



## **CITY COUNCIL WORKSESSION AGENDA**

**MONDAY, MAY 09, 2022**

**1301 81ST AVE NE, SPRING LAKE PARK, MN at 5:30 PM**

### **1. CALL TO ORDER**

### **2. DISCUSSION ITEMS**

- A. Review Proposed Nuisance Ordinance Amendment (Noise)
- B. Trunk Highway 47/65 Phase 2 Update Presentation (6:00pm)
- C. Performance Standard Ordinance Update
- D. Development Update

### **3. REPORT**

- A. Administrator Reports
- B. Councilmember Reports

### **4. ADJOURN**

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



# Memorandum

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**To:** Mayor Nelson and Members of the City Council

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

**Date:** May 5, 2022

**Subject:** Noise Nuisance Ordinance

Staff had received input from members of the Planning Commission seeking updates to the City's nuisance ordinance related to noise. Staff reviewed the current nuisance ordinance, reviewed the LMC model nuisance code and reviewed neighboring city ordinances to inform the proposed ordinance before you.

The proposed ordinance removes noise ordinances from 9.20.020(D) and creates a new section (E) addressing noise violations. Section (E)(1) defines prohibited noises and declares them as nuisances. Section (E)(2) places hourly restrictions on the use of domestic power equipment, refuse hauling, construction activities, and music devices. The proposed language also allows the City Council to require a person applying for a zoning classification change or license to submit a noise impact statement. This is a detailed noise survey to establish the environmental noise impacts of a new development. Section (E)(3) prohibits people from participating in any party or other gathering giving rise to noise, disturbing the peace, quiet and repose of other persons. It requires people, other than the property owners, to leave a gathering creating a noise disturbance at the request of a peace officer. Section (E)(4) creates an exemption for emergency work.

The Planning Commission reviewed the language at its meeting on April 25 and provided their feedback. Their feedback was primarily focused on the hourly restrictions on construction activities and domestic power equipment. That feedback is incorporated in the enclosed ordinance.

Staff is seeking City Council feedback. This will be incorporated in the proposed language and will be presented to the City Council at its May 16 meeting.

If you have any questions, please don't hesitate to contact me at 763-784-6491.

**SPRING LAKE PARK  
ORDINANCE 480**

**AN ORDINANCE AMENDING SECTION 9.20.020 OF THE CITY CODE  
RELATING TO PUBLIC NUISANCES**

**NOW THEREFORE**, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

**SECTION 1:**        **AMENDMENT** “9.20.020 Public Nuisances” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

**A M E N D M E N T**

**9.20.020 Public Nuisances**

- A. *Public Nuisance*. A public nuisance is a thing, act, or use of property which shall:
1. Annoy, injure, or endanger the health, safety, comfort, or repose of the public;
  2. Offend public decency (for example, affect public morals or offend public decency);
  3. Unlawfully interfere with the use of, or obstruct, or tend to obstruct or render dangerous for passage a public water, park, square, street, alley, or highway;
  4. Depreciate the value of the property of the inhabitants of the city or of a considerable number thereof; or
  5. In any way render the inhabitants of the city, or a considerable number thereof, insecure in life or in use of property.
- B. *Public Nuisances Affecting Health, Safety, Comfort, Or Repose*. The following are hereby declared to be public nuisances affecting health, safety, comfort, or repose:
1. All decayed or unwholesome food offered for sale to the public;
  2. All diseased animals running at large;
  3. Milk which is produced by cows which have not been tested and found free of tuberculosis within the year previous to the offering of that milk for sale to the public;
  4. Carcasses of animals not buried or destroyed within 24 hours after death;
  5. Accumulations of manure or rubbish;
  6. Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
  7. Dumping the contents of any cesspool, privy vault, garbage or rubbish can (as definition of garbage is limited; see SLPC 5.08 for definition of “garbage”) except at places authorized by law; or allowing any cesspool or individual sewage system to overflow in any manner;
  8. All noxious weeds, tall grasses defined as anything over nine inches in height,

and other rank growths;

9. An accumulation of tin cans, bottles, or trash or debris of any nature or description; and the throwing, dumping, or depositing of any dead animals, manure, garbage, waste, decaying matter, rubbish, tin cans, or other material or debris of any kind on private property;
10. Dense smoke, noxious fumes, gas, and soot, or cinders in unreasonable quantities;
11. Offensive trades and businesses as defined by statute or ordinance not licensed as provided by law;
12. All public exposure of persons having a contagious disease;
13. The distribution of samples of medicines or drugs unless those samples are placed in the hands of an adult person by someone properly licensed;
14. All other acts, omissions of acts, occupations, and uses of property which are deemed by the Board of Health to be a menace to the health of the inhabitants of the city or a considerable number thereof;
15. The keeping, maintaining, or harboring of chickens, cows, horses, and other domestic animals or fowl;
16. The keeping, maintaining, or harboring of live wild animals, whether native to this state or not, which in their wild state pose a threat to humans or domestic animals; and
17. The keeping, maintaining, or harboring of any combination of animals or fowl kept in numbers or under conditions that unreasonably annoy, injure, or endanger the health, safety, comfort, repose, or welfare of the public.

C. *Public Nuisances Affecting Morals And Decency*. The following are hereby declared to be public nuisances affecting public morals and decency:

1. All gambling devices, slot machines and punch boards, except as otherwise authorized by federal, state or local law;
2. Betting, bookmaking, and all apparatuses used in those occupations;
3. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
4. All places where intoxicating liquors are manufactured, sold, bartered, or given away, or otherwise disposed of in violation of law, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage contrary to law, or where intoxicating liquors are kept for sale, barter, or distribution in violation of law, and all liquors, bottles, kegs, pumps, bars, and other property kept at and used for maintaining such a place;
5. Any vehicle used for the unlawful transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose;
6. All indecent or obscene pictures, books, pamphlets, magazines and newspapers, and billboards;
7. The public use of profane and obscene language;
8. The looking into or peeping through doors, windows, or openings of private homes by methods of stealth and without proper authority and by surreptitious methods, or what is commonly known as "window peeping;" and
9. All other things, acts, commissions, or occupations that may be considered

detrimental to the moral well-being of the inhabitants of the city or a considerable number thereof.

D. *Public Nuisances Affecting Peace And Safety.* The following are declared to be nuisances affecting public peace and safety:

1. All snow and ice not removed from public sidewalks 12 hours after the snow has ceased to be deposited thereon;
2. All wires which are strung above the surface of any public street or alley;
3. All buildings, walls, and other structures which have been damaged by fire, decay, or otherwise to an extent exceeding one-half of their original value or which are so situated as to endanger the safety of the public;
4. All explosives, inflammable liquids, and other dangerous substances or materials stored or accumulated in any manner or in any amount other than that provided by law or ordinance;
5. All use or display of fireworks except as provided by law or ordinance;
- ~~6. It shall be unlawful for any person to make, continue, permit or cause to be made, any loud, disturbing or excessive noise which would be likely to cause significant discomfort or annoyance to a reasonable person of ordinary sensitivities in the area.~~
- ~~7. The characteristics and conditions which shall be considered in determining whether a noise is loud, disturbing or excessive for the purposes of Paragraph D,5,a shall include, without limitation, the following:~~
  - ~~a. The time of day or night when the noise occurs.~~
  - ~~b. The duration of the noise.~~
  - ~~c. The proximity of the noise to a sleeping facility and/or a residential area.~~
  - ~~d. The land use, nature and zoning of the area from which the noise emanates and the area where it is perceived.~~
  - ~~e. The number of people and their activities that are affected or are likely to be affected by the noise.~~
  - ~~f. The sound peak pressure level of the noise, in comparison to the level of ambient noise.~~
- ~~8. It shall be a violation of this paragraph to play, operate or permit the playing, use or operation of any radio, tape player, disc player, loud speaker or other electronic device used for the amplification of sound, unless otherwise permitted by law, located inside or outside, the sound of which carries to points of habitation or adjacent properties and is audible above the level of conversational speech at a distance of 50 feet or more from the point of origin of the amplified sound.~~
- ~~9. It shall be a violation of this paragraph to play, operate or permit the playing, use or operation of any radio, tape player, disc player, loud speaker or other electronic device used for the amplification of music or other entertainment, which is located within a motor vehicle on a public street or ally, or any commercial or residential parking facility, which is audible by any person from a distance of 50 feet or more from the motor vehicle. When sound violating this paragraph is produced or reproduced by any device that is located in a~~

~~motor vehicle, the motor vehicle's owner, if present when the violation occurs, is guilty of the violation. If the motor vehicle's owner is not present at the time of the violation, the person who has dominion, care or control of the motor vehicle at the time of the violation is guilty of the violation. In addition to an owner or a driver, any person who controls or assists with the production, reproduction, or amplification of sound in violation of this paragraph is guilty of the violation.~~

