free of exterior materials, litter and graffiti.
 - (viii) Display ownership and contact information in a prominent location on the box; it must be visible and legible.
- (b) The boxes are subject to the following design standards
- (i) The drop box must be no larger than six feet wide, six feet deep and eight feet high.
 - (ii) The drop box must be constructed of painted metal or plastic, maintained in a safe and good condition, free from graffiti, rust, holes or other discoloration and firmly anchored to the ground.
 - (iii) All bins must be safely designed in a manner that prevents the tipping over and prevents individuals from entering the bin.
- (c) Violation of these regulations will be deemed a public nuisance and subject to an Administrative Citation pursuant to Section 2-1100.
- (8) Required Dumpster Enclosure Installation at Multi-family Buildings. Dumpsters at all apartments and multi-family buildings must be stored within an approved enclosure by June 1, 2014. The enclosure must be designed and constructed per the standards in Subsection 11-1205.4.

(Ord. No. 2209, 6-19-18)

11-1208 - Satellite Dish Antennas.

11- Permits and Exceptions. Unless preempted by federal law, no satellite dish antenna will be
 1208.1 erected unless a building permit is first obtained from the Building Department and it complies with the regulations of this Section.

11- Installation.

1208.2 (1) In all zoning districts, except for commercial, office and industrial satellite dish antennas larger than one meter must be placed in the rear yard. In commercial, office and industrial districts satellite dish antennas larger than two meters must be placed in the rear yard. The Community Development Director may permit building mounted satellite dish antennas as alternatives to ground mounted antennas if it can be demonstrated that a ground mounted location would result in obstruction of antenna reception window.

(2) Building mounted satellite dishes cannot exceed one meter, 39.37 inches, in diameter in a residential district. In commercial, office and industrial districts, any antenna which exceeds two meters (78.74 inches) in diameter shall be of open mesh (screen) design, must be painted to blend with the background and must not exceed the height of the roof by more than 12 feet and be setback an equal distance from the nearest roof edge.

(3) Satellite dish antennas must comply with the applicable accessory structure setbacks of the district in which it is located.

11- Commercial Use Antennas and Antenna Towers. Notwithstanding any provisions of this Code to
 1208.3 the contrary, all commercial use antennas and antenna towers shall comply with the zoning and regulatory requirements of Section 11-1400.

11-1209 - Adult Oriented Business.

11- No adult oriented business, as defined by Revised City Code-1982, Subsection 5-2202(1), can be
 1209.1 operated or maintained

(1) Except as specifically authorized by this Title 11.

(2) Except in accordance with Revised City Code-1982, Chapter 5-2200.

(3) Within 1,000 feet of: a public park; church; public or private educational facility serving persons under the age of 18 years; private or public junior high, middle, or elementary school; public or private high school; or day care facility.

11- The distances in this Section must be measured on a straight line from the nearest lot line of the
 1209.2 adult oriented business to the nearest lot line of any use listed in 11-1209(1).

11- No adult-oriented business can display or allow to be displayed on or from its premises actual or
 1209.3 representations of specified anatomical areas, as defined by Revised City Code-1982 subsection 5-2202(20), or specified sexual activities, as defined by Revised City Code-1982 subsection 5-

2202(21), so as to be viewable by either the general public, or a person under the age of 18 years.

Chapter 30 - COMMERCIAL DISTRICTS

30.00 - NEIGHBORHOOD BUSINESS (B-1)

30.01 - Intent.

The purpose of this district is to allow small commercial areas to serve principally residential neighborhoods. These areas are generally located along or at the intersection of collector streets and arterials with a minimum lot size of one (1) acre.

(Ord. No. 87-1016, added 4-2-1987; Ord. No. 20-2447, 7-20-2020)

30.02 - Permitted uses.

- (a) Grocery—Convenience store.
- (b) Beauty shop, barber shop.
- (c) Laundry, dry cleaning.
- (d) Business and professional offices as permitted in Section 30.32(a). (Ord. No. 97-1691, amended 1-8-1998)

(Ord. No. 20-2447, 7-20-2020)

30.03 - Accessory uses.

Signs as regulated in Section 34.07(b).

(Ord. No. 20-2447, 7-20-2020)

30.04 - Conditional uses.

- (a) Gasoline station without auto repair.
- (b) Specialty shops.
- (c) Day care centers—Commercial. (Ord. No. 89-1140, amended 5-18-1989)

(Ord. No. 20-2447, 7-20-2020)

30.05 - Standards.

- (a) Minimum lot area—One (1) acre.
- (b) Minimum frontage—One hundred fifty (150) feet.
- (c) Minimum depth—One hundred fifty (150) feet.

- (d) Front yard setback—Forty (40) feet.
- (e) Side yard setback—Ten (10) feet, corner lot—Forty (40) feet.
- (f) Rear yard setback—Thirty (30) feet.
- (g) Maximum building height shall not exceed two (2) stories or thirty (30) feet, whichever is less.
- (h) Parking and driveways may be constructed to within the following minimum setbacks of property line: (Ord. No. 85-898, amended 8-15-1985)
 - (1) Front yard/corner side yard 30 feet.
 - (2) Side yard 10 feet.
 - (3) Rear yard 10 feet.(Ord. No. 95-1553, amended 4-20-1995)

When a B-1 zoning district is located adjacent to any residentially zoned property, the side yard and rear yard parking/driveway setback shall be a minimum of twenty-five (25) feet.

- (i) Off-street loading—Refer to Section 33.15.

(Ord. No. 20-2447, 7-20-2020)

30.06 - Landscaping.

- (a) All open areas of any lot not used for parking, driveways, or storage shall be landscaped with trees, shrubs, berms, and planted ground covers.
- (b) It shall be the owners responsibility to see that the landscaping is maintained in an attractive and well maintained condition. The owner shall also replace any dead or damaged trees or shrubs with a similar species. Any dead or damaged sod shall also be replaced.
- (c) All vacant lots or portions of lots shall be maintained in an orderly manner, free of litter and junk.
- (d) All lots in this district shall provide a landscaped yard. This yard shall be kept clear of all structures, storage and off-street parking. Except for driveways, the yard shall extend along the entire boundaries of the site. This yard shall have a minimum width of not less than ten (10) feet.
- (e) For additional landscaping requirements, refer to Section 33.07.
- (f) Underground irrigation shall be required for all yards. Such irrigation shall extend to include public boulevards and into landscaped parking islands, except natural areas to be preserved.
(Ord. No. 89-1177, added 1-4-1990)

(Ord. No. 88-1075, amended 3-17-1988; Ord. No. 20-2447, 7-20-2020)

30.07 - Screening.

On a lot adjacent to a lot in a residential district, there shall be an opaque screen made up of trees and/or berms and a six foot high solid fence constructed of maintenance free materials. All screening within thirty (30) feet of any driveway or street intersection shall not be over thirty-six (36) inches in height above

the curb or center line of the street.

(Ord. No. 20-2447, 7-20-2020)

30.08 - Storage.

(a) Refuse facilities, except for individual containers for public use, shall be located in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.

(b) No outdoor storage of any materials is permitted except as provided for in Section 30.09. (Ord. No. 02-1948, amended 6-20-2002)

(Ord. No. 20-2447, 7-20-2020; Ord. No. 22-2494, 1-19-2022)

30.09 - Outside display.

(a) Outside display area is limited to a maximum of thirty percent (30%) of the width of a building frontage and is not to exceed a total of one hundred fifty (150) square feet of area. Building frontage is defined as the dimension or width of a store front occupied by the retailer establishing the outside display. For purposes of this ordinance a frontage must contain a public or customer entrance or exit and no space is allowed more than two (2) frontages.

(b) Outside display to be located immediately adjacent to and within the dimensions of the building frontage and shall not extend from the front building edge more than fifty (50) inches.

(c) Outside display shall not exceed a height of sixty (60) inches.

(d) Vending machines or cabinets for items such as beverages, ice and propane are exempt from the height and area restrictions provided they are limited to a maximum of three (3) machines or cabinets per frontage.

(e) Outside display shall not be located so as to block pedestrian walkways, doorways, parking stalls, drive aisles (including access for emergency services). Thirty-six (36) inches is the minimum width required to maintain pedestrian access.

(f) Outside display to be maintained in an orderly and attractive manner that does not detract from the image of the community or adjacent businesses.

(g) Outside display should be a representation of the products sold on site, not a storage area for inventory on pallets.

(h) Products shall be able to be sold from the display.

(Ord. No. 02-1948, added 6-20-2002; Ord. No. 20-2447, 7-20-2020)

30.091 - Architectural control.

- (a) At least fifty percent (50%) of all exterior wall finishes on any building shall be comprised of a combination of at least three (3) of the following materials with all materials present on each elevation.
- (1) Brick.
 - (2) Natural or cultured stone.
 - (3) Glass.
 - (4) Stucco or EIFS.
 - (5) Cementitious siding.
 - (6) Architectural metal.
 - (7) Integrally colored rock faced block.
- (b) The remaining portion of all exterior wall finishes shall be comprised of any combination of decorative, rock faced concrete block and textured concrete panels or other comparable or superior materials as approved by the zoning administrator. All materials subject to Zoning Administrator approval.
- (c) Buildings may be constructed of primarily one of the materials listed in subsection (a) if the design meets or exceeds the intent of the ordinance.
- (d) All buildings to incorporate four sided design.
- (e) Gasoline canopies support columns shall be constructed of masonry materials consistent with the principal building to a minimum height of 5 feet.

(Ord. No. 20-2447, 7-20-2020)

30.10 - COMMUNITY COMMERCIAL (B-2)

30.11 - Intent.

Intended to provide retailing and services of both a convenience and durable nature to shoppers, such as apparel, furniture, food, banking and financial services for a trade area of nearby residential neighborhoods.

(Ord. No. 20-2447, 7-20-2020)

30.12 - Permitted uses.

- (a) General retail, except when specifically listed elsewhere in the ordinance
- (b) Banks.

- (c) Restaurants.
- (d) Brew Pubs.
- (e) Personal services, including massage, hair salons, and similar businesses.
- (f) Dry cleaning and laundry.
- (g) Repair services, excluding repair of vehicles and small engines.
- (h) Business and professional offices, including medical offices.
- (i) Personalized instructional services, total floor area limited to 4,000 square feet without a conditional use permit.
- (j) Portrait or art studio.
- (k) Medical cannabis dispensary.

(Ord. No. 20-2447, 7-20-2020)

30.13 - Accessory uses.

Signs as regulated in Section 34.07(c).

(Ord. No. 20-2447, 7-20-2020)

30.14 - Conditional uses.

- (a) Animal hospitals.
- (b) Amusement and recreation.
- (c) Fitness center.
- (d) Gasoline station.
- (e) Minor auto repair.
- (f) Car wash.
- (g) Construction and contractor's offices.
- (h) Day care centers—Commercial. (Ord. No. 89-1140, amended 5-18-1989)
- (i) Educational uses not meeting the requirements of 30.12 (i). (j)
- (j) Small equipment rental; moving van rental and minor repair. Moving vans are limited to single rear axle vans and trucks up to thirty-three (33) feet in total overall length. Repair activities are limited to moving vans owned or leased by the equipment rental facility. (Ord. No. 95-1575, amended 9-21-1995)
- (k) Meeting/assembly halls.
- (l) Motels/hotels.
- (m) Open sales lot.

- (n) Private clubs.
- (o) Restaurants with live entertainment or outdoor dining. (Ord. No. 95-1573, amended 9-21-1995)
- (p) Theaters.
- (q) Vocation, technical, and trade schools.
- (r) Zero lot line splits with shared parking and/or access.
- (s) Off-Sale Liquor Stores. (Ord 86-928, amended 2-20-1986)
- (t) Two (2) or more buildings on same lot. (Ord. No. 88-1087, amended 6-16-1988)
- (u) Churches. (Ord. No. 91-1266, amended 10-3-1991)
- (v) Adult Uses-Principal. As defined and licensed under Article VI - Blaine Municipal Code. (Ord. No. 93-1320, amended 1-7-1993)
- (w) Domestic animal indoor kennel and training facilities. (Ord. No. 93-1479, amended 11-18-1993)
- (x) Major automobile repair for passenger vehicles. (Ord. No. 94-1534, amended 9-1-1994)
- (y) Funeral Homes. (Ord. No. 03-1983, added 6-26-2003; Ord. No. 03-1990, Amended 8-21-2003)
- (z) Vehicle Rental Agency with up to 15 vehicles on site. (Ord. No. 05-2063, added 10-20-2005; Ord No. 18-2407, amended 6-21-2018)
- (aa) Pawn shop. (Ord. No. 09-2179, added 2-19-2009)
- (bb) Indoor vehicle sales associated with and on the same property as major automobile repair. (Ord. No. 14-2295, added 10-16-2014; Ord. No. 20-2447, 7-20-2020)

30.15 - Standards.

- (a) Minimum lot size—One (1) acre.
- (b) Front yard setback—Fifty (50) feet. (Ord. No. 93-1491, amended 12-16-1993)
- (c) Side yard setback—Twenty (20) feet when adjacent to commercial or industrial districts; corner lot fifty (50) feet; when adjacent to residential districts—One hundred (100) feet. (Ord. No. 93-1491, amended 12-16-1993)
 - (1) A reduction in the required setback buffer may be requested by following the requirements of Section 33.20 , Buffer Yard Flexibility. (Ord. No. 86-937, amended 4-3-1986)
- (d) Rear yard setback—Twenty (20) feet when adjacent to commercial or industrial districts; when adjacent to residential districts—One hundred (100) feet.
- (e) In the event where front, side or rear setback requirements from a differing adjacent district fall within a public street or highway right-of-way, the minimum setback shall be twenty (20) feet from the property line but not less than the required setback from the adjacent differing district boundary.
- (f)

Maximum building height shall not exceed three (3) stories, or fifty (50) feet in height, whichever is less.

- (g) Parking and driveways may be constructed to within the following minimum setbacks of property line: (Ord 85-898, amended 8-15-1985)
- (1) Front yard/corner side yard 30 feet.
 - (2) Side yard 10 feet.
 - (3) Rear yard 10 feet.(Ord. No. 95-1553, amended 4-20-1995)

When a B-2 zoning district is located adjacent to any residentially zoned property, the side yard and rear yard parking/driveway setback shall be a minimum of twenty-five (25) feet.

- (h) Off-street loading—Refer to Section 33.15.
- (i) Major Automobile Repair Standards. (Ord. No. 94-1534, amended 9-1-1994)
- (1) No outside storage of vehicle that have exterior damage or are dismantled.
 - (2) No air quality or noise impact to adjacent properties shall be permitted.
 - (3) Additional screening as determined by the Zoning Administrator.
 - (4) A seventy-five-foot landscaped buffer between a major automobile repair facility and all residential zoning districts. (Ord. No. 94-1539, amended 11-17-1994; Ord. No. 20-2447, 7-20-2020)

30.16 - Landscaping.

- (a) All open areas of any lot not used for parking, driveways, or storage, shall be landscaped with trees, shrubs, berms, and planted ground covers.
- (b) It shall be the owners responsibility to see that the landscaping is maintained in an attractive and well maintained condition. The owner shall also replace any dead or damaged trees or shrubs with a similar species. Any dead or damaged sod shall also be replaced.
- (c) All vacant lots or portions of lots shall be maintained in an orderly manner, free of litter and junk.
- (d) All lots in this district shall provide a landscaped yard. This yard shall be kept clear of all structures, storage and off-street parking. Except for driveways, the yard shall extend along the entire boundaries of the site. This yard shall have a minimum width of not less than ten (10) feet.
- (e) For additional landscaping requirements, refer to Section 33.07.
- (f) Underground irrigation shall be required for all yards. Such irrigation shall extend to include public boulevards and into landscaped parking islands, except natural areas to be preserved. (Ord. No. 88-1075, amended 3-17-1988; Ord. No. 89-1177, added 1-4-1990; Ord. No. 20-2447, 7-20-2020)

30.17 - Screening.

On a lot adjacent to a lot in a residential district, there shall be an opaque screen made up of trees and/or berms and a six foot high solid fence made of maintenance free materials.

(Ord. No. 20-2447, 7-20-2020)

30.18 - Storage.

- (a) Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.
- (b) No outdoor storage of any materials is permitted except as provided for in Section 30.19. (Ord. No. 02-1948, amended 6-20-2002)
- (c) Employee service vehicles with a maximum of 10,000 GVW, associated with a commercial retail business that is specifically mentioned in this zoning district, may be parked outside under conditions as approved by the Zoning Administrator. Vehicles associated with a commercial retail business specifically mentioned in this zoning district greater than 10,000 GVW may be parked in a loading area with at least one overhead door approved by the Zoning Administrator and meeting the requirements of 33.14 of the Zoning Code. (Ord. No. 91-1267, amended 10-3-1991)

(Ord. No. 20-2447, 7-20-2020; Ord. No. 22-2494, 1-19-2022)

30.19 - Outside display.

Outside display in B-2 retail sites is allowed provided the following standards are met:

- (a) Outside display area is limited to a maximum of thirty percent (30%) of the width of a building frontage and is not to exceed a total of one hundred fifty (150) square feet of area for buildings under 40,000 square feet and not to exceed 400 square feet for buildings larger than 40,000 square feet. Building frontage is defined as the dimension or width of a store front occupied by the retailer establishing the outside display. For purposes of this ordinance a frontage must contain a public or customer entrance or exit and no space is allowed more than two (2) frontages.
- (b) Outside display to be located immediately adjacent to and within the dimensions of the building frontage and shall not extend from the front building edge more than fifty (50) inches.
- (c) Outside display shall not exceed a height of sixty (60) inches.
- (d)

Vending machines or cabinets for items such as beverages, ice and propane are exempt from the height and area restrictions provided they are limited to a maximum of three (3) machines or cabinets per frontage.

- (e) Outside display shall not be located so as to block pedestrian walkways, doorways, parking stalls, drive aisles (including access for emergency services). Thirty-six (36) inches is the minimum width required to maintain pedestrian access.
- (f) Outside display to be maintained in an orderly and attractive manner that does not detract from the image of the community or adjacent businesses.
- (g) Outside display should be a representation of the products sold on site, not a storage area for inventory on pallets.
- (h) Products shall be able to be sold from the display.

(Ord No. 02-1948, added 6-20-2002; Ord. No. 20-2447, 7-20-2020)

30.191 - Architectural control.

- (a) At least fifty percent (50%) of all exterior wall finishes on any building shall be comprised of a combination of at least three (3) of the following materials with all materials present on each elevation.
 - (1) Brick.
 - (2) Natural or cultured stone.
 - (3) Glass.
 - (4) Stucco or EIFS.
 - (5) Cementitious siding.
 - (6) Architectural metal.
 - (7) Integrally colored rock faced block.
- (b) The remaining portion of all exterior wall finishes shall be comprised of any combination of decorative, rock faced concrete block and textured concrete panels or other comparable or superior materials as approved by the zoning administrator. All materials subject to Zoning Administrator approval.
- (c) Buildings may be constructed of primarily one of the materials listed in subsection (a) if the design meets or exceeds the intent of the ordinance.
- (d) All buildings to incorporate four sided design.
- (e) Gasoline canopies support columns shall be constructed of masonry materials consistent with the principal building to a minimum height of 5 feet.

(Ord. No. 20-2447, 7-20-2020)

30.20 - REGIONAL COMMERCIAL (B-3)

30.21 - Intent.

Intended to provide retailing and services of both a convenience and durable nature to shoppers, such as apparel, furniture, food, banking and financial services for a regional trade area.

(Ord. No. 93-1491, amended 12-16-1993; Ord. No. 20-2447, 7-20-2020)

30.22 - Permitted uses.

- (a) General retail, except when specifically listed elsewhere in the ordinance.
- (b) Banks.
- (c) Restaurants.
- (d) Brew Pubs.
- (e) Personal services, including massage, hair salons, and similar businesses.
- (f) Dry cleaning and laundry.
- (g) Repair services, excluding repair of vehicles and small engines.
- (h) Business and professional offices, including medical offices.
 - (i) Personalized instructional services, total floor area limited to 4,000 square feet without a conditional use permit.
 - (j) Portrait or art studio.
 - (k) Medical cannabis dispensary.

(Ord. No. 84-850, amended 11-15-1984; Ord. No. 20-2447, 7-20-2020)

30.23 - Accessory uses.

Signs as regulated in Section 34.07(a).

(Ord. No. 93-1491, amended 12-16-1993; Ord. No. 20-2447, 7-20-2020)

30.24 - Conditional uses.

- (a) Animal hospitals.
- (b) Amusement and recreation.
- (c) Fitness center.
- (d) Vehicle sales lot, for passenger vehicles only subject to the following standards.

- (1) Minimum lots size shall be four (4) acres.
 - (2) Minimum building size shall be twenty five thousand (25,000) square feet.
 - (3) Site shall incorporate extensive berming along street frontages.
 - (4) Vehicle storage and display areas to have minimum twenty-five (25) foot setback from all interior property lines and forty (40) foot setback from any public right of way.
- (e) Gasoline station.
 - (f) Minor auto repair.
 - (g) Indoor vehicle sales.
 - (h) Boat sales and display areas.
 - (i) Bowling alleys.
 - (j) Car wash.
 - (k) Construction and contractor's offices.
 - (l) Dance Hall.
 - (m) Day care centers—Commercial. (Ord. No. 89-1140, amended 5-18-1989)
 - (n) Educational uses.
 - (o) Meeting/assembly halls.
 - (p) Manufactured home sales lots.
 - (q) Hotels.
 - (r) Private clubs.
 - (s) Recreational vehicle sales lots and showrooms.
 - (t) Restaurants with live entertainment or outdoor dining. (Ord. No. 95-1573, amended 9-21-1995)
 - (u) Skating rinks.
 - (v) Small equipment rental; moving van rental and minor repair. Moving vans are limited to single rear axle vans and trucks up to thirty-three (33) feet in total overall length. Repair activities are limited to moving vans owned or leased by the equipment rental facility. (Ord. No. 95-1575, amended 9-21-1995)
 - (w) Theaters.
 - (x) Vocational, technical, and trade schools.
 - (y) Zero lot line split with shared access and/or parking.
 - (z) Off-Sale Liquor Stores. (Ord No. 86-928, amended 2-20-1986)
 - (aa) Two (2) or more buildings on same lot. (Ord. No. 88-1087, amended 6-16-1988)
 - (bb) Churches. (Ord. No. 91-1266, amended 10-3-1991)
 - (cc)

Adult Uses—Principal. As defined and licensed under Article VI—Blaine Municipal Code. (Ord. No. 93-1320, amended 1-7-1993)

(dd) Domestic animal indoor kennel and training facilities. (Ord. No. 93-1479, amended 11-18-1993)

(ee) Major automobile repair for passenger vehicles. (Ord. No. 94-1534, amended 9-1-1994)

(ff) Funeral homes. (Ord. No. 03-1983, added 6-26-2003; Ord. No. 03-1990, amended 8-21-2003)

(gg) Vehicle Rental Agency with up to 15 vehicles on site. (Ord. No. 05-2063, added 10-20-2005; Ord. No. 18-2407, amended 6-21-2018)

(hh) Pawn shop. (Ord. No. 09-2179, added 2-19-2009)

(Ord. No. 20-2447, 7-20-2020)

30.25 - Standards.

(a) Minimum lot size—One (1) acre.

(b) Front yard setback—Fifty (50) feet.

(c) Side yard setback—Twenty (20) feet when adjacent to commercial or industrial districts.

(d) Rear yard setback—Twenty (20) feet when adjacent to commercial or industrial districts.

(e) In the event where front, side or rear setback requirements from a differing adjacent district fall within a public street or highway right-of-way, the minimum setback shall be twenty (20) feet from the property line but not less than the required setback from the adjacent differing district boundary.

(f) Buildings exceeding three (3) stories or fifty (50) feet in height, whichever is less, must obtain a conditional use permit. (Ord. No. 90-1235, amended 10-18-1990)

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

(1) Front yard/corner side yard 30 feet.

(2) Side yard 10 feet.

(3) Rear yard 10 feet. (Ord. No. 95-1553, amended 4-20-1995)

When a B-3 zoning district is located adjacent to any residentially zoned property, the side yard and rear yard parking/driveway setback shall be a minimum of twenty-five (25) feet.

(h) When a regional shopping center district is adjacent to any residential district, all building setbacks shall be one hundred (100) feet along any side adjacent to a residential district. (Ord. No. 85-898, amended 8-15-1985)

(1) A reduction in the required setback buffer may be requested by following the requirements of Section 33.20 , Buffer Yard Flexibility. (Ord. No. 86-937, amended 4-3-1986)

(i) Off-street loading—Refer to Section 33.14.

- (j) Major Automobile Repair Standards: (Ord. No. 94-1534, amended 9-1-1994)
- (1) No outside storage of vehicles that have exterior damage or are dismantled.
 - (2) No air quality or noise impact to adjacent properties shall be permitted.
 - (3) Additional screening as determined by the Zoning Administrator.
 - (4) A seventy-five-foot landscaped buffer between a major automobile repair facility and all residential zoning districts. (Ord. No. 94-1539, amended 11-17-1994)

(Ord. No. 20-2447, 7-20-2020)

30.26 - Landscaping.

- (a) All open areas of any lot not used for parking, driveways, or storage, shall be landscaped with trees, shrubs, berms, and planted ground covers.
- (b) It shall be the owners responsibility to see that the landscaping is maintained in an attractive and well maintained condition. The owner shall also replace any dead or damaged trees or shrubs with a similar species. Any dead or damaged sod shall also be replaced.
- (c) All vacant lots or portions of lots shall be maintained in an orderly manner, free of litter and junk.
- (d) For additional landscaping requirements, refer to Section 33.07.
- (e) Underground irrigation shall be required for all yards. Such irrigation shall extend to include public boulevards and into landscaped parking islands, except natural areas to be preserved.
(Ord. No. 89-1177, added 1-4-1990)

(Ord. No. 88-1075, amended 3-17-1988; Ord. No. 20-2447, 7-20-2020)

30.27 - Screening.

On a lot adjacent to a lot in a residential district, there shall be an opaque screen made up of trees and/or berms and a six foot high solid fence constructed of maintenance free materials.

(Ord. No. 20-2447, 7-20-2020)

30.28 - Storage.

- (a) Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.
- (b) No outdoor storage of any materials is permitted except as provided for in Section 30.29. (Ord. No. 02-1948, amended 6-20-2002)

- (c) Employee service vehicles with a maximum of 10,000 GVW, associated with a commercial retail business that is specifically mentioned in this zoning district, may be parked outside under conditions as approved by the Zoning Administrator. Vehicles associated with a commercial retail business specifically mentioned in this zoning district greater than 10,000 GVW may be parked in a loading area with an overhead door approved by the Zoning Administrator and meeting the requirements of 33.14 of the Zoning Code. (Ord. No. 91-1267, amended 10-3-1991)

(Ord. No. 20-2447, 7-20-2020; Ord. No. 22-2494, 1-19-2022)

30.29 - Outside display.

