

CITY OF TAYLORS FALLS ZONING ORDINANCE

CHAPTER TWO

ZONING REGULATIONS

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CITY OF TAYLORS FALLS ZONING ORDINANCE

CHAPTER TWO

ZONING REGULATIONS

SECTION 2000.001 GENERAL DISTRICT PROVISIONS

Subd. 1 The following zoning districts are hereby established within the City of Taylors Falls.

RC	Rural Countryside
RT	Residential Transitional
ST	Small Town
H	Historic Preservation District Overlay
DC	Downtown Commercial District
B & I	Business and Industrial District
SCR-I	St. Croix Scenic River District
SCR-II	St. Croix Scenic River District
S	Shorelands District

Subd.2 **Map.** The location and boundaries of the districts established by this Ordinance are hereby set forth on the zoning map entitled “Zoning Map”, a copy of which is on file with the City Clerk/Treasurer. Said map and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference.

Subd.3 **Annexation-Detachment.** In the event of changes in the City limits removing territory from the City, district boundaries shall be construed as moving with City limits. In the event of annexation of new areas to the City, such areas shall be considered to be in the “RC” District until otherwise classified.

Subd. 4 **Zoning District Boundaries.**

- A. Boundaries indicated as approximately following the plotted centerlines of streets, highways, alleys, or railroad lines shall be construed as following such center lines.
- B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following shore lines shall be construed as following such shore lines, and in the event of change in shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed as following such center lines.
- D. Boundaries indicated as approximately following the city limits shall be construed as following such city limits.
- E. Where a district boundary line divides a lot which was in a single ownership at the time of passage of this Ordinance, the extension of the regulations for either portion of the lot may be interpreted by the Zoning Administrator, subject to appeal as provided in Section 1000.010 of this Ordinance.

Subd. 5 **District Regulations.** The regulations of this Ordinance within each district shall be minimum regulations, and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building, structure, or land shall hereafter be used or occupied, and no building structure or part thereof shall hereafter be erected, constructed, reconstructed, placed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear, front, or side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Subd. 6 Conveyance of Land.

Prior to recording a conveyance of land that is less than the whole as charged on the tax lists maintained by Chisago County, the conveyance must first be approved by the Zoning Administrator for compliance with this Section.

Any conveyance of land which is less than the whole parcel of land as charged on the tax lists and found to be in violation of this section by the Zoning Administrator will be returned to the draftsperson and notice by mail of the potential violation will be given to the parties to the conveyance pursuant to Minnesota Statutes §394.37.

SECTION 2000.002 “RC” RURAL COUNTRYSIDE DISTRICT

Subd. 1 Purpose. The Rural Countryside District is established for the purpose of promoting agricultural activities and environmentally sensitive residential development.

Subd.2 Permitted Uses. The following are permitted uses:

- A. Agriculture;
- B. Single Family Detached Buildings;
- C. Passive Recreational Use.
- D. Forestry

Subd. 3 Conditional Uses. The following uses may be permitted through the issuance of a conditional use permit:

- A. Public Riding Stables;
- B. Open Space Designs (OSD);
- C. Nursery and Garden Supplies Sales;
- D. Kennels;
- E. Golf Courses;

- F. Driving Ranges;
- G. Horse Training Facilities;
- H. Public recreational facilities and additional private and private-club recreational uses, all non-commercial;
- I. Campgrounds;
- J. Local Government Buildings;
- K. Churches;
- L. State-licensed day care facility serving more than 12 persons, or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving fifteen (15) or more children within non-residential buildings (e.g., schools or churches) provided the following conditions are met:
 - 1. Designated pick-up and drop-off areas shall be located on the site; and
 - 2. Designated outdoor play areas shall be set back at least fifteen (15) feet from any lot line which abuts a residential property.
- M. Schools

Subd. 4 **Accessory Uses.** The following Accessory Uses are permitted in the “RC” zone:

- A. Agriculture Buildings;
- B. Home occupations as regulated in this Ordinance.
- C. Fencing, screening and landscaping as permitted and regulated by this Ordinance.
- D. State-licensed foster family homes serving six or fewer children, or as otherwise permitted by law.
- E. The maximum square footage for accessory buildings, without a Conditional Use Permit, shall be 4,200 square feet.

Subd.5 **Minimum Lot Size.**

- A. A lot area of no less than five (5) acres is required.
- B. Lot size shall be adequate to provide for all expected improvements and for the installation of two on-site sewage treatment systems.
- C. All lots shall have no less than three (300) feet of frontage.
- D. Shoreland lots shall abide by State regulations.

Subd. 6 **Setbacks.** All buildings and structures shall meet or exceed the following setbacks as measured from the Right of Way (State and County Highway setbacks are measured from centerline and are specified below):

- A. Front Yard Setback 35 feet *

- B. Side Yard Setback 30 feet
- C. Rear Yard Setback 30 feet
- D. State and County highways Setback (this includes Front, Side, and Rear Setbacks) as measured from the centerline.
 - 1. Principal Building 150 feet from centerline
 - 2. Accessory Building 110 feet from centerline
- E. Cemeteries (principal building) 50 feet

* Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the side street shall not be less than 35 feet.