10. All buildings and all alterations to buildings made or erected in violation of fire ordinance concerning manner and materials and construction;
11. Obstructions and excavations affecting the ordinary use of the public streets, alleys, sidewalks, or public grounds, except under conditions as are provided by ordinance;
12. Any excavation left unprotected or uncovered indefinitely or allowed to exist in a manner so as to attract minor children;
13. Radio aerials strung or erected in any manner except that provided by law or ordinance;
14. The piling, storing, or keeping of old machinery, wrecked or junked vehicles, and other junk or debris;
15. The use of property abutting on a public street or sidewalk, or any use of a public street or sidewalk, which causes large crowds of people to gather, obstructing traffic and free use of public streets or sidewalks;
16. All hanging signs, awnings, and other similar structures over public streets or sidewalks, or so situated as to endanger public safety, not constructed and maintained as provided by law or ordinance, or without proper permit;
17. The allowing of rain, water, ice, or snow to fall from any building on any public street or sidewalk or to flow across any public sidewalk;
18. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
19. Throwing, dropping, or releasing printed matter, paper, or any other material or objects over and upon the city from an airplane, balloon, or other aircraft, or in a manner so as to cause the material to fall on land in the city;
20. Placing entrance culverts, or doing any act which may alter or affect the drainage of public streets or alleys or the surface or grade of public streets, alleys, or sidewalks without proper permit;
21. Making repairs to motor vehicles or tires in public streets or alleys; excepting only emergency repairs when it will not unduly impede or interfere with traffic;
22. Throwing, placing, depositing, or burning leaves, trash, lawn clippings, weeds, grass, or other material in the streets, alleys, or gutters;
23. Erecting, painting, or placing of unauthorized traffic signs or advertising signs in streets or alleys or on sidewalks;
24. All unnecessary interferences and disturbance of radios or television sets caused by defective electrical appliances and equipment or improper operation thereof;
25. All other conditions, acts, or things which are liable to cause injury to the

- person or property of anyone;
26. Exposed accumulation of decayed or unwholesome food or vegetable matter;
  27. All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
  28. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
  29. The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle, snowmobile or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;
  30. Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
  31. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other materials in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation; ~~and~~
  32. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials;
  33. The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over the substance; and
  34. The owner or occupant of any land within the city shall be deemed to have committed a public nuisance if the owner or occupant fails to maintain that land in a manner so as to prevent sand, soil, dirt, dust, or debris of any kind or nature from being transported by the wind or air currents from that land to the property of another in quantities so as to constitute a detriment to the property or so as to endanger the health, welfare, safety, or comfort of the public or any person. The owner or occupant of any land in the city is charged with the duty and responsibility of taking whatever steps may be necessary, such as seeding, sodding, paving, blacktopping, sprinkling, or other means as may be lawful to prevent sand, soil, dirt, dust, or debris from being transported by wind, air currents, or otherwise from his or her property to the property of another.

#### E. Noise violations.

##### 1. Prohibited Noises. The following are declared to be nuisances affecting public health, safety, peace or welfare:

- a. Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person, or precludes their enjoyment of property, or affects their property's value in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of 50 feet from the source of this noise (this general prohibition is not

limited by any specific restrictions provided in this ordinance.

**PLAINLY AUDIBLE** is defined as sound that can be detected by a person using their unaided hearing faculties.

- b. All obnoxious noises, motor vehicle or otherwise, in violation of Minn. Rules Ch. 7030, as they may be amended from time to time, are hereby incorporated into this ordinance by reference.
- c. The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.
- d. The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, motor vehicle, motorcycle, all-terrain vehicle (ATV), snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.
- e. Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle.
- f. The use or operation, or permitting the use or operation, of any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby.

## 2. Hourly Restriction of Certain Operations.

- a. Domestic Power Equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill or other similar domestic power equipment, except between the hours of 7:00am and 8:00pm on weekdays and 8:00am and 8:00pm on any weekend or public holiday. Snow removal equipment is exempt from this provision. All implements shall be effectively muffled so as to prevent the emission of loud and explosive noises that disturb the peace, quite or repose of a person of ordinary sensibility.
- b. Refuse Hauling. See SLPC 5.08.010, Paragraph I.
- c. Construction Activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment, except between the hours of 7:00am and 8:00pm on any weekday or between the hours of 9:00am and 6:00pm on any weekend or public holiday.
- d. Radios, Music Devices, Paging Systems, and the Like. The operation of any device referred to in Paragraph E, 1, f between the hours of 10:00pm and 7:00am in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.
- e. Noise Impact Statements. The Council may require any person applying for a change in zoning classification or a permit or license



for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. The Council shall evaluate each such statement and takes its evaluation into account in approving or disapproving the license or permit applied for or the zoning change(s) requested.

3. *Participation in Noisy Parties or Gatherings.* No person shall participate in any party or other gathering of people giving rise to noise, disturbing the peace, quiet or repose of other persons. When a peace officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a peace officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

4. *Exception for Emergency Work.* Noise created exclusively in the performance of emergency work to preserve the public health, safety or general welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard, shall be exempt from the provisions of this Section. Any persons responsible for such emergency work shall take all reasonable actions to minimize the amount of noise.

F. *Enforcement.* It shall be the duty of the City Council to enforce the provisions of this section and the City Council may, by resolution, delegate to other officers or agencies power to enforce particular provisions of this section, including the power to inspect private premises. The officers charged with the enforcement of this section shall take all reasonable precautions to prevent the commission and maintenance of public nuisances.

G. *Notice To Abate; Abatement By City; Recovery Of Costs.* Whenever, in the judgment of the officer charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the city, the officer shall notify in writing the person committing and maintaining the public nuisance and require him or her to terminate and abate the nuisance and to remove those conditions or remedy those defects.

1. *Service of notice.* This written notice shall be served on the person committing or maintaining the nuisance in person or by registered mail. If the premises are not occupied and the address of the owner is unknown, service on the owner may be had by pasting a copy of the notice on the premises.

2. *Contents of notice.* The notice shall require the owner or occupant of the premises, or both, to take reasonable steps within a reasonable time to abate and remove the nuisance, the steps and time to be designated in the notice, but the maximum time for the removal of the nuisance after service of notice shall not in any event exceed 30 days.

3. *Proof of service.* Service of notice may be proved by filing an affidavit of service in the office of the City Administrator, Clerk/Treasurer setting forth the

manner and time thereof. When an order so given is not complied with, the non-compliance shall be reported forthwith to the City Council for such action as may be necessary and deemed advisable, in the name of the city, to abate and enjoin the further continuation of the nuisance.

4. *Non-compliance with notice to abate.* If, after service of notice, the person served fails to abate the nuisance or make the necessary repairs, alterations, or changes in accordance with the direction of the City Council, the City Council may cause the nuisance to be abated at the expense of the city and recover the expenditure, plus an additional 25% of the expenditure, by civil action against the person or persons served; or, if service has been had upon the owner or occupant, by ordering the Administrator, Clerk/Treasurer to extend that sum, plus 25% thereof, as a special tax against the property upon which the nuisance existed and to certify the same to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected.
5. *Recovery of city's costs to abate.* In addition to the above, abatement of any nuisance relating to noxious weeds, tall grasses, and other rank growths shall be administered as follows: a certified letter shall be sent to the occupant or owner of the property demanding abatement of the nuisance within five days; thereafter, the city or a contractor will mow the premises and the actual cost, plus an administrative fee as set from time to time by Council resolution, shall be billed to the occupant or owner. In the event the amount billed is not paid, the charges shall be certified as a special tax against the property and certified to the County Auditor.

**SECTION 2:**            **EFFECTIVE DATE** This Ordinance shall be in full force and effect from \_\_\_\_\_ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Councilmember Wendling	_____	_____	_____	_____
Councilmember Delfs	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Robert Nelson, Mayor, Spring Lake  
Park

\_\_\_\_\_  
Daniel R. Buchholtz, Administrator,  
Clerk/Treasurer Spring Lake Park



# Memorandum

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To: Mayor Nelson and Members of the City Council

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

Date: May 5, 2022

Subject: Performance Standards Updates

At the April 18 meeting, the City Council approve a moratorium on building permits which required site plan approval under Section 16.20.060 of the City Code to allow for a study to be completed on performance standards within the City.

The moratorium was prompted by inquiries from a builder representing Quickway Rigging to construct a 120' wide by 280' long all-metal building next to the former Shorty's Towing building on Osborne Road. A rendering of the proposed building is included with this memorandum.

Staff presented draft performance standards to the Planning Commission (see attached ordinance) at its April 25 meeting. The Planning Commission, with the exception of a minor change to B(2) regarding odors, was satisfied with the changes presented in Section A and Section B(1)-B(13) of the proposed ordinance. Significant discussion centered on B(14), which centered around visual elements of buildings.