Outside display in B-3 retail sites is allowed provided the following standards are met:

- (a) Outside display area is limited to a maximum of thirty percent (30%) of the width of a building frontage and is not to exceed a total of one hundred fifty (150) square feet of area for buildings under 40,000 square feet and not to exceed 400 square feet for buildings over 40,000 square feet. Building frontage is defined as the dimension or width of a store front occupied by the retailer establishing the outside display. For purposes of this ordinance a frontage must contain a public or customer entrance or exit and no space is allowed more than two (2) frontages.
- (b) Outside display to be located immediately adjacent to and within the dimensions of the building frontage and shall not extend from the front building edge more than fifty (50) inches.
- (c) Outside display shall not exceed a height of sixty (60) inches.
- (d) Vending machines or cabinets for items such as beverages, ice and propane are exempt from the height and area restrictions provided they are limited to a maximum of three (3) machines or cabinets per frontage.
- (e) Outside display shall not be located so as to block pedestrian walkways, doorways, parking stalls, drive aisles (including access for emergency services). Thirty-six (36) inches is the minimum width required to maintain pedestrian access.
- (f) Outside display to be maintained in an orderly and attractive manner that does not detract from the image of the community or adjacent businesses.
- (g) Outside display should be a representation of the products sold on site, not a storage area for inventory on pallets.
- (h) Products shall be able to be sold from the display.

(Ord. No. 02-1948, added 6-20-2002; Ord. No. 20-2447, 7-20-2020)

30.291 - Architectural control.

- (a) At least fifty percent (50%) of all exterior wall finishes on any building shall be comprised of a combination of at least three (3) of the following materials with all materials present on each elevation.
 - (1) Brick.
 - (2) Natural or cultured stone.
 - (3) Glass.
 - (4) Stucco or EIFS.
 - (5) Cementitious siding.
 - (6) Architectural metal.
 - (7) Integrally colored rock faced block.
- (b) The remaining portion of all exterior wall finishes shall be comprised of any combination of decorative, rock faced concrete block and textured concrete panels or other comparable or superior materials as approved by the zoning administrator. All materials subject to Zoning Administrator approval.
- (c) Buildings may be constructed of primarily one of the materials listed in subsection (a) if the design meets or exceeds the intent of the ordinance.
- (d) All buildings to incorporate four sided design.
- (e) Gasoline canopies support columns shall be constructed of masonry materials consistent with the principal building to a minimum height of 5 feet.

(Ord. No. 20-2447, 7-20-2020)

30.30 - OFFICE PARK (B-4)

30.31 - Intent.

The intent of this district is to encourage contemporary, professional and research offices in a park like setting for both individually developed lots or planned parks within the district. This district serves to provide for professional services to immediate residential neighborhoods and the City as well.

(Ord. No. 97-1680, amended 10-16-1997; Ord. No. 20-2447, 7-20-2020)

30.32 - Permitted uses.

- (a) Business and professional offices, including medical offices.
- (b)

Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto, provided that these uses are not explicitly mentioned as permitted or conditional uses elsewhere in this ordinance.

(Ord. No. 97-1680, amended 10-16-1997; Ord. No. 20-2447, 7-20-2020)

30.33 - Accessory uses.

Signs as regulated in Section 34.07.

(Ord. No. 97-1680, amended 10-16-1997; Ord. No. 20-2447, 7-20-2020)

30.34 - Conditional uses.

- (a) Restaurants meeting standards of [Section] 30.355.
- (b) Zero lot line split, with shared access and/or shared parking.
- (c) Daycare—Commercial. (Ord. No. 91-1252, amended 6-20-1991)
- (d) Banks and financial institutions.
- (e) Churches.
- (f) General retail and service uses. (Ord. No. 98-1729, amended 6-25-1998)
- (g) Funeral homes. (Ord. No. 98-1729, amended 6-25-1998)
- (h) Animal clinics. (Ord. No. 98-1729, amended 6-25-1998)

(Ord. No. 97-1680, amended 10-16-1997; Ord. No. 20-2447, 7-20-2020)

30.35 - Standards.

- (a) Minimum lot size—One (1) acre.
- (b) Front yard setback—Fifty (50) feet.
- (c) Side yard setback—Twenty (20) feet when adjacent to commercial or industrial districts; corner lot—One hundred (100) feet.
- (d) Rear yard setback—Twenty (20) feet when adjacent to commercial or industrial districts.
- (e) In the event where front, side or rear setback requirements from a differing adjacent district fall within a public street or highway right-of-way, the minimum setback shall be twenty (20) feet from the property line but not less than the required setback from the adjacent differing district boundary.
- (f) Maximum building height shall not exceed two and one-half (2½) stories, or thirty-six (36) feet in height, whichever is less. Buildings exceeding three (3) stories or fifty (50) feet in height, whichever is less, must obtain a conditional use permit. (Amended 11-1-90. Ord. No. 90-1235)
- (g) Parking and driveways may be constructed to within the following minimum setbacks of property line. (Ord. No. 85-898, amended 8-15-1985)

- (1) Front yard/corner side yard 30 feet.
- (2) Side yard 10 feet.
- (3) Rear yard 20 feet.

For additional parking requirements—Refer to Section 33.14.

When a B-4 zoning district is located adjacent to any residentially zoned property, the side yard and rear yard parking/driveway setback shall be a minimum of twenty-five (25) feet.

(h) When an office park district is adjacent to any residential district, all building setbacks shall be one hundred (100) feet along any side adjacent to a residential district. (Ord. No. 85-898, amended 8-15-2985)

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

(i) Off-street loading—Refer to Section 33.15.

(Ord. No. 97-1680, amended 10-16-1997; Ord. No. 20-2447, 7-20-2020)

30.355 - Standards for restaurants.

- (a) Freestanding restaurants shall have a minimum first floor building square of six thousand (6,000) square feet.
- (b) Drive-up window or separate take-out facilities not permitted.
- (c) No live entertainment permitted.
- (d) Outdoor dining permitted as part of a Conditional Use Permit.
- (e) Restaurants are permitted in a multi-tenant building if the multi-tenant building contains a minimum first floor area of not less than six thousand (6,000) square feet.

(Ord. No. 98-1729, amended 6-25-1998; Ord. No. 20-2447, 7-20-2020)

30.36 - Landscaping.

- (a) All open areas of any lot not used for parking, driveways, or storage shall be landscaped with trees, shrubs, berms, and planted ground covers.
- (b) It shall be the owners responsibility to see that the landscaping is maintained in an attractive and well maintained condition. The owner shall also replace any dead or damaged trees or shrubs with a similar species. Any dead or damaged sod shall also be replaced.
- (c) All vacant lots or portions of lots shall be maintained in an orderly manner, free of litter and junk.
- (d) For additional landscaping requirements, refer to Section 33.07.
- (e)

Underground irrigation shall be required for all yards. Such irrigation shall extend to include public boulevards and into landscaped parking islands, except natural areas to be preserved. (Ord. No. 89-1177, added 1-4-1990)

(Ord. No. 88-1075, amended 3-17-1988; Ord. No. 20-2447, 7-20-2020)

30.37 - Screening.

On a lot adjacent to a lot in a residential district, there shall be an opaque screen made up of trees and/or berms and a six foot high solid fence constructed of maintenance free materials.

(Ord. No. 20-2447, 7-20-2020)

30.38 - Storage.

(a) Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.

(b) No outdoor storage of any materials is permitted.

(Ord. No. 20-2447, 7-20-2020; Ord. No. 22-2494, 1-19-2022)

30.39 - Architectural control.

(a) At least fifty percent (50%) of all exterior wall finishes on any building shall be comprised of a combination of at least three (3) of the following materials with all materials present on each elevation.

(1) Brick.

(2) Natural or cultured stone.

(3) Glass.

(4) Stucco or EIFS.

(5) Cementitious siding.

(6) Architectural metal.

(7) Integrally colored rock faced block.

(b) The remaining portion of all exterior wall finishes shall be comprised of any combination of decorative, rock faced concrete block and textured concrete panels or other comparable or superior materials as approved by the zoning administrator. All materials subject to Zoning Administrator approval.

- (c) Buildings may be constructed of primarily one of the materials listed in subsection (a) if the design meets or exceeds the intent of the ordinance.
- (d) All buildings to incorporate four sided design.
- (e) Gasoline canopies support columns shall be constructed of masonry materials consistent with the principal building to a minimum height of 5 feet.

(Ord. No. 20-2447, 7-20-2020)

30.40 - REGIONAL RECREATION (RR)

30.41 - Intent.

The Regional Recreation district is intended for a public recreation facility that provides facilities for a regional clientele.

(Ord. No. 20-2447, 7-20-2020)

30.42 - Conditional uses.

- (a) Indoor/outdoor public recreation of regional clientele, and maintenance facilities necessary for the operation thereof.
- (b) Fitness center.
- (c) Public assembly, exhibition and conference center.
- (d) Sports medicine clinic.
- (e) Educational uses. (Ord. No. 17-2376, added 4-6-2017)
- (f) Building taller than 50 feet in total height. (Ord. No. 18-2414, added 10-18-2018)
- (g) Sports dome with membrane supported roof not meeting architectural standards of Zoning Section 30.57. (Ord. No. 18-2414, added 10-18-2018)
- (h) Restaurant.
- (i) Dormitory.
- (j) Outdoor storage accessory to operation of a maintenance facility for a public recreation facility and located in rear yards.

(Ord. No. 20-2447, 7-20-2020; Ord. No. 21-2476, 8-2-2021)

30.43 - Standards.

- (a) Minimum area to be zoned RR—Eighty (80) acres.
- (b) Minimum lot size—Five (5) acres with City water and sewer services.

- (c) Minimum lot width—Two hundred (200) feet.
- (d) Minimum building size—Five thousand (5,000) square feet.
- (e) Front yard building setback—Forty (40) feet.
- (f) Corner side yard building setback—Forty (40) feet.
- (g) Side yard building setback—Fifteen (15) feet.
- (h) Rear yard building setback—Twenty (20) feet.
- (i) All buildings shall be sprinkled and contain other fire and life safety standards denoted in N.F.P.A. 101 and subject to Metropolitan Airport Commission regulations. (Ord. No. 18-2414 , amended 10-18-2018)
- (j) Parking and driveways may be constructed to within the following minimum setbacks of property line:
 - (1) Front yard/corner side yard 25 feet.
 - (2) Side yard 10 feet.
 - (3) Rear yard 10 feet.

If rear yard or side yard parking setback is adjacent to a collector/arterial street as designated in the City's Transportation Plan, the parking setback shall be twenty-five (25) feet. Such setback shall be fifty percent (50%) opaquely screened with berms, shrubs, trees, fence, or a combination thereof.

(Ord. No. 20-2447, 7-20-2020)

30.44 - Landscaping.

- (a) All landscaping requirements shall meet the provisions of Section 33.07, including the following:
 - (1) Underground irrigation shall be required for all front yards and corner side yards. Such irrigation shall extend to include public boulevard and into general parking islands, except natural areas to be preserved.
 - (2) Traffic safety islands and/or general parking islands where deemed appropriate shall be landscaped.
 - (3) Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within twelve (12) months after planting.

(Ord. No. 20-2447, 7-20-2020)

30.45 - Storage refuse facilities.

- (a) Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.
- (b) No outdoor storage of any materials is permitted, except for outdoor storage approved by a conditional use permit in 30.42 (j).

(Ord. No. 20-2447, 7-20-2020; Ord. No. 21-2476, 8-2-2021; Ord. No. 22-2494, 1-19-2022)

30.46 - Architectural control.

- (a) All buildings erected shall be a type of construction as defined in the Minnesota Building Code, except Type V.
- (b) Any building shall be constructed so that all exterior sides shall be surfaced equivalent to the front building elevation as determined by the Zoning Administrator.
- (c) Exterior wall surfaces of all buildings shall be primarily faced with brick, stone, precast panel, cast-in-place panel, architectural concrete in combination with glass or other permitted materials.

Based on building size, height, location and/or special use, the Zoning Administrator may approve the use of modern metal paneling materials or its equivalent for exterior wall surfaces provided such materials are used in conjunction with other materials listed above. Use of modern metal paneling materials or its equivalent shall not exceed seventy percent (70%) of the cumulative area of all building walls. Modern metal paneling shall be used primarily on the rear wall and secondarily on the side and/or front wall.

- (d) The building design should exhibit architectural control which seeks to be creative and maximize building lines, shades, and angles to maximize architectural uniqueness.

In addition, the City is desirous of such building design which will enhance energy conservation and attempt to use active or passive solar design.

- (e) All building design and exterior wall surface materials shall be reviewed and approved by the Zoning Administrator.

(Ord. No. 20-2447, 7-20-2020)

30.50 - PLANNED BUSINESS DISTRICT (PBD)

30.51 - Intent.

It is the intent of the Planned Business District to accomplish the following:

- (a) To promote a planned environment for integrated industrial, office, commercial and multi-floor residential uses which feature design continuity. A development shall reflect a common theme using compatible architectural design and consistency in signage, landscaping, and lighting.
- (b) To encourage orderly development of property through conditional uses, since proposed uses may be traditionally considered incompatible or may present special problems in an environment of mixed uses.
- (c) To provide opportunity for greater flexibility in arranging land uses according to relative compatibility, convenience, and community needs.
- (d) To encourage patterns of development in harmony with the objectives of the City's Comprehensive Plan.
- (e) To encourage more attractive and enduring business neighborhoods.
- (f) To encourage development compatible with the environmental values of the area and to preserve natural vegetation, wetlands, natural topography, and other such features of the District.
- (g) To accommodate uses requiring access to major highways.
- (h) To provide a uniform set of standards to be applied equally to all owners and developers in this District.

(Ord. No. 20-2447, 7-20-2020)

30.52 - Land uses.

Uses Allowed By Conditional Use Permit (CUP). Land Uses may include industrial, office, commercial, and multi-floor residential developments as specifically indicated below. All land uses not specified below are prohibited. All land uses shall be reviewed and approved pursuant to the Conditional Use Permit procedures in Section 27.04 of this Ordinance.

The proposed land uses, their mix, lot sizes, and location must be compatible and complementary both internally and with adjacent land uses. The proposed land uses must not create any internal and/or external traffic congestion or traffic flow problems.

- (a) General retail,
 - (a) Retail except when specifically listed elsewhere in the ordinance.
 - (b) Personal services, including massage, hair salons, and similar businesses.
 - (c) Dry cleaning and laundry.
 - (d) Repair services, excluding repair of vehicles and small engines.
 - (e) Business and professional offices, excluding medical offices.

- (f) Non-classroom personalized instructional services.
- (g) Portrait or art studio.
- (h) Medical cannabis dispensary.
- (b) Restaurants, with or without live entertainment or outdoor dining,
- (c) Brew Pubs.
- (d) Medical offices.
- (e) Bank.
- (f) Hotel.
- (g) Trade and convention center.
- (h) Fitness center.
- (i) Gasoline station, with or without passenger vehicle auto lube/oil change service or automated car wash.
- (j) Manufacturing.
- (k) Multifamily residential.
- (l) Research and development laboratories.
- (m) Churches.
- (n) Commercial childcare.
- (o) Theaters.
- (p) Indoor amusement and recreation.
- (q) Corporate office/distribution/warehouse (requires a combination of office space or manufacturing space consisting of not less than twenty-five percent (25%) of gross building area either attached to or as part of a larger office manufacturing campus, operated by the same facility). (Ord. No. 03-1994, added 9-18-2003)
- (r) Post secondary education.
- (s) Brewer tap room as defined by Section 6-33 [of the Blaine Code] associated with and on the same site as a licensed brewery. (Ord. No. 15-2334, added 12-17-2015)
- (t) Motorcycle sales and maintenance.
- (u) Zero lot line splits with shared access and/or shared parking.
- (v) Ground mounted solar as an accessory use.

(Ord. No. 20-2447, 7-20-2020)

30.53 - Development procedure.

- (a) Prior to applying for a conditional use permit for development within the PBD zone, the developer shall meet with the Zoning Administrator, or their designee, to review the applicable ordinances, regulations and plans that will affect the area to be developed.
- (b) The developer shall present a concept plan or site plan to the zoning administrator. The zoning administrator shall review the concept design and recommend changes as needed to comply with performance standards and the standards of 27.04.
- (c) Upon staff approval of the concept design a formal application may be made for a conditional use permit. The conditional use permit shall be considered as outlined under section 27.04 of this ordinance.
- (d) Prior to approval of building permits, the zoning administrator shall find that all standards listed in the conditional use permit have been satisfied in the site plan and building permit applications.
- (e) The conditional use permit shall outline all allowed uses within the development, including square footages allotted to each use. A conditional use permit amendment shall be required for any deviation.

(Ord. No. 20-2447, 7-20-2020)

30.54 - Standards.

- (a) *Building Setbacks (minimum).*
 - (1) Front Yard—Fifty (50) feet, or one-half (½) the total building height whichever is greater.
 - (2) Side Yard—Fifteen (15) feet, or one-half (½) the total building height, whichever is greater.
 - (3) Rear Yard—Twenty (20) feet, or one-half (½) the total building height, whichever is greater.
 - (4) All setbacks shall be determined from the planned Right-of-Way (ROW), as designated in the City, County or State Transportation Plan, and normally defined in the subdivision regulations.
- (b) *Parking Lot Setbacks (minimum).*
 - (1) Front Yard—Thirty (30) feet. (Ord No. 02-1955, amended 9-5-2002)
 - (2) Side Yard—Fifteen(15) feet. (Ord. No. 04-2005, amended 1-22-2004)
 - (3) Rear Yard—Twenty (20) feet.
 - (4) All setbacks shall be determined from the planned Right-of-Way (ROW), as designated in the City, County or State Transportation Plan, and normally defined in the subdivision regulations.
- (c) *Building Sizes (minimum).*
 - (1) Industrial—Twelve thousand (12,000) square feet.
 - (2) Freestanding Commercial—Five thousand (5,000) square feet with the exception of freestanding restaurants which shall have a minimum building size of four thousand (4,000) square feet. (Ord. No. 01-1896, Amended 3-15-2001; Ord. No. 02-1955, amended 9-5-2002)

- (d) *Building Height.* There shall be no height limitations, provided all buildings are in compliance with Metropolitan Airport Commission regulations.
- (e) *Building Exteriors.*
- (1) At least fifty percent (50%) of all exterior wall finishes on any building shall be comprised of a combination of at least three (3) of the following materials with all materials present on each elevation.
 - (aa) Brick.
 - (bb) Natural or cultured stone.
 - (cc) Glass.
 - (dd) Stucco or EIFS.
 - (ee) Cementitious siding.
 - (ff) Architectural metal.
 - (gg) Integrally colored rock faced block.
 - (2) The remaining portion of all exterior wall finishes shall be comprised of any combination of decorative, rock faced concrete block and textured concrete panels or other comparable or superior materials as approved by the zoning administrator. All materials subject to Zoning Administrator approval.
 - (3) Buildings may be constructed of primarily one of the materials listed in subsection (a) if the design meets or exceeds the intent of the ordinance.
 - (4) All buildings to incorporate four sided design.
 - (5) Gasoline canopies support columns shall be constructed of masonry materials consistent with the principal building to a minimum height of 5 feet.

Under no circumstances shall sheet aluminum, corrugated aluminum, asbestos, iron, plain or painted plain concrete block be deemed acceptable as major exterior wall materials on buildings within the City.

- (f) *Landscaping.* In addition to the provisions of Section 33.07 of the Ordinance, the following requirements shall be met:
- (1) Underground irrigation shall be required.
 - (2) Traffic safety islands and/or general parking islands, were deemed appropriate by the Zoning Administrator, shall be landscaped and irrigated. At least five percent (5%) of the surface area of land within a parking area shall be landscaped.
 - (3) On any given site there shall be at least three (3) different shrub species.
- (g) *Open Space.* The minimum area of permeable surface shall be thirty percent (30%) of the total project area. The Zoning Administrator may approve a modification to the requirement provided additional architectural or landscape enhancements are provided.

- (h) *Loading Spaces/Overhead Doors.* Loading spaces/overhead doors shall be located primarily in designated rear yards and secondarily in designated side yards. Overhead doors will be permitted in front yards under unusual circumstances, as approved by the Zoning Administrator.
- (1) Loading spaces and overhead doors should be designed to be compatible with the principal building. Architectural techniques should be employed to reduce visual impacts from adjacent properties and roadways.
 - (2) Loading spaces and overhead doors should be designed to be compatible with the principal building. Architectural techniques should be employed to reduce visual impacts from adjacent properties and roadways.
 - (3) Overhead doors limited to not more than one door per six-thousand (6,000) square feet of floor area.
 - (4) Outside storage of trucks or semi trailers is limited to not more than the number of dock or overhead doors. (Ord. No. 03-1994, added 9-18-2003)
- (i) *Refuse Enclosures.* Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.
- (j) *Lighting.* A lighting plan shall be submitted depicting type and design, layout of fixtures, and the illumination pattern. The design shall preclude any off-site glare.

(Ord. No. 20-2447, 7-20-2020; Ord. No. 22-2494, 1-19-2022)

30.60 - PLANNED BUSINESS DISTRICT—AIRPORT (PBD-A)

30.61 - Land uses.

All uses allowed in this district require a Conditional Use Permit (CUP) from the City.

Land Uses may include industrial, office and retail developments as specifically indicated below. All land uses not specified below are prohibited. All land uses shall be reviewed and approved pursuant to the Conditional Use Permit procedures ([Zoning Section 27.04](#)).

The proposed land uses, their mix, lot sizes, and location must be compatible and complementary both internally and with adjacent land uses. The proposed land uses must not create any internal and/or external traffic congestion or traffic flow problems.

This zoning category applies to only two (2) separate locations located entirely on the MAC property generally described as the MAC South site (NW corner of 93rd Lane Extension and 85th Avenue) and the MAC North site (SW corner of 105th Avenue and Radisson Road).

The MAC South Site and MAC North Site are allowed the following uses:

- (a) Offices—Business, medical, professional and governmental.
- (b) Research and development laboratories.
- (c) Hotels and motels.
- (d) Financial institution with drive thru.
- (e) Restaurants (Class I) without drive thru.
- (f) Outdoor dining associated with Class I restaurant.
- (g) Athletic clubs.
- (h) Manufacturing with warehouse limited to not more than fifty percent (50%).
- (i) Freestanding car wash.
- (j) Automotive accessory stores including minor auto repair.
- (k) Vet clinic.
- (l) Garden centers.

(Ord. No. 20-2447, 7-20-2020)

30.62 - Standards.

(a) *Building Setbacks (minimum).*

- (1) Front Yard—Fifty (50) feet, or one-half (½) the total building height, whichever is greater.
- (2) Side Yard—Fifteen (15) feet, or one-half (½) the total building height, whichever is greater.
- (3) Rear Yard—Twenty (20) feet, or one-half (½) the total building height, whichever is greater.
- (4) Minimum building setback from existing residential districts is fifty (50) feet. Additional setback from residential may be required in the CUP review process.
- (5) All setbacks shall be determined from the planned Right-of-Way (ROW), as designated in the City, County or State Transportation Plan, and normally defined in the subdivision regulations.

(b) *Parking Lot Setbacks (minimum).*

- (1) Front Yard—Thirty (30) feet.
- (2) Side Yard—Fifteen (15) feet.
- (3) Rear Yard—Twenty (20) feet.
- (4) Minimum parking and driveway setback from existing residential districts is fifty (50) feet. Additional setback from residential may be required in the CUP review process.

- (5) All setbacks shall be determined from the planned Right-of-Way (ROW), as designated in the City, County or State Transportation Plan, and normally defined in the subdivision regulations.
- (c) *Building Sizes (minimum).*
- (1) Industrial—Twelve thousand (12,000) square feet.
 - (2) Freestanding Commercial—Five thousand (5,000) square feet with the exception of freestanding restaurants which shall have a minimum building size of four thousand (4,000) square feet.
- (d) *Building Height.* There shall be no height limitations, provided all buildings are in compliance with Metropolitan Airport Commission regulations.
- (e) *Building Exteriors.*
- (1) At least fifty percent (50%) of all exterior wall finishes on any building shall be comprised of a combination of at least three (3) of the following materials with all materials present on each elevation.
 - (aa) Brick.
 - (bb) Natural or cultured stone.
 - (cc) Glass.
 - (dd) Stucco or EIFS.
 - (ee) Cementitious siding.
 - (ff) Architectural metal.
 - (gg) Integrally colored rock faced block.
 - (2) The remaining portion of all exterior wall finishes shall be comprised of any combination of decorative, rock faced concrete block and textured concrete panels or other comparable or superior materials as approved by the zoning administrator. All materials subject to Zoning Administrator approval.
 - (3) Buildings may be constructed of primarily one of the materials listed in subsection (a) if the design meets or exceeds the intent of the ordinance.
 - (4) All buildings to incorporate four sided design.
 - (5) Gasoline canopies support columns shall be constructed of masonry materials consistent with the principal building to a minimum height of 5 feet.
- (f) *Landscaping.* In addition to the provisions of Section 33.07 of the Ordinance, the following requirements shall be met:
- (1) Underground irrigation shall be required for all yards.
 - (2)

Traffic safety islands and/or general parking islands, were deemed appropriate by the Zoning Administrator, shall be landscaped and irrigated. At least five percent (5%) of the surface area of land within a parking area shall be landscaped.

(3) On any given site there shall be at least three (3) different shrub species.

(g) *Open Space*. The minimum area of permeable surface shall be thirty percent (30%) of the total project area. The Zoning Administrator may approve a modification to the requirement provided additional architectural or landscape enhancements are provided.

(h) *Loading Spaces/Overhead Doors*. Loading spaces/overhead doors shall be located primarily in designated rear yards and secondarily in designated side yards. Overhead doors will be permitted in front yards under unusual circumstances, as approved by the Zoning Administrator.

(1) Loading spaces and overhead doors should be designed to be compatible with the principal building. Architectural techniques should be employed to reduce visual impacts from adjacent properties and roadways.

(2) Loading spaces and overhead doors should be designed to be compatible with the principal building. Architectural techniques should be employed to reduce visual impacts from adjacent properties and roadways.

(3) Overhead doors limited to not more than one door per six thousand (6,000) square feet of floor area.

(4) Outside storage of trucks or semi trailers is limited to not more than the number of dock or overhead doors.

(i) *Refuse Enclosures*. Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.

(j) Business signage as permitted and regulated by Zoning Sections 34.07(a)(1) and (2).

(Ord. No. 15-2322, added 9-17-2015; Ord. No. 20-2447, 7-20-2020; Ord. No. 22-2494, 1-19-2022)

30.70 - PLANNED OFFICE DISTRICT (POD)

30.71 - Intent.

It is the intent of the Planned Office District (POD) to accomplish the following:

(a)

To promote a planned environment for integrated business, office and manufacturing uses which feature design continuity. POD development shall reflect a common theme using compatible architectural design and consistency in signage, landscaping, and lighting.

- (b) To encourage orderly development of property through conditional uses, since proposed uses may be traditionally considered incompatible or may present special problems in an environment of mixed uses.
- (c) To provide opportunity for greater flexibility in arranging land uses according to relative compatibility, convenience, and community needs.
- (d) To encourage patterns of development that result in high quality, high value, physical development and employment generation consistent with the objectives of the City's Comprehensive Plan.
- (e) To encourage more attractive and enduring business parks or corporate office campuses.
- (f) To encourage development compatible with the environmental values of the area and to preserve natural vegetation, wetlands, natural topography, and other such features of the District.
- (g) To accommodate large scale uses requiring access to major roadways such as Lexington Avenue, 109th Avenue and 35W.
- (h) To provide a uniform set of standards to be applied equally to all owners and developers in this District.

(Ord. No. 07-2133, added 6-21-2007; Ord. No. 20-2447, 7-20-2020)

30.72 - Land uses.

Uses Allowed By Conditional Use Permit (CUP). Land Uses may include office, manufacturing and specific service use developments as specifically indicated below. All land uses not specified below are prohibited. All land uses shall be reviewed and approved pursuant to the Conditional Use Permit procedures in Section 27.04 of this Ordinance. The POD zoning classification is intended to be a companion to the PI (Planned Industrial) Land Use designation.