Subd. 7 **Height.** The maximum height of all buildings shall not exceed the lesser of 2½ stories or 35 feet. This height limitation shall not apply to grain elevators, silos, windmills, elevator lags, cooling towers, water towers, chimneys and smokestacks, church spires, or electric transmission lines.

SECTION 2000.003 “RT” RESIDENTIAL TRANSITIONAL DISTRICT

Subd. 1 **Purpose.** The Residential Transitional District is a residential district and is established for the purpose of providing for residential development. In this district, the subdivision and/or individual lots abutting major thoroughfares are to provide an increased setback and reduced density in order to give the appearance and feel of a more rural atmosphere. Internal portions of the subdivision are allowed higher density levels and setbacks that are more consistent with urban development.

Subdivision of land and ultimate density will be based on a Yield Plan, which will determine the amount of buildable property and maximum amount of lots that could be permitted. The Yield plan will identify areas of significant cultural, natural, and historic value in an effort to protect these areas. Examples include: wetlands, slopes greater than 24%, bluffline zones, rock outcroppings, areas of significant biodiversity, and floodplains. These areas may be included in lots as long as setback and wastewater requirements are met and they comply with provisions set forth in Section 2000.015. Such features should not normally be accepted as parkland but may be accepted with the agreement of the City Council.

Subd. 2 **Permitted Uses.**

- A. Single Family Detached Buildings;
- B. Forestry.

Subd. 3 **Conditional Uses.** The following uses may be permitted through the issuance of a conditional use permit:

- A. Local Government Buildings;
- B. Two-family Unit Buildings;
- C. Multi-family Dwellings up to 4 units;

- D. Open Space Designs (OSD);
- E. Home occupations (within single-family residences) as regulated in by this Ordinance;
- F. Community Centers;
- G. Churches;
- H. Cemeteries;
- I. Essential Services;
- J. Day Care Facilities;
- K. Golf Courses;
- L. Golf Driving Ranges;
- M. Public recreational facilities and additional private and private-club recreational uses, all non-commercial;
- N. State-licensed day care facility serving more than 12 persons, or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving 15 or more children within non-residential buildings (e.g., schools or churches) provided the following conditions are met:
 - 1. Designated pick-up and drop-off areas shall be located on the site; and
 - 2. Designated outdoor play areas shall be set back at least fifteen (15) feet from any lot line which abuts a residential property.
- O. Schools.

Subd. 4 **Accessory Uses.** The following Accessory Uses are permitted in the “RT” zone:

- A. Accessory buildings as regulated in by this Ordinance;
- B. Fencing, screening, and landscaping as permitted and regulated by this Ordinance;
- C. State-licensed foster homes serving six or fewer children, or as otherwise permitted by law;
- D. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

Subd. 5 **Minimum Lot Size.**

- A. Lot size shall be adequate to provide all expected improvements and for the installation of a sewer/wastewater collection and distribution system if not connected to sanitary sewer lines.
- B. Lots abutting a State or County highway right-of-way shall be no less than 18,000 square feet with no less than 120 feet of frontage on a right-of-way, and the ratio of lot depth to frontage shall be no more than 3:1.
- C. Lots not abutting State or County highways shall be no less than 13,500 square feet with no less

zoning administration and infill development will be handled by a performance zoning approach.

For new neighborhoods, subdivision of land and ultimate density will be based on a Yield Plan, which will determine the amount of buildable property and maximum amount of lots that could be permitted. The Yield plan will identify areas of significant cultural, natural, and historic value in an effort to protect these areas. Examples include: wetlands, slopes greater than 24%, bluffline zones, rock outcroppings, areas of significant biodiversity, and floodplains. These areas may be included in lots as long as setback and wastewater requirements are met and they comply with provisions set forth in Section 2000.015. Such features should not normally be accepted as parkland but may be accepted with the agreement of the City Council.

The conversion of any dwelling to increase the number of units shall be in accordance with the Minnesota Uniform Building Code, especially in relationship to minimum floor area required.

Subd. 2 Permitted uses.

A. Single Family Detached Buildings.

Subd. 3 Conditional Uses. The following Conditional Uses may be permitted through the issuance of a conditional use permit:

A. Local Government Buildings; Community Centers; Churches; Cemeteries; Essential Services.

B. Two-family dwellings if on lots of such areas and widths as hereinafter required;

C. Multiple-dwelling structures up to twelve (12) dwelling units;

D. Bed and Breakfast Inn;

E. Home occupations (within single-family residences) as regulated by Section this Ordinance;

F. Public recreational facilities and additional private and private-club recreational uses, all non-commercial;

G. State-licensed day care facility serving more than twelve (12) persons, or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving fifteen (15) or more children within non-residential buildings (e.g., schools or churches) provided the following conditions are met:

a. Designated pick-up and drop-off areas shall be located on the site; and

b. Designated outdoor play areas shall be set back at least fifteen (15) feet from any lot line which abuts a residential property;

H. Schools.

I. Hospitals, clinics, nursing homes and similar institutions.

J. Outdoor Wood Boiler

a. Wood gasification systems or equivalent technologies.