Green – added language; Red – ~~deleted language~~

## 14. Visual.

- a. It is hereby affirmed as essential public policy that the appearance of this community is a proper matter for public concern and that all open spaces, buildings, signs, plantings, surfaces, and structures which may be seen are subject to the provisions of this title.
- b. **All buildings must be built in conformance with the Minnesota State Building Code.** All principal buildings other than single- and two-family homes shall be designed by a registered architect and shall be certified in accordance with the appropriate statutes of the state. ~~On any building visible from a public street, the following materials shall not be permitted on exterior wall surfaces: sheet metal, either corrugated or plain, unfinished structural clay tile, common concrete masonry units, concrete brick, or similar materials. These materials, however, may be used in a proper arrangement, or combination with other materials of a permanent nature with good architectural design and appeal.~~ The application for a building permit shall be accompanied by exterior elevations of the proposed building which will adequately and accurately

- indicate the height, size, bulk, design, and the appearance of all elevations and a description of the construction and materials proposed to be used therein.
- c. Building elevations and facades should include a variety of architectural features and building materials to provide visual interest and give each project a distinctive character. For non-residential districts, exterior building finishes shall consist of materials comparable in grade and quality to the following:
    - (1) Face brick
    - (2) Natural or cementitious stone
    - (3) Decorative concrete block or integral colored block
    - (4) Architectural glass
    - (5) Stucco (natural or artificial), including exterior insulated finishing systems (EFIS)
    - (6) Fiber cement siding
    - (7) Precast concrete
    - (8) Curtain wall panels of steel, fiberglass and aluminum (non structural, non-load bearing), provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design. Up to 20% of any wall surface may consist of the materials outlined herein (excludes overhead doors)
    - (9) Other materials deemed appropriate and subject to approval by the Zoning Administrator.
  - d. *Prohibited materials.* Prohibited materials include face materials that rapidly deteriorate or become unsightly such as unfinished/nonpigmented structural concrete block, galvanized metal, unglazed structural clay tile or common or back-up quality brick.
  - e. The building design should exhibit architectural uniqueness in building lines, shades and angles to maximize architectural uniqueness.

After hearing testimony from the owner of Quickway Rigging about the added costs associated with the new performance standards, the Planning Commission asked staff to draft language that separates buildings in commercial districts from those in industrial districts and to add more flexibility in building materials for buildings in industrial districts.

Quickway Rigging did present a drawing to the Planning Commission on Monday night that depicted additional architectural features on the proposed building. Staff was not able to obtain a copy.

Staff has made amendments to the proposed ordinance to incorporate the Planning Commission's feedback. That draft is included with this memorandum. Staff is seeking feedback from the City Council on this topic before taking this matter back to the Planning Commission.

If you have any questions, please don't hesitate to contact me at 763-784-6491.

**SPRING LAKE PARK  
ORDINANCE 481**

**AN ORDINANCE AMENDING SECTION 16.28.010 REGARDING PERFORMANCE  
STANDARDS**

**NOW THEREFORE**, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

**SECTION 1:**        **AMENDMENT** “16.28.010 Performance Standards” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

**AMENDMENT**

**16.28.010 Performance Standards**

A. Intent. It is the intent of this section to establish performance standards to minimize conflict between land uses, to preserve the use and enjoyment of property, and to protect the public health, safety and welfare. These standards shall apply to all uses of land and structures and are in addition to any requirements applying to specific zoning districts. ~~provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties, and to provide that each permitted use of this type shall be a good neighbor to adjoining properties by the control of the following.~~

**B. Standards.**

1. Noise. Minn. Rules § 7030, as may be amended from time to time, is hereby adopted by reference as a minimum standard for noise. In addition, any use established must be so operated that no noise resulting from the use is noticeable above typically expected levels to a reasonable person beyond the boundaries of the lot line of the site on which the use is located. This standard shall not apply to incidental traffic, parking, loading, construction or normal maintenance operations. The city may also limit the hours of operation of outdoor noise if it is deemed necessary to reduce impacts on the surrounding neighborhood.

~~a. At the points of measurement, the sound pressure level of noise radiated from a facility at nighttime, during the hours of 10:00 p.m. to 7:00 a.m., shall not exceed 50 decibels (sound pressure level decibels re 0.0002 dynes/cm<sup>2</sup>) or the average sound level of the street traffic noise nearest the noise generator, whichever is the higher, in any octave band of frequency above 300 cycles per second. The sound pressure level shall be measured with a sound level meter (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944) and an octave band analyzer (American~~

~~Standard Specification for an Octave-Bank Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953) that conforms to the specifications published by the American Standards Association. Noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, beat, frequency, impulsive character (hammering and the like), periodic character (humming, screech, and the like) or shrillness.~~

- ~~b. For facilities which radiate noise only during a normal daytime working shift, the allowance decibel level given above shall be increased 20 decibels, or ten decibels above the average sound level of the street traffic noise nearest the noise generator, whichever is higher. Sirens, whistles, bells, and the like, which are maintained and utilized solely to serve a public purpose (such as fire and air raid warning sirens) are excluded from the above regulations. Reasonable use of equipment used to maintain property, such as lawn mowers or snow blowers, shall be excluded from the provisions of this section.~~
- 2. Odor. No activity or operation shall cause at any time the discharge of toxic, noxious, or odorous matter beyond the limits of the immediate site where it is located in such concentrations as to be ~~obnoxious or otherwise~~ detrimental to or endanger the public health, welfare, comfort, or safety or cause injury to property or business. ~~Standards concerning odors referred to in Paragraph B,8 shall be adhered to.~~ No use shall produce unreasonable or disturbing odors exceeding applicable regulations established by the Minnesota Pollution Control Agency.
- 3. Exterior lighting. ~~All sources of artificial light situated on non-residential sites shall be so fixed, directed, designed, or sized that the sum total of their illumination will not increase the level of illumination on any nearby residential property by more than 0.1 foot candle in or within 25 feet of a dwelling nor more than 0.5 foot candle on any other part of the property.~~
  - a. Exterior lighting shall be designed and arranged to limit direct illumination and glare upon or into any contiguous parcel. Reflected glare or spill light shall not exceed five-tenths foot-candles as measured on the property line when abutting any residential parcel and one foot-candle on any abutting commercial or industrial parcel. Street lights installed in the public right-of-way shall be excepted from these standards.
  - b. Mitigative measures shall be employed to limit glare and spill light to protect neighboring parcels and to maintain traffic safety on public roads. These measures shall include lenses, shields, louvers, prismatic control devices and limitations on the height and types of fixtures. The city may also limit the hours of operation of outdoor lighting if it is necessary to reduce impacts on the surrounding neighborhood.
  - c. No flickering or flashing lights shall be permitted.
  - d. Direct, off-site views of the light source shall not be permitted except for globe and/or ornamental light fixtures approved in conjunction

with a site and building plan. Globe and ornamental fixtures shall only be approved when the applicant can demonstrate that off-site impacts stemming from direct views of the bulb are mitigated by fixture design and/or location.

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

4. *Glare.* Glare, whether direct or reflected, such as from floodlights, spotlights, or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line.
5. *Vibration.* ~~Vibration shall not be discernible at any property line to the human sense of feeling for three minutes or more duration in any one hour. Vibration of any kind shall not produce at any time an acceleration of more than one-tenth (0.1) gravity or shall not result in any combination of amplitudes or frequencies beyond the "safe" range of Table VII, U.S. Bureau of Mines Bulletin No. 442, Seismic Effects of Quarry Blasting, on any structure. The methods and equations of Bulletin No. 442 shall be used to compute all values for the enforcement of this provision.~~ No use shall at any time cause earth vibrations perceptible beyond the limits of the property on which the operation is located.
6. *Smoke and particulate matter.* No use shall produce or emit smoke, dust or particulate matter exceeding applicable regulations established by the Minnesota Pollution Control Agency. ~~As regulated by the State Pollution Control Agency.~~
7. *Dust.* ~~As regulated by the State Pollution Control Agency.~~
8. *Toxic or noxious matter.* No use or operation shall emit a concentration of toxic, noxious or corrosive matter across the property line which exceeds applicable regulations established by the Minnesota Pollution Control Agency. ~~*Fumes or gases.* Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive. The values given in Table I (Industrial Hygiene Standards -- Maximum Allowable Concentration for eight hour day, five days per week), Table II (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Damage to Vegetation) in the latest revision of Ch. 5, Physiological Effects, that contains these tables; in the Air Pollution Abatement Manual, by the Manufacturing Chemists' Association, Inc., Washington, D.C., are hereby established as guides for the determination of permissible concentrations or amounts. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.~~
9. *Radiation.* No operation shall be conducted which exceeds the standards established by applicable regulations of the Minnesota Department of Health.
10. *Hazard.* Every operation shall be carried on with reasonable precautions against fire and explosion hazards. All materials regulated in this section shall be utilized, stored, manufactured and handled in accordance with the



Minnesota State Fire Code, as may be amended from time to time.