The proposed land uses, their mix, lot sizes, and location must be compatible and complementary both internally and with adjacent land uses. The proposed land uses must not create any internal and/or external traffic congestion or traffic flow problems. Existing business of industrial uses that were legal conforming uses as of the day of this ordinance adoption shall continue to be considered legal conforming uses under the provisions of this ordinance.

- (a) Offices—Business and professional.
- (b) Research and development laboratories.
- (c) Financial institutions.

- (d) Medical office/clinic.
- (e) Trade and convention centers.
- (f) Zero lot line and multi-building developments.
- (g) Manufacturing.
- (h) Distribution and warehousing of products limited to not more than thirty-three percent (33%) of total floor area.
- (i) Coffee shops, restaurants, day cares, and other service/retail uses accessory to a principal use and located within an office building.
- (j) Athletic clubs.
- (k) Full service or Business class hotel consisting of a minimum of four (4) floors, multiple meeting rooms, business data center, in-room desks, indoor pool and fitness area.

(Ord. No. 07-2133, added 6-21-2007; Ord. No. 20-2447, 7-20-2020)

30.73 - Development procedure.

- (a) Prior to applying for a conditional use permit for development within the PBD zone, the developer shall meet with the Zoning Administrator, or their designee, to review the applicable ordinances, regulations and plans that will affect the area to be rezoned.
- (b) The developer shall present a concept plan or site plan to the zoning administrator. The zoning administrator shall review the concept design and recommend changes to comply with performance standards and section 27.04.
- (c) Upon staff approval of the concept design a formal application may be made for a conditional use permit. The conditional use permit shall be considered as outlined under section 27.04 of this ordinance.
- (d) Prior to approval of building permits, the zoning administrator shall find that all standards listed in the conditional use permit have been satisfied in the site plan and building permit applications.
- (e) The conditional use permit shall outline all allowed uses within the development, including square footages allotted to each use. A conditional use permit amendment shall be required for any deviation.

(Ord. No. 20-2447, 7-20-2020)

30.74 - Standards.

- (a) *Building Setbacks (minimum).*
 - (1) Front Yard—Forty (40) feet.
 - (2) Side Yard—Fifteen (15) feet.
 - (3)

Rear Yard—Twenty (20) feet.

- (4) The minimum setback from a County Road or arterial roadway shall be fifty (50) feet.
- (5) All setbacks shall be determined from the planned Right-of-Way (ROW), as designated in the City, County or State Transportation Plan, and normally defined in the subdivision regulations.

(b) *Parking Lot Setbacks (minimum).*

- (1) Front Yard—Twenty-five (25) feet.
- (2) Side Yard—Ten (10) feet.
- (3) Rear Yard—Fifteen (15) feet.
- (4) The minimum setback from a County Road or arterial roadway shall be fifty (50) feet.
- (5) All setbacks shall be determined from the planned Right-of-Way (ROW), as designated in the City, County or State Transportation Plan, and normally defined in the subdivision regulations.

(c) *Building Sizes (minimum).*

- (1) Forty Thousand (40,000) square feet for professional, medical or corporate office use.
- (2) Fifty thousand (50,000) square feet for mixed use buildings containing manufacturing, product distribution or product warehousing. Mixed use buildings to contain a minimum office use component of at least fifty percent (50%) of the gross building area.

(d) *Building Height.* There shall be no height limitations, provided all buildings are in compliance with Metropolitan Airport Commission regulations. Multi-floor buildings are encouraged.

(e) *Building Exteriors.* Major exterior surfaces of all walls shall be face brick, stone, glass, stucco, architecturally treated concrete cast in place or pre-cast panels, decorative block, wood, or architectural metal, or approved equivalent, as determined by the City. Wood and metal may be used, provided that they are appropriately integrated into the overall building design and not placed in areas, which may be subject to damage associated with heavy use.

Under no circumstances shall sheet aluminum, corrugated aluminum, asbestos, iron, plain or painted plain concrete block be deemed acceptable as major exterior wall materials on buildings within this district.

(f) *Landscaping.* In addition to the provisions of Section 33.07 of the Ordinance, the following requirements shall be met:

- (1) Underground irrigation shall be required for all yards.
- (2) Traffic safety islands and/or general parking islands, were required as part of plan approval, shall be landscaped and irrigated. At least five percent (5%) of the surface area of land within a parking area shall be landscaped.
- (3) Applicable landscaping requirements set forth in Section 33.08 shall be increased by 1.5 times, which shall include at least twenty-five percent (33%) of the number of ornamental, conifer and overstory trees exceeding minimum size requirements in the front yard or in

areas within view of the public right-of-way.

(g) *Loading Spaces/Overhead Doors:*

- (1) Loading spaces and overhead doors should be designed to be compatible with the principal building. Architectural techniques should be employed to reduce visual impacts from adjacent properties and roadways.
- (2) Loading spaces/overhead doors shall be located primarily in designated rear yards and secondarily in designated side yards.
- (3) Overhead doors limited to not more than one (1) door per twenty thousand (20,000) square feet of building area with the exception that all buildings are allowed a minimum of three (3) overhead doors and all City approved multi-tenant spaces are allowed a minimum of two (2) overhead doors.
- (4) Outside storage of trucks or semi trailers is limited to not more than the number of dock or overhead doors. All truck storage areas to be one hundred percent (100%) screened by a combination of earth berms, architectural elements such as fencing or building extensions and landscaping.

(h) *Refuse Enclosures.* Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.

(Ord. No. 20-2447, 7-20-2020; Ord. No. 22-2494, 1-19-2022)

30.80 - TOWN COMMERCIAL (B-5)

30.81 - Intent.

It is the intent of this district to accomplish the following:

- (a) To promote a planned environment for integrated commercial uses which feature design continuity. A development shall reflect a common theme using compatible architectural design and consistency in signage, landscaping, and lighting.
- (b) To encourage orderly development of property.
- (c) To provide opportunity for greater flexibility in arranging land uses according to relative compatibility, convenience, and community needs.
- (d) To encourage patterns of development in harmony with the objectives of the City's Comprehensive Plan.

- (e) To encourage more attractive and enduring business neighborhoods.
- (f) To encourage development compatible with the environmental values of the area and to preserve natural vegetation, wetlands, natural topography, and other such features of the District.
- (g) To accommodate uses requiring access to major highways.
- (h) To provide a uniform set of standards to be applied equally to all owners and developers in this District.

(Ord. No. 21-2480, 8-16-2021)

30.82 - Permitted uses.

- (a) General retail.
- (b) Personal services, including massage, hair salons, and similar businesses.
- (c) Dry cleaning and laundry.
- (d) Repair services, excluding repair of vehicles and small engines.
- (e) Business and professional offices, including medical offices.
- (f) Portrait or art studio.
- (g) Pharmacies.

(Ord. No. 21-2480, 8-16-2021)

30.83 - Conditional uses.

- (a) Class I and II Restaurants.
- (b) Brew Pubs.
- (c) Bank.
- (d) Hotel with convention facilities.
- (e) Churches.
- (f) Theaters.
- (g) Private community/recreation centers.
- (h) Animal hospitals/clinics.
 - (i) Brewery with taproom.
 - (j) Coffee Shop.
 - (k) Liquor Stores.
 - (l) Commercial daycare.
- (m) Indoor amusement and recreation not including fitness uses.

(n) Zero lot line splits with shared access and/or shared parking.

(Ord. No. 21-2480, 8-16-2021)

30.84 - Accessory uses.

(a) Signs as regulated in Section 34.07.

(Ord. No. 21-2480, 8-16-2021)

30.85 - Prohibited uses.

- (a) Pawn shops.
- (b) Residential including memory care and assisted living facilities.
- (c) Event Centers.
- (d) Tobacco/Vape Shops.
- (e) Fitness Centers including yoga and gyms.
- (f) Auto repair and service.
- (g) Car washes.
- (h) Gas/convenience stores.

(Ord. No. 21-2480, 8-16-2021)

30.86 - Standards

(a) *Building Setbacks (minimum).*

- (1) Front Yard—Fifty (50) feet, or one-half (½) the total building height whichever is greater.
- (2) Side Yard—Fifteen (15) feet, or one-half (½) the total building height, whichever is greater.
- (3) Rear Yard—Twenty (20) feet, or one-half (½) the total building height, whichever is greater.
- (4) All setbacks shall be determined from the planned Right-of-Way (ROW), as designated in the City, County or State Transportation Plan, and normally defined in the subdivision regulations.

(b) *Parking Lot Setbacks (minimum).*

- (1) Front Yard—Thirty (30) feet. (Ord No. 02-1955, amended 9-5-2002)
- (2) Side Yard—Fifteen (15) feet. (Ord. No. 04-2005, amended 1-22-2004)
- (3) Rear Yard—Twenty (20) feet.
- (4) All setbacks shall be determined from the planned Right-of-Way (ROW), as designated in the City, County or State Transportation Plan, and normally defined in the subdivision regulations.

(c) *Building Sizes (minimum).*

- (1) Freestanding Class II Restaurants—Five thousand (5,000) square feet minimum building size.

- (d) *Building Height.* There shall be no height limitations, provided all buildings are in compliance with Metropolitan Airport Commission regulations.
- (e) *Building Exteriors.*
- (1) At least fifty percent (50%) of all exterior wall finishes on any building shall be comprised of a combination of at least three (3) of the following materials with all materials present on each elevation.
 - (aa) Brick.
 - (bb) Natural or cultured stone.
 - (cc) Glass.
 - (dd) Stucco or EIFS.
 - (ee) Cementitious siding.
 - (ff) Architectural metal.
 - (gg) Integrally colored rock faced block.
 - (2) The remaining portion of all exterior wall finishes shall be comprised of any combination of decorative, rock faced concrete block and textured concrete panels or other comparable or superior materials as approved by the zoning administrator. All materials subject to Zoning Administrator approval.
 - (3) Buildings may be constructed of primarily one of the materials listed in subsection (a) if the design meets or exceeds the intent of the ordinance.
 - (4) All buildings to incorporate four-sided design. Under no circumstances shall sheet aluminum, corrugated aluminum, asbestos, iron, plain or painted plain concrete block be deemed acceptable as major exterior wall materials on buildings within the City.
- (f) *Landscaping.* In addition to the provisions of Section 33.07 of the Ordinance, the following requirements shall be met:
- (1) Underground irrigation shall be required.
 - (2) Traffic safety islands and/or general parking islands, were deemed appropriate by the Zoning Administrator, shall be landscaped and irrigated. At least five percent (5%) of the surface area of land within a parking area shall be landscaped.
 - (3) On any given site there shall be at least three (3) different shrub species.
- (g) *Open Space.* The minimum area of permeable surface shall be thirty percent (30%) of the total project area. The Zoning Administrator may approve a modification to the requirement provided additional architectural or landscape enhancements are provided.
- (h) *Refuse Enclosures.* Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of

masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.

- (i) *Lighting*. A lighting plan shall be submitted depicting type and design, layout of fixtures, and the illumination pattern. The design shall preclude any off-site glare.

(Ord. No. 21-2480, 8-16-2021; Ord. No. 22-2494, 1-19-2022)

30.90 - 105th AVENUE REDEVELOPMENT DISTRICT (RD)

30.901 - Definitions.

Definitions listed apply only to this district. If something is not defined in this section the definition in the city code shall apply.

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

Brewer is a person or entity who manufactures malt liquor for sale.

Brewer taproom is an area on the premises of a brewery or on the premises adjacent to a brewery owned by the brewer in which the brewer sells or otherwise provides exclusively malt liquor produced by the brewer for consumption within the brewer taproom.

Brewery is a facility that brews malt liquor for distribution off site.

Cocktail room means on-sale of distilled liquor or wine produced for consumption on the premises owned by the distillery.

Distillery is a place or establishment where strong alcoholic drinks are produced by the process of distilling.

Farmers market is a food market at which local farmers sell fruit and vegetables and often meat, cheese and bakery products directly to consumers.

Live entertainment is an activity performed in person by one or more individuals for the purpose to amuse or interest an audience including, but not limited to bands and disc jockeys.

Market is a place where buyers and sellers can meet to facilitate the exchange or transaction of goods and services.

Microdistillery is a place or establishment where strong alcoholic drinks are produced by the process of distilling in small quantities usually done in a single batch.

Professional office uses means those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired does not include medical or clinics.

Spa is a business that offers at least two out of three types of treatments: massage, skin care or other services like body wraps and scrubs.

(Ord. No. 22-2506, 7-18-2022)

30.902 - Intent.

The intent of the redevelopment district is to promote development and redevelopment consistent with the master plan for the 105th Avenue Redevelopment Area by encouraging residential uses in conjunction with commercial and expanded recreational activities to create an entertainment district. To create greater flexibility in land uses, and at the same time protect the interest of surrounding properties in the following ways:

- (a) By promoting a planned environment for integrated commercial uses which feature design continuity. A development shall reflect a common theme using compatible architectural design and consistency in signage, landscaping and lighting.
- (b) By encouraging a more creative approach in development, that will result in quality living environments through innovative design and aesthetic controls.
- (c) By providing for mixed-use development(s) that are carefully planned to promote efficient use of land, parking, and open space.
- (d) By providing enhanced oversight through site plan approvals to ensure compatibility of mixed uses and consistency with the approved master plan.
- (e) By encouraging pedestrian access.
- (f) By allowing flexibility in setback and height restrictions.
- (g) By ensuring high standards of site design, architectural design, building materials and landscape design are achieved through design guidelines and approvals.
- (h) By providing the means for greater creativity and flexibility in environmental design than is provided under the strict application of the Blaine Zoning Ordinance and Subdivision Ordinance, while, at the same time, preserving the health, safety, order, convenience, prosperity, and general welfare of the City of Blaine.

(Ord. No. 22-2506, 7-18-2022)

30.903 - Development procedure.

- (a) All new buildings and additions require site plan approval through the planning commission and city council.

- (b) A development agreement is required as part of the development approval and shall address, at a minimum, approved site and building design criteria, approved sign locations and design criteria, construction phasing, parking, cash escrow and/or letter of credit for construction of on-site and off-site improvements generated by the development.
- (c) All buildings are subject to and must meet the design guidelines for the district.
- (d) The district shall be governed by and maintained through an owner's association which will provide maintenance on sidewalks, private streets, landscaping, snow removal, trash removal and parking for the district.

(Ord. No. 22-2506, 7-18-2022)

30.904 - Permitted uses.

- (a) Art galleries and studios.
- (b) Bakery.
- (c) Candy or ice cream shops.
- (d) Coffee shop.
- (e) Delicatessen stores.
- (f) Entertainment - such as live music.
- (g) General retail.
- (h) Market under 5,000 square feet.
- (i) Multi-family residential.
 - (1) Multi-level multiple unit (apartments).
 - (2) Townhomes.
- (j) Professional office not including medical or clinics.
- (k) Restaurants.
 - (1) Class I.
 - (2) Class II under 3,000 square feet without drive-thru.

(Ord. No. 22-2506, 7-18-2022)

30.905 - Conditional uses.

All land uses listed below shall be reviewed and approved pursuant to the conditional use permit procedures in Section 27.04 of the zoning code.

- (a) Brewer tap room as associated with and on the same site as a licensed brewery.
- (b) Buildings over 50 feet in height.
- (c)

Farmers market.

- (d) Hotel with or without banquet/convention space.
- (e) Indoor/outdoor recreation, such as driving range, sports field, axe throwing, bowling, not including fitness uses.
- (f) Licensed cocktail room with and on the same site as a licensed distillery/micro distillery or winery.
- (g) More than one principal building on one lot.
- (h) Outdoor seating/dining.
- (i) Rooftop signage.
- (j) Shared or off-site parking.
- (k) Spa as defined in this ordinance.
- (l) Structured parking including parking ramps.

(Ord. No. 22-2506, 7-18-2022)

30.906 - Prohibited use.

- (a) Auto sales - indoor or outdoor sales.
- (b) Automobile repair.
- (c) Car washes.
- (d) Daycare.
- (e) Drive-thru facilities.
- (f) Fitness centers including yoga and gyms.
- (g) Gas/convenience stores.
- (h) Outdoor storage.
- (i) Pawn shops.
- (j) Self-storage/mini storage.
- (k) Tobacco/vape shop.
- (l) Any uses not listed as permitted, or conditional.

(Ord. No. 22-2506, 7-18-2022)

30.907 - Residential standards.

- (a) *Setbacks*. A consistent street edge must be maintained at the right-of-way line along all street frontages. Street edge elements may consist of the principal building, landscaping, or a combination of these elements. Exceptions may include: property is adjacent to a water feature, surface parking or other instances the city council deems appropriate.

- (b) Building height is a minimum of two stories. There shall be no height limitations, provided all buildings are in compliance with Federal Aviation Administration regulations. Any building over 50 feet requires a conditional use permit, with a maximum height of 150 feet.
- (c) Sidewalks are required along all public and private streets. The location and alignment of new sidewalks shall connect directly to existing sidewalk network.
- (d) *Mechanical equipment.* All mechanical equipment shall be screened and properly maintained with material similar to the material used on the main structure. Screened mechanical equipment shall not be located in the front or street side yards.
- (e) *Trash enclosure.* Refuse facilities shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the zoning administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.

(Ord. No. 22-2506, 7-18-2022)

30.908 - Residential parking.

- (a) Minimum spaces required: 1.5 spaces per unit for multi-unit building minimum of one underground. Townhouse two garage spaces per unit.
- (b) Parking areas shall have access to a public alley or street. Driveways shall be located to minimize interference with traffic movement. Parking will be reviewed as part of the site plan a parking analysis is required as part of the review.
 - (1) Surface parking.
 - (aa) Parking lots shall be located to the rear of the buildings, or side yards if a rear location is not feasible.
 - (bb) When parking areas abut the street, the sidewalk edge must be delineated with landscaping, architectural fencing (meeting design guidelines) or other decorative features.

(Ord. No. 22-2506, 7-18-2022)

30.909 - Architectural control residential.

- (1) *[Exterior wall finishes.]* At least 50 percent of all exterior wall finishes on any building shall be comprised of a combination of at least three of the following materials with all materials present on each elevation. All buildings must meet and be consistent with design guidelines.
 - (a) Brick.
 - (b) Natural or cultured stone.

- (c) Glass.
 - (d) Stucco or EIFS.
 - (e) Cementous siding.
 - (f) Architectural metal.
 - (g) Integrally colored rock faced block.
 - (h) The remaining portion of all exterior wall finishes shall be comprised of any combination of decorative, rock faced concrete block and textured concrete panels, or other comparable or superior materials as approved by the zoning administrator. All materials subject to zoning administrator approval.
 - (i) Building articulation elements shall be provided at a maximum average spacing of 40 feet.
 - (j) Flat roof lines are encouraged.
 - (k) Façade articulation shall be provided through any of the following elements:
 - (1) A projecting bay, entry vestibule, or recess extending from the ground level through the second floor.
 - (2) A ground-level recess.
 - (3) A change in the rhythm of windows at the ground level and second floor, combined with a change of parapet height or material.
 - (l) All buildings shall provide ground floor windows along facades, parks, plazas or other public outdoor spaces. Darkly tinted windows or windows that block two-way visibility are prohibited.
- (2) *Awnings.*
- (a) An awning may project over the public sidewalk provided that it is at least eight feet above grade and does not project more than two-thirds the width of the public sidewalk as measured from the building.
 - (b) Awnings must be constructed of durable, water repellent material such as canvas or metal. Plastic or fiberglass are not permitted.
 - (c) Backlit or illuminated awnings are not permitted.
 - (d) Retractable or fixed awnings may be used.
 - (e) Awnings shall not extend across multiple buildings. Long expanses of awnings should be broken into segments that reflect the door or window openings located beneath.
 - (f) Awning colors and materials shall complement the building façade.
 - (g) Signage on awnings is permitted on the end panel or valance only. Lettering size shall be proportional to the space available as approved by the zoning administrator.
 - (h)

Awnings and canopies deteriorate over time; regular maintenance and replacement is required. If material shows signs of wear, including, but not limited to, fraying, fading, or physical damage to the awning.

- (i) Awnings should be part of the site plan review and receive approval. Any encroachments over public right-of-way shall be approved by the city council prior to construction.

(Ord. No. 22-2506, 7-18-2022)

30.910 - Commercial standards.

- (a) *Setbacks.* A consistent street edge must be maintained at the right-of-way line along all street frontages. Street edge elements may consist of the principal building, landscaping, outdoor seating, or a combination of these elements. Exceptions may include: property is adjacent to a water feature, surface parking or other instances the city council deems appropriate.
- (b) *Building height.* All buildings shall be in compliance with Federal Aviation Administration regulations. Any building over 50 feet, with a maximum height of 150 feet, requires a conditional use permit.
- (c) Sidewalks are required along all public and private streets. The location and alignment of new sidewalks shall connect directly to existing sidewalk network.
- (d) *Mechanical equipment.* All mechanical equipment shall be screened and properly maintained with material similar to the material used on the main structure. Screened mechanical equipment shall not be located in the front or street side yards.
- (e) *Trash enclosure.* Refuse facilities shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the zoning administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.
- (f) *Outdoor display.* Outside display area is limited to a maximum of 30 percent of the width of a building frontage and is not to exceed a total of 150 square feet of area for buildings under 40,000 square feet and not to exceed 400 square feet for buildings larger than 40,000 square feet. Building frontage is defined as the dimension or width of a store front occupied by the retailer establishing the outside display. For purposes of this ordinance a frontage must contain a public or customer entrance or exit and no space is allowed more than two frontages.
 - (1) Outside display to be located immediately adjacent to and within the dimensions of the building frontage and shall not extend from the front building edge more than 50 inches.
 - (2) Outside display shall not exceed a height of 60 inches.
 - (3) Vending machines or cabinets for items such as beverages, ice and propane are not permitted.

- (4) Outside display shall not be located so as to block pedestrian walkways, doorways, parking stalls, drive aisles (including access for emergency services). Thirty-six inches is the minimum width required to maintain pedestrian access.
- (5) Outside display to be maintained in an orderly and attractive manner that does not detract from the image of the community or adjacent businesses.
- (6) Outside display should be a representation of the products sold on site, not a storage area for inventory on pallets.
- (7) Products shall be able to be sold from the display.

(Ord. No. 22-2506 , 7-18-2022)

30.911 - Commercial parking.

Parking. Parking areas shall have access to a public alley or street. Driveways shall be located to minimize interference with traffic movement. Parking will be reviewed as part of the site plan a parking analysis is required as part of the review. On street parking, parking structure, and shared parking are encouraged.

(a) *Surface parking.*

- (1) Parking lots when feasible should be located to the rear of the buildings, or side yard.
- (2) When parking areas abut the street, the sidewalk edge must be delineated with landscaping, architectural fencing (meeting design guidelines) or other decorative features.

(b) *Parking structure.*

- (1) Parking structures shall be appropriately located and behind the rear of the building when practical.
- (2) Parking structures abutting any public street or walkway shall be compatible with the materials and architectural style of surrounding buildings.
- (3) Parking structures shall be designed so that vehicles are not visible from the sidewalk and the only opening at the street level are those to accommodate vehicle ingress and egress
- (4) Snow storage areas shall not be located in the front or side yard abutting a street. If storage is not accommodated onsite it should be hauled out.

(c) *Shared parking.*

- (1) A conditional use permit may be granted for one or more businesses to provide the required off-street parking facilities by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each business should they provide them separately.
- (2) Conditions required for shared parking.
 - (aa)

The building or use for which application is being made to utilize off-street parking facilities provided by another building or use shall be located within 800 feet of such parking facilities.

- (bb) The application shall demonstrate there is no substantial conflict in using shared facilities through a professional parking analysis.
- (cc) Shared parking facilities shall record with the county an irrevocable covenant running with the land. A certified copy of the recorded agreement shall be provided to the zoning administrator prior to issuance of a building permit.
- (d) *Off-site parking.* Any off-site parking which is used to meet the requirements below shall be a conditional use
 - (1) Reasonable access from the off-site parking facilities to the use being served shall be provided.
 - (2) An agreement or lease shall be approved as part of the conditional use permit. The agreement/lease shall specify the total number and location of parking spaces under contract.
- (e) The off-street parking requirements shall be established by the zoning administrator based upon the characteristics and functional similarities between uses including, but not limited to: the size of building, type of use, number of employees, expected volume and turnover of customer traffic, and expected frequency and number of delivery or service vehicles. For structures containing multiple uses, each shall be calculated separately. The requirements may be revised upward or downward by the city council as part of an application for a conditional use permit based on verifiable information pertaining to parking.
 - (1) Approved parking spaces must be located on the same lot as the principal use, unless shared parking or off-site parking is approved for the use.
- (f) *Parking analysis requirements.* A parking analysis is required when a new building is proposed on a site, for tenant improvements or when a more intense use is proposed in an existing building. The parking analysis is to be prepared by a professional who has knowledge and experience with parking needs and assessments. The analysis should consist of the following information:
 - (1) A site plan of the property identifying where the proposed project is located, showing all existing uses/tenant spaces and all existing parking space locations.
 - (2) Parking analysis matrix that includes (1) names of all existing/proposed uses with tenant address; (2) each tenants total building square footage existing and proposed (3) lists dining and seating counts for restaurant, bar, brewery, cocktail room and coffee shop uses; and (4) lists an accurate total number of all existing parking spaces on-site.
 - (3) Proposed parking layout and number of stalls for the development.
 - (4)

Floor plan layouts may be required to determine relevant seating areas and other-relevant square-footage areas.

- (5) Parking adequacy should be determined prior to making major financial and legal commitments related to the property. In some cases, insufficient on-site parking may prevent the proposed project/use from being permitted.

(Ord. No. 22-2506, 7-18-2022)

30.912 - Outdoor seating and service of food and beverages.

- (a) The use shall not be located in the interior or rear yard if the use is adjacent to a parcel that is occupied by a residential use. This will not apply if the first floor of the building located on the adjacent parcel is not occupied by a residential use or if a residential use is located above the principal use.
- (b) Additional parking will not be required if the outdoor seating area does not exceed 500 square feet or ten percent of the gross floor area of the principal use, whichever is less. Parking will be required at the same rate as the principal use for that portion of outdoor seating area in excess of 500 square feet or ten percent of the gross building area, whichever is less.

(Ord. No. 22-2506, 7-18-2022)

30.913 - Architectural control commercial.

- (1) [*Exterior wall finishes.*] At least seventy-five percent (75%) of all exterior wall finishes on any building shall be comprised of a combination of at least three of the following materials with all materials present on each elevation. All buildings must meet and be consistent with design guidelines.
 - (a) Brick.
 - (b) Natural or cultured stone.
 - (c) Glass.
 - (d) Stucco.
 - (e) Cementous siding.
 - (f) Architectural metal.
 - (g) Integrally colored rock faced block.
 - (h) The remaining portion of all exterior wall finishes shall be comprised of any combination of decorative, rock faced concrete block and other comparable or superior materials as approved by the zoning administrator. All materials subject to zoning administrator approval.
 - (i) All buildings to incorporate four-sided design.