Subd.4 Accessory Uses.

- A. Accessory buildings as regulated in by this Ordinance;
- B. Fencing, screening, and landscaping as permitted and regulated by this Ordinance.
- C. State-licensed foster family homes serving six or fewer children, or as otherwise permitted by law.
- D. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests;

Subd. 5 New Neighborhoods (subdivisions) in “ST” District.

A. Minimum Lot Size

- 1. A lot of not less than 12,000 square feet is required for single-family residences. 12,500 square feet is required for two-family residences.
- 2. Multiple-dwelling units having 3 or 4 (three or four) dwelling units must have a minimum lot area of 15,000 square feet. Not less than 1,500 square feet are required for each additional dwelling unit over 4 (four).
- 3. All lots shall have a minimum of 100 feet of frontage on a right-of-way and the ratio of lot depth shall be no more than 3:1.
- 4. Nursing homes and similar institutions shall have a density ratio of 12 units per acre.

B. Setbacks. All buildings and structures shall meet or exceed the following setbacks as measured from the Right of Way (State and County Highway setbacks are measured from centerline and are specified below):

- | | |
|----------------------------------|--------------------------|
| 1. Front Yard Setback | 30 Feet* |
| a. State highway | 135 feet from centerline |
| b. County road | 110 feet from centerline |
| 2. Side Yard Setback | 10 Feet |
| 3. Rear Yard Setback | 20 Feet |
| 4. Cemetery (principal building) | 50 Feet |

*Where a lot is located at the intersection of 2 or more streets, the width of the yard along the side street shall not be less than 30 feet.

C. Height. The maximum height of all buildings shall not exceed the lesser of three stories or 35 feet. This height limitation shall not apply to chimneys and church spires.

Subd. 6 Existing Neighborhoods and Infill Development.

- A. Modifications to the principal structure, setbacks shall conform to a performance zoning approach. Generally, the standards established in the “ST” section shall apply, however, some deviations may be allowed subject to documentation of actual conditions of the surrounding properties.

Performance zoning involves a standard of measurement that is consistent with the immediate surrounding neighborhood. If existing structures within a block have setbacks different from those required, the minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the minimum setback shall be the average of the required setback provided for in Subd. 5 and the setback of the adjacent structure. For example, if an infill lot is to be developed as a single family home, the standards for development are the average of the conditions on existing surrounding properties. If the ordinance requires a thirty (30) foot front yard, but the homes on the block actually average twenty (20) feet, the applicant will be allowed to construct to the average of that block.

B. Procedure.

1. When requested deviations from the standards set forth in the “ST” district, prior to making an application for a building permit, zoning permit, or variance, the applicant must determine the area standards for the entire city block in which the property is located. This applies to new construction, remodels, etc. The burden of proof is on the applicant to show what the standards are for the block. This may be accomplished by reviewing plats, aerial photography, obtaining surveys, or doing actual property measurements with the consent of property owners.
2. The applicant shall submit a site plan, drawn to scale, shall accompany all requests for accessory building permits, and shall include the following information:
 - a. Property lines, dimensions and setback requirements
 - b. Existing buildings and their relationship to all property lines.
 - c. Location of all easements
 1. The Zoning Administrator may require a survey as part of the application when the property is undeveloped or when the location of the property lines are in question.

C. Authority. The Zoning Administrator has the authority to approve deviations from the “ST” District requirements, based on satisfactory evidence and documentation provided by the applicant. In the case the Zoning Administrator denies the application, the applicant may bring the proposal to the Planning Commission for their determination.

D. If the surrounding properties do not have similar existing principal structures or the applicant does not wish to pursue a performance zoning approach, standards from Subd. 5 shall be used.

E. The performance zoning approach applies only to the principal structure and not to any accessory buildings, fences, etc.

SECTION 2000.005 “H” HERITAGE PRESERVATION OVERLAY DISTRICT

Subd. 1 Purpose.

- A. Safeguard the heritage of the City by preserving properties that reflect elements of the City’s cultural, social, economic, political, visual or architectural history;
- B. Protect and enhance the City’s appeal to residents, visitors and tourists, and serve as a support and stimulus to business and industry;

- C. Foster civic pride in the beauty and accomplishments of the past;
- D. Promote the preservation and continued use of heritage preservation sites for the education and general welfare of the people of the City of Taylors Falls;
- E. Enhance the economic viability of Heritage Preservation sites and districts through the protection and promotion of their unique character; and
- F. Enhance the visual and aesthetic character, diversity and interest of the City.

* This district is an overlay, meaning that it is supplemental to another district(s).

Subd. 2 **Permitted Uses.** The Permitted Uses are those of the underlying zoning district(s).

Subd. 3 **Conditional Use.** The Conditional Uses are those of the underlying zoning district(s).

Subd. 4 **Accessory Uses.** The Accessory Uses are those of the underlying zoning district(s).

Subd. 5 **Minimum Lot Size.** The minimum lots sizes are those of the underlying zoning district(s).