11. Heat and humidity. No use shall produce any unreasonable, disturbing or unnecessary emissions of heat or humidity beyond the property line which cause material distress, discomfort or injury to persons or ordinary sensitivity.
12. Electromagnetic interference. No use shall produce electromagnetic interference with normal radio or television reception in any residential district or exceed applicable standards established by any applicable federal or state regulations.
13. Liquid or solid waste. All uses shall be subject to applicable regulations or the city governing discharge into a public storm or sanitary sewer, waterway or stream.
14. Visual.

a. It is hereby affirmed as essential public policy that the appearance of this community is a proper matter for public concern and that all open spaces, buildings, signs, plantings, surfaces, and structures which may be seen are subject to the provisions of this title.

b. All principal buildings other than single- and two-family homes shall be designed by a registered architect and shall be certified in accordance with the appropriate statutes of the state, including, but not limited to, the Minnesota State Building Code. ~~On any building visible from a public street, the following materials shall not be permitted on exterior wall surfaces: sheet metal, either corrugated or plain, unfinished structural clay tile, common concrete masonry units, concrete brick, or similar materials. These materials, however, may be used in a proper arrangement, or combination with other materials of a permanent nature with good architectural design and appeal.~~ The application for a building permit shall be accompanied by exterior elevations of the proposed building which will adequately and accurately indicate the height, size, bulk, design, and the appearance of all elevations and a description of the construction and materials proposed to be used therein.

c. Commercial districts.

(1) All structures in commercial districts shall have an exterior finish consisting of the following permitted materials:

- (A) Brick
- (B) Stone (natural or cementitious)
- (C) Decorative concrete block or integral colored block
- (D) Architectural glass
- (E) Stucco (natural or artificial, including exterior insulated finishing systems (EFIS))
- (F) Fiber cement siding
- (G) Precast concrete
- (H) Modern metal paneling materials, as an exterior material for architectural trim
- (I) Other comparable materials as approved by the

Zoning Administrator.

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

(3) All buildings shall contain a concrete floor.

(4) All building shall incorporate four-sided design.

d. Light industrial district.

(1) All structures in the light industrial district shall have an exterior finish consisting of the following permitted materials:

(A) Materials listed in c(1) above.

(B) Based on building size, height, location and/or special use, the city 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 or its equivalent shall not exceed thirty five percent (35%) of the cumulative area of all building walls. The Council may approve a greater percentage, not to exceed sixty percent (60%) of the cumulative area of all building walls, provided the applicant demonstrates that the modification results in a better integration of the building with the surrounding area and will further the intent of this Section. In Modern metal paneling materials shall be used primarily on the rear wall and secondarily on the side and/or front wall.

(2) Building elevations and facades should include a variety of architectural features and building materials to provide visual interest and give each project a distinctive character. Any exterior building wall adjacent to or visible from a public street, public open space or abutting property may not exceed 50 feet in length without significant visual relief consisting of one or more of the following:

(A) The facade shall be divided architecturally by means of significantly different materials or textures; or

(B) Horizontal offsets of at least four feet in depth; or

(C) Vertical offsets in the roofline of at least four feet, or fenestration at the first floor level that is recessed horizontally at least one foot into the facade.

(3) All building shall contain a concrete floor.

e. Prohibited materials. Prohibited materials include face materials that rapidly deteriorate or become unsightly such as unfinished/non-pigmented structural concrete block, galvanized metal, sheet metal, either corrugated or plain, unglazed structural clay tile or common or

back-up quality brick, or similar materials.

- C. *Testing.* In order to assure compliance with the performance standards set forth above, the city may require the owner or operator of any permitted use to have made those investigations and tests as may be required to show adherence to the performance standards. Investigation and tests as are required to be made shall be carried out by an independent testing organization as may be agreed upon by all parties concerned, or if there is failure to agree, by such independent testing organizations as may be selected by the city after 30 days' notice. The costs incurred in having the investigations or tests conducted shall be shared equally by the owner or operator and the city, unless the investigation and tests disclose non-compliance with the performance standards, in which event the entire investigation or testing cost shall be paid by the owner or operator. The procedure above stated shall not preclude the city from making any tests and investigations it finds appropriate, to determine compliance with these performance standards.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

\_\_\_\_\_.

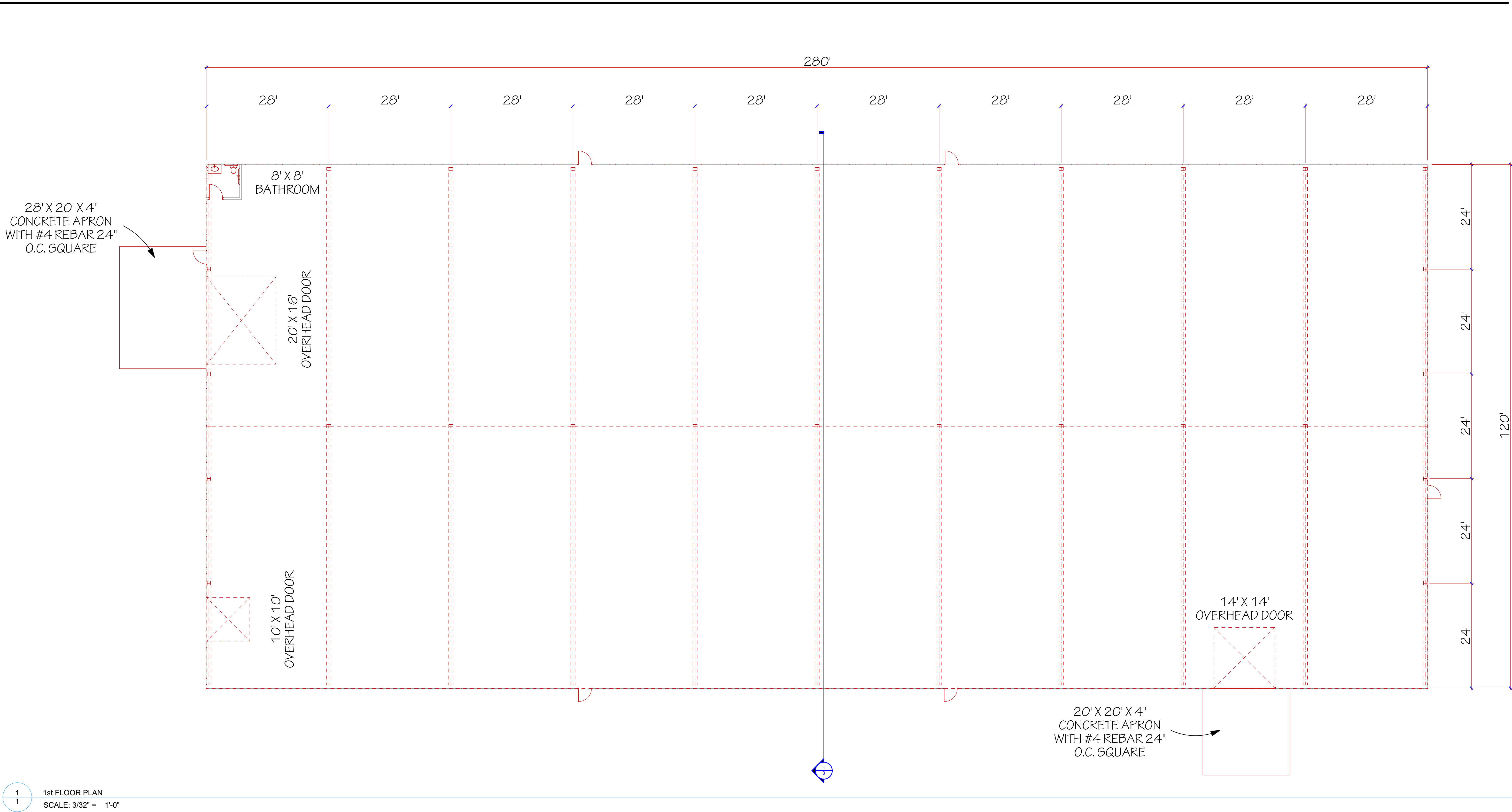
	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Councilmember Wendling	_____	_____	_____	_____
Councilmember Delfs	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Robert Nelson, Mayor, Spring Lake  
Park

\_\_\_\_\_  
Daniel R. Buchholtz, Administrator,  
Clerk/Treasurer Spring Lake Park



1 1st FLOOR PLAN  
SCALE: 3/32" = 1'-0"

PROJECT: 22-103  
DATE: 4/7/2022  
DRAWN: S.K.

NO	PLAN ITEM	BY	DATE
1			
2			
3			
4			
5			

Brad Dahmeir  
Spring Lake Park, MN

280'-0" X 120'-0" X 23'-0"

592 Industrial Drive  
Winnet, Minnesota 55395  
320-485-2444  
www.rambuilding.com

RAM  
General Contracting, Inc.