- (j) Franchises or national chains with standardized architecture and signage shall comply with the standards contained in this section. Aggressive and bright signage must be altered and scaled down to meet the intentions of these standards.
 - (k) Building articulation elements shall be provided at a maximum average spacing of 40 feet.
 - (l) Façade articulation shall be provided through any of the following elements:
 - (1) A projecting bay, entry vestibule, or recess extending from the ground level through the second floor.
 - (2) A ground-level recess.
 - (3) A change in the rhythm of windows at the ground level and second floor, combined with a change of parapet height or material.
 - (m) All buildings shall have at least one customer entrance facing an abutting public or private street, rather than just the parking area. A building may have more than one entrance. Customer entrances shall be open to the public during business hours.
 - (n) Main building entrances shall be architecturally emphasized and visible from the street by utilizing design features such as awnings, pillars, special building materials or architectural details.
 - (o) All buildings shall provide ground floor windows along facades, parks, plazas or other public outdoor spaces. Darkly tinted windows or windows that block two-way visibility are prohibited.
- (2) *Awnings.*
- (a) An awning may project over the public sidewalk provided that it is at least eight feet above grade and does not project more than two-thirds the width of the public sidewalk as measured from the building.
 - (b) Awnings must be constructed of durable, water repellent material such as canvas or metal. Plastic or fiberglass are not permitted.
 - (c) Backlit or illuminating awnings are not permitted.
 - (d) Retractable or fixed awnings may be used.
 - (e) Awnings shall not extend across multiple storefronts and/or multiple buildings. Long expanses of awnings should be broken into segments that reflect the door or window openings located beneath.
 - (f) Awning colors and materials shall complement the building façade.
 - (g) Signage on awnings is permitted on the end panel or valance only. Lettering size shall be proportional to the space available as approved by the zoning administrator.
 - (h)

Awnings and canopies deteriorate over time; regular maintenance and replacement is required if material shows signs of wear, including but not limited to fraying, fading, or physical damage to the awning.

- (i) Awnings should be part of the site plan review and receive approval. Any encroachments over public right-of-way shall be approved by the city council prior to construction.

(Ord. No. 22-2506, 7-18-2022)

30.914 - District landscaping.

The use of window boxes, hanging flower baskets, or other seasonal landscaping is encouraged. Window boxes, hanging plants and planters should be near entrances.

- (a) The periphery of all parking lots shall be well landscaped along the public right-of-way to maintain an edge that contains low shrubs, street trees, decorative fencing (per design guidelines) or a combination of these elements.
- (b) Trees, shrubs, groundcover, and perennial plantings shall be required at the base of a parking structure. Perimeter planters may be required around the upper-level decks of the parking structure, particularly when facing a public right-of-way.
- (c) Sodding and ground cover. All open areas of any site not occupied by building, parking, or storage, shall be sodded over four inches of topsoil. Exceptions to this are as follows:
 - (1) Seeding over four inches of topsoil of future expansion areas as shown on approved plans.
 - (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.
- (d) 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.
- (e) Use of landscaping for screening:
 - (1) Where natural materials, such as trees are approved in lieu of the required screening by means of walls or fences, density and species of planting shall be such to achieve opaqueness year-round.
 - (2) Landscaping may be permitted in utility and drainage easements or road right-of-way with the approval of the zoning administrator.

(Ord. No. 22-2506, 7-18-2022)

30.915 - District lighting.

Any lighting used to illuminate off-street parking and driving areas, signs, or structures shall, consist of downcast style fixtures with a concealed or shielded light source to prevent glare or spill to adjacent right-of-way or properties.

- (a) Pole-mounted lighting shall not have pole heights exceeding 20 feet.
- (b) No light or combination of lights, including illuminated signs, that cast light upon a public street shall exceed one 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.
- (c) Light fixtures shall be consistent with design guidelines.

(Ord. No. 22-2506, 7-18-2022)

30.916 - District signage.

The following sign standards apply only to this district if not regulated in this section, Chapter 34 of the city code shall apply. All signage must meet and be consistent with design guidelines.

In addition to the signs allowed without a permit pursuant to Chapter 34, two signs are allowed per business. The two allowed signs must be one wall sign and either a three-dimensional sign, projecting sign or awning sign.

- (a) All signs shall adhere to the following design standards:
 - (1) Use simple sign shapes to complement the architecture of the building.
 - (2) Signs shall not obscure architectural features of buildings, including window or door openings.
 - (3) Sign shall be used to display the primary name of the business only.
 - (4) Use only one line of lettering, if possible.
 - (5) Only one sign containing the business name or graphic logo shall be permitted per street facing side. Projecting signs are allowed in addition to the one sign allowed facing the street. Use simple, bold lettering with sufficient contrast between the lettering and the background.
- (b) *Sign lighting.*

- (1) Indirect incandescent lighting shall be permitted.
 - (2) Place spotlights discreetly to shield from pedestrians and vehicular traffic.
 - (3) Neon signage may be used if approved as part of the overall sign plan.
 - (4) Wall signs. Wall signs shall meet the following requirements:
 - (5) The total building signage may have an aggregate area not exceeding one square foot for each foot of building face parallel or substantially parallel to a street lot line with a maximum of 150 square feet.
 - (6) It must not project more than 12 inches from the wall to which the sign is affixed.
 - (7) Where a principal building is devoted to two or more permitted uses, the operator of each use may install a wall sign for its use consistent with a building sign plan approved by the city. The total gross signage for the entire building may not exceed one square foot for each foot of the building face parallel, or substantially parallel, to a street lot line with a maximum of 25 square feet per business.
- (c) *Multi-tenant wall signs.*
- (1) Design the sign plan to emphasize the whole width and geometry of the building and individual storefronts and tenant spaces.
 - (2) Placement of individual tenant signs shall be coordinated to achieve a unified signage appearance in sign heights, widths, depths, coloring and lettering sizing.
 - (3) Signs shall use a common lettering style and color scheme.
 - (4) A sign shall not span across different buildings.
- (d) *Monument signs.*
- (1) The area of a monument sign may not exceed 15 square feet.
 - (2) A monument sign may be located in a required yard but must be pedestrian in scale and does not block architecture features, including window and door openings.
 - (3) A monument sign may not project higher than five feet, as measured from the base of the sign or grade of the nearest roadway, whichever height is less.
 - (4) Signs shall use a common lettering style and color scheme.
- (e) *Awning signs.*
- (1) Signage on awnings is permitted on the end panel or valance only. Lettering size shall be proportional to the space available as approved by the zoning administrator.
 - (2) The gross surface area of an awning or canopy sign may not exceed 50 percent of the gross surface area of the smallest face of the awning or canopy to which the sign is affixed.
- (f) *Projecting signs.*

- (1) The total area of a projecting sign may not exceed six square feet.
- (2) It must be easily visible from the sidewalk and not be a hazard to pedestrians.
- (3) The bottom of the sign and bracket must be at least eight feet above sidewalk grade.
- (4) Projecting signs shall generally be oriented to visibility by pedestrians and small in size so that they do not obscure other signs.
- (5) No part of any sign shall be placed higher than the height of the sills of the second story windows of a multi-story building.
- (6) The mounting bracket for a projecting sign shall be a black metal material and designed as a decorative element of the sign that is complementary of the building's architectural style.

(g) *Roof signs.*

- (1) One roof sign shall be permitted for each building, but no roof sign shall be permitted for a building exceeding 80 feet in height. Individual letter signs only and shall be six feet or less in height and shall not exceed 100 square feet.
- (2) The roof signage can be in combination with wall signage but both signs shall not exceed the overall sign square footage allotment for the building. A conditional use permit is required.

(h) *Sandwich board signage.*

- (1) *Definition.* "Sandwich board signs" are freestanding signs that advertise items or specials that are available from the business and which have no more than 20 percent of the total area for such a sign utilized for business identification.

(2) *Display standards.*

- (aa) *Sign size and types of signs.* Signs may not exceed a width of two feet and a height of three feet. The signs shall be either an A-Frame style or poster style sign that is attached to a frame and a base.
- (bb) *Sign placement.* Sandwich board sidewalk signs shall be placed only within the boundaries of the applicable business - street frontage. The sign may be placed on the edge of the sidewalk that is furthest from the street and closest to the business. The sign cannot be placed on property that is adjacent to the street side of the sidewalk. Further, the sandwich board sign shall be positioned so that it will not:
 - (i) Reduce the sidewalk clearance below a width of 36 inches;
 - (ii) Impede any line of sight for motorists at vehicular public right-of-way intersections, as determined by the city engineer; or
 - (iii) Interfere with persons entering or exiting parked cars.

(cc)

Sandwich board signs may not be displayed from vehicles parked in front of or adjacent to the businesses, whether on public or private property.

- (dd) *Stabilization.* The sign shall be stabilized so as to withstand wind gusts or shall be removed during windy conditions.
- (ee) *Sign elements.* Signs shall be designed to incorporate the colors and other architectural features of the building in front of which they are to be placed. (A white sign background and/or white framing is acceptable in any situation.) Signs made of plywood, pressboard, or paper products shall not be permitted; signs made of polyethylene, metal, burnished wood, or other materials having a natural appearance shall be permitted. Finishes shall be of high quality and durable.
- (ff) *Display time and removal.* Sandwich board signs may be displayed from the time that the business opens until the time that the business closes. The sandwich board sign shall be removed at the close of each business day.
- (gg) *Advertising.* Advertising on both sides is permitted.
- (hh) *Illumination.* The sandwich board sign shall not be illuminated.
 - (ii) *Attachments.* Nothing shall be attached to the sandwich board sign and shall have nothing attached to it such as balloons or streamers.
- (3) *No signs in the public right-of-way.* A sandwich board sign shall not be placed in the public right-of-way.
 - (i) *Prohibited signage.*
 - (1) Signs that, by reason of position, shape or color, would interfere with the proper function of a traffic sign or signal.
 - (2) Signs within a public right-of-way, except for signs installed by governmental subdivisions.
 - (3) Signs within an easement, except for signs installed by governmental subdivisions or approved by the holder of the easement.
 - (4) 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.
 - (5) Flashing signs, including indoor signs, which are visible from the public streets.
 - (6) 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.
 - (7) Sign or sign structures that obstruct any window, door, fire escape, stairway or opening intended to provide ingress or egress for any building structure.
 - (8) Banners, balloons, and stringers, unless approved in conjunction with an administrative permit, as provided in Section 34.13 of city code.

- (9) Sign posters, that are tacked or posted on trees, fences, utility posts, or other such supports.
 - (10) Portable signs with the exception of sandwich boards.
 - (11) Billboards.
 - (12) All other signs not expressly permitted by this section.
 - (13) 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.
 - (14) Signs which have become rotted, unsafe or unsightly.
 - (15) 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 city code.
- (j) Other signage may be considered if meeting the design guidelines and are approved as part of the site plan.

(Ord. No. 22-2506, 7-18-2022)

Chapter 31 - INDUSTRIAL DISTRICTS

31.00 - LIGHT INDUSTRIAL (I-1)

31.01 - Intent.

The purpose of this district is to provide for the development of industrial uses ranging from small to large scale industry and related services. This district shall encourage the development of industrial uses accessible to major highways and utilizing City services of sanitary sewer, water, street, and storm drainage. Such light industrial areas can be located next to heavy industrial, commercial, residential, and airport districts and shall be free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or other pollutants.

(Ord. No. 87-1046, amended 11-5-1987; Ord. No. 20-2447, 7-20-2020)

31.02 - Permitted uses.

- (a) Manufacturing uses: manufacturing, compounding, processing, packaging, storage, treatment, or assembly of products and materials within a structure, except for rendering/slaughtering/refining facilities.

- (b) Warehousing.
- (c) Wholesale businesses.
- (d) Offices—Business and professional, not including medical.
- (e) Engraving shops.
- (f) Machine shops.
- (g) Printing and publishing.
- (h) Repair services, except for businesses related to passenger vehicles and trucks.
- (i) Service uses of blue-printing, duplicating, mailing, and graphic arts.
- (j) Research and design laboratories.
- (k) Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto as determined by the Zoning Administrator, provided these uses are not explicitly mentioned as permitted or conditional uses elsewhere in the ordinance. (Ord. No. 91-1264, amended 9-19-1991)

(Ord. No. 20-2447, 7-20-2020)

31.03 - Accessory uses.

- (a) Dwelling for watchman (not to exceed five hundred (500) square feet) and limited to one (1) person.
- (b) Signs as regulated in Section 34.07.
- (c) Retail sales, incidental to manufacturing, of products manufactured, assembled, or warehoused on the premises, provided no more than ten percent (10%) of the building is used for retail space.
- (d) Coffee shops/cafeteria for employees.
- (e) Recreational facilities for employees.
- (f) Day care related to employees.

(Ord. No. 20-2447, 7-20-2020)

31.04 - Conditional uses.

- (a) Commercial nurseries/greenhouses.
- (b) Online purchase pick-up location.
- (c) Heliports.
- (d) Passenger vehicle service, major repair, including painting, body work and dismantling, exclusive of auto reduction yards. Storage of vehicles shall be screened with one hundred percent (100%) opaqueness.
- (e)

Outdoor storage of passenger vehicles or vans, provided such storage shall be screened with one hundred percent (100%) opaqueness. Such outdoor storage shall be related specifically to a permitted or approved conditional use.

- (f) Two (2) or more buildings on same lot provided such buildings relate to one (1) permitted or conditional use.
 - (g) Building over fifty (50) feet from ground level.
 - (h) Indoor vehicles sales showroom.
 - (i) Zero lot line, with shared access and/or parking. (Ord. No. 89-1118, amended 3-16-1989; Ord. No. 98-1754, amended 11-19-1998)
 - (j) Adult Uses-Principal. As defined and licensed under Article VI - Blaine Municipal Code. (Ord. No. 93-1320, amended 1-7-1993)
 - (k) Indoor commercial dog kennel with dwelling for night watchman. (Ord. No. 97-1676, amended 9-18-1997)
 - (l) Personal care, health care, recreation, fitness, or education related commercial services. Sites must be able to demonstrate adequate on-site parking. Uses must be destination based and not generate traffic volumes measurably above the range normally expected by the other allowed I-1 uses. With the exception noted in Section 31.03(c), general retail sales is not permitted under this section. (Ord. No. 04-2007, added 03-18-2004)
 - (m) Brewer taproom as associated with and on the same site as a licensed brewery. (Ord. No. 15-2334, added 12-17-2015)
 - (n) Ground mounted solar as an accessory use. (Ord. No. 21-2474, 6-21-2021)
- (Ord. No. 87-1046, amended 11-5-1987; Ord. No. 20-2447, 7-20-2020; Ord. No. 21-2474, 6-21-2021)

31.05 - Standards.

- (a) Minimum lot size—One (1) acre.
- (b) Minimum lot width—One hundred fifty (150) feet.
- (c) Minimum lot depth—One hundred fifty (150) feet.
- (d) Front yard building setback—Forty (40) feet.
- (e) Corner side yard building setback—Forty (40) feet.
- (f) Side yard building setback—Fifteen (15) feet.
- (g) Rear yard building setback—Twenty (20) feet.
- (h) Building height—Fifty (50) feet from ground level without a conditional use permit and subject to FAA regulations.
- (i) Minimum building size—Five thousand (5,000) square feet.
- (j)

Parking and driveways may be constructed to within the following minimum setbacks of property line:

- (1) Front yard/corner side yard 25 feet.
- (2) Side yard 10 feet.
- (3) Rear yard 10 feet.

If rear yard or side yard parking setback is adjacent to a residential district, the parking setback shall be twenty-five (25) feet. Such setback shall be opaquely screened with berms, shrubs, trees, fence, or a combination thereof.

(k) When a light industrial district is adjacent to any residential district, building setbacks shall be one hundred (100) feet along any side adjacent to a residential district.

- (1) A reduction in the required building setback buffer may be requested by following the requirements in Section 33.20, Buffer Yard Flexibility.

(Ord. No. 20-2447, 7-20-2020)

31.06 - Landscaping.

All landscaping requirements shall meet the provisions of Section 33.07, including the following:

- (1) Underground irrigation shall be required for all front yards and corner side yards. Such irrigation shall extend to include public boulevard except along I-35W and into general parking islands, except natural areas to be preserved.
- (2) Traffic safety islands and/or general parking islands where deemed appropriate shall be landscaped.

(Ord. No. 20-2447, 7-20-2020)

31.07 - Loading facilities.

Loading facilities shall be in the side or rear yards and shall be screened. Screening can be accomplished using berms, shrubs, trees, fencing, architectural design or a combination thereof. For additional information and requirements, refer to Section 33.14.

(Ord. No. 20-2447, 7-20-2020)

31.08 - Storage/refuse facilities.

- (a) There shall be no outdoor storage of any kind within this district. For purposes of this zoning district, car, vans and pickup trucks parked outside and used by employees and/or visitors in the normal course of the business operation will not be construed to be outdoor storage. Further, outside parked trucks, semi-trailers and any other vehicles larger than 10,000 GVW used in the normal business' commerce will not be construed to be outdoor storage provided a) total

number of vehicles over 10,000 GVW, including but not limited to box trucks, semi cab, and semi-trailers does not exceed the number of docks and/or bay doors; and b) such use is not construed as an operation listed as a conditional use in any industrial zone.

- (b) Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.
- (c) There shall be no detached silos, storage tanks, storage bin containers or similar detached structures within this district.
- (d) All attached silos, storage tanks, storage bin containers or similar attached structures shall have screening approved by the Zoning Administrator. Attached structures include structures immediately adjacent to the building, subject to Zoning Administrator approval.

(Ord. No. 98-1732, amended 7-9-1998; Ord. No. 20-2447, 7-20-2020; Ord. No. 22-2494, 1-19-2022)

31.09 - Mechanical/electrical equipment.

All mechanical/electrical equipment on the ground or roof, such as heating, air conditioning, transformers, shall be screened on all sides so as not to be visible from public streets or adjoining property. Such screening shall be designed and constructed of material(s) that is compatible with the principal building(s).

(Ord. No. 20-2447, 7-20-2020)

31.091 - Architectural control.

- (a) All buildings erected shall be a type of construction as defined in the Minnesota Building Code. (Ord. No. 00-1835, amended 3-16-2000; Ord. No. 00-1876, amended 10-19-2000)
- (b) Any building shall be constructed so that all exterior sides shall be surfaced equivalent to the front building elevation as determined by the Zoning Administrator.
- (c) Exterior wall surfaces of all buildings shall be primarily faced with brick, stone, precast panel, cast-in-place panel, architectural concrete with other permitted materials, or glass.

Use of modern metal paneling materials or its equivalent shall be considered for exterior wall surfaces provided such materials are used in conjunction with other materials listed above. Use of modern metal paneling materials or its equivalent shall not exceed thirty-five percent (35%) of any individual wall surface.

- (d) The building design should exhibit architectural control which seeks to be creative and maximize building lines, shades, and angles to maximize architectural uniqueness.
- (e)

All building design and exterior wall surface materials shall be reviewed and approved by the Zoning Administrator.

(f) All buildings shall contain a concrete floor. (Ord. No. 00-1876, amended 10-19-2000)

(Ord. No. 98-1732, amended 7-9-1998; Ord. No. 20-2447, 7-20-2020)

31.10 - LIGHT INDUSTRIAL (I-1A)

31.11 - Intent.

The purpose of this district is to provide for the development of industrial uses ranging from small to large scale industry and related services and allow minimal outside storage. This district shall encourage the development of industrial uses accessible to major highways and utilizing City services of sanitary sewer, water, street, and storm drainage. Such light industrial areas can be located next to heavy industrial, commercial, residential, and airport districts and shall be free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or other pollutants.

(Ord. No. 97-1687, added 11-20-1997; Ord. No. 20-2447, 7-20-2020)

31.12 - Permitted uses.

- (a) Manufacturing uses: manufacturing, compounding, processing, packaging, storage, treatment, or assembly of products and materials within a structure, except for rendering/slaughtering/refining facilities.
- (b) Warehousing.
- (c) Wholesale businesses.
- (d) Offices—Business and professional.
- (e) Engraving shops.
- (f) Machine shops.
- (g) Printing and publishing.
- (h) Repair services, except for businesses related to passenger vehicles and trucks.
- (i) Service uses of blue-printing, duplicating, mailing, and graphic arts.
- (j) Research and design laboratories.
- (k) Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto as determined by the Zoning Administrator, provided these uses are not explicitly mentioned as permitted or conditional uses elsewhere in the ordinance.

(Ord. No. 20-2447, 7-20-2020)

31.13 - Accessory uses.

- (a) Dwelling for watchman (not to exceed five hundred (500) square feet) and limited to one (1) person.
- (b) Signs as regulated in Section 34.07.
- (c) Retail sales, incidental to manufacturing, of products manufactured, assembled, or warehoused on the premises, provided no more than ten percent (10%) of the building is used for retail space.
- (d) Coffee shops/cafeteria for employees.
- (e) Recreational facilities for employees.
- (f) Day care related to employees.

(Ord. No. 20-2447, 7-20-2020)

31.14 - Conditional uses.

- (a) Commercial nurseries/greenhouses.
- (b) Online purchase pickup location.
- (c) Heliports.
- (d) Passenger vehicle service, major repair, including painting, body work and dismantling, exclusive of auto reduction yards. Storage of vehicles shall be screened with one hundred percent (100%) opaqueness.
- (e) Outdoor storage of passenger vehicles or vans, provided such storage shall be screened with one hundred percent (100%) opaqueness. Such outdoor storage shall be related specifically to a permitted or approved conditional use.
- (f) Two (2) or more buildings on same lot provided such buildings relate to one (1) permitted or conditional use.
- (g) Building over fifty (50) feet from ground level.
- (h) Indoor vehicles sales showroom.
 - (i) Zero lot line with shared access and/or parking. (Ord. No. 98-1754, amended 11-19-1998)
 - (j) Adult Uses-Principal. As defined and licensed under Article VI - Blaine Municipal Code.
 - (k) Limited outside storage of materials or small equipment meeting standards of 31.15 (l).
 - (l) Contractor yard meeting standards of 31.15 (l).
- (m) Ground mounted solar as an accessory use. (Ord. No. 21-2474, 6-21-2021)

(Ord. No. 20-2447, 7-20-2020; Ord. No. 21-2474, 6-21-2021)

31.15 - Standards.

- (a) Minimum lot size—One (1) acre.
- (b) Minimum lot width—One hundred fifty (150) feet.
- (c) Minimum lot depth—One hundred fifty (150) feet.
- (d) Front yard building setback—Forty (40) feet.
- (e) Corner side yard building setback—Forty (40) feet.
- (f) Side yard building setback—Fifteen (15) feet.
- (g) Rear yard building setback—Twenty (20) feet.
- (h) Building height—Fifty (50) feet from ground level without a conditional use permit and subject to FAA regulations.
- (i) Minimum building size—Five thousand (5,000) square feet.
- (j) Parking and driveways may be constructed to within the following minimum setbacks of property line:
 - (1) Front yard/corner side yard twenty-five (25) feet.
 - (2) Side yard ten (10) feet.
 - (3) Rear yard ten (10) feet.

If rear yard or side yard parking setback is adjacent to a residential district, the parking setback shall be twenty-five (25) feet. Such setback shall be opaquely screened with berms, shrubs, trees, fence, or a combination thereof.

- (k) When a light industrial district is adjacent to any residential district, building setbacks shall be one hundred (100) feet along any side adjacent to a residential district.
 - (1) A reduction in the required building setback buffer may be requested by following the requirements in Section 33.20 Buffer Yard Flexibility.
- (l) Limited outside storage:
 - (1) Outside storage area limited to a maximum of fifty percent (50%) of total building footprint.
 - (2) Sites considered for limited outside storage shall be capable of providing full screening so that outside storage is not visible from any public right-of-way.
 - (3) Screening to be achieved through a combination of masonry walls, fencing, berming, landscaping, additional setbacks, etc.
 - (4) Limited outside storage limited to a maximum height of twelve (12) feet.
 - (5) A Conditional Use Permit for limited outside storage shall not permit the outside storage of semi-trucks, semi-trailers, or heavy construction equipment.
 - (6) All limited outside storage areas are to be hard surfaced and bound at the perimeter by either B-6-12 concrete curb and gutter or fencing as determined by the Zoning Administrator.

- (7) Additional screening may be required to effectively screen outside storage from the view of adjacent properties.

(Ord. No. 20-2447, 7-20-2020)

31.16 - Landscaping.

- (a) All landscaping requirements shall meet the provisions of Section 33.07, including the following:
- (1) Underground irrigation shall be required for all front yards and corner side yards.
 - (2) Traffic safety islands and/or general parking islands where deemed appropriate shall be landscaped.

(Ord. No. 20-2447, 7-20-2020)

31.17 - Loading facilities.

- (a) Loading facilities shall be in the side or rear yards and shall be screened. When visible only to another lot, such facilities must be screened with fifty percent (50%) opaqueness. Screening can be accomplished using berms, shrubs, trees, fencing, architectural design or a combination thereof.

For additional information and requirements, refer to Section 33.15.

(Ord. No. 20-2447, 7-20-2020)

31.18 - Storage/refuse facilities.

- (a) There shall be no outdoor storage of any kind within this district except as authorized by a conditional use permit. For purposes of this zoning district, car, vans and pickup trucks parked outside and used by employees and/or visitors in the normal course of the business operation will not be construed to be outdoor storage. Further, outside parked trucks, semi-trailers and any other vehicles larger than 10,000 GVW used in the normal business' commerce will not be construed to be outdoor storage provided a) total number of vehicles over 10,000 GVW, including but not limited to box trucks, semi cab, and semi-trailers does not exceed the number of docks and/or bay doors; and b) such use is not construed as an operation listed as a conditional use in any industrial zone.
- (b) Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.

(c)

There shall be no detached silos, storage tanks, storage bin containers or similar detached structures within this district.

- (d) All attached silos, storage tanks, storage bin containers or similar attached structures shall have screening approved by the Zoning Administrator. Attached structures include structures immediately adjacent to the building, subject to Zoning Administrator approval.

(Ord. No. 98-1732, amended 7-9-1998; Ord. No. 20-2447, 7-20-2020; Ord. No. 22-2494, 1-19-2022)

31.19 - Mechanical/electrical equipment.

All mechanical/electrical equipment on the ground or roof, such as heating, air conditioning, transformers, shall be screened on all sides so as not to be visible from public streets or adjoining property. Such screening shall be designed and constructed of material(s) that is compatible with the principal building(s).

(Ord. No. 20-2447, 7-20-2020)

31.191 - Architectural control.

- (a) All buildings erected shall be a type of construction as defined in the Minnesota Building Code. (Ord. No. 00-1876, amended 10-19-2000; Ord. No. 00-1835, amended 3-16-2000)
- (b) Any building shall be constructed so that all exterior sides shall be surfaced equivalent to the front building elevation as determined by the Zoning Administrator.
- (c) Exterior wall surfaces of all buildings shall be primarily faced with brick, stone, precast panel, cast-in-place panel, architectural concrete with other permitted materials, or glass.

Use of modern metal paneling materials or its equivalent shall be considered for exterior wall surfaces provided such materials are used in conjunction with other materials listed above. Use of modern metal paneling materials or its equivalent shall not exceed thirty-five percent (35%) of any individual wall surface.

- (d) The building design should exhibit architectural control which seeks to be creative and maximize building lines, shades, and angles to maximize architectural uniqueness.
- (e) All building design and exterior wall surface materials shall be reviewed and approved by the Zoning Administrator.
- (f) All buildings shall contain a concrete floor. (Ord. No. 00-1876, amended 10-19-2000)

(Ord. No. 20-2447, 7-20-2020)

31.20 - HEAVY INDUSTRIAL (I-2)

31.21 - Intent.

The purpose of this district is to provide for the development of heavy industrial uses ranging from small to large scale industry with a need for outdoor uses and storage and related services. This district shall encourage the development of industrial uses accessible to major highways and utilizing City services of sanitary sewer, water, street, and storm drainage. Such heavy industrial areas should be located next to light industrial and airport districts and shall be free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or other pollutants.