Subd. 6 **Setbacks.** The setbacks are those of the underlying zoning district(s).

Subd. 7 **Height.** The height restrictions are those of the underlying zoning district(s).

Subd. 8 **Building Alterations.** Any building alterations or additions, building demolitions, or new buildings must conform to the City of Taylors Falls' Code of Ordinances, Section 255.01 through 255.16, Heritage Preservation Commission.

Subd. 9 **Sites and Districts.** Sites and districts designated by the Taylors Falls City Council shall be considered to be included in the Heritage Preservation Overlay District.

SECTION 2000.006 "DC" DOWNTOWN COMMERCIAL DISTRICT

Subd. 1 **Purpose.** The Downtown Commercial District is intended to provide for retail, service and office developments to serve the local market and traveling public in a compact, pedestrian orientated environment.

Subd. 2 **Special Requirements.** All business operations shall be conducted within completely enclosed buildings, with the following exceptions: establishments of the "drive-in" type; display of merchandise for sale to the public; outdoor dining; and off-street parking and loading.

Subd. 3 **Permitted Uses.**

- A. Retail and wholesale establishments.
- B. Restaurants.
- C. Personal service establishments.
- D. On-sale liquor establishments, bottle shops.
- E. Hotels and motels.

- F. Convenience stores.
- G. Professional and business offices.
- H. Churches, parish houses, and related uses.
- I. Parking facilities for public use.
- J. Government buildings and government service facilities.
- K. Public parks and recreational facilities.
- L. Residences in existence on the effective date of this ordinance.

Subd. 4 Conditional Uses.

- A. Automobile service stations.
- B. Automobile repair.
- C. Shopping centers.
- D. Retail or service establishments requiring permanent exterior storage, display, or parking of vehicles.
- E. Commercial recreational facilities.
- F. Non-profit clubs, lodges, or halls.
- G. Enclosed light manufacturing.
- H. Hospitals, clinics, nursing homes and similar institutions.
- I. Apartments and condos located within commercial buildings, provided they are not located on the street level floor.
- J. Bed and breakfast inns.
- K. Historical and interpretive centers, museums.

Subd. 5 Accessory Uses.

- A. Commercial or business buildings and structures for a use accessory to the principal use, but shall not exceed 30% of the gross floor area of the principal use.
- B. Off-street parking as regulated by this Ordinance.
- C. Off-street loading as regulated by of this Ordinance.
- D. Fencing, screening and landscaping as permitted and regulated by this Ordinance.
- E. Garages for residences in existence on the effective date of this ordinance.

F. Accessory buildings as regulated by this ordinance.

Subd. 6 **Minimum Lot Size.**

A. A lot area of not less than 4,000 square feet is required.

B. A lot width of not less than 40 feet of street frontage is required.

Subd. 7 **Setbacks.**

A. Yard requirements shall be:

- | | |
|---------------|---------------------|
| 1. Front Yard | No setback required |
| 2. Side Yards | No setback required |
| 3. Rear Yard | No setback required |

Subd. 8 **Guidelines For Yard Requirements.** In the “DC” District, the minimum transitional yard requirements shall not be less than those specified below:

A. Where a side lot coincides with a side or rear lot line in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall not be less than the minimum side yard which would be required under this Ordinance for a residential use on the adjacent residential lot.

B. Where a rear lot line coincides with a side lot line in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall not be less than the minimum side yard which would be required under this Ordinance for a residential use on the adjacent residential lot.

C. Where a rear lot line coincides with a rear lot line in an adjacent residential district, a yard shall be not less than the minimum required for the rear yard for a residential use on the adjacent residential lot.

D. Where the extension of a front or side lot line coincides with a front lot line of an adjacent lot located in a residential district, a yard not less than the minimum front yard required by this Ordinance on such adjacent residential lot shall be provided along such front or side lot lines.

Subd. 9 **Maximum Building Height.** Building height shall not exceed 3 stories or 40 feet.

Subd. 10 **Building Alterations.** Any new buildings or alterations to existing buildings should conform to the following design guidelines.

A. The exterior design of any new buildings or alterations to existing buildings should strive to either retain, restore, enhance or complement the historic exterior architectural principles found in the Downtown Commercial District.

B. Alterations and Additions.

1. Remove changes such as false fronts that have concealed the original building features.
2. Restore the original pattern of windows and doors if they have been changed.
3. Use exterior materials that are very similar to the original.