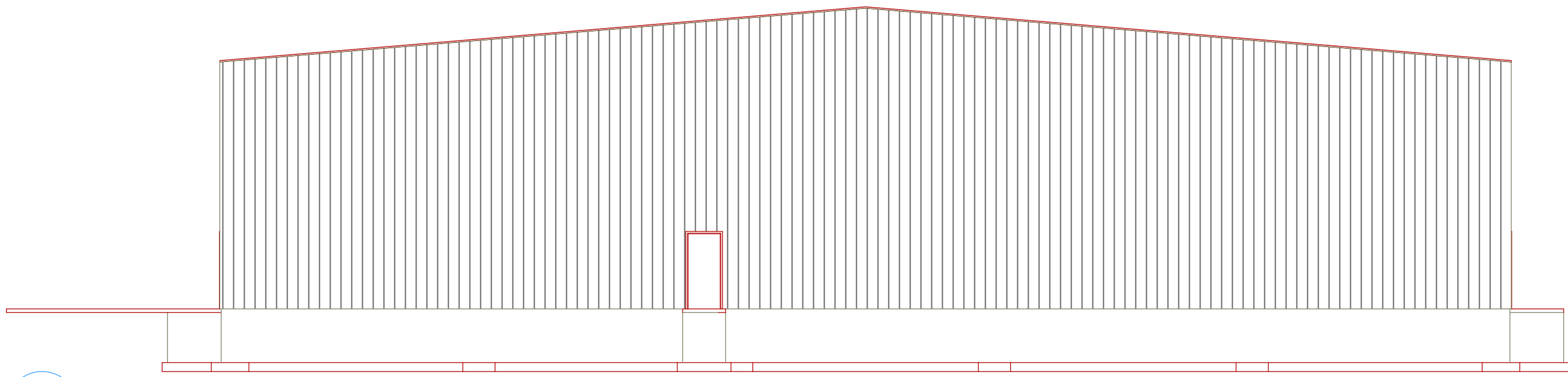
CONSTRUCTION  
SERVICES

800-710-4726  
Fax 320-485-3625

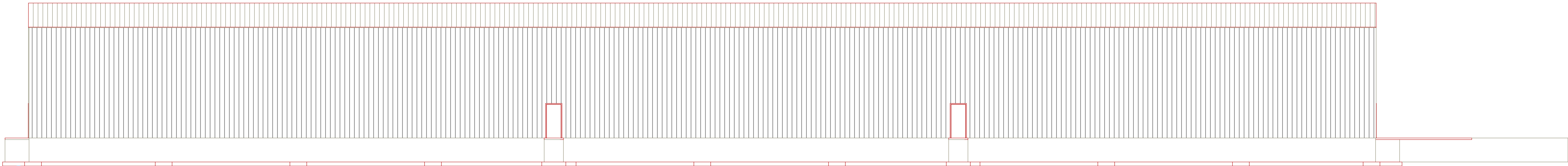
SHEET

OF 5

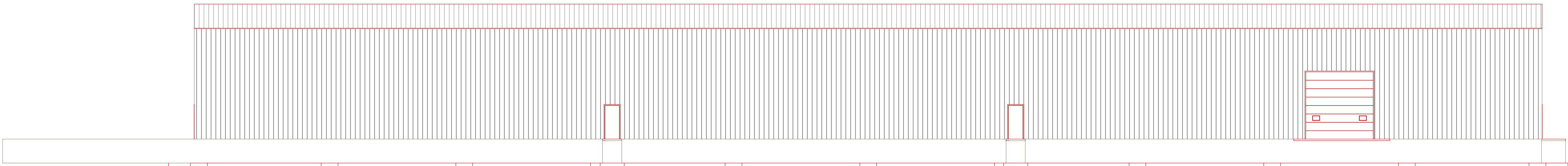
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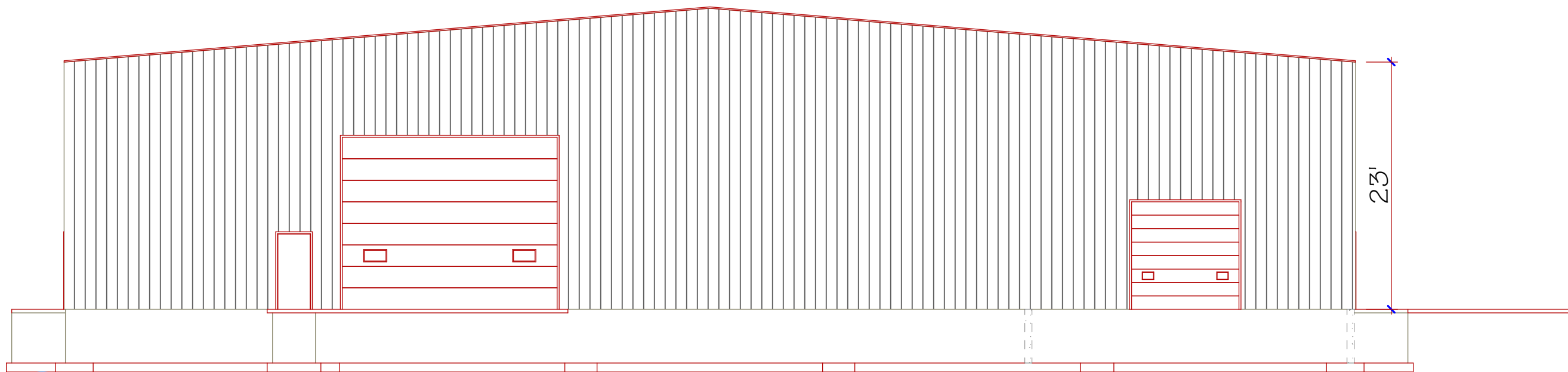
1 EAST ELEVATION  
2 SCALE: 3/32" = 1'-0"



2 NORTH ELEVATION  
2 SCALE: 3/32" = 1'-0"



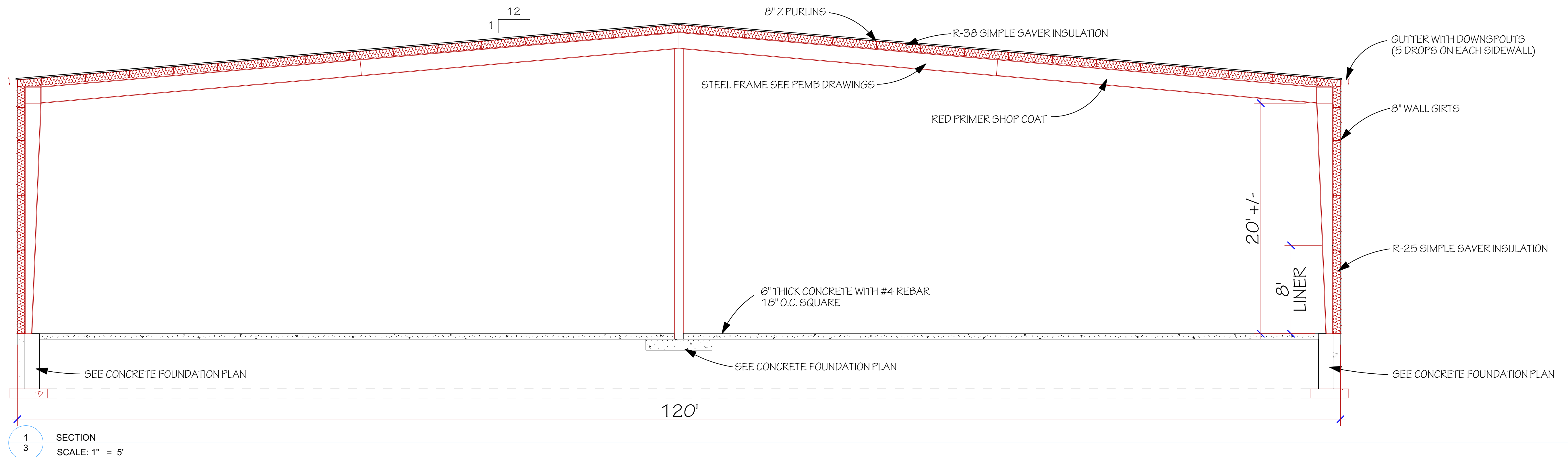
3 SOUTH ELEVATION  
2 SCALE: 3/32" = 1'-0"



4 WEST ELEVATION  
2 SCALE: 3/32" = 1'-0"

NO	PLAN ITEM	BY	DATE
1			
2			
3			
4			
5			





PROJECT: 22-103

DATE: 4/7/2022

DRAWN: S.K.

NO	PLAN ITEM	BY	DATE
1			
2			
3			
4			
5			

Brad Dahmeir  
Spring Lake Park, MN

280'-0" X 120'-0" X 23'-0"

592 Industrial Drive  
Winnetka, Minnesota 55395  
320-485-2644  
www.ramgeneral.com

RAM  
General Contracting, Inc.