(Ord. No. 87-1024, amended 6-4-1987; Ord. No. 20-2447, 7-20-2020)

31.22 - Permitted uses.

- (a) Manufacturing uses: manufacturing, compounding, processing, packaging, storage, treatment, or assembly of products and materials within a structure, except for rendering/slaughtering/refining facilities.
- (b) Warehousing with outside parking of trucks, semitrailers, or other vehicles greater than 10,000 GVW other than buses not exceeding the number of docks and/or bay doors. (Ord. No. 95-1586, amended 12-21-1995)
- (c) Wholesale businesses.
- (d) Offices—Business and professional.
- (e) Engraving shops.
- (f) Machine shops.
- (g) Printing and publishing.
- (h) Repair services, except for businesses related to passenger vehicles and trucks.
 - (i) Service uses of blue-printing, duplicating, mailing, and graphic arts.
 - (j) Passenger vehicle service, major repair, including painting, body work and dismantling, exclusive of auto reduction yards. Storage of vehicles shall be screened with one hundred percent (100%) opaqueness. Towing may be included as an incidental use for vehicles that are towed to the site for repair.
- (k) Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto as determined by the Zoning Administrator, provided these uses are not explicitly mentioned as permitted or conditional uses elsewhere in this ordinance. (Ord. No. 91-1264, amended 9-19-1991)

(Ord. No. 20-2447, 7-20-2020)

31.23 - Accessory uses.

- (a) Dwelling for watchman (not to exceed five hundred (500) square feet) and limited to one (1) person.
- (b) Signs as regulated in Section 34.07.
- (c) Retail sales, incidental to manufacturing, of products manufactured, assembled, or warehoused on the premises, provided no more than ten percent (10%) of the building is used for retail space.
- (d) Coffee shops/cafeteria for employees.
- (e) Recreational facilities for employees.
- (f) Day care related to employees.
- (g) Short term lodging facilities for transportation terminals (31.14(l)). Limited to a maximum of sixteen (16) beds. (Ord. No. 90-1179, added 1-18-1990)
- (h) Bulk commodity storage facilities. Such facilities are exempt from the regulations of Section 31.193 Architectural Control. (Ord. No. 01-1935, added 2-3-2002)

(Ord. No. 20-2447, 7-20-2020)

31.24 - Conditional uses.

- (a) Commercial nurseries/greenhouses.
- (b) Waste transfer facility.
- (c) Automotive towing business with outdoor tow yard or impound lot.
- (d) Heliports.
- (e) Outdoor storage of materials or equipment other than passenger vehicles. All outside storage areas greater than one (1) acre require additional building standards outlined in [Section] 31.15(i). (Ord. No. 16-2342, amended 2-18-2016)
- (f) Condominium conversion of building(s).
- (g) Two (2) or more buildings on same lot provided such buildings relate to one (1) permitted or conditional use.
- (h) Contractor yards. (Ord. No. 89-1147, amended 6-15-1989)
 - (i) Commercial kennels.
 - (j) Public transportation terminal- privately owned.
- (k) Trap and skeet ranges.
 - (l) Tractor, trailer, farm implement, or marine assembly, manufacturing, or repair without outside storage of trucks or trailers exceeding the number of dock and/or bay doors on the building. (Ord. No. 94-1498, amended 2-3-1994)
- (m) Equipment rental.

- (n) Building over fifty (50) feet from ground level.
- (o) Automobile reduction/automobile reduction yards. (Ord. 88-1104, amended 11-17-1988)
- (p) Zero lot line with shared access and/or parking. (Ord. No. 89-1118, amended 3-16-1989)
- (q) Online purchase pick-up location.
- (r) Adult Uses—Principal. As defined and licensed under Article VI - Blaine Municipal Code. (Ord. No. 93-1320, amended 1-7-1993)
- (s) Yard waste drop-off facility. (Ord. No. 95-1564, amended 7-6-1995)
- (t) Retail sales facility for CNG (Compressed Natural Gas) or other alternative automotive fuels. Retail sales must be accessory to an onsite fleeting fueling operation. (Ord. No. 11-2224, added 6-16-2011)
- (u) Personal care, health care, recreation, fitness, or education related commercial services. Sites must be able to demonstrate adequate on-site parking. Uses must be destination based and not generate traffic volumes measurably above the range normally expected by the other allowed I-2 uses. With the exception noted in Section 31.23 (c), general retail sales is not permitted under this section. (Ord. No. 13-2266, added 5-16-2013)
- (v) Indoor vehicle sales showroom. (Ord. No. 14-2295, added 10-16-2014)
- (w) Brewer taproom associated with and on the same site as a licensed brewery. (Ord. No. 15-2334, added 12-17-2015)
- (x) Ground mounted solar as an accessory use. (Ord. No. 21-2474, 6-21-2021
(Ord. No. 98-1722, amended 5-21-1998; Ord. No. 20-2447, 7-20-2020; Ord. No. 21-2474, 6-21-2021)

31.25 - Interim uses.

- (a) Transient Sales meeting standards outlined in Section 31.293.
- (b) Crushing of concrete demolition materials meeting standards of Section 31.294 (Ord. No. 93-1327, amended 4-15-1993)
(Ord. No. 20-2447, 7-20-2020)

31.26 - Standards.

- (a) Minimum lot size—One (1) acre.
- (b) Minimum lot width—One hundred fifty (150) feet.
- (c) Minimum lot depth—One hundred fifty (150) feet.
- (d) Front yard building setback—Forty (40) feet.
- (e) Corner side yard building setback—Forty (40) feet.
- (f) Side yard building setback—Fifteen (15) feet.

- (g) Rear yard building setback—Twenty (20) feet.
- (h) Building height—Fifty (50) feet from ground level unless authorized by a conditional use permit and subject to FAA regulations.
- (i) Minimum building size—Five thousand (5,000) square feet. A site with an outside storage area greater than one (1) acre in size requires a minimum building size of twenty thousand (20,000) square feet.
- (j) Parking and driveways may be constructed to within the following minimum setbacks of property line:
 - (1) Front yard/corner side yard—Twenty-five (25) feet.
 - (2) Side yard—Ten (10) feet.
 - (3) Rear yard—Ten (10) feet.

If rear yard or side yard parking setback is adjacent to a residential district, the parking setback shall be twenty-five (25) feet. Such setback shall be opaquely screened with berms, shrubs, trees, fence or a combination thereof.
- (k) When a heavy industrial district is adjacent to any residential district, building setbacks shall be one hundred (100) feet along any side adjacent to a residential district.
 - (1) A reduction in the required building setback buffer may be requested by following the requirements in Section 33.20 Buffer Yard Flexibility.

(Ord. No. 20-2447, 7-20-2020)

31.27 - Landscaping.

- (a) All landscaping requirements shall meet the provisions of Section 33.07, including the following:
 - (1) Underground irrigation shall be required for all front yards and corner side yards. Such irrigation shall extend to include public boulevard except along I-35W and into general parking islands, except natural areas to be preserved.
 - (2) Traffic safety islands and/or general parking islands where deemed appropriate shall be landscaped.

(Ord. No. 20-2447, 7-20-2020)

31.28 - Loading facilities.

Loading facilities shall be in the side or rear yards. When adjacent to and/or visible from any public street, such facilities must be screened with one hundred percent (100%) opaqueness. When visible only to another lot, such facilities must be screened with fifty percent (50%) opaqueness. Screening can be accomplished using berms, shrubs, trees, fencing, architectural design or a combination thereof. For additional information and requirements, refer to Sections 31.24, 31.26.

(Ord. No. 20-2447, 7-20-2020)

31.29 - Storage/refuse facilities.

- (a) Outdoor storage shall be allowed within this district meeting all conditions imposed under a conditional use permit. All outdoor storage shall be located in the rear yard.
- (b) Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.
- (c) There shall be no detached silos, storage tanks, storage bin containers or similar detached structures within this district. Above ground fuel tanks are exempt from this requirement with Zoning Administrator approval of placement, screening and issuance of Building and Fire Department permits. (Ord. No. 95-1564, amended 7-6-1995)
- (d) All attached silos, storage tanks, storage bin containers or similar attached structures shall have screening approved by the (Community Development Director) Zoning Administrator. Attached structures include structures immediately adjacent to the building, subject to Zoning Administrator approval.

(Ord. No. 20-2447, 7-20-2020; Ord. No. 22-2494, 1-19-2022)

31.291 - Mechanical/electrical equipment.

All mechanical/electrical equipment on the ground or roof, such as heating, air conditioning, transformers, shall be screened on all sides so as not to be visible from public streets or adjoining property. Such screening shall be designed and constructed of material(s) that is compatible with the principal building(s).

(Ord. No. 98-1732, amended 7-9-1998; Ord. No. 20-2447, 7-20-2020)

31.292 - Architectural control.

- (a) All buildings erected shall be a type of construction as defined in the Minnesota Building Code. (Ord. No. 00-1876, amended 10-19-2000; Ord. No. 00-1835, amended 3-16-2000)
- (b) Any building shall be constructed so that all exterior sides shall be surfaced equivalent to the front building elevation as determined by the Zoning Administrator.
- (c) Exterior wall surfaces of all buildings shall be primarily faced with brick, stone, pre-cast panel, cast-in-place panel, architectural concrete in combination with glass or other permitted materials.

Based on building size, height, location and/or special use, the Zoning Administrator may approve the use of modern metal paneling materials or its equivalent for exterior wall surfaces provided such materials are used in conjunction with other materials listed above. Use of modern metal paneling materials or its equivalent shall not exceed seventy percent (70%) of the cumulative area of all building walls. Modern metal paneling shall be used primarily on the rear wall and secondarily on the side and/or front wall. (Ord. No. 90-1236, amended 10-18-1990)

(d) The building design should exhibit architectural control which seeks to be creative and maximize building lines, shades, and angles to maximize architectural uniqueness.

(e) All building design and exterior wall surface materials shall be reviewed and approved by the Zoning Administrator.

(f) All buildings shall contain a concrete floor. (Ord. No. 00-1876, amended 10-19-2000)

(Ord. No. 98-1732, amended 7-9-1998; Ord. No. 20-2447, 7-20-2020)

31.293 - Standards for transient sales.

(a) Location of the sale shall have a minimum one-hundred-fifty-foot setback from any intersection.

(b) No sales shall be located within or upon any public right-of-way, landscaped area, required front and side yard setbacks when the side yard abuts a street, fire lane, or designated drive aisle.

(c) The space used for transient sales, including off-street parking in connection with the transient sales, shall not exceed the space needed for any existing business at the site.

(d) Merchandise offered for sale shall not occupy more than one hundred (100) square feet.

(e) Adequate off-street parking must be available to serve both the principal use of the property and the use of the property for transient sales.

(f) Use of the property for transient sales shall not exceed eight (8) days within a maximum period of six (6) months.

(g) Transient sales shall not take place between the hours of 6:00 p.m. and 10:00 a.m.

(h) No overnight storage of transient merchant equipment or merchandise shall be allowed. Transient merchant equipment or merchandise shall be permitted on the premises only between the hours of 8:00 a.m. and 8:00 p.m. on a day transient sales are to take place.

(i) Signs shall be subject to the requirements of Chapter 34 of the Blaine Zoning Ordinance.

(j) The use of any horn, bell, or any loud or unusual noise to call attention to a transient sale is prohibited.

(k) A license shall be issued pursuant to Sections 22-271 through 22-330 of the Blaine Code.

(l) The license required by Minnesota Statutes Section 329.11 shall be filed with the City Clerk and shall be conspicuously posted in the transient merchant's place of business.

(m)

Written permission to occupy the property shall be filed with the City Clerk and shall be conspicuously posted in the transient merchant's place of business.

(Ord. No. 89-1168, added 3-1-1990; Ord. No. 98-1732, amended 7-9-1998; Ord. No. 20-2447, 7-20-2020)

31.294 - Standards for crushing of concrete demolition materials.

- (a) Minimum lot size of ten (10) acres.
- (b) Crushing and storage located in rear yard only.
- (c) Storage of demolition materials to meet the following setbacks:
 - 1. Ten (10) feet against I-2 zoned uses.
 - 2. Fifty (50) feet against I-1 zoned uses.
 - 3. One hundred (100) feet against all other zoning districts.
- (d) Recycling (crushing) of concrete demolition materials to meet the following setbacks:
 - 1. Fifty (50) feet against I-2 zoned uses.
 - 2. One hundred (100) feet against all other zoning districts.
- (e) Storage bunkered on three (3) sides.
- (f) Maximum storage height of fifteen (15) feet.
- (g) Maximum storage volume of twenty thousand (20,000) cubic yards.
- (h) Crushing activity limited to no more than forty-five (45) days in [a] twenty-four-month period.
- (i) Interim use permits issued under Section 31.25 (b) automatically expire after three (3) years. The holder of such a permit must submit a written request to the City Council if they wish to have the permit renewed for an additional three-year period. The City Council reserves the right to modify conditions of the permit if conditions warrant. All concrete demolition storage must be removed within sixty (60) days after a conditional use permit expires. (Ord. No. 06-2079, amended 3-16-2006)

(Ord. No. 93-1327, added 4-15-1993; Ord. No. 96-1588, amended 1-18-1996; Ord. No. 20-2447, 7-20-2020)

31.30 - HEAVY INDUSTRIAL (I-2A)

31.31 - Intent.

The purpose of this district is to provide for the development of heavy industrial uses ranging from small to large scale industry with a need for outdoor uses and related services, including trucking and asphalt plants. This district shall encourage the development of industrial uses accessible to major highways and

utilizing City services of sanitary sewer, water, street, and storm drainage. Such heavy industrial areas should be located next to heavy or light industrial and airport districts and shall be free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or other pollutants.

(Ord. No. 98-1720, added 5-21-1998; Ord. No. 20-2447, 7-20-2020)

31.32 - Permitted uses.

- (a) Manufacturing uses: manufacturing, compounding, processing, packaging, storage, treatment, or assembly of products and materials within a structure, except for rendering/slaughtering/refining facilities.
- (b) Warehousing with outside parking of trucks, semitrailers, or other vehicles exceeding 10,000 GVW except for busses not exceeding the number of docks and/or bay doors.
- (c) Wholesale businesses.
- (d) Offices—Business and professional.
- (e) Engraving shops.
- (f) Machine shops.
- (g) Printing and publishing.
- (h) Repair services, except for businesses related to passenger vehicles and trucks.
 - (i) Service uses of blue-printing, duplicating, mailing, and graphic arts.
 - (j) Passenger vehicle service, major repair, including painting, body work and dismantling, exclusive of auto reduction yards. Storage of vehicles shall be screened with one hundred percent (100%) opaqueness. Towing may be included as an incidental use for vehicles that are towed to the site for repair.
- (k) Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto as determined by the Zoning Administrator, provided these uses are not explicitly mentioned as permitted or conditional uses elsewhere in this ordinance.

(Ord. No. 98-1720, added 5-21-1998; Ord. No. 20-2447, 7-20-2020)

31.33 - Accessory uses.

- (a) Dwelling for watchman (not to exceed five hundred (500) square feet) and limited to one (1) person.
- (b) Signs as regulated in Section 34.07.
- (c) Retail sales, incidental to manufacturing, of products manufactured, assembled, or warehoused on the premises, provided no more than ten percent (10%) of the building is used for retail space.
- (d) Coffee shops/cafeteria for employees.

- (e) Recreational facilities for employees.
- (f) Day care related to employees.
- (g) Short term lodging facilities for truck and transportation terminals ([Section] 31.1984(i)). Limited to a maximum of sixteen (16) beds.

(Ord. No. 98-1720, added 5-21-1998; Ord. No. 20-2447, 7-20-2020)

31.34 - Conditional uses.

- (a) Commercial nurseries/greenhouses.
- (b) Waste transfer facility.
- (c) Automotive towing businesses with outdoor tow yard.
- (d) Heliports.
- (e) Outdoor storage of materials or equipment other than vehicles. All outside storage areas greater than one (1) acre require additional building standards outlined in Section 31.36(i). (Ord. No. 16-2342, amended 2-18-2016)
- (f) Condominium conversion of building(s).
- (g) Two (2) or more buildings on same lot provided such buildings relate to one (1) permitted or conditional use.
- (h) Contractor yards.
 - (i) Truck or transportation terminal or outside parking of trucks or semitrailers exceeding the number of docks and/or bay doors. The minimum building size for a truck terminal, transportation terminal, or cross dock shipping facility shall be fifty thousand (50,000) square feet. (Ord. No. 16-2342, amended 2-18-2016)
- (j) Self storage facility, indoor.
- (k) Commercial kennels.
- (l) Public transportation terminal-public or privately owned.
- (m) Tractor, trailer, farm implement, or marine assembly, manufacturing, sales, repair, or rental with or without a number of trucks or trailers stored outside exceeding the number of dock and/or bay doors.
- (n) Equipment rental.
- (o) Building over fifty (50) feet from ground level.
- (p) Automobile reduction/automobile reduction yards.
- (q) Zero lot line with shared access and/or shared parking.
- (r) Online purchase pickup location.
- (s) Adult Uses-Principal. As defined and licensed under Article VI - Blaine Municipal Code.

(t) Yard waste drop-off facility.

(u) Ground mounted solar as an accessory use. (Ord. No. 21-2474, 6-21-2021)

(Ord. No. 20-2447, 7-20-2020; Ord. No. 21-2474, 6-21-2021)

31.35 - Interim uses.

(a) Transient sales, meeting standards outlined in Section 31.393.

(b) Crushing of concrete demolition materials meeting standards of Section 31.394.

(c) Asphalt processing and recycling facility meeting standards of Section 31.395. (Ord. No. 98-1760, amended 12-17-1998)

(Ord. No. 98-1720, added 5-21-1998; Ord. No. 20-2447, 7-20-2020; Ord. No. 20-2447, 7-20-2020)

31.36 - Standards.

(a) Minimum lot size—One (1) acre.

(b) Minimum lot width—One hundred fifty (150) feet.

(c) Minimum lot depth—One hundred fifty (150) feet.

(d) Front yard building setback—Forty (40) feet.

(e) Corner side yard building setback—Forty (40) feet.

(f) Side yard building setback—Fifteen (15) feet.

(g) Rear yard building setback—Twenty (20) feet.

(h) Building height—Fifty (50) feet from ground level unless authorized by a conditional use permit and subject to FAA regulations.

(i) Minimum building size—Five thousand (5,000) square feet. A site with an outside storage area greater than one (1) acre in size requires a minimum building size of twenty thousand (20,000) square feet. (Ord. No. 16-2342, amended 2-18-2016)

(j) Parking and driveways may be constructed to within the following inimum setbacks of property line:

(1) Front yard/corner side yard—Twenty-five (25) feet.

(2) Side yard—Ten (10) feet.

(3) Rear yard—Ten (10) feet.

If rear yard or side yard parking setback is adjacent a residential district, the parking setback shall be twenty-five (25) feet. Such setback shall be opaquely screened with berms, shrubs, trees, fence or a combination thereof.

(k) When a heavy industrial district is adjacent to any residential district, building setbacks shall be one hundred (100) feet along any side adjacent to a residential district.

- (1) A reduction in the required building setback buffer may be requested by following the requirements in Section 33.20 Buffer Yard Flexibility.
- (l) Notwithstanding performance standards in Section 33.00, all activities within this district must comply with all Minnesota Pollution Control Agency regulations. In addition, no vibration shall be permitted which is discernible beyond the property line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour, and any vibration producing an acceleration of more than 0.1g, or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U.S. Bureau of Mines, Bulletin "Quarry Blasting" on any structure.
- (m) Common areas for condominiums. The developer may provide parking, common walls, driveways and waiting areas in an area common to all units of the building. Common areas shall be deeded to and held in the name of an owner's association created by the developer and including all owners of property in the project. Declarations, in form and substance acceptable to the City Attorney, governing the usage and maintenance of such common areas shall be adopted and filed by the developer.

(Ord. No. 98-1720, added 5-21-1998; Ord. No. 20-2447, 7-20-2020)

31.37 - Landscaping.

- (a) All landscaping requirements shall meet the provisions of Section 33.07, including the following:
- (1) Underground irrigation shall be required for all front yards and corner side yards. Such irrigation shall extend to include public boulevard except along I-35W and into general parking islands, except natural areas to be preserved.
- (2) Traffic safety islands and/or general parking islands where deemed appropriate shall be landscaped.

(Ord. No. 98-1720, added 5-21-1998; Ord. No. 20-2447, 7-20-2020)

31.38 - Loading facilities.

Loading facilities shall be in the side or rear yards. When adjacent to and/or visible from any public street, such facilities must be screened with one hundred percent (100%) opaqueness. When visible only to another lot, such facilities must be screened with fifty percent (50%) opaqueness. Screening can be accomplished using berms, shrubs, trees, fencing, architectural design or a combination thereof. For additional information and requirements, refer to Section 33.14.

(Ord. No. 98-1720, added 5-21-1998; Ord. No. 20-2447, 7-20-2020)

31.39 - Storage/refuse facilities.

- (a) Outdoor storage shall be allowed within this district meeting all conditions imposed under a conditional use permit. All outdoor storage shall be located in the rear yard.
- (b) Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards when feasible. Refuse facilities may be located in the front yard subject to approval of the Zoning Administrator. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principal structure. Such facilities shall have solid gates.
- (c) There shall be no detached silos, storage tanks, storage bin containers or similar detached structures within this district. Above ground fuel tanks are exempt from this requirement with Zoning Administrator approval of placement, screening and issuance of Building and Fire Department permits.
- (d) All attached silos, storage tanks, storage bin containers or similar attached structures shall have screening approved by the (Community Development Director) Zoning Administrator. Attached structures include structures immediately adjacent to the building, subject to Zoning Administrator approval.

(Ord. No. 98-1720, added 5-21-1998; Ord. No. 20-2447, 7-20-2020; Ord. No. 22-2494, 1-19-2022)

31.391 - Mechanical/electrical equipment.

All mechanical/electrical equipment on the ground or roof, such as heating, air conditioning, transformers, shall be screened on all sides so as not to be visible from public streets or adjoining property. Such screening shall be designed and constructed of material(s) that is compatible with the principal building(s).

(Ord. No. 98-1720, added 5-21-1998; Ord. No. 20-2447, 7-20-2020)

31.392 - Architectural control.

- (a) All buildings erected shall be a type of construction as defined in the Uniform Building Code. (Ord. No. 00-1876, amended 10-19-2000; Ord. No. 00-1835, amended 3-16-2000)
- (b) Any building shall be constructed so that all exterior sides shall be surfaced equivalent to the front building elevation as determined by the Zoning Administrator.
- (c) Exterior wall surfaces of all buildings shall be primarily faced with brick, stone, pre-cast panel, cast-in-place panel, architectural concrete in combination with glass or other permitted materials. Based on building size, height, location and/or special use, the Zoning Administrator may approve the use of modern metal paneling materials or its equivalent for exterior wall surfaces provided such materials are used in conjunction with other materials listed above. Use of modern metal

paneling materials or its equivalent shall not exceed seventy percent (70%) of the cumulative area of all building walls. Modern metal paneling shall be used primarily on the rear wall and secondarily on the side and/or front wall.

- (d) The building design should exhibit architectural control which seeks to be creative and maximize building lines, shades, and angles to maximize architectural uniqueness.
- (e) All building design and exterior wall surface materials shall be reviewed and approved by the Zoning Administrator.
- (f) All buildings shall contain a concrete floor. (Ord. No. 00-1876, amended 10-19-2000)

(Ord. No. 98-1720, added 5-21-1998; Ord. No. 20-2447, 7-20-2020)

31.393 - Standards for transient sales.

- (a) Location of the sale shall have a minimum one-hundred-fifty-foot setback from any intersection.
- (b) No sales shall be located within or upon any public right-of-way, landscaped area, required front and side yard setbacks when the side yard abuts a street, fire lane, or designated drive aisle.
- (c) The space used for transient sales, including off-street parking in connection with the transient sales, shall not exceed the space needed for any existing business at the site.
- (d) Merchandise offered for sale shall not occupy more than one hundred (100) square feet.
- (e) Adequate off-street parking must be available to serve both the principal use of the property and the use of the property for transient sales.
- (f) Use of the property for transient sales shall not exceed eight (8) days within a maximum period of six (6) months.
- (g) Transient sales shall not take place between the hours of 6:00 p.m. and 10:00 a.m.
- (h) No overnight storage of transient merchant equipment or merchandise shall be allowed. Transient merchant equipment or merchandise shall be permitted on the premises only between the hours of 8:00 a.m. and 8:00 p.m. on a day transient sales are to take place.
- (i) Signs shall be subject to the requirements of Chapter 34 of the Blaine Zoning Ordinance.
- (j) The use of any horn, bell, or any loud or unusual noise to call attention to a transient sale is prohibited.
- (k) A license shall be issued pursuant to Sections 15-20 through 15-22 of the Blaine Code.
- (l) The license required by Minnesota Statutes Section 329.11 shall be filed with the City Clerk and shall be conspicuously posted in the transient merchant's place of business.
- (m) Written permission to occupy the property shall be filed with the City Clerk and shall be conspicuously posted in the transient merchant's place of business.

(Ord. No. 98-1720, added 5-21-1998; Ord. No. 20-2447, 7-20-2020)

31.394 - Standards for crushing of concrete demolition materials.

- (a) Minimum lot size of ten (10) acres.
- (b) Crushing and storage located in rear yard only.
- (c) Storage of demolition materials to meet the following setbacks:
 - (1) Ten (10) feet against I-2 zoned uses.
 - (2) Fifty (50) feet against I-1 zoned uses.
 - (3) One hundred (100) feet against all other zoning districts.
- (d) Recycling (crushing) of concrete demolition materials to meet the following setbacks:
 - (1) Fifty (50) feet against I-2 zoned uses.
 - (2) One hundred (100) feet against all other zoning districts.
- (e) Storage bunkered on three (3) sides.
- (f) Maximum storage height of fifteen (15) feet.
- (g) Maximum storage volume of twenty thousand (20,000) cubic yards.
- (h) Crushing activity limited to no more than forty-five (45) days in twenty-four-month period.
- (i) Interim use permits issued under Section 31.1984(t) automatically expire after three (3) years. The holder of such a permit must submit a written request to the City Council if they wish to have the permit renewed for an additional three-year period. The City Council reserves the right to modify conditions of the permit if conditions warrant. All concrete demolition storage must be removed within sixty (60) days after a conditional use permit expires. (Ord. No. 06-2079, amended 03-16-2006)

(Ord. No. 98-1720, added 5-21-1998; Ord. No. 20-2447, 7-20-2020)

31.395 - Standards for asphalt processing and recycling facility.

- (a) Minimum lot size of twenty (20) acres.
- (b) Recycling and outside storage of materials in rear yard only.
- (c) Outside storage of asphalt materials or asphalt processing facility to meet the following setbacks:
 - (1) Fifty (50) feet against I-2 (Heavy Industrial) and I-2A (Heavy Industrial) zoned uses.
 - (2) Fifty (50) feet against I-1 (Light Industrial) uses or airport property.
 - (3) One hundred (100) feet against all other zoning districts or public right-of-way.
- (d) Maximum outside storage height of thirty (30) feet.
- (e) Maximum outside storage volume of one hundred fifty thousand (150,000) cubic yards.
- (f) Facility must prepare for City approval a Pollution Prevention Plan which would identify the type of wastes generated, procedures for spill containment, and disposal methods.