4. Respect the scale and style of the existing building.
- C. Materials and Colors. Retain and restore historic building materials. Utilize colors that are compatible with the historic style and period of the building.
- D. Roofs. Retain and restore historic building rooflines and shapes. When replacement is required, use historic roofing materials or materials that replicate character, size, color, and texture of the historic roofing.
- E. Openings.
 1. Retain and restore historic storefront and upper story window and door openings. Retain and restore historic doors, window sash and trim, or replace to complement the historic style of the building.
 2. Retain and restore original pattern and rhythm of storefront and upper story openings.
 3. Retain and restore storefronts to transparent window openings.
- F. Decorative Features. Retain and restore decorative features such as cornices, porches, balconies and canopies to the historic building design.
- G. Rear Facades. Rear entries should use historic window and door openings where possible. If new openings are required, they should be compatible in size, style and placement with the original historic design. Exposure to river views and access are encouraged.
- H. Awnings and Canopies. Awnings and canopies should be compatible with the historic style and period of the building. These elements should relate to building storefront and window openings and not conceal architectural features of the building. Awnings should not be internally lighted.
- I. Signage. Size and design of signage should be harmonious with the building architecture. Signage should not conceal architectural elements of the building. Signage should not be internally lit.
- J. Lighting. Lighting fixtures should be compatible with the building style. The light source should not be visible and should be directed toward the building element to be lighted.
- K. Landscaping Features. Features such as plantings, walks, benches and lighting should be compatible in scale, materials and style of adjacent properties and the historic character of the district.

Subd. 11 Administration shall be pursuant to Chapter 1, Section 1000.012 Site Plan Review.

SECTION 2000.007 “B&I” BUSINESS AND INDUSTRIAL DISTRICT

Subd. 1 **Purpose and Intent.** The Business and Industrial district was established for the purpose of providing for Business and Industrial development.

Subdivision of land and ultimate density will be based on a Yield Plan, which will determine the amount of buildable property and maximum amount of lots that could be permitted. The Yield plan will identify areas of significant cultural, natural, and historic value in an effort to protect these areas in perpetuity. Examples include: wetlands, slopes greater than 24%, bluffline zones, rock outcroppings, areas of significant biodiversity, and floodplains. These areas will not be included for determining base

density and required park and open space dedication shall not include any of these preserved features.

Subd. 2 **Permitted Uses.** The following permitted uses shall comply with the State Building Code, and require a new Certificate of Occupancy pursuant to the State Building code.

- A. Service or office uses such as insurance, real estate, medical, dental, engineering, and architecture;
- B. Warehousing and distribution, excluding the storage or warehousing of explosive or hazardous products;
- C. Self Service Storage Facilities;
- D. Wholesale businesses;
- E. Building material sales and storage;
- F. Building contractor’s offices such as plumbing, heating, glazing, painting, paper hanging, roofing, ventilating, air conditioning, masonry, electrical, and refrigeration;
- G. Light manufacturing, assembly, fabrication, production, processing, cleaning, storage, servicing, repair, and testing of materials, goods, and products;
- H. Agricultural Product Processing Plants.

All businesses in the Business & Industrial District must explain their business and any manufacturing processes involved. Any business/use storing or using hazardous substances as defined in Title 49 CFR, the Clean Water Act, Hazardous Waste Rules or Department of Transportation Rules must meet all applicable Environmental Standards.

All businesses in unserviced areas must demonstrate that a sewage treatment system can be installed in accordance with applicable regulations. Water usage of any proposed use must conform to the long-term sewage treatment capacities of each individual lot. The system, or systems, shall be designed to receive all sewage from the dwelling, building or other establishment served. Footing or roof drainage shall not enter any part of the system. Products containing hazardous materials must not be discharged to the system other than a normal amount of household products and cleaners designed for household use. Substances not used for household cleaning, including but not limited to, solvents, pesticides, flammables, photo finishing chemicals, or dry cleaning chemicals, must not be discharged to the system.

Subd. 3 **Minimum Lot Size.**

- A. A lot area of no less than 30,000 square feet is required.
- B. All lots shall have no less than 100 feet of width as measured from the front building setback line, and the ratio of lot depth to lot frontage shall be no more than 3:1.

Subd. 4 **Setbacks.** All buildings and structures shall meet or exceed the following setbacks as measured from the Right of Way (State and County Highway setbacks are measured from centerline and are specified below):

- A. Front Yard Setback 20 Feet*
- B. Side Yard Setback 20 Feet

C. Rear Yard Setback 20 Feet

D. State and County highways Setback (this includes Front, Side, and Rear Setbacks) as measured from the centerline.

1. Principal Building 100 feet from centerline

2. Accessory Buildings 100 feet from centerline

*Where a lot is located at the intersection of 2 or more streets, the width of the yard along the side street shall not be less than 40 feet.

Subd. 5 **Height.** The maximum height of all buildings shall not exceed the lesser of 2½ stories or 35 feet. This height limitation shall not apply to windmills, elevator lags, cooling towers, water towers, chimney’s and smoke stacks, church spires, or electric transmission lines.

Subd. 6 **Lot Coverage.** Total lot coverage of impervious surface including buildings and parking lots shall not exceed seventy five (75%) percent of the lot area.

Subd. 7 **Accessory Buildings and Structures.**

A. One accessory structure is allowed on a parcel provided it is used for storage related to the principal use of the property. No separate business is allowed in the accessory structure.

B. The accessory structure must be placed to the rear of the principal building and conform to applicable setback requirements and lot coverage standards.

Subd. 8 **Physical Standards.** All construction in the B & I District shall meet the following Physical Standards:

A. Landscaping. All properties shall be maintained and landscaped as required by the City of Taylors Falls landscaping ordinance and approved site plans. Priority will be given to landscaping buffer areas to provide appropriate screening as required by buffers. Landscaping elements will be located throughout the site to break up the monotony of buildings and parking lots, and to improve the general aesthetics of the district.