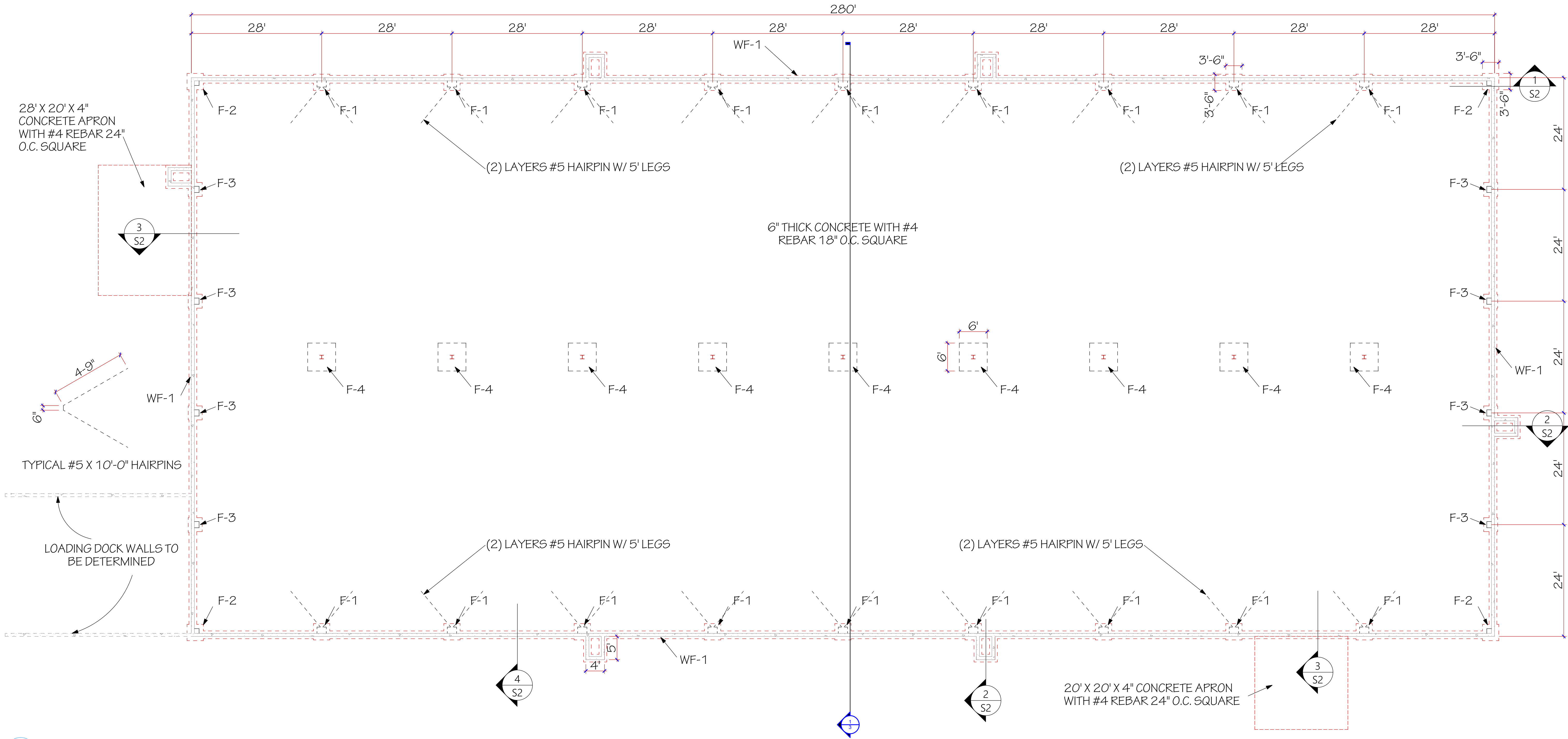
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SERVICES

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Fax 320-485-3625  
www.ramgeneral.com

SHEET

OF 5





1  
S1 Foundation  
SCALE: 3/32" = 1'-0"

FOOTING & PIER SCHEDULE

MARK	FOOTING SIZE	FOOTING REINFORCEMENT	PIER SIZE	PIER REINFORCEMENT	REMARKS
F-1	3'-6" X 3'-6" X 12"	(4) #5 RE-BARS EACH WAY	2'-0" X 2'-0" X 5'-0"	(4) #6 VERTICAL RE-BARS WITH #4 TIES AT 12" O.C.	
F-2	3'-6" X 3'-6" X 12"	(4) #5 RE-BARS EACH WAY	20" X 20" X 5'-0"	(4) #5 VERTICAL RE-BARS WITH #4 TIES AT 12" O.C.	
F-3	3'-0" X 3'-0" X 12"	(4) #5 RE-BARS EACH WAY	16" X 20" X 5'-0"	(4) #5 VERTICAL RE-BARS WITH #4 TIES AT 12" O.C.	
F-4	6'-0" X 6'-0" X 12"	(6) #5 RE-BARS EACH WAY			
WF-1	1'-8" X 10" CONTINUOUS FOOTING	(2) #5 RE-BARS CONTINUOUS			

PROJECT: 22-103  
DATE: 4/7/2022  
DRAWN: S.K.

PLAN ITEM

BY

DATE

NO	1	2	3	4	5

Brad Dahmeir  
Spring Lake Park, MN

280'-0" X 120'-0" X 23'-0"

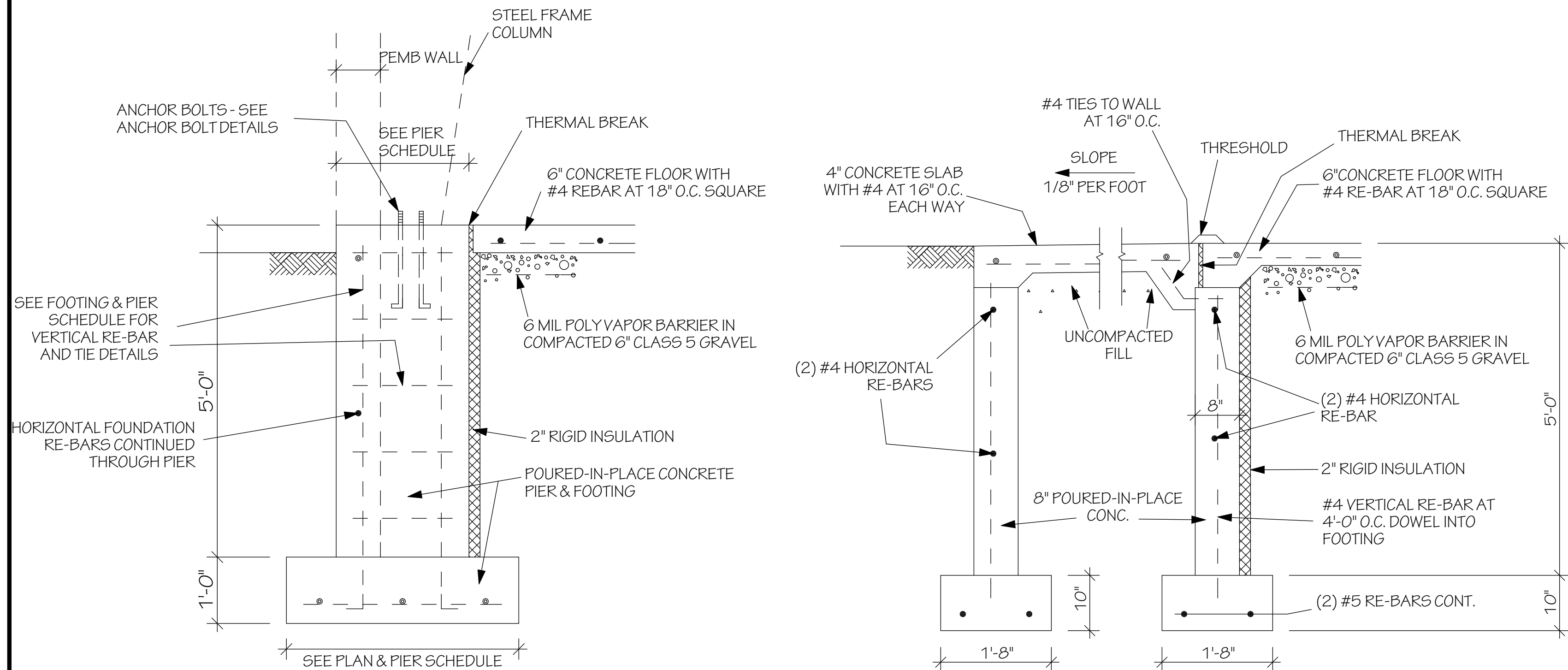
592 Industrial Drive  
Winnet, Minnesota 55395  
320-485-2444  
www.rambuilding.com