- (g) The facility must be operated in such a manner as to minimize the potential for spills or discharge of any pollution.
- (h) The applicant to obtain and adhere to all other required agency (MPCA, Anoka County) permits and standards.
- (i) Facility to conduct and provide written report to the City of annual soil and water quality tests through an independent and recognized testing company.
- (j) Applicant to prepare for City approval a facility closure plan that provides a financial guarantee in an amount to be determined by the City to ensure that site remediation and abatement measures can be successfully implemented.
- (k) Other standards as recommended and required by the City Council through the issuance of a Interim Use Permit.

(Ord. No. 98-1720, added 5-21-1998; Ord No. 98-1760, amended 12-17-1998; Ord. No. 20-2447, 7-20-2020)

Sec. 62-33. - Obligations of the refuse generators.

- (a) *Providing collection at households or businesses.* Pursuant to Minn. Stat. § 115A.941, every dwelling unit and place of business in the city must contract for solid waste collection service, which must be provided at least once a week. All dwelling units except apartment buildings and manufactured homes will be provided service under a city contract.
- (b) *Cleanliness of premises; placing garbage and refuse in containers.* Every property owner, occupant, or owner of any dwelling unit or place of business shall control the refuse on the premises so as to keep the premises in a clean and sanitary condition. All refuse accumulating between the times of collection shall be placed in containers as described. Containers shall not be left at the curbside for more than 24 hours.
- (c) *Container placement for collection.*
 - (1) Dwelling units, except apartment buildings and manufactured homes not contracting for curbside service: On the designated pickup day, refuse, recyclables and yard waste shall be set out for collection immediately behind and within two feet of the curb. Containers shall not be placed in the street.
 - (2) Businesses: Every property owner, occupant or owner of a place of business shall place containers used for the storage of refuse, recyclables and yard waste in conformance with the city zoning ordinances. Such containers shall be accessible to the haulers at all reasonable times.
- (d) *Containers; specifications; cleaning and disinfecting.*
 - (1) Every property owner or occupant or any place of business that accumulates refuse shall provide one or more rust resistant, watertight, nonabsorbent and easily washable containers, which are equipped with a bail or handle and covered with close-fitting lid. Containers shall have a capacity of not less than ten nor more than 32 gallons and shall be of sufficient number to store all refuse accumulating between collections. Places of business having accumulations in excess of three 32-gallon containers per week shall provide dumpsters for storage. Dumpsters shall be no less than one cubic yard capacity and be covered with a lid that keeps precipitation and animals from getting in.
 - (2) Every property owner and occupant of any dwelling unit except manufactured homes and apartment buildings shall provide a sufficient number of containers, described in this subsection (d), which do not exceed 32 gallons capacity. Residents on the city "one-can" program may also use plastic bags to put out excess garbage.
 - (3) All containers shall be washed and treated with disinfectant as often as necessary to prevent a nuisance.
- (e) *Service charges; as established; periods, delinquency.*

- (1) There is hereby imposed upon each dwelling unit except manufactured homes and apartment buildings for the collection of refuse and recyclables, a monthly charge for such services billed in accordance with schedules established from time to time by action of the council.
 - (2) If such charge is not paid within 25 days after the last day of the billing period, there shall be a late charge of ten percent of the amount owing for the previous period, with a minimum late charge of \$1.00.
 - (3) Such delinquent charge, plus penalty, as heretofore provided, shall be entered, shown and placed on the tax assessment rolls for the city for each dwelling unit within the city.
- (f) *Reduced rate for disabled citizens and senior citizens with a hardship.*
- (1) The refuse and recycling collection service charges shall be reduced by one-half for any dwelling unit (excluding manufactured homes and apartment buildings) which is principally occupied by:
 - a. Persons who are 65 years of age or older who meet the hardship conditions.
 - b. Disabled citizens having received an award letter from the Social Security Administration indicating that the individual is 100 percent disabled and who meet the hardship conditions.
 - (2) A hardship shall be deemed to exist when all the following apply:
 - a. The annual gross income of the household according to its most recent federal income tax return does not exceed the Federal Poverty Income Guidelines for a family of four, plus \$3,000.00. If no such return was filed, the clerk shall require the applicant to submit other documentation to show that this qualification is met.
 - b. The total assets of the household, exclusive of the homestead, do not exceed \$20,000.00.
- (g) *Burning of refuse; adoption of state regulations by reference.*
- (1) It is unlawful to kindle or authorize the kindling or maintenance of open fires which are fueled in part by refuse or yard wastes. This includes, but is not limited to, chemically treated lumber and other burnable building materials. Air pollution control regulations of the state pollution control agency, and any amendments thereto, are hereby adopted by reference by the city.

State Law reference— Adoption by reference, Minn. Stat. § 471.62.

- (2) One copy of the standards and regulations shall be marked as an official copy and filed for use and examination by the public in the office of the city clerk.

(Code 1980, § 10-3; Ord. No. 91-1273, 1-9-1992; Ord. No. 03-1967, 3-6-2003; Ord. No. 17-2393, 12-21-2017)

§ 50.004 STORAGE OF GARBAGE AND RECYCLABLE MATERIALS.

(A) *Preparation for placement in containers.* All garbage shall be securely wrapped or placed in a plastic bag to prevent leakage and littering before it is placed in garbage containers.

(B) *Location of garbage and recycling containers.* Except on scheduled collection days, garbage, yard waste, bulky waste and recyclable materials shall be stored behind the front line of the building for the width of the property. Garbage, yard waste, bulky waste and recyclable materials may be placed at the curbside or on the boulevard for collection by a licensed hauler no earlier than 6:00 pm on the day prior to the day of collection. Any containers or materials left over from collection shall be removed from the curbside or boulevard within 12 hours after said collection.

(C) *Location of dumpsters.*

(1) Dumpsters for garbage, yard waste and recyclable materials used in conjunction with multiple-unit dwellings and commercial establishments for the convenience of the property owner, renters or lessees, shall be stored within an enclosure. Enclosures shall be of sufficient capacity to contain garbage and recycling containers, with sufficient additional capacity to store bulky waste generated by the dwellings or establishments. The design and location of the enclosure shall be in conformance with city-approved standards. All new establishments with dumpsters shall construct enclosures prior to receiving a certificate of occupancy.

(2) Dumpsters intended for collecting recyclable materials from the public for charitable purposes may be located on a paved surface not designated for parking and must be clearly marked to indicate the type of recyclables accepted and the name of the charity to receive the resulting revenues.

(Prior Code, § 603.04) (Ord. 486, passed 04-23-1990; Ord. 492, passed 07-08-1991) Penalty, see § 50.999

Public Nuisances

Defines public and private nuisances, giving common examples such as weeds, smoke, noise, animals and more. Examines tools cities can use to effectively and fairly prevent nuisances or eliminate nuisance conditions when they occur. Evaluates complaint versus inspection enforcement options.

RELEVANT LINKS:

I. Considering community nuisances

Nuisances impact a community's livability. Minnesota cities provide for and protect the general welfare of its residents. This can include the prevention or abatement of various nuisance activities. In addition, state statutes provide cities the specific authority to abate nuisances within their jurisdictions.

Although it may seem relatively simple in theory, nuisance enforcement is much more difficult in practice. When adopting local regulations, cities need to consider many things, such as:

- Is the conduct or activity really a nuisance?
- Does that type of activity negatively impact the entire community or only certain individuals?
- Will we actively investigate nuisance conditions, or will we rely on resident complaints?
- How will we address an individual's rights when the city investigates or removes nuisance conditions?
- What resources do we have (or need) to enforce our ordinances?

Enforcement can be difficult, even in the most obvious situations. The "nuisance" owner may honestly have no idea that the use of his or her property is negatively impacting the community. Nuisance owners often have their own questions, such as:

- Why am I required to shovel the sidewalk in front of my property?
- Who are you to tell me how loud I can play my music?
- Why should my neighbors care how many cars I park on my property?
- Don't you need a warrant to enter my property?
- These are questions city officials should be prepared to answer.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

RELEVANT LINKS:

[Minn. Stat. § 561.01.](#)

[Matter v. Nelson](#), 478 N.W.2d 211 (Minn. Ct. App. 1991).

See [Public Nuisances](#), LMC Model Ordinance.

[Highview N. Apts. v. County of Ramsey](#), 323 N.W.2d 65 (Minn. 1982).

[Citizens for a Safe Grant v. Lone Oak Sportsmen's Club, Inc.](#), 624 N.W.2d 796. (Minn. Ct. App. 2001). 28A Minn. Prac., Elements of an Action § 18:1-2 (2016).

See Part V – *Common nuisances*.

See LMC information memo, [Zoning Guide for Cities](#).

II. What is a nuisance?

As defined by statute, a nuisance is anything injurious to health, indecent or offensive to the senses, or that obstructs the free use and comfortable use of life or property. Nuisance laws attempt to balance the competing interests and uses of property. As such, nuisance regulations commonly address neighborhood and land use issues, such as zoning, building codes, and fire codes, as well as more general quality-of-life concerns. City ordinances tend to provide a more detailed definition for nuisance conditions within a jurisdiction.

Nuisances can spring up in a variety of ways. A nuisance may be created by:

- An intentional act.
- Negligent conduct.
- An ultra-hazardous activity.
- A violation of state statute.
- A violation of city ordinance.
- Any other wrongful (or “tortious”) activity.

With nuisances, a person’s intent is often immaterial; the person’s motive or intent doesn’t necessarily enter into the analysis of whether the condition or conduct is a nuisance. While nuisances may often include negligent conduct, determining whether an individual failed to exercise due care is not always critical. Consequence, rather than intent or care, is the primary concern.

Nuisances may occur when someone fails to do something that is required. For example, the failure to cut one’s grass may become a nuisance. Nuisances can also occur when people do something they shouldn’t. Common examples of these action-based nuisances are: vehicle noise; accumulation of garbage or other junk; and parking an excessive number of vehicles at one location.

Often, the location and its surroundings are critical in determining if a nuisance exists. Something considered a nuisance in a higher density, residential area may be appropriate in an industrial zone (or in another city altogether).

III. Creation and classification

Nuisances can generally be categorized as follows:

RELEVANT LINKS:

Robinson v. Westman, 224 Minn. 105, 29 N.W. 1 (1947). *State v. Lloyd A. Fry Roofing Co.*, 310 Minn. 535, 246 N.W.2d 692 (Minn. 1976).
See Part IV – A – 2 – *Injunctions and abatements*.

Olsen v. City of Minneapolis, 263 Minn. 1, 115 N.W.2d 734 (Minn. 1962).

See *Public Nuisances*, LMC Model Ordinance.
See Part IV – *Public vs. private nuisances*.

[Minn. Stat. § 609.72.](#)

State v. Hensel, 901 N.W.2d 166 (2017).

A. Nuisance per se

A “nuisance per se” (or “nuisance at law”) is an act, occupation, or structure which is a nuisance at all times and under all circumstances, regardless of the actual location or its surroundings. In the case of a nuisance per se, the right to relief is established more simply through proof of the act itself. For example, conduct specifically prohibited by state statute or local ordinance would be a nuisance per se.

B. Nuisance in fact

A “nuisance in fact” is an act, occupation, or structure that becomes a nuisance based upon its relationship to its surroundings, its location, or the manner in which it is performed or operated.

C. Ordinance classifications

When defining nuisance activities, it is quite common for city ordinances to classify nuisances with the following general classifications. Such classifications separate nuisances by the harms that they cause, but also upon the broad police powers a city has to remedy such situations. It is quite possible for each category to include both per se and in fact nuisances.

1. Against the peace

Certain actions can be categorized as a “nuisance against the peace.” These and similar conditions can create fire, traffic, or other safety hazards:

- Snow, ice, or other obstructions impacting city streets and sidewalks.
- Trees or other materials blocking traffic or sightlines.
- Unnecessary or excessive noises and vibrations.
- Accumulation of old machinery, appliances, motor vehicles, and the like.

2. Against the quality of life

Some activities impact more generally upon a community’s “quality of life”:

- Disorderly conduct.
- Use and/or sale of drugs and alcohol.
- Prostitution.
- Loud music.
- Barking dogs or animal fighting.

RELEVANT LINKS:

[Minn. Stat. § 609.755.](#)

[Minn. Stat. § 609.322.](#)

[Minn. Stat. ch. 340A.](#)

[Minn. Stat. §§ 18.76-91.](#)

Handbook, *City Regulatory Functions*.
Excelsior Baking Co. v. City of Northfield, 247 Minn. 387, 77 N.W.2d 188 (Minn. 1956).

Hill v. Stokely-Van Camp, Inc., 260 Minn. 315, 109 N.W.2d 749 (Minn. 1961).

Aldrich v. Wetmore, 52 Minn. 164, 53 N.W. 1072 (Minn. 1893).
[Minn. Stat. § 609.74.](#)
See Part VII – Remedies.

3. Affecting morals

Some are categorized due to the detrimental impact on community morals:

- Use of illegal gambling devices.
- Houses of prostitution.
- Illegal sale or production of alcoholic beverages.

4. Affecting public health

Some activities are nuisances because they impact public health:

- Accumulation of rotting food, household wastes, and other refuse.
- Animals running at large.
- Noxious weeds.

IV. Public vs. private nuisances

In evaluating how it will respond to nuisances a city must first decide whether something is a public or private nuisance.

Public nuisances affect a considerable number of people; they violate public rights and produce a common or general injury, or they injure or annoy the portion of the public that comes into contact with them. Because they harm the general public, they can be addressed through city action.

A private nuisance, on the other hand, produces damages or injuries to only one person or a few people. As such, the prevention or abatement of a private nuisance is generally the responsibility of the individual injured, not the city.

Nuisances can be both public and private. For example, a tree on private property could overhang both the public right of way and the adjoining private property. Public nuisances are generally remedied by criminal prosecution or injunction or abatement actions. Private nuisances are typically remedied by a private civil action.

When the city receives a nuisance complaint, alleging some harmful or inappropriate conduct, city officials should consider the following questions:

- Is the activity actually a nuisance (as provided in state law or as defined in the city ordinances)?
- If it is a nuisance, is it a public or private nuisance?
- If it is a public nuisance, what enforcement actions should be used?

RELEVANT LINKS:

Victor E. Schwartz & Phil Goldberg, *The Law of Public Nuisance: Maintaining Rational Boundaries on a Rational Tort*, 45 Washburn L.J. 541 (2006).

[Kelsey v. Chicago R.I. & P.R. Co.](#), 264 Minn. 49, 117 N.W.2d 559 (Minn. 1962).

[Minn. Stat. § 609.74.](#)

State v. Nelson, 189 Minn. 87, 248 N.W. 751 (Minn. 1933). [Borchardt v. City of North Mankato](#) (Minn. Ct. App. Oct. 4, 2021) (unpublished opinion).

[Minn. Stat. § 609.745.](#)

[Minn. Stat. §§ 617.80-87.](#)

A. Public nuisances

Public nuisance laws have developed over centuries of English and U.S. court decisions (common law). In addition, state and local governments determine through state statutes and/or local ordinances what are considered nuisance activities for a particular jurisdiction.

Nuisance laws have evolved over time and will continue to do so. With more and more people living and working closely in our cities, individuals have a greater opportunity to impact the living conditions of their neighbors. Changes in industrial and commercial practices also lead to different beliefs on what are appropriate uses of property, real and personal, and what is not proper.

Public nuisances negatively impact a community—perhaps the city at large, or an otherwise significant area such as a neighborhood. Public nuisance laws address both intentional acts and negligent conduct.

1. Statutory criminal offenses

State statutes provide that a person is guilty of maintaining a public nuisance (a misdemeanor offense) when he or she, by an affirmative action or upon a failure to act, does any of the following:

- Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public.
- Interferes with, obstructs, or renders dangerous for passage any public highway, right-of-way, or waters used by the public.
- Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.

Both the person in control of the real property where a public nuisance is maintained, as well as a property owner who rents property with knowledge of the nuisance conditions, may be guilty of a misdemeanor. Statutory nuisance violations can be enforced through criminal prosecutions.

2. Injunctions and abatement

In addition to possible criminal prosecutions, the state statutes also provide a mechanism for obtaining temporary or permanent injunctions or orders for abatement of certain defined public nuisance activities. An injunction is an order that requires a person to stop doing something that harms (e.g., refraining from loud noises, odors, etc.); an abatement order would require a harmful condition to be removed from the property (e.g., cutting weeds, draining stagnant water, etc.).

RELEVANT LINKS:

[Minn. Stat. § 617.81, subd. 2.](#)

[Minn. Stat. § 617.80, subd. 2.](#)

[Minn. Stat. § 340A.401](#) (unlicensed sales).
[Minn. Stat. § 340A.503, subd. 2\(1\)](#) (persons under 21 years of age).

[Minn. Stat. § 609.02, subd. 6.](#)

[Minn. Stat. § 617.81, subd. 2.](#)

See Part IV – A – 1 –
Statutory criminal offenses.

[Minn. Stat. § 609.745.](#)

[Minn. Stat. § 340A.401.](#)

[Minn. Stat. § 340A.503, subd. 2\(1\).](#)

[Minn. Stat. § 617.81, subd. 2\(c\).](#)

35 Dunnell Minn. Digest
Nuisances §§ 4.00-.15 (4th
ed. 1997).

For purposes of statutory injunction or abatement proceedings, a public nuisance exists upon proof of one or more separate incidents committed within the previous 12 months either within a building or upon the land surrounding the structure of:

- Prostitution or prostitution-related activity.
- The unlawful sale, possession, storage, delivery, giving, manufacture, cultivation, or use of controlled substances.
- Selling alcohol without a commercial license and/or the unlawful sales or gifts of alcohol to persons under 21 years of age, when multiple violations occur during the same behavioral incident when the building is not occupied by the owner or a tenant, lessee, or occupant.
- The unlawful use or possession of a dangerous weapon.

In addition, for purposes of injunction or abatement, a public nuisance also exists upon proof of two or more separate behavioral incidents committed within the previous 12 months within a building (or upon the land surrounding the structure) of:

- Gambling or gambling-related activities.
- Maintaining a public nuisance as defined by Minn. Stat. § 609.74, clause (1) or (3).
- Permitting a nuisance to occur in violation of Minn. Stat. § 609.745.
- The sale of alcoholic beverages without commercial license.
- The unlawful sale or gifts of alcoholic beverages to an individual under 21 years of age.
- The violation by a commercial enterprise of state or local licensing regulations, state statute, or local ordinance prohibiting the maintenance of a public nuisance.

To obtain an injunction or abatement order, proof of each element of the conduct constituting the nuisance must be established by clear and convincing evidence.

3. Court decisions

Minnesota courts have found, among others, the following specific circumstances to be nuisances:

- Accumulation of filth.
- Noise.
- Offensive odors.
- Automobile wrecking.
- Houses of prostitution.
- The operation of steam shovels.
- Hazardous buildings.

RELEVANT LINKS:

See Part VI – *Municipal regulations*.

[Minn. Stat. § 561.01.](#)
“Minnesota’s Public and Private Nuisance Laws,”
Minnesota House Research
(July 2015).
[Holmberg v. Bergin](#), 285
Minn. 250, 172 N.W.2d 739
(Minn. 1969).

[Hill v. Stokely-Van Camp, Inc.](#), 260 Minn. 315, 109
N.W.2d 749 (Minn. 1961).

[Cracraft v. City of St. Louis Park](#), 279 N.W.2d 801
(Minn. 1979).

- Three or more people obstructing the free passage of sidewalk traffic.
- Icy sidewalks or driveways.
- A building overhanging a public street.
- Stockyards, slaughtering houses, and rendering works.
- Gases and gas odors, including those emanating from gas plants, petroleum tanks, and engines.
- Smoke, dirt, and cinders emitted from chimneys and smoke stacks.
- Obstructions or pollution of public streets or waters.
- Discharge of water and sewage unto adjacent lands.
- Cesspools.

4. Local regulation

In addition to the statutory and the common law authorities, cities have the ability to define and establish through local ordinances additional nuisance conduct—so long as it is able to demonstrate that the condition or activity is a public nuisance.

B. Private nuisances

Similar to public nuisances, a private nuisance is anything injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, interfering with the comfortable enjoyment of life or property. An activity does not need to be unlawful to be a nuisance; for example, a tree overhanging into a neighbor’s yard may become a private nuisance.

A private nuisance harms few persons. As such, the responsibility for prevention or abatement is the responsibility of those harmed and is not a proper ground for city actions. In contrast to public nuisances, which are redressed by state prosecution or abatement actions, private nuisances are only addressed by the individuals harmed through private actions.

C. Creating a private duty

Even though cities do not generally play a role in abating private nuisances, in limited circumstances it is possible for a city to assume a duty and subsequent responsibilities in protecting or preventing private harms from occurring. For such a private duty to exist, an individual will need to demonstrate that:

- The city had actual knowledge of the dangerous condition.
- There was reasonable reliance by those subject to the council’s representation and conduct and the reliance was based on specific actions or representations which caused the person harmed to forgo other means of protection.

RELEVANT LINKS:

Danielson v. City of Brooklyn Park, 516 N.W.2d 203 (Minn. Ct. App. 1994).

Hansen v. City of St. Paul, 298 Minn. 205, 214 N.W.2d 346 (Minn. 1974).

Gilbert v. Billman Const., Inc., 371 N.W.2d 542 (Minn. 1985).

Village of Wadena v. Folkestad, 194 Minn. 146, 260 N.W. 221 (Minn. 1935).
City of Edina v. Dreher, 454 N.W.2d 621 (Minn. Ct. App. 1990).

[Minn. Stat. § 116.07.](#)
[MPCA.](#)

- The ordinance set forth a mandatory act intended to protect a particular class of people and not just the general public.
- The city’s action or inaction increased the risk of harm.

The burden will be on the individual to demonstrate that the city has assumed such responsibility. While courts have been reluctant to find cities liable for otherwise private injuries, examples where such a duty has been found includes:

- Someone bitten by a dangerous dog running at large, where the city had knowledge but failed to enforce its own ordinance.
- An employee who exceeds their authority by either making specific promises to a homeowner that the conditions will be remedied or provides a guarantee or approval as to private conditions.

It is important for cities to enforce their ordinances and to refrain from making promises that they are unable or unwilling to keep.

V. Common nuisances

Nuisances are typically location-specific. Depending on the location, an activity could be either appropriate or terribly harmful. It is generally inappropriate to simply label something a nuisance without investigating the actual impact upon the community. However, there are particular broad categories of activities that often constitute nuisances.

A. Noise

Sounds are a byproduct of life. Inevitably, noise can negatively impact the quality of life. Typical complaints involve:

- Barking dogs.
- Lawn mowers, leaf blowers, and other similar equipment.
- Radios.
- Construction equipment.
- Parties, concerts, and other social events.
- Motor vehicles.

For noise to be considered a nuisance, it must significantly interfere with one’s enjoyment of life and property. Slight or occasional noises are typically not sufficient to create a nuisance condition. Similarly, those “usual” noises, such as the afternoon operation of a lawn mower, don’t generally rise to nuisance levels.

Although the Minnesota Pollution Control Agency (MPCA) has statewide authority over noise and noise control issues, local noise ordinances enable city officials to address community concerns.

RELEVANT LINKS:

[Coates v. City of Cincinnati](#), 402 U.S. 611, 91 S. Ct. 1686 (1971).

[Minn. Stat. §§ 18.75-.91](#).
[State v. Boehm](#), 92 Minn. 374, 100 N.W. 95 (Minn. 1904).
[Holmberg v. Bergin](#), 285 Minn. 250, 172 N.W.2d 739 (Minn. 1969). [Jones v. Farnham](#), 299 Minn. 156, 216 N.W.2d 834 (Minn. 1974). [Borchardt v. City of North Mankato](#) (Minn. Ct. App. Oct. 4, 2021) (unpublished opinion).

See Part VII – F –
[Abatement](#).

LMC information memo,
[Acquisition and Maintenance of City Streets](#).

Handbook, [City Licensing](#).

LMC information memo,
[Regulating Peddlers, Solicitors and Transient Merchants](#).
LMC informational memo,
[Sign Ordinances and the First Amendment](#).

Cities should be prepared to defend the specific regulations and criteria, as subjective standards are more vulnerable to legal challenge.

B. Weeds, trees, and long grass

Failing to control a property's vegetation can become a public nuisance.

The Minnesota Noxious Weed Law requires anyone who owns and occupies land to control or eradicate all noxious weeds on the property. Excessive weeds, grass and other vegetation (often intermixed with trash and other decaying property) are not only physical blight conditions, but can create fire and other safety hazards. Overhanging tree branches and expanding tree roots are often private nuisances between neighbors, but can also block intersection sight lines, push up sidewalks, and clog city sewer lines. Neglected diseased or dying trees can affect an entire community and cause significant ecological and structural hardships.

These conditions are often abated by city officials as needed.

C. Streets and sidewalks

Local regulations often address the use and possible misuse of a city's streets and sidewalks system.

Since the accumulation of snow and ice can create hazardous conditions, cities often require adjoining residents to clear sidewalks of snow and ice within a reasonable time and prohibit parking on city streets until plowing is complete. Failure to comply with these regulations can result in abatement, which could include shoveling the sidewalk and fining the property owner or assessing the property, and towing and impounding of vehicles.

Some cities choose to regulate parking on city streets through specific regulations. For instance, ordinance provisions may restrict or prohibit:

- Parking or operating commercial vehicles in residential areas.
- Overnight parking of campers and recreational vehicles.
- Parking vehicles for sale in the public right-of-way.

In an attempt to establish an acceptable balance concerning street usage, some cities issue licenses or permits, or establish regulations for some city street and sidewalks activities, including:

- Parades, demonstrations, and protests.
- Street dances and block parties.
- Hotdog vendors, food trucks, and other transient merchant activities.
- Sidewalk cafes.
- Informational signs.

RELEVANT LINKS:

[Minn. Stat. ch. 168B.](#)

[Minn. Stat. § 168B.04.](#)

[Minn. Stat. § 168B.04, subd. 2.](#)

[Minn. Stat. § 168B.09.](#)

[Minn. Stat. ch. 617.](#)
[Northshor Experience, Inc. v. City of Duluth](#), MN, 442 F.Supp.2d 713 (D. Minn. 2006).

Handbook, [City Licensing](#).

[Burning Permit Information](#),
[DNR Forestry Division](#).

D. Motor vehicles

Pursuant to state statutes, certain motor vehicles are considered health and safety hazards. Since they can be attractive to children and harbor rodents and other pests, the presence of abandoned or junk vehicles can lead to various concerns. Cities have the authority to take into their custody:

- Abandoned vehicles, left on public or private property with no potential for further use.
- Junk vehicles (unregistered and only valued at the scrap metal within).
- Unauthorized vehicles, in circumstances provided for in state statute.

When vehicles are impounded, cities are required to follow specific notice requirements concerning both the taking of the vehicle as well as the possible sale or disposal as provided by the statutes. Cities may also adopt ordinances so long as they are not less stringent than state law.

E. Adult uses

Many cities have adopted ordinances to regulate adult uses. There is also general authority provided in state law for those decisions (though it is important to note that the statutes' constitutionality has been challenged). Public nuisances associated with the secondary effects of many adult uses can be addressed by a narrowly tailored adult use ordinance.

While state law prohibits indecent exposure and obscene materials and performances, many adult uses, such as strip clubs and sexually oriented adult bookstores, are not per se obscene. In many cases, such establishments are subject to certain First Amendment protections and cannot generally be prohibited within a jurisdiction. More often, however, cities are restricted to regulating adult businesses, requiring business licenses, and limiting locations through zoning code restrictions.