B. Negative Impact Assessment. An assessment of possible negative impacts based on a specific site design shall be provided which consider all adjoining properties. The assessment of negative impacts will extend a distance of 500 feet beyond the site property line.

C. On-Site Storm Ponding. A storm drainage design plan shall accompany the site plan and preliminary plat application. On-site ponding shall provide water retention and runoff water quality enhancement pursuant to City, Watershed, DNR, and MPCA standards.

D. Access Roads. Roads servicing the “B & I” District areas shall have access to highways and major thoroughfares only. No roads servicing B & I District shall have access to local residential roads nor shall business-oriented traffic be routed on or directed to local residential roads.

E. Storage and Display. All storage, display, service, repair, or processing shall be conducted wholly within an enclosed building or behind an opaque fence or wall not less than six feet high, and except that the display of merchandise for sale or lease on the same lot as the principal structure is not prohibited.

- F. Solid Waste. Incineration of solid waste materials shall be conducted in equipment approved by the Minnesota Pollution Control Agency regulations.
- G. Explosives. No activities involving the storage, manufacture, or use of explosives, highly toxic or extremely flammable materials shall be permitted.
- H. Noise. Noise shall not exceed 55 decibels on any octave band frequency measured at any point along the property line.
- I. Vibration. No activity of operation shall cause earth vibration perceptible beyond the boundaries of the lot.
- J. Odor. No use shall discharge, beyond the boundaries of the lot on which it is approved, toxic or noxious odors or particulate matter.
- K. Glare and Heat. Glare and heat shall be shielded to prevent light or heat rays to project beyond the boundaries of the lot on which the Conditional Use is permitted.
- L. Storage of Waste. All solid waste, debris, refuse, or garbage not disposed of by incineration or by on-site sewage disposal shall be stored in a completely enclosed building or in a closed container which is enclosed within a six foot high opaque fence or wall.
- M. Storage Tanks. All storage tanks and containers for flammable and combustible liquids and liquefied gases shall be constructed and located in accordance with regulations of the Minnesota Uniform Building Code, Minnesota Uniform Fire Code, and the National Fire Protection Association Codes including NFPA-30 for flammable and combustible liquids and NFPA-58 liquefied gases.

Subd. 9 Architectural Standards. These architectural standards apply to new construction only. Additions to existing buildings may be constructed of materials similar to those used on the existing building

- A. Intent: It is the intent of this section to promote high standards of design and construction for the B&I District uses in the City. These standards are set forth in order to enhance the visual appearance of the B&I Districts within the City, to increase the taxable value of the City, and to promote the community public health, safety and welfare.
- B. Exterior Building Materials: The exterior surface of all buildings in the B&I Districts shall be on of, or a combination of, the following materials.

If any of the following materials are used, they may constitute no more than 80 percent of the building elevation facing roadways. The remaining 20 percent must be of a different color, material, or architectural relief providing that the visual effect of this relief is deemed substantially similar to a change in color or material.

1. Permitted Materials

- a. Face brick, stone, glass or similar material;
- b. Architecturally treated concrete;
- c. Stucco or other cementitious coating applied in a manner so as to create a harmonious design with other exterior materials;

- d. Decorative concrete block whose color and texture is integral to the material;
 - e. Textured or architecturally treated concrete masonry units, or panels, if either sealed or painted in a manner guaranteed by the manufacturer against blistering peeling, cracking, flaking, checking, or chipping for a minimum of 5 years;
 - f. Metal panels with interlocking, concealed, or tongue-and-groove seams and approved fasteners, if the exterior surface finish is warranted by the manufacturer for 20 years against blistering, peeling, cracking, flaking, checking, or chipping;
 - g. If due to factors unique to the property or project, it is either physically impossible or impracticable to use these materials, the Planning Commissions may approve an alternative solution that renders them aesthetically compatible with the principal structure.
2. Acceptable Accent Materials: To satisfy the requirements of the remaining 20 percent of a building surface area, the following accent materials are acceptable:
 - a. Any of the permitted materials listed above;
 - b. Wood if sealed or treated in a manner guaranteed for a minimum of 5 years;
 3. Prohibited Materials: Plain, flat, unpainted concrete block, or any metal not meeting the standards outlined in (1)(f) above.
- C. Accessory Structures: Garages and accessory structures shall be of a similar material, quality and appearance as the principal structure. The height of the accessory structure shall not exceed that of the principal structure. Screen walls and exposed areas of retaining walls shall be constructed of a permanent material and finish and shall be of a compatible color and materials as the principal structure.
- D. Rooftop and Ground Level Mechanical Equipment: The ground level view of all rooftop and ground level mechanical equipment, including rooftop structures related to elevators and other mechanical utilities shall be screened from contiguous properties and adjacent streets with materials of similar type, quality, and appearance as that of the principal structure. If due to factors unique to the property or the project, it is either physically impossible or impracticable to completely screen these utilities, the Planning Commission may approve an alternative solution that renders them aesthetically compatible with the principal structure.
- E. Loading and Service Areas/Outdoor Storage: The perimeter views of all external loading and service areas and any areas of outdoor storage must be screened from residential uses and adjacent public streets and the public front and office sides of all commercial and industrial uses, except at access points. Such screening can be accomplished through the placement of the building on the lot or the placement of a building on an adjacent lot. Screening can also be accomplished through the use of berming, landscaping (80% opaque at the time of maturity) or existing vegetation. If screen walls are proposed then the materials used shall be of similar type, quality, and appearance as that of the principal structure. If due to factors unique to the property of the project, it is either physically impossible or impracticable to completely screen these areas, the Planning Commission may approve an alternative solution that renders them aesthetically compatible with the principal structure.
- F. Commercial and Industrial Building Design