800-710-4726  
Fax 320-485-3625  
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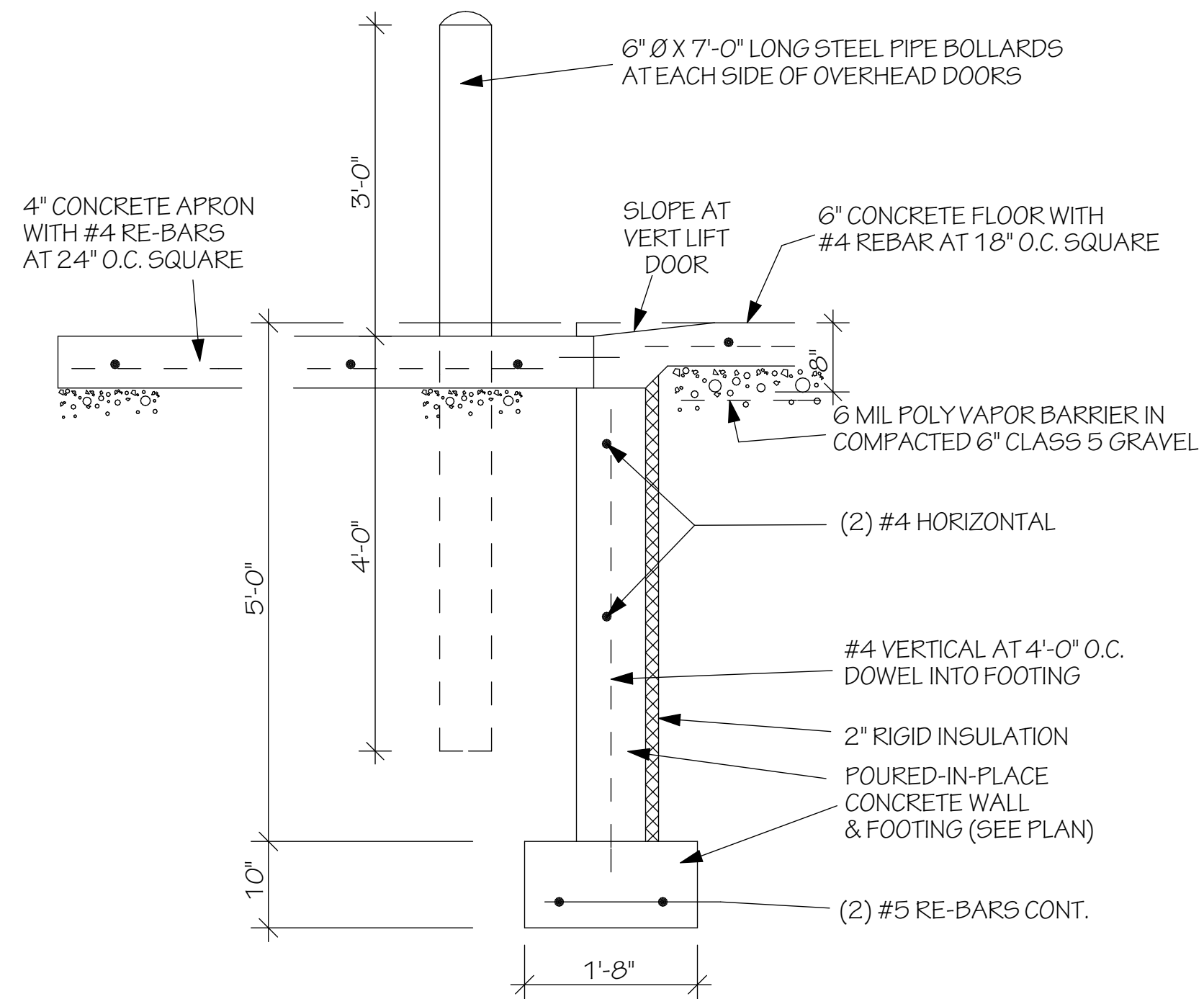
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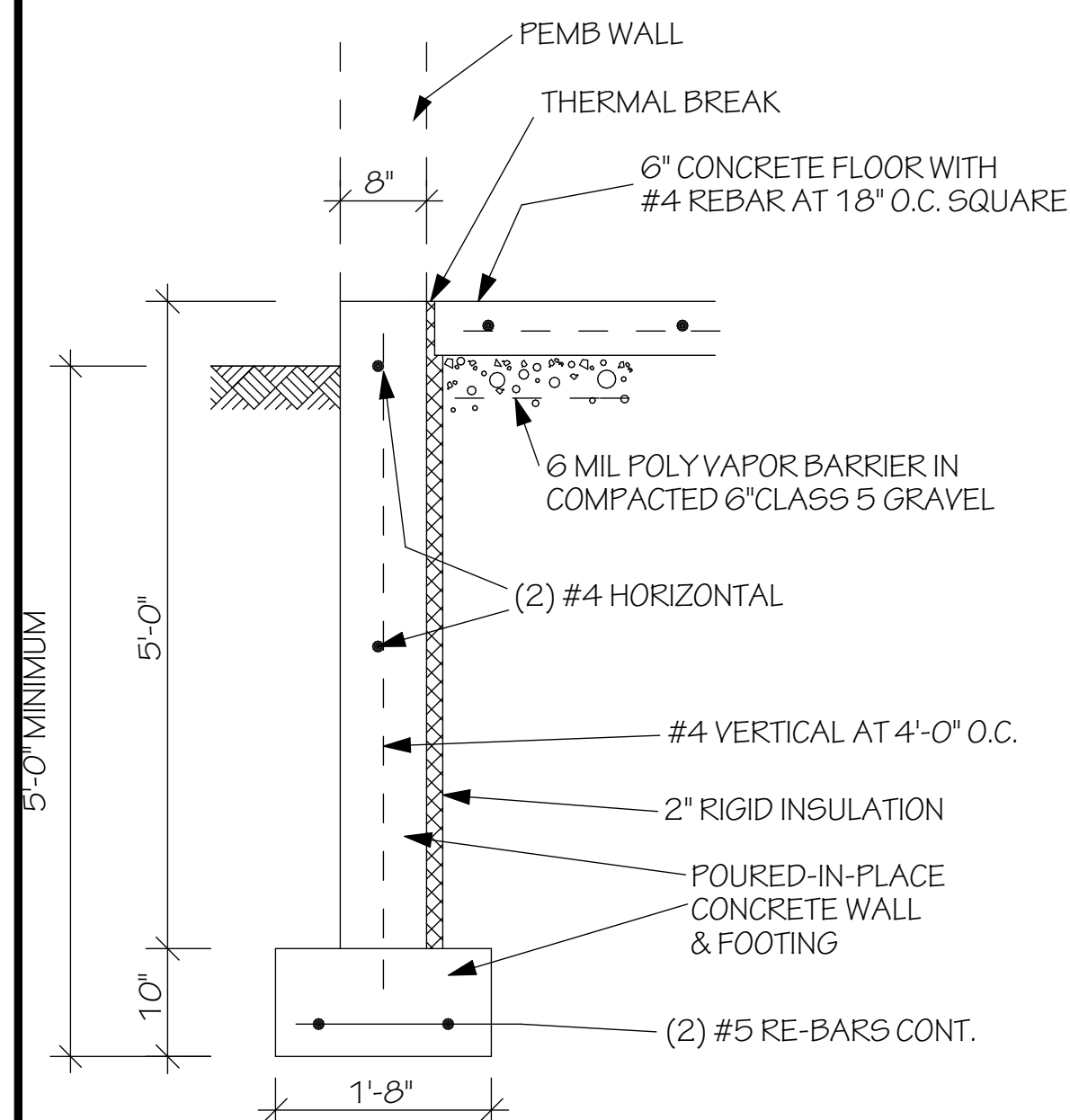


1  
S2 Typical Sidewall & Endwall Pier Section  
SCALE: 3/4" = 1'-0"

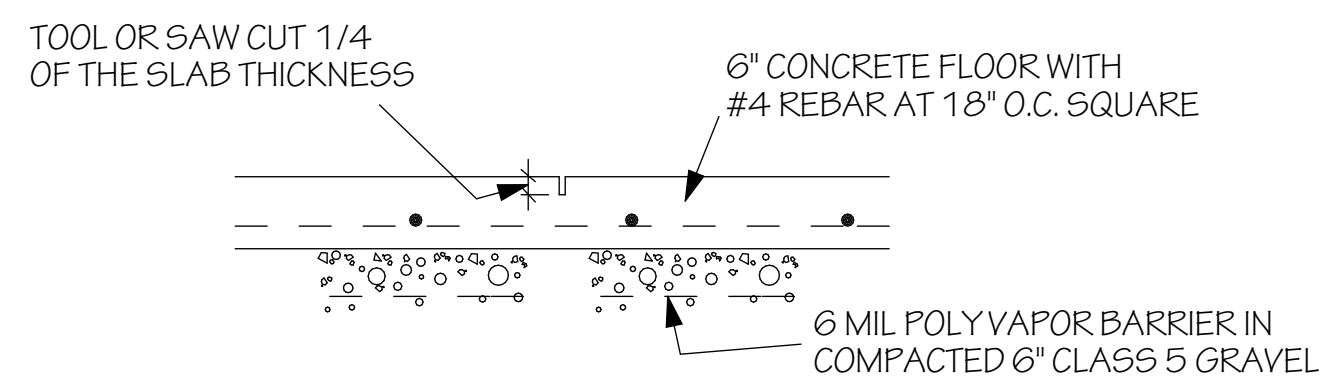
2  
S2 Typical Stoop Section at Walk Doors  
SCALE: 3/4" = 1'-0"