F. Fires and smoke

With limited exceptions provided for campfires, cooking fires, and the like, open burning is a highly regulated activity in Minnesota. Many materials are specifically prohibited from open burning and most burning require first obtaining a burning permit from the Minnesota Department of Natural Resources (DNR) or one of its agents. Cities have statutory authority to further restrict or prohibit open burning within their jurisdiction.

Of particular concern is the operation of backyard solid fuel burning stoves. Because these stoves are fully enclosed with smokestacks, they fall outside of those state regulations on open burning.

RELEVANT LINKS:

State v. Chicago, M. & St. P. Ry. Co., 114 Minn. 122, 130 N.W. 545 (Minn. 1911).

See *Lead v. Inch*, 116 Minn. 467, 134 N.W. 218 (Minn. 1912).

[Minn. Stat. § 347.04.](#)

Holt v. City of Sauk Rapids, 559 N.W.2d 444 (Minn. Ct. App. 1997).
See Part IX – B – *Notice-due process*.

[Minn. Stat. § 429.021.](#)

See Part XI – *Special assessments*.

See Part IV – A – *Public nuisances*.

However, these stoves produce a low temperature burn and typically have very short smokestacks, emitting a tremendous amount of smoke at or near ground level. The Minnesota Supreme Court determined that excessive smoke can be a public nuisance when it invades a residence or place of occupation. Many cities have adopted ordinances regulating the use of solid fuel burners.

G. Animals

Communities use a variety of measures to regulate animal nuisance problems within their jurisdictions. As cities have become more densely populated and the variety and number of pets have changed (i.e., pot-bellied pigs, poultry, apiaries), the need to regulate has increased. Animals, pets or otherwise, and their owners can negatively impact a community in many ways, including:

- Excessive barking, howling, whining, or other noise problems.
- Injuring or inflicting great bodily harm.
- Running at-large.
- Keeping of farm or other wild/non-domesticated animals.
- Having too many animals at one location.
- Creating bad odors.
- Having and possibly spreading disease.
- Causing significant property damage.
- Leaving animal waste on public or private property.

As a result of these and other justifications, animal and pet regulations have been found to be a proper exercise of a city's police powers.

Although due process is critical whenever private property is entered or personal property is removed, extra care should be followed to ensure that an owner's rights are provided when animals are impounded.

H. Water

Minnesota cities have used their authority to abate various water-related nuisances such as draining and filling of swamps, marshes, and ponds on public or private property. Subject to compliance with DNR regulations, cities are authorized to undertake and finance such public improvements, at least partially, through the special assessment process.

I. Building and property conditions

Many problems arise when private buildings and their surrounding properties are not properly maintained.

RELEVANT LINKS:

[Minn. Stat. § 617.80.](#)
[Minn. Stat. § 617.81.](#)

Cates v. Rose Bros., 182 Minn. 494, 234 N.W. 681 (1931).

Handbook, *Comprehensive Planning, Land Use, and City-Owned Land*.

[Minn. Stat. §§ 463.15-26.](#)

Ukkonen v. City of Minneapolis, 280 Minn. 494, 160 N.W.2d 249 (Minn. 1968).

[Minn. Stat. § 463.17.](#)

[Minn. Stat. § 463.151.](#)

[Minn. Stat. ch. 117.](#)

[Minn. Stat. § 463.16.](#)

[Minn. Stat. § 463.161.](#) [Minn. Stat. § 463.21.](#)

Fortunately, state statutes provide significant authority to impose criminal penalties on individuals who maintain properties that constitute a public nuisance, as well as a process to abate such conditions when they do occur. In landlord-tenant situations, both tenant and owner may be held responsible for nuisance acts occurring on the property.

In addition, cities can enforce building and/or property “maintenance” codes, providing an additional local regulatory option. A typical property regulation may address outdoor storage, including what may be stored outside, how much/many items may be stored on the property, how long something may be stored outside, and different standards for front and back yards.

While important everywhere, communities interested in renewal and redevelopment often make the elimination of nuisances a higher priority and seek various methods—including criminal prosecutions, active inspections, or abatement procedures—to achieve optimal results. This can be of particular importance when economic conditions result in an increased number of vacant and/or foreclosed properties.

J. Hazardous and vacant properties

The Hazardous and Substandard Buildings Act provides the procedure cities may use to address hazardous buildings and dangerous excavations within their communities. A “hazardous building” is “any building which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety and health.”

Cities typically first notify the owner of record to request the voluntary repair or removal of the hazardous condition or structure. If the owner is unwilling to repair, or if repair or removal is impractical, a city may choose to take one of the following actions:

- Upon the consent in writing of all owners of record, tenants, and all lien holders of record, the city itself may remove or raze any hazardous building or remove or correct any hazardous condition, assessing the costs incurred against the property.
- Acquire the hazardous building(s) or property through the exercise of the city’s eminent domain authority.
- Order the owner to correct or remove the condition or raze the building.
- Obtain a court judgment and the city itself can correct or remove the hazardous condition, assessing the costs incurred against the real property.

RELEVANT LINKS:

See LMC information memo, [Dangerous Properties](#).

[Minn. Stat. § 463.251](#).
City of Wells v. Swehla, No. C3-00-319, (Minn. Ct. App. 2000) (unpublished opinion).

[Minn. Stat. § 504B.205](#).

[Minn. Stat. § 609.74](#).

Seiler, Bryan M., Note, Moving from “Broken Windows” to Healthy Neighborhood Policy: Reforming Urban Nuisance Law in Public and Private Sectors, 92 Minn. L. Rev. 883, 903 (2008).

When ordering the owner to correct or remove any hazardous conditions, specific statutory procedures must be followed, including enforcement through judicial action. Any attempt to order correction must proceed through the guidance and assistance of the city attorney.

Vacant properties can also be a detriment to a community’s health, safety, and general welfare. Unoccupied, unsecured properties can quickly become the breeding ground for rodents, trash, and criminal activities. Cities can order vacant or unoccupied structures to be secured against trespass and provide for the emergency securing of a building when health and safety concerns require. A number of cities have adopted local regulations related to vacant structures.

K. Consumption of police services

Some cities have adopted ordinances declaring excessive use of police services to be a public nuisance. Under these regulations, the costs of excessive police services are pushed back onto those individuals whose nuisance activities resulted in repeat police responses (and additional costs) to one location. Cities adopting such measures must be careful not to impede an individual’s right to seek police or other emergency assistance when needed.

L. Miscellaneous

This list of nuisance activities is not intended to be definitive. Cities, either specifically within a general nuisance ordinance or elsewhere within the city code, regulate or prohibit harmful, indecent or offensive conduct. As a few final examples, cities regularly enforce city ordinances concerning:

- Noxious smells or odors.
- Graffiti.
- Animated signage.
- Excessive or misdirected light.
- Glare.

A city may certainly find other acts or uses to be nuisances, and the list and type of activities may change over time. Before making such a declaration, seek the advice of the city attorney.

VI. Municipal regulations

There are various reasons why cities regulate nuisance activities or conditions. When a city does become involved, it needs to be sure that it has the general authority to act and complies with any statutory or ordinance requirements. Cities need to limit their actions to public, not private, nuisances.

RELEVANT LINKS:

[Minn. Stat. § 412.221, subd. 23.](#)
Handbook, *The Home Rule Charter City*.

[Minn. Stat. § 410.33.](#)

[State v. Lloyd A. Fry Roofing Co.](#), 310 Minn. 535, 246 N.W.2d 692 (Minn. 1976).
[Claesgens v. Animal Rescue League of Hennepin County](#), 173 Minn. 61, 216 N.W. 535 (1927).

Handbook, *Meetings, Motions, Resolutions, and Ordinances*.

[Minn. Stat. § 412.221, subd. 32.](#)
[St. Paul v. Gilfillan](#), 36 Minn. 298, 31 N.W. 49 (Minn. 1886). *Cf. City of St. Paul v. Haugbro*, 93 Minn. 59, 100 N.W. 470 (Minn. 1904).

[Press v. City of Minneapolis](#), 553 N.W.2d 80 (Minn. Ct. App. 1996).
[State v. Becker](#), 351 N.W.2d 923 (Minn. 1984).

A. Authority

In addition to the criminal penalty and abatement measures provided in state statutes, cities also have the general authority to handle nuisance issues through the adoption of local measures. For statutory cities, the city council has specifically been provided the power to, by ordinance, define nuisances and provide for their prevention or abatement. Most home rule charter cities have similar authority through a charter provision providing either a similar grant of power, or the general authority to provide for the community's safety, health, and welfare. In the absence of any specific charter provision, charter cities may also exercise the powers of a statutory city.

There are limits to this local authority. City actions will be invalidated if this authority is exercised in an arbitrary or unreasonable manner or if preempted by state or federal laws.

B. Nuisance ordinances

A city may best be able to control public nuisances through the adoption of a nuisance ordinance (or collection of city ordinances) that defines and classifies nuisances, provides for their abatement, and establishes penalties for noncompliance. Because city ordinances have the force and effect of law, their form and content are important, as well as the procedures for adoption.

An ordinance defining a particular activity as a public nuisance is presumably a valid exercise of a city's police powers. Not only have many cities adopted nuisance ordinances, but many rely on their local ordinances more than state statutes. However, ordinances may only regulate public nuisances and may not declare something a public nuisance that would otherwise be considered a private nuisance, relatively harmless, or simply not a nuisance at all.

Ordinance language is critical for city efforts to be effective. City ordinances often mirror the provisions provided in state law, but often include specific acts or omissions to provide local officials direction in enforcing nuisance violations. A common problem is not properly defining terms or using terms too vague or broad to be enforceable. Conversely, an ordinance may be drafted in a way that is too limiting to encompass all intended violations. The ordinance should clearly provide the enforcement procedure and how it will be interpreted and applied. The primary purpose of nuisance regulations is usually to encourage compliance, not necessarily to punish offenders.

RELEVANT LINKS:

[Lorshbough v. Township of Buzzle](#), 258 N.W.2d 96 (Minn. 1977). [Pelican Lake Property Owners Ass'n v. County of Crow Wing](#), Nos. C5-98-1549, C3-98-1940 (Minn. Ct. App. Aug. 17, 1999) (unpublished decision). [Schultz v. Frank](#), No. C1-00-285 (Minn. Ct. App. Aug 1, 2000) (unpublished decision).

[Minn. Stat. § 412.231.](#)

[Minn. Stat. § 609.02.](#)

VII. Remedies

Cities have choices in how they will remedy nuisance conditions and enforce their nuisance ordinances. Adopting an ordinance may create a duty to take some reasonable steps to enforce it on behalf of the general public. Most cities will use a combination of methods, depending upon their resources and the seriousness of the offense. Whatever methods are used, it is a good practice to have a policy guiding when a particular method will be used. This will ensure that similar violations are treated equally.

A. Self-remedy

The most cost-effective way to remedy nuisance conditions is for the individual to correct the situation him- or herself with minimal city involvement. There are situations where someone is unaware that he or she is maintaining a nuisance and will correct the situation when so informed through a letter or a conversation.

Cities can also consider other potentially effective voluntary approaches for nuisance elimination. For example, many cities sponsor neighborhood cleanup days or city-wide recycling events. These activities: provide individuals the opportunity to dispose of many larger items; provide an opportunity for neighborhood residents to work together to address general maintenance issues; and may provide incentive for individuals to fix up their own property.

B. Criminal prosecutions

Most nuisance ordinances provide that violations will constitute a misdemeanor offense. A misdemeanor is a crime for which a sentence of not more than 90 days imprisonment or a fine of not more than \$1,000 (or both) may be imposed.

Criminal prosecutions may take longer than other alternatives and require a higher burden of proof (beyond a reasonable doubt). However, a possible criminal conviction can provide a good incentive for the individual to bring his or her property into compliance.

As part of the criminal sentencing, some or all of the actual jail time or fines may be suspended (or stayed), so long as the nuisance condition is remedied within a particular period of time.

C. Civil actions

When the city has reasonable grounds to believe a nuisance exists, it may bring a civil action in district court to end that activity.

RELEVANT LINKS:

See Part VII – F –
Abatement.

*Hannan v. City of
Minneapolis*, 623 N.W.2d
281 (Minn. Ct. App. 2001).
City of Ramsey v. Kiefer, No.
A08-1714 (Minn. Ct. App.
Aug. 25, 2009) (unpublished
decision).

Handbook, *City Licensing*.
Handbook, *City Regulatory
Functions*.

[Minn. Stat. § 415.17.](#)

Rather than seek criminal penalties, cities often pursue a civil remedy to achieve compliance with a city ordinance. Civil actions are generally faster, preferred by the courts, and provide the city the advantage of a lower burden of proof (preponderance of the evidence). Civil remedies can include injunctions or restraining orders. Subsequent violations of restraining orders can be enforced through contempt proceedings.

D. Administrative enforcement

Some cities have adopted administrative enforcement ordinances for dealing with nuisance conditions. An administrative process is a quasi, non-judicial alternative remedy. Under this system, property owners (or other types of alleged nuisance violators) are provided the opportunity to present their side before an administrative hearing officer (or panel) appointed by the city council. When violations are found, penalties typically follow a pre-established schedule: more nominal fees for a first violation with increased penalties for subsequent acts.

The advantage to establishing an administrative hearing procedure is that it is less formal, less costly, and potentially less intimidating than the court system. The accused is given a chance to come into compliance, with all monies collected retained by the city, not distributed through the state court system.

Cities should be aware that both the state auditor and the state attorney general have questioned whether cities have authority to enact these local processes. Accordingly, cities contemplating such an ordinance should work closely with their city attorney.

E. Licensing

Cities also address nuisance conditions through common regulatory means, such as city licenses, permits, and other forms of required registration. The use of licenses and permits offer cities an effective means to monitor compliance. The conditions included with the application process help ensure that an applicant complies with ordinance requirements before the license or permit is issued. If it is found at a later time that the license or permit holder is not in compliance, the city can suspend, revoke, or deny renewal of the license or permit, and potentially even close a business unless or until it is brought back into compliance.

Licensing practices can provide broad benefits to local communities by addressing direct and secondary impacts of particular activities. For instance, cities often regulate:

- The consumption and sale of alcohol.
- The conduct of adult businesses.
- The conduct of lawful gambling.

RELEVANT LINKS:

See LMC information memo, [Zoning Guide for Cities](#).

[Zylka v. City of Crystal](#), 283 Minn. 192, 167 N.W.2d 45 (Minn. 1969).

[City of Duluth v. Krupp](#), 46 Minn. 435, 49 N.W. 235 (Minn. 1891). [Orr v. City of Rochester](#), 193 Minn. 371, 258 N.W. 569 (Minn. 1935).

See Part VII – A – *Self-remedy*.

[State v. Sportsmen’s County Club](#), 214 Minn. 151, 7 N.W.2d 495 (Minn. 1943).

[Minn. Stat. §§ 617.82-.83](#). See “[Minnesota’s Public and Private Nuisance Laws](#),” [Minnesota House Research \(July 2015\)](#).

See Part VII – F – 3 – *Orders of abatement*.

- The operations of peddlers, solicitors, and transient merchants.
- The use of city streets and sidewalks.
- Land use and development.

A land use tool known as a conditional use permit (CUP) is a good example of such a regulation. Conditional uses seek to strike a middle ground between the unchecked approval of a particular use and complete prohibition. Conditional uses are uses that will be allowed if certain conditions (that minimize the problematic or nuisance features of the use) are met. If such conditions are not followed, the permit may be revoked.

An additional benefit with licensing or permitting systems is the collection of a fee. A proper license fee can include the law enforcement/city staff costs required to properly enforce the city regulations or address the other negative consequences that are likely to occur with that type of activity. Cities cannot set license fees so high as to prohibit such businesses (or activities) within the city altogether.

F. Abatement

Regardless of what level of priority is placed on regulating nuisance activities, situations will arise that demand city action. Who will act and how the situation is actually remedied depends upon the particulars involved.

1. Voluntary abatement—notice

In almost all cases, the city’s first step in an abatement process is the request for a voluntary remedy of the nuisance condition. Again, convincing an individual to take care of his or her own problems is the most cost-effective way to address most public nuisances. If this does not occur, a clearly written notice is an important first step in providing due process, ensuring that the individual’s property rights are protected if the city must abate the condition itself.

2. Injunctions

Since the criminal process can often times be slow and the results are uncertain, it may be necessary to seek injunctive relief to terminate or prevent a nuisance. Under its duty and authority to protect the rights of all of its citizens, a city can obtain injunctions to restrain public nuisances.

The city attorney files a petition with the district court seeking a temporary injunction. The court will hold a “show cause” hearing to provide the alleged violator an opportunity to be heard on the allegations within the petition. If the judge believes that the condition has occurred, he or she will issue a temporary injunction, detailing the prohibited conduct or conditions. After a temporary injunction is issued, the court, after a further

RELEVANT LINKS:

[Minn. Stat. § 617.86.](#)

See [Public Nuisances](#), LMC Model Ordinance.

Ames v. Cannon River Mfg. Co., 27 Minn. 245, 6 N.W. 787 (Minn. 1880).

[Minn. Stat. § 617.82.](#)
City of West St. Paul v. Kregel, 768 N.W.2d 352 (Minn. 2009).

hearing, may issue a permanent injunction and order of abatement if it finds (by clear and convincing evidence) that a nuisance exists. Violation of temporary or permanent injunction is treated as contempt of court.

When adopting a nuisance ordinance, it is important to include a provision providing that the city will seek a court injunction when no other adequate remedy exists.

3. Orders of abatement

For some nuisance conditions, an order preventing the condition from continuing will sufficiently end the problem conduct. Noise nuisances are a good example; when the noise is no longer allowed, the nuisance no longer exists. In others circumstances (such as the long grass and weeds), the nuisance will continue until steps are taken to eliminate the condition (the grass and weeds are cut). In those cases, an abatement order will provide the process for nuisance elimination.

a. Judicial Orders

When a city seeks relief through the courts, the judge’s order will provide the process for abatement. It may provide the owner the opportunity to remedy the situation himself, as well as provide deadlines for when the city may remove the situation itself. The court is available to resolve any additional disputes that may arise during the process or impose additional penalties for not complying with the order.

The property owner may enter into an agreement with the city to avoid the issuance or enforcement of an abatement order. If the property owner fails to abate the public nuisance conditions, the city may again seek an injunction.

b. City orders

Many cities attempt to avoid the judicial process by including within their local ordinances the authority to abate nuisance conditions themselves. Mindful of property rights and the need to provide adequate due process, the city ordinance typically provides for:

- Property inspections (which may require obtaining the necessary warrants) and documentation of any nuisance condition or activity.
- Written notice of the finding of a violation of city ordinance provided to the owners or operators.
- An opportunity to contest the nuisance finding with the city council or selected neutral party.

RELEVANT LINKS:

See Part XI – *Special assessments.*

[Minn. Stat. §§ 504B.395-.471.](#)
[Minn. Stat. § 504B.381.](#)

Reed v. Board of Park Com'rs of City of Winona,
100 Minn. 167, 110 N.W.
1119 (Minn. 1907).

Kelty v. City of Minneapolis,
157 Minn. 430, 196 N.W.
487 (Minn. 1923).

See Part IX – C –
Documentation.

- Written notice of the date when the violation of city ordinance must be remedied; possible second written notice when the condition has not been corrected; notice of the court date if the city seeks a court order declaring the nuisance condition.
- City cleanup of the nuisance condition.
- When personal property is removed in the cleanup process, an inventory of all property collected; notice of where the property can be reclaimed; and the date by which it must be reclaimed, or it will be disposed of (sold or destroyed) by the city. Depending upon the property involved, there may be specific statutory procedures to follow.
- An inventory of all costs involved (i.e., cleanup and storage).
- A claim sent to the property owner for the total costs of abatement, as well as how costs will be collected, including possible certification and collection with property taxes.

c. Tenants Remedies Act

There is also limited authority for a city to intervene in landlord-tenant situations. A state, county, or local department or authority, charged with enforcing health, housing, or building maintenance codes has specific statutory authority to bring an action in district court and request a remedy (landlord ordered to remove condition) for violation of health, safety, housing, building, fire prevention, or housing maintenance codes on the tenant's behalf.

4. Summary/emergency abatement

While cities typically must provide notice and a chance to respond to nuisance conditions, there are limited circumstances that may justify dispensing with standard procedures. There are situations so dangerous that require immediate repair or elimination, such as:

- Open wells.
- Abandoned machinery and appliances (i.e., “locking” refrigerators).
- Downed power lines.
- Fallen trees.
- Obstructed streets and sidewalks.
- Raw sewage.

The power to summarily abate nuisances is limited, based upon actual necessity as defined and provided by ordinance. When summary action is necessary, city officials need to document the circumstances, preparing reports and taking photographs to support and defend their actions if necessary.

RELEVANT LINKS:

[City of Minneapolis v. Meldahl](#), 607 N.W.2d 168 (Minn. Ct. App. 2000).
[Minn. Stat. § 463.16](#).
See LMC information memo, [Dangerous Properties](#).

See Part VIII – C –
Inspection-based enforcement

See Part VIII – B –
Complaint-based enforcement.

[Minn. Stat. § 412.231](#).

5. Demolitions

State statutes, as well as some city ordinances, provide for the destruction of buildings, structures, or other nuisance situations. As a drastic, irreversible solution to nuisance conditions, demolitions should only be used as a last resort and after all statutory and procedural requirements are strictly followed. When repairs or alterations can be made to remedy a hazardous situation, repairs should generally be ordered, rather than destruction of the property.

VIII. Enforcement decisions

There is no blueprint for effective nuisance enforcement. Each city responds to nuisance activities in its own manner, based upon city finances and staffing needs, as well as the community's interest or concerns. Some cities take a proactive approach to nuisance enforcement, sending officials out into neighborhoods, industrial parks, and business districts, actively looking for code violations. In others, the response is more reactive, relying more on complaints than active investigating. The approach that is ultimately used should be formally adopted by city policy. It should be specific enough to defend against claims of unequal treatment, yet with enough flexibility to allow for different circumstances that may arise.

A. Enforcement officers

Cities need to decide who is responsible for enforcing their nuisance regulations. As ordinance violations are misdemeanor offenses, city law enforcement will certainly play a significant role. However, when regulating nuisances, cities can also rely on:

- City administration.
- Civilian code enforcement officers.
- Hearing officers.
- Building inspectors.
- Animal control officials.
- Public works, street, or sanitation department officials.
- State officials (MPCA, Building Codes & Standards, DNR).
- Private contractors.

A city's investment into nuisance code enforcement will vary, based upon city priorities, needs, and resources. It is important to consider these factors when drafting city ordinances or policies. Ordinances and policies that a city will not have the ability to enforce should not be adopted.

RELEVANT LINKS:

It may seem appealing to make nuisance enforcement the responsibility of a single person or department, so the city knows who is handling all nuisance issues. However, because of the variety of responsibilities and the particular expertise that is often needed for addressing different situations, it may not be practical.

Cities should consider training employees that are involved in nuisance enforcement. This type of training can include:

- How city ordinances are interpreted.
- Proper inspection methods.
- Private property rights.
- Administrative search warrants.
- Appropriate citizen interactions.
- Any other relevant information.

When changes are made to city ordinances or enforcement policies, city officials should always be advised and instructed on how those changes impact present practices. Cities also need to provide their city employees with the tools and resources necessary to enforce their ordinances. For example, if the city cuts long grass and weeds in the summer, or shovels sidewalks in the winter, it's going to need (at the least) a lawn mower and a shovel.

B. Complaint-based enforcement

Many cities enforce their nuisance ordinances only when they receive complaints from the public. A complaint-driven city policy may provide:

- Logging all complaints received, with date of received complaint and location of nuisance.
- Processing complaints to the appropriate city official or department.
- Inspection of the alleged violation.
- If a nuisance condition exists, notice to property owner or offender.
- Administrative, civil, or criminal actions to obtain compliance.
- A follow-up letter to complainant, indicating abatement, impending prosecution, or confirmation that no violation was found.

A complaint-driven approach to nuisance enforcement can be less taxing on city resources. However, it may allow nuisance conditions to exist for longer periods of time, creating a more complex situation and costly remedy. Additionally, delayed enforcement may cause a negative impact on the community, lowering property values and impacting community vitality.

RELEVANT LINKS:

Minn. Stat. § 13.44, subd. 1.
LMC information memo,
*Data Practices: Analyze,
Classify & Respond.*

See LMC Information
Memo, *Sanitary Sewer
Toolkit.*

See LMC information memo,
*Liquor Licensing and
Regulation.*

U.S. Const. amend. IV. U.S.
Const. amend XIV.

Katz v. U.S., 389 U.S. 347,
88 S. Ct. 507 (1967).

Cities should also remember that the identity of individuals who register complaints with their city concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data under the Minnesota Government Data Practices Act.

C. Inspection-based enforcement

If a city wants to take a more proactive approach and minimize the impact of nuisances, it can establish an active inspection program to seek out potential violations and require compliance with city regulations.

Inspection programs are quite common and most likely are already being used for:

- City street and sidewalk conditions.
- City water and sewer systems.
- Liquor and other licensed commercial establishments.
- Rental housing.

A nuisance inspection program sends city officials into the community to locate nuisance violations. When conducting inspections, city staff:

- Collect and record all relevant facts and data, including the name of the alleged violator, location, and nature of the violation, photograph conditions and record their observations on the conditions.
- Analyze all the information to determine if a nuisance condition exists.
- Document conclusions and recommend a course of action.
- Provide owner or offender notice of condition and expected course of correction and/or consequences.

City budgets and human resources will determine how proactive a city can be in actively investigating nuisance concerns in addition to responding to complaints. Active inspection programs should operate in accordance with an adopted policy, something that prioritizes active inspections based on community needs and city resources.

IX. Particular concerns

There are certain issues that commonly arise when cities adopt and enforce nuisance regulations.

A. Private property

Enforcement measures often lead city inspectors to nuisance conditions on private property, whether it is residential, industrial, commercial, or otherwise. Entry onto private property for licensing, nuisance, or hazardous building purposes is subject to the same requirements as any

RELEVANT LINKS:

Mapp v. Ohio, 367 U.S. 643, 81 S. Ct. 1684 (1961).

Dow Chemical Co. v. U.S., 476 U.S. 227, 106 S. Ct. 1819 (1986).
Air Pollution Variance Bd. v. Western Alfalfa Corp., 416 U.S. 861, 94 S. Ct. 2114 (1974).

Horton v. California, 496 U.S. 128, 110 S. Ct. 2301 (1990).

Schneekloth v. Bustamonte, 412 U.S. 218, 93 S. Ct. 2041 (1973).

Camara v. Municipal Court, 387 U.S. 523, 87 S. Ct. 1727 (1967). *U.S. v. J. B. Kramer Grocery Co.*, 418 F.2d 987 (8th Cir. 1969). *Carlin v. Comm'r of Pub. Safety*, 413 N.W.2d 249 (Minn. Ct. App. 1987).

other government intrusion onto private property. The Fourth and Fourteenth Amendments to the U.S. Constitution prohibit unreasonable searches and seizures. Individuals have a reasonable expectation of privacy on their property. Care must be taken to ensure that the city does not violate the property owner's right to be free from unreasonable searches. To enter onto private property, government officials normally must either have the owner's permission, or have first obtained a search warrant.

1. Plain view

When a city official is able to observe a violation from a public street, sidewalk, or neighboring property (provided that neighboring property owner granted permission to be there), a person can be charged with an ordinance violation. The observation must provide the official all the information necessary to conclude that the nuisance condition exists. Common examples of nuisances that can exist and be classified as such from a plain view can include diseased trees, noxious weeds, long grass, the accumulation of junk, and noise.