1. Evaluation of the appearance of a project shall be based on the quality of its design and the relationship to its surroundings.
 2. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
 3. Materials shall have good architectural character and shall be selected for harmony with adjoining buildings. Materials shall also be of durable quality.
 4. Building components, such as windows, doors, eaves, and parapets shall have good proportions and relationships to one another.
 5. Colors shall be harmonious and shall use only compatible accents.
 6. Exterior building lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
 7. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent monotonous appearance.
- H. Site Lighting: All exterior lighting shall be designed and arranged to direct illumination away from contiguous residential district property. No exterior lighting shall be arranged and designed to create direct viewing angles of the illumination source by pedestrian or vehicular traffic in the public right of way. Lenses, deflectors, shields, louvers, and prismatic control devices shall be used to eliminate nuisance and hazardous lighting. The light cast by these fixtures shall be restricted to 0.5 lumens at the property line. Such lighting shall be no greater than 24 feet in height.

SECTION 2000.008 (SCR) LOWER ST. CROIX NATIONAL SCENIC RIVERWAY DISTRICT

Subd. 1 **Enabling Authority.** This section is adopted in accordance with and pursuant to Minnesota Statutes, Section 103F.351, Subd. 4, as amended, and the standards and criteria adopted thereunder by the Minnesota Department of Natural Resources.

Subd. 2 **Statement of Policy.** This section is intended to protect and preserve the outstanding scenic, recreational, geologic, fish and wildlife, historic, cultural and other similar values of the Lower St. Croix National Scenic Riverway in a manner consistent with the National Wild and Scenic Rivers Act (P.L.90-542), and the Federal Lower St. Croix River Act (P.L.92-560), and the standards and criteria promulgated by the Minnesota Department of Natural Resources.

Subd. 3 **Scope.** To achieve the policies declared in Subd. 2, this Ordinance provides for:

- A. The designation of the St. Croix Riverway and the establishment of the urban district, which consists of those lands in the St. Croix Riverway in this City.
- B. The designation of types of land uses compatible with the St. Croix Riverway.
- C. Minimum dimensions and area for the size and width of lots suitable for building sites.
- D. The placement of structures in relation to shorelines, slopes, and blufflines.

- E. The regulation of the height and color of structures.
- F. The regulation of alterations of natural shorelands and blufflands.
- G. The regulation of the type and placement of sanitary and waste disposal facilities.
- H. The regulation of subdivision of shorelands and blufflands.
- I. The regulation of marinas and other intrusions into public waters.
- J. The administration and enforcement of this Ordinance.

Subd. 4 Jurisdiction.

This Section is applicable to and enforceable in the incorporated area of this City contained within the Lower St. Croix National Scenic Riverway boundary, as established in the Lower St. Croix River Master Plan, which is made a part of this ordinance and is on file with the governing body.

Subd. 5 St. Croix Riverway Designation and Establishment of Districts.

There shall be two districts - District I and District II in the incorporated area of this City, being urban districts, as designated under the Lower St. Croix National Scenic Riverway Master Plan. These districts shall not be changed by future incorporation, consolidation, annexation or any change in the political authority or administration having jurisdiction over the area as now designated.

Subd. 6 Use Standards.

A. Purpose. The purpose of establishing standards for uses in that portion of the St. Croix Riverway governed by this ordinance shall be to protect and preserve existing natural, scenic and recreational values, to maintain proper relationships between various land use types, and to prohibit new residential, commercial or industrial uses that are inconsistent with the National Wild and Scenic Rivers Act and the Federal and State Lower St. Croix River Acts.

B. District Provisions.

1. St. Croix Scenic Riverway District I.

a. Permitted uses. The following uses are permitted in the Riverway District I:

- 1. Conservancy.
- 2. Single family residential.
- 3. Governmental highway waysides, rest areas, information areas, and scenic overlooks.
- 4. Governmental resource management and interpretive activities.
- 5. Public and private streets and parking facilities.

b. Conditional uses. The following uses may be permitted in the Riverway District I through issuance of a conditional use permit:

- 1. Bed and breakfast inns.

2. Licensed daycare facilities serving more than twelve (12) persons.
 3. Home occupations.
 4. Commercial recreation.
2. St. Croix Scenic Riverway District II.
- a. Permitted uses. The following uses are permitted in the Riverway District II:
 1. Conservancy.
 2. Governmental resource management and interpretive activities.
 3. Single family and two-family residences.
 4. Multiple family residences, not to exceed twelve (12) units.
 5. Public and private streets and parking facilities.
 - b. Conditional uses. The following uses may be permitted in the Riverway District II through issuance of a conditional use permit:
 1. Bed and breakfast inns.
 2. Licensed daycare facilities.
 3. Multi-family residences, exceeding 12 units.
 4. Motels
 5. Home occupations.
 6. Commercial recreation.
 7. Uses specified below that were allowed within the “B” (Business), “I” (Industrial), and “R-1” (Residential) districts prior to May 1, 1974, may be allowed within the corresponding district boundaries as shown on the 1973 zoning map on file at city offices:
 - a) Nursing homes.
 - b) Manufacturing.
 - c) Warehousing.
 - d) Wholesaling.
 - e) Office research establishments.
 - f) Contracting and building trades.
 - g) Retail garages.

- h) Cafes and restaurants.
- i) Motor fuel stations.
- c. Accessory uses and standards. The following standards are provided to Preserve vegetative and topographical screening, and to retard surface runoff, soil erosion, and nutrient loss:
 - 1. Vegetative cutting. Permit required. On lands within 150 feet of the ordinary high water mark, 40 feet landward of blufflines, and on slopes greater than 12%, there shall be no vegetative cutting of live trees, bushes, or shrubs without first obtaining a permit from the Zoning Administrator. A permit may be issued only if:
 - a. The cutting, including topping, involves trees less than four (4) inches in diameter at breast height;
 - b. The cutting, including topping, involves vegetation which is not screening any structure from view from the river;
 - c. The essential character, quality and density of existing growths are preserved and continuous canopy cover is maintained;
 - d. Diseased trees are to be removed and their removal is in the public interest; or
 - e. The cutting is necessary for the maintenance of transportation or utility right-of-way;
 - 2. Vegetative cutting. Permit not required. Provide that vegetative cutting shall be accomplished in such a manner that the essential character, quality and density of existing growth are preserved and a continuous canopy cover is maintained as viewed from the river, a separate vegetative permit is not required for the following:
 - a. Clearing the minimum area necessary for a structure, sewage treatment system, private road and parking area, undertaken pursuant to a validly issued permit.
 - b. Maintenance trimming or pruning on any particular property or in transportation or utility rights-of-way.
 - c. Vegetative cutting in areas of the Riverway not covered under Section 2000.006 (2) (C) (1) provided that the cutting, including topping, involves vegetation which is not screening any structure from view from the river.
 - 3. Grading and filling. Grading, filling, excavating or otherwise changing the topography landward of the ordinary high water mark shall not be conducted without first obtaining a permit from the Zoning Administrator. A permit may be issued only if:
 - a. Slopes greater than 12% are not altered where erosion and visual scars may result;
 - b. Earth moving, erosion, vegetative cutting, draining or filling of wetlands, and the destruction of natural amenities is minimized;
 - c. The smallest amount of ground is exposed for as short a time as feasible;
 - d. Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted;

- e. Methods to prevent erosion and trap sediment are employed; and
- f. Fill is stabilized to the standards of the City Engineer.

A separate grading and filling permit is not required for grading, filling or excavating the minimum area necessary, for the construction of a structure, sewage treatment system or private road and parking area undertaken pursuant to a validly issued permit. The standards and criteria listed above in Subd. 6 (2) (C) (3) shall be required as conditions of the building permit.

- 4 Prohibited uses. The following uses shall be prohibited:
 - a. Sand and gravel operations;
 - b. Junkyards;
 - c. Mobile home parks;
 - d. Downhill ski areas;
 - e. Marinas; and
 - f. All uses not authorized in this ordinance.
- 5. Nonconforming uses. All prohibited uses in existence prior to the effective date of this ordinance are nonconforming uses and shall not be enlarged or expanded.
- 6. Substandard structures. All substandard structures shall be subject to the following conditions:
 - a. Substandard structures and substandard sanitary facilities shall be allowed to continue.
 - b. In no instance shall the extent to which a structure or sanitary facility violates a setback standard be increased.
 - c. Any alteration or expansion of a substandard structure which increases the horizontal or vertical riverward building face shall not be allowed unless it can be demonstrated that the structure will be visually inconspicuous in summer months as viewed from the river.
 - d. If a substandard structure needs replacing due to destruction, deterioration, or obsolescence, such replacement shall comply with the dimensional standards of this Ordinance.

Subd. 7 Dimensional Standards.

The purpose of establishing dimensional standards in the Riverway District shall be to protect riverway lands by means of acreage, frontage, setback and height requirements on development. The specific objective is to maintain the aesthetic integrity of the riverway's dominant natural setting, to reduce the adverse effects of poorly planned shoreland and bluffland development, to provide sufficient space on lots for sanitary facilities, to minimize flood damage, to prevent pollution of surface and ground water, to minimize soil erosion and to provide a natural buffer between the river and developed areas.

- A. Substandard lots. Lots recorded in the office of the Register of Deeds or Registrar