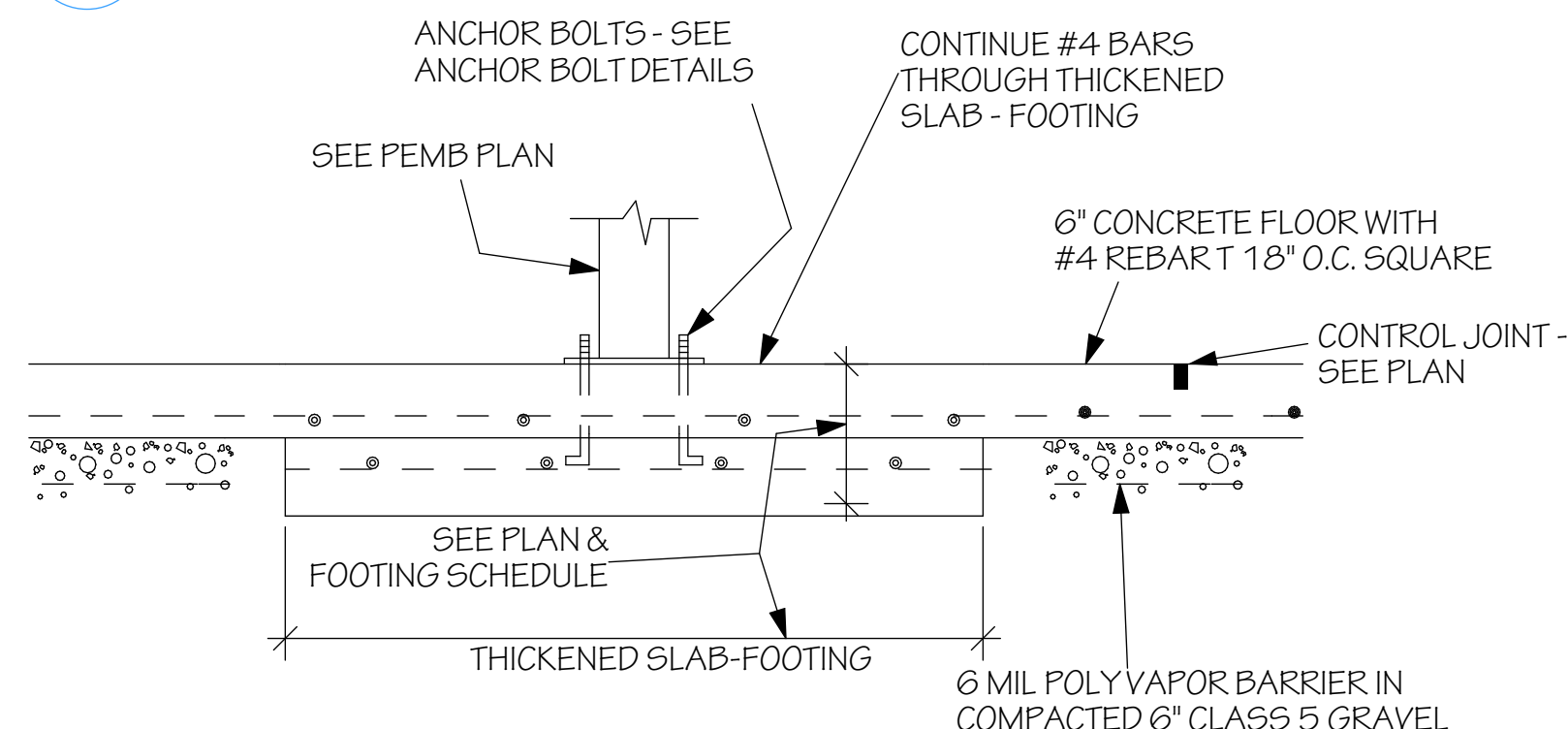
3  
S2 Section at Overhead Door  
SCALE: 3/4" = 1'-0"



4  
S2 Typical 5'-0" Foundation Section  
SCALE: 3/4" = 1'-0"



5  
S2 Control Joint Detail  
SCALE: 3/4" = 1'-0"



6  
S2 F4 Footing Detail  
SCALE: 3/4" = 1'-0"

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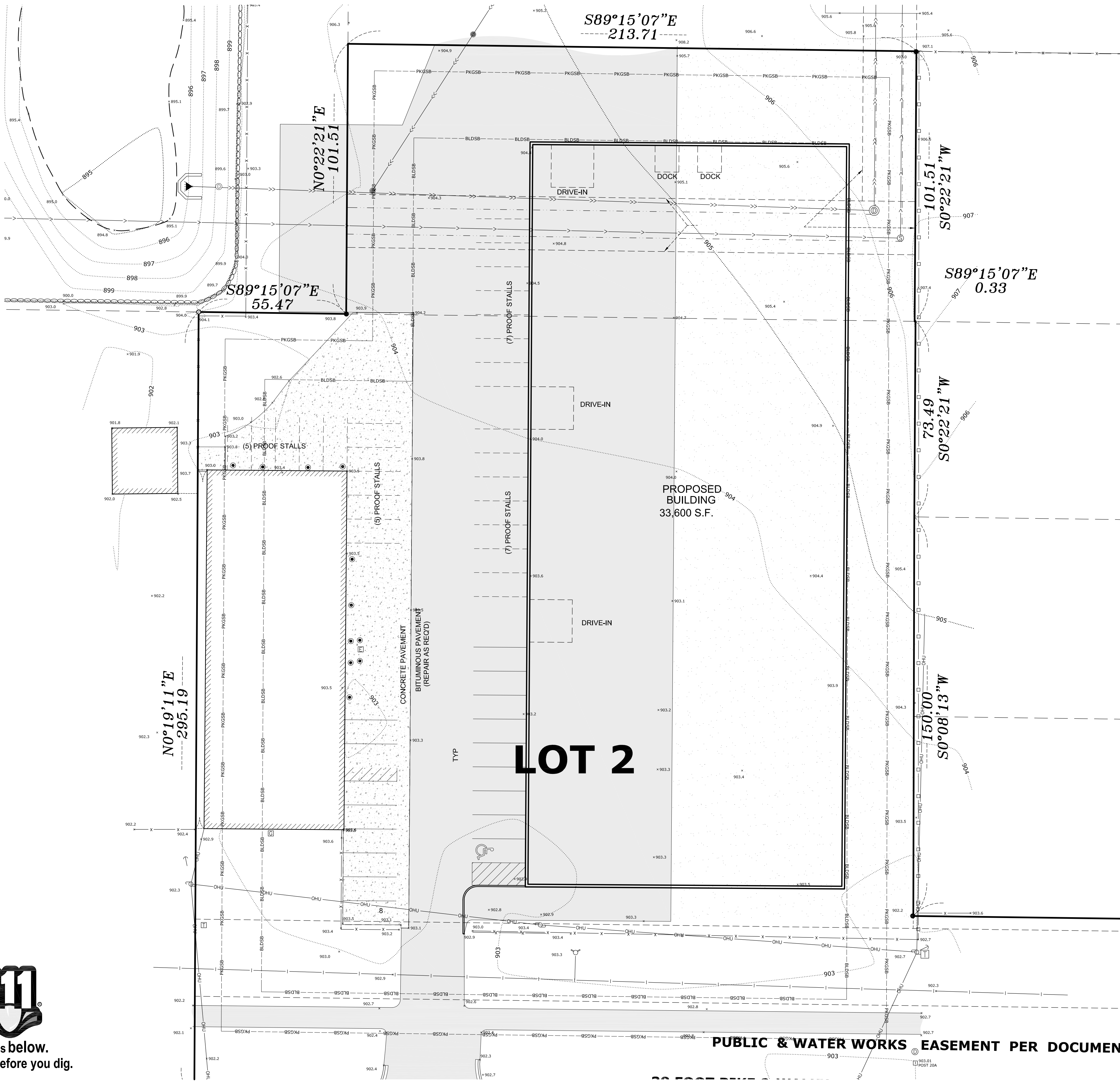
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OF 5



S:\Drawings\2023\1229\1229\_01.dwg 3/17/2023

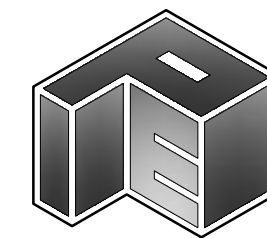


Know what's below.  
Call before you dig.



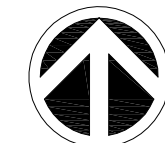
ALL DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.

**CIVIL SITE PLAN**  
**1229 OSBORNE ROAD RD**



SITE PLANNING  
& ENGINEERING  
**PLOWE**  
ENGINEERING, INC.  
6776 LAKE DRIVE  
SUITE 110  
LINO LAKES, MN 55014  
PHONE: (651) 361-8210  
FAX: (651) 361-8701

**NORTH**



0 10 20  
1 INCH = 20 FEET

**C1**

# Memorandum

---

To: Mayor Nelson and Members of the City Council

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

Date: May 5, 2022

Subject: Development Update

A developer has three residential parcels at the southwest corner of CSAH 10 and Spring Lake Park Road under contract. These three parcels together constitute approximately 3 acres.



Site location – 8054 Spring Lake Park Rd, 1780 & 1790 CSAH 10 NE

The developer met with City Engineer Gravel, City Planner Carlson and I last week. They presented two options under consideration for this parcel:

- A 40-unit assisted living/memory care facility. Due to costs associated with property acquisition, the applicant may come forward with a request for tax increment financing for this project.



- A 100 unit, 55+ senior market rate development – 3 story building with underground parking. The image shown below is from a similar project that was recently constructed in Lake Elmo. No financial incentives would be required for this project.



Staff is seeking direction from the City Council on these potential projects to provide guidance to the developer.

If you have any questions, please don't hesitate to contact me at 763-784-6491.