The U.S. Supreme Court has held that when a criminal act or violation is within plain view, there is no violation of the Fourth Amendment, and seizure may be permissible without first obtaining a warrant. However, if the nuisance condition is not serious enough to warrant immediate abatement, officials should provide notice to the offender of the condition and an opportunity for self-remedy.

2. Consent to enter

Consent searches are important tools for local officials as an individual's consent will legitimize investigations that would otherwise be invalid under Fourth Amendment provisions. Consent searches can be reasonable and avoid the need to obtain an administrative search warrant, especially in conditions when an alleged nuisance violation cannot be identified by plain view, or when circumstances need to be abated by local officials.

Consent may be given by the owner or tenant of the property, or by an individual in control of the premises. Consent must be given voluntarily. Courts have upheld consent searches when individuals provide a "welcoming action" such as waving instead of providing a verbal response. An individual does not have to be told they have a right to refuse entry, but an inspector cannot insist entering or other acts of coercion if entry is denied. When possible, obtain a written consent prior to entering private property.

RELEVANT LINKS:

[U.S. v. Dunn](#), 480 U.S. 294, 107 S. Ct. 1134 (1987).
[Search Warrant of Columbia Heights v. Rozman](#), 586 N.W.2d 273 (Minn. Ct. App. 1998). LMC information memo, [Administrative Search Warrants](#).

[Camara v. Municipal Court](#), 387 U.S. 523, 87 S. Ct. 1727 (1967).

[Minn. Stat. § 617.81, subd. 4.](#)

3. Search warrants

If the city does not have consent from the property owner or tenant, it must obtain an administrative search warrant before entering the property. The warrant process protects an individual's privacy against arbitrary invasions by the government. Steps taken to preserve privacy are relevant when considering entry issues.

Evidence collected in violation of the Fourth Amendment may be excluded, making it difficult to obtain a conviction or other desired result. Violations of constitutional rights could subject the city to penalties as well.

To obtain an administrative search warrant, the city must show probable cause why its request to enter private property is justified. The application for a warrant must describe the city's inspection program and establish how the particular inspection requested falls within the scope of the ordinance.

City officials should assume an administrative warrant will be required to enter a premises for purposes of inspection or investigation unless:

- An emergency exists—an imminent threat to the public's safety, health, or general welfare.
- An appropriate person has granted consent to enter.
- The place to be inspected is heavily regulated, such as liquor stores, firearms dealers, junkyards, etc.
- Inspection is required as part of city licensing.

B. Notice—due process

In non-emergency situations, a property owner and tenants must be provided notice of alleged ordinance violations and the opportunity to remedy the condition before the city can exercise police powers and abate the nuisance condition itself. This notice should provide:

- The nature of the violation and the city ordinance in violation.
- The necessary remedy for the condition.
- The date by which it must be corrected, or the city will abate itself.
- The right to request a hearing and the date the request must be made by.
- A description of the penalties if the condition is not corrected.
- Notice that costs incurred may be assessed against the property.

This effectively mirrors the procedural requirements for the abatement procedures provided in the state statutes.

RELEVANT LINKS:

[Minn. Stat. § 617.81, subd. 4.](#)

[Village of Zumbrota v. Johnson](#), 280 Minn. 390, 161 N.W.2d 626 (1968).

[City of Golden Valley v. Wiebesick](#), 899 N.W.2d 152 (Minn. 2017).

[Borchardt v. City of North Mankato](#) (Minn. Ct. App. Oct. 4, 2021) (unpublished opinion).

[State v. Haase](#), No. C4-00-1463, (Minn. Ct. App. Apr. 10, 2001 (unpublished decision)).

The city should provide a reasonable period of time for the individual to correct the nuisance condition. For example, the state statutory option provides 30 days before an abatement action is filed. Reasonable time is subjective, depending upon the type and severity of the violation. Too much time may frustrate efforts to prosecute conditions of noncompliance. For example, if the condition really was a detriment to the general public's health, safety, and welfare, why was it allowed it to remain for such a long time?

When the identity of the person maintaining a nuisance condition is known, notice should be provided by personal service or service by mail (posting notice on the property may also be sufficient). If the person is unknown, publication can be sufficient, but the city's diligence in determining identity or residency may come into question.

City administrative search warrant procedures must include notice to tenants, not just to landlords. This notice must include an opportunity to be heard in court. If the city, applying for the warrant does not disclose it, "the district court may also inquire into the extent of police presence, if any, planned for the inspection and the appropriateness of that presence. Typically, absent a threat of danger, the police will not be participating in the inspection within the premises." A warrant is likely not needed if the situation on the property is an emergency or a "compelling need."

C. Documentation

A determination that a nuisance exists must be supported by evidence, not just neighborhood opinion. City officials need to document and maintain records of their nuisance abatement activities. Staff notes, photographs, video recordings, and copies of notices will all help the city demonstrate that a nuisance condition existed. Adequate records will assist city staff in refreshing their recollections when testifying—perhaps more important in larger cities with many nuisance conditions occurring at any one time. Consider what equipment would be helpful (such as a digital camera) for documenting enforcement activities.

X. Consequences

The decision to adopt and enforce ordinances will lead to various consequences, some positive, some negative. Cities should consider the potential, perhaps likely, impacts when they consider their options.

A. Positives

A well-written and enforced city nuisance program may be the best option a community has in maintaining a high quality of life.

RELEVANT LINKS:

[“Broken Windows” The Atlantic Online, \(March 1982\).](#)

Handbook, [Liability](#).

See Part XI – *Special assessments*.

Nuisance conditions can greatly impact a community’s general livability. Cities can also avoid greater long-term costs when conditions are addressed in their infancy.

In addition to the obvious criminal or social concerns nuisances can cause, many theorists contend that nuisance conditions themselves breed more and more nuisance activities. With their “broken windows” theory, James Q. Wilson and George Keiling proposed that if nuisances are allowed to go uncorrected, individuals are empowered to cause more nuisances, nurturing an environment in which criminals can thrive on apathy and neglect.

In short, the enforcement of ordinances and the abatement of nuisances have been credited with:

- Increased property values and community pride.
- Lower crime rates and less gang-related activities.
- Creating a more attractive destination to visitors, potential residents, and potential businesses.

B. Negatives

There are ongoing responsibilities with enforcing nuisance ordinances. While cities are afforded some degree of deference in regard to city policies, the lack of clarity surrounding nuisance activities can create its own problems particularly where:

- Officials are not properly trained in nuisance enforcement.
- Differences in philosophies exist.
- A nuisance is declared, but no nuisance actually exists.
- City officials have consistently failed to enforce an ordinance.
- Selective or discriminatory enforcement occurs.
- City officials undertake unreasonable or illegal searches.
- Inappropriate or unwarranted abatement actions occur.

There is a large area of conduct where there may be a reasonable difference in opinion as to whether something really is a public nuisance. In addition, there are conflicting opinions on how valid “broken windows” or similar theories are in demonstrating how minor nuisances grow into larger concerns.

Regardless of the long-term savings, nuisance enforcement costs money. A city will need to budget for the costs of city employees, inspections, hearings, and the actual abatement of nuisance and hazardous conditions. While there are mechanisms to recover abatement/enforcement costs, many governments simply do not have the funds to make code enforcement a priority.

RELEVANT LINKS:

See LMC information memo,
[Special Assessment Toolkit](#).

[Minn. Const. art. X § 1.](#)

[Minn. Stat. § 429.061.](#)

[Minn. Stat. § 429.101, subd.
1.](#)

[Minn. Stat. § 429.101, subd.
2.](#)

[Singer v. City of
Minneapolis](#), 586 N.W.2d
804 (Minn. Ct. App. 1988).

[Minn. Stat. § 429.101, subd.
1.](#)

XI. Special assessments

In addition to the other means available for a city to recoup the nuisance-related costs, a city may use special assessments to recover its costs.

Special assessments are a charge imposed on properties for a particular improvement that benefits the owners of those selected properties. The authority to use special assessments originates in the Minnesota Constitution. Cities and other governmental entities have the authority “to levy and collect assessments for local improvements upon property benefited thereby.” Generally, cities use assessments to finance a variety of public improvements but may also use them to collect unpaid service charges. Statutory or charter procedures and notice requirements must be followed.

Cities may, through city ordinance, require that property owners perform certain property-related services. If the city performs the services, it may assess the property benefited for all or any part of the cost of:

- Snow, ice, or rubbish removal from sidewalks.
- Weed elimination from streets or private property.
- The removal or elimination of public health or safety hazards from private property.
- The installation or repair of water service lines, street sprinkling, or other dust treatment of streets.
- The trimming and care of trees and the removal of unsound trees from any street.
- The treatment and removal of insect-infested or diseased trees on private property.
- The repair of sidewalks and alleys.
- Inspections relating to municipal housing maintenance code violations.
- Recovering delinquent vacant building program registration fees.

Generally, special assessments levied may be payable in a single installment or by up to 10 equal annual payments. The exception is for special assessments made under an energy improvements financing program which may be repayable in up to 20 equal installments. The city must pass an ordinance to make this authority effective. The special assessment statute can also apply to home rule charter cities in absence of a specific charter or ordinance provision governing assessment procedures within that jurisdiction.

Assuming the city has adopted a special assessment ordinance and the condition fits under the state statute, costs may be recoverable through the assessment process.

RELEVANT LINKS:

XII. Conclusion

Cities have broad authority to define, penalize, and abate public nuisance activities and conditions. City authority is not limitless, however. Cities do not have the power to intervene over private nuisances, nor may they declare conditions to be nuisances that in fact are not. Local authority must not be used arbitrarily, but city officials must be prepared to enforce whatever provisions are adopted. While there are ways to recoup enforcement and abatement expenses, effective nuisance regulations require funding and the use of city personnel.

The Plain Writing Act of 2010

The *Plain Writing Act of 2010* (<https://www.govinfo.gov/app/details/PLAW-111publ274>). (Public Law 111-274) was signed into law on October 13, 2010. The *Act* calls for plain writing that is clear, concise, well-organized, and consistent with other best practices appropriate to the subject or field and intended audience. It encourages writers and communicators to avoid jargon, redundancy, ambiguity, and obscurity. Plain writing has many benefits including:

- Improves public understanding and usefulness of government communications
- Saves time, personnel resources, and money needed for clarification
- Improves customer service and efficiency
- Increases compliance with agency requirements and reduces need for enforcement and litigation
- Messages reach greater audiences

In short, the *Plain Writing Act* requires all federal agencies to use clear government communication that the public can understand and use.

The public should be able to:

- find what they need,
- understand what they find, and
- use what they find to meet their needs



Memorandum

To: Mayor Nelson and Members of the City Council
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: April 5, 2023
Subject: Dominionium letter

The City Council received an email from Columbia Heights City Council Member Justice Spriggs sharing a letter the Columbia Heights City Council sent to Dominionium asking for a 3% rent cap for the next 12 months.

Councilmembers Dircks and Goodboe-Bisschoff asked that this letter be added to our next work session agenda for discussion.

As noted in the Blaine/SLP Life Newspaper, there is proposed legislation (HF 2676/SF 2590) that would limit rent increases to five percent in any 12 month period for rental units to qualify for the Class 4d property tax classification.

Staff is seeking direction on 1) sending another letter to Dominionium regarding anticipated rent increases and 2) adopting a resolution of support for HF 2676/SF 2590.

If you have any questions, please do not hesitate to contact me at 763-784-6491.

Daniel Buchholtz

From: Lisa Dircks
Sent: Wednesday, March 22, 2023 12:57 PM
To: Daniel Buchholtz
Subject: Fwd: City of Columbia Heights Correspondence with Dominion Properties
Attachments: 2023.02.21. City of CH. Council ltr to Dominionium.pdf

Sent from Android device

----- Forwarded message -----

From: Justice Spriggs <JSpriggs@columbiaheightsmn.gov>
Date: Mar 21, 2023 3:42 PM
Subject: City of Columbia Heights Correspondence with Dominion Properties
To: Bob Nelson <rbnelson@slpmn.org>
Cc:

This message was sent from outside of the organization. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Mayor Nelson and Council Members Wendling, Moran, Goodboe,-Blsschoff, and Dircks (blind copied),

I hope this email finds you well. My name is Justice Spriggs, and I am a council member in the City of Columbia Heights. Today, I am emailing you in regards to the housing corporation Dominionium. In Columbia Heights, we have multiple rental properties built and managed by Dominionium, including a 55+ living facility under the name The Legends. For multiple months, the residents of The Legends in Columbia Heights have had concerns about maintenance, safety, and unreasonable increases in rent and excessive fines. Dominionium has proposed 12.5% rent increase for the next year, and many of our residents have stated that they cannot afford this due to already being on a fixed income. I have been working with the residents there to ask for safety improvements in addition to a cap in rent of 3% for 12 months.

I am reaching out to you today because last week, I attended a rally at the State Capitol with seniors living at multiple Dominionium properties who share the same concerns, including some from Spring Lake Park. I was able to share about what we are doing to help in Columbia Heights – one being a letter I authored to Dominionium leadership that our entire council signed on to. Many of the other Dominionium residents there wanted me to share that letter, hence my email today. They also wanted me to pass along that HF2676 and SF2590 are moving along at the legislature to combat this issue.

Please let me know if you have any questions or comments for me.

Best,
Justice

Justice Spriggs (he/him) | Council Member - City of Columbia Heights
590 40th Ave NE, Columbia Heights, MN, 55421
Email: jspriggs@columbiaheightsmn.gov
Direct: 763-706-3617 | Main: 763-706-3600

<http://columbiaheightsmn.gov>

****Please note: Due to my schedule and family/work balance, I often email outside of typical business hours. Please do not feel pressured to respond outside of your own working pattern.***

Sign up for CodeRED Alerts for the City of Columbia Heights [here](#).

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City of Columbia Heights

590 40th Avenue NE, Columbia Heights, MN 55421 ▪ Ph: 763-706-3610 ▪ Fax: 763-706-3601 ▪
www.columbiaheightsmn.gov

Mayor
Amada Márquez Simula
Councilmembers
Connie Buesgens
Kt Jacobs
Rachel James
Justice Spriggs
City Manager
Kelli Bourgeois

February 21, 2023

Dominium Board of Directors, Executive Committee, and Senior Leadership Team

c/o Mr. Paul Sween

2905 Northwest Blvd, Suite 150

Plymouth, Minnesota 55441

psween@dominiuminc.com

Mr. Sween,

The City of Columbia Heights is a vibrant, tight-knit city that prides itself on being a welcoming, inclusive, and friendly place where people from all walks of life can live and thrive. Columbia Heights has so much to offer for our residents, including a robust system of parks and recreational areas, opportunities to patronize a wide variety of restaurants and businesses, and multiple community organizations, all while being within a short commute to the Twin Cities. One of the core goals for our city is to provide affordable, quality, safe housing options for all of our residents, regardless of age, gender, sexual orientation, ethnicity, religion, and income, among others. The city showed excitement for the incoming Dominium senior living facility development that broke ground in 2017, The Legends, as it aligned with the above values of Columbia Heights. To ensure these units remained affordable, Dominium was given Tax-Increment Financing (TIF), allowing for the company to pay taxes at a lower rate.

Recently, we have heard many serious and alarming concerns from residents of The Legends, foremost citing that they have been facing year-over-year proposed rental increases up to 12%. This rental price increase would be difficult for any tenant to afford, but especially for the residents of The Legends, as many are on fixed incomes. We have repeatedly heard tragic stories from tenants there about difficult situations they have been placed in because of these rent increases – asking friends for money to afford rent, needing to move in with family after being unable to afford the price increase, going to extreme measures with rationing their food and relying on food shelves to sustain themselves, and being unable to afford other basic necessities. Many of the residents are severely limited in their ability to freely travel as desired as they are unable to afford to have their own cars with a substantial amount of their income being dedicated to rent.

Residents of The Legends also have safety concerns regarding fire detectors not being changed, elevators repeatedly being out of service and a security door not locking properly, the latter leading to repeated break-ins. Additionally, residents have voiced issues such as having doors that are not aligned properly, cracks in walls, being charged excessive fines, trash not being properly disposed, and not having the carpets or windows cleaned in their facility in years. Cleaning and maintenance staff at The Legends work in good faith with the tenants, but the residents do not feel that the staff has the appropriate support or resources to complete all the necessary tasks to keep the facilities clean, safe, and adequate.

We are asking that Dominion cap the rental increases of the residents at The Legends of Columbia Heights to no more than 3% for 12 months or until a more permanent solution is put in place. The 12-month timeframe will allow all residents to benefit from the cap in an equitable fashion, regardless of what month their lease started. Recently, the residents of another Dominion property, River North in Coon Rapids, MN, were able to secure this same agreement with the help of a bipartisan group of elected officials, including State Representative Zach Stephenson, State Senator John Hoffman, and State Senator Jim Abeler, among others. Per the Dominion website, it is stated that the company is striving to “set the new benchmark for quality and affordability” and we believe that this proposed increase of 3% aligns with this statement. In addition to the 3% rental cap, the residents also deserve to have their safety, sanitary, and quality of life concerns addressed.

Enacting this same rent increase agreement would align with the stated values of Dominion and fit along with the City of Columbia Heights to provide quality, stable, and affordable housing for all. We agree with Dominion that a home is much more than four walls and a roof, and that everyone deserves the dignity of a home. We feel that Dominion has not been faithful in their promises to provide the aforementioned affordable and quality housing to our senior residents in Columbia Heights. The current conditions are unacceptable for our tenants, and we demand that they are addressed. If these concerns persist, we will continue advocating for fair treatment in addition to engaging other parties and officials.

The City of Columbia Heights looks forward to resolving these issues – our residents depend on it.

Sincerely,

Amáda Márquez-Simula

Mayor, City of Columbia Heights

Connie Buesgens

Council Member, City of Columbia Heights

KT Jacobs

Council Member, City of Columbia Heights

Rachel James

Council Member, City of Columbia Heights

Justice Spriggs

Council Member, City of Columbia Heights

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2676

03/06/2023 Authored by Stephenson, Frazier, Norris and Hudella
The bill was read for the first time and referred to the Committee on Taxes

1.1 A bill for an act
1.2 relating to housing; limiting rent increases in certain low-income rental projects
1.3 that use residential rental bonds; amending Minnesota Statutes 2022, sections
1.4 273.128, subdivision 1; 474A.047, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 273.128, subdivision 1, is amended to read:

1.7 Subdivision 1. Requirement. (a) Low-income rental property classified as class 4d
1.8 under section 273.13, subdivision 25, is entitled to valuation under this section if at least
1.9 20 percent of the units in the rental housing property meet any of the following qualifications:

1.10 (1) the units are subject to a housing assistance payments contract under Section 8 of
1.11 the United States Housing Act of 1937, as amended;

1.12 (2) the units are rent-restricted and income-restricted units of a qualified low-income
1.13 housing project receiving tax credits under section 42(g) of the Internal Revenue Code;

1.14 (3) the units are financed by the Rural Housing Service of the United States Department
1.15 of Agriculture and receive payments under the rental assistance program pursuant to section
1.16 521(a) of the Housing Act of 1949, as amended; or

1.17 (4) the units are subject to rent and income restrictions under the terms of financial
1.18 assistance provided to the rental housing property by the federal government or the state of
1.19 Minnesota, or a local unit of government, as evidenced by a document recorded against the
1.20 property.

1.21 (b) An applicant claiming the valuation under this section must certify to the Housing
1.22 Finance Agency that the applicant will not increase rents by more than five percent on any

2.1 unit in the rental property during the 12-month period beginning the day the applicant applies
 2.2 for certification and ending on the last day of the taxable year that the applicant is entitled
 2.3 to the valuation under this section.

2.4 (c) The restrictions must require assisted units to be occupied by residents whose
 2.5 household income at the time of initial occupancy does not exceed 60 percent of the greater
 2.6 of area or state median income, adjusted for family size, as determined by the United States
 2.7 Department of Housing and Urban Development. The restriction must also require the rents
 2.8 for assisted units to not exceed 30 percent of 60 percent of the greater of area or state median
 2.9 income, adjusted for family size, as determined by the United States Department of Housing
 2.10 and Urban Development.

2.11 Sec. 2. Minnesota Statutes 2022, section 474A.047, subdivision 1, is amended to read:

2.12 Subdivision 1. **Eligibility.** (a) An issuer may only use the proceeds from residential
 2.13 rental bonds if the proposed project meets the following requirements:

2.14 (1) the proposed residential rental project meets the requirements of section 142(d) of
 2.15 the Internal Revenue Code regarding the incomes of the occupants of the housing; ~~and~~

2.16 (2) the maximum rent for at least 20 percent of the units in the proposed residential rental
 2.17 project do not exceed the area fair market rent or exception fair market rents for existing
 2.18 housing, if applicable, as established by the federal Department of Housing and Urban
 2.19 Development. The rental rates of units in a residential rental project for which project-based
 2.20 federal assistance payments are made are deemed to be within the rent limitations of this
 2.21 clause; and

2.22 (3) the rents at the proposed residential rental project are not increased more than five
 2.23 percent during any 12-month period.

2.24 (b) The proceeds from residential rental bonds may be used for a project for which
 2.25 project-based federal rental assistance payments are made only if:

2.26 (1) the owner of the project enters into a binding agreement with the Minnesota Housing
 2.27 Finance Agency under which the owner is obligated to extend any existing low-income
 2.28 affordability restrictions and any contract or agreement for rental assistance payments for
 2.29 the maximum term permitted, including any renewals thereof; and

2.30 (2) the Minnesota Housing Finance Agency certifies that project reserves will be
 2.31 maintained at closing of the bond issue and budgeted in future years at the lesser of:

- 3.1 (i) the level described in Minnesota Rules, part 4900.0010, subpart 7, item A, subitem
- 3.2 (2), effective May 1, 1997; or
- 3.3 (ii) the level of project reserves available prior to the bond issue, provided that additional
- 3.4 money is available to accomplish repairs and replacements needed at the time of bond issue.

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 2590

(SENATE AUTHORS: HOFFMAN, Abeler, Seeberger, Gustafson and Mitchell)

DATE	D-PG	OFFICIAL STATUS
03/06/2023	1352	Introduction and first reading
		Referred to Housing and Homelessness Prevention
03/16/2023		Withdrawn and re-referred to Taxes

1.1 A bill for an act

1.2 relating to housing; limiting rent increases in certain low-income rental projects

1.3 that use residential rental bonds; amending Minnesota Statutes 2022, sections

1.4 273.128, subdivision 1; 474A.047, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 273.128, subdivision 1, is amended to read:

1.7 Subdivision 1. **Requirement.** (a) Low-income rental property classified as class 4d

1.8 under section 273.13, subdivision 25, is entitled to valuation under this section if at least

1.9 20 percent of the units in the rental housing property meet any of the following qualifications:

1.10 (1) the units are subject to a housing assistance payments contract under Section 8 of

1.11 the United States Housing Act of 1937, as amended;

1.12 (2) the units are rent-restricted and income-restricted units of a qualified low-income

1.13 housing project receiving tax credits under section 42(g) of the Internal Revenue Code;

1.14 (3) the units are financed by the Rural Housing Service of the United States Department

1.15 of Agriculture and receive payments under the rental assistance program pursuant to section

1.16 521(a) of the Housing Act of 1949, as amended; or

1.17 (4) the units are subject to rent and income restrictions under the terms of financial

1.18 assistance provided to the rental housing property by the federal government or the state of

1.19 Minnesota, or a local unit of government, as evidenced by a document recorded against the

1.20 property.

1.21 (b) An applicant claiming the valuation under this section must certify to the Housing

1.22 Finance Agency that the applicant will not increase rents by more than five percent on any

2.1 unit in the rental property during the 12-month period beginning the day the applicant applies
 2.2 for certification and ending on the last day of the taxable year that the applicant is entitled
 2.3 to the valuation under this section.

2.4 (c) The restrictions must require assisted units to be occupied by residents whose
 2.5 household income at the time of initial occupancy does not exceed 60 percent of the greater
 2.6 of area or state median income, adjusted for family size, as determined by the United States
 2.7 Department of Housing and Urban Development. The restriction must also require the rents
 2.8 for assisted units to not exceed 30 percent of 60 percent of the greater of area or state median
 2.9 income, adjusted for family size, as determined by the United States Department of Housing
 2.10 and Urban Development.

2.11 Sec. 2. Minnesota Statutes 2022, section 474A.047, subdivision 1, is amended to read:

2.12 Subdivision 1. **Eligibility.** (a) An issuer may only use the proceeds from residential
 2.13 rental bonds if the proposed project meets the following requirements:

2.14 (1) the proposed residential rental project meets the requirements of section 142(d) of
 2.15 the Internal Revenue Code regarding the incomes of the occupants of the housing; ~~and~~

2.16 (2) the maximum rent for at least 20 percent of the units in the proposed residential rental
 2.17 project do not exceed the area fair market rent or exception fair market rents for existing
 2.18 housing, if applicable, as established by the federal Department of Housing and Urban
 2.19 Development. The rental rates of units in a residential rental project for which project-based
 2.20 federal assistance payments are made are deemed to be within the rent limitations of this
 2.21 clause; and

2.22 (3) the rents at the proposed residential rental project are not increased more than five
 2.23 percent during any 12-month period.

2.24 (b) The proceeds from residential rental bonds may be used for a project for which
 2.25 project-based federal rental assistance payments are made only if:

2.26 (1) the owner of the project enters into a binding agreement with the Minnesota Housing
 2.27 Finance Agency under which the owner is obligated to extend any existing low-income
 2.28 affordability restrictions and any contract or agreement for rental assistance payments for
 2.29 the maximum term permitted, including any renewals thereof; and

2.30 (2) the Minnesota Housing Finance Agency certifies that project reserves will be
 2.31 maintained at closing of the bond issue and budgeted in future years at the lesser of:

- 3.1 (i) the level described in Minnesota Rules, part 4900.0010, subpart 7, item A, subitem
3.2 (2), effective May 1, 1997; or
- 3.3 (ii) the level of project reserves available prior to the bond issue, provided that additional
3.4 money is available to accomplish repairs and replacements needed at the time of bond issue.

City or Township	Publicly subsidized units ⁴				Housing cost burdened households ⁵		
	All publicly subsidized units	Publicly subsidized senior units	Publicly subsidized units for people with disabilities	Publicly subsidized units: All others	Income at or below 30% of Area Median Income	Income 31% to 50% of Area Median Income	Income 51% to 80% of Area Median Income
Spring Lake Park	343	60	0	283	260	353	125

¹ Source: Metropolitan Council, 2018 housing stock estimates

² Source: Metropolitan Council staff estimates for 2018 based primarily on 2018 and 2019 MetroGIS Regional Parcel Datasets (ownership units), 2011-2015 Comprehensive Housing Affordability Strategy data from HUD (ren

³ Source: U.S. Census Bureau, 2013-2017 American Community Survey five-year estimates; counts adjusted to better match the Council's 2018 housing stock estimates

⁴ Source: HousingLink Streams data (covers projects whose financing closed by December 2017), available online at <http://www.housinglink.org/streams>

⁵ Housing cost burden refers to households whose housing costs are at least 30% of their income. Source: U.S. Department of Housing and Urban Development, 2012-2016 Comprehensive Housing Affordability Strategy (C



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COCTU_ID	CTU_NAME	YEAR	HOUSING_PROGRAM	COUNT	DATASOURCE	COMMUNITY_DESIGNATION
00302395934	Spring Lake Park (Anoka Co. part)	2021	VOUCHER	115	HUD	Suburban
12302395934	Spring Lake Park (Ramsey Co. part)	2021	VOUCHER	3	HUD	Suburban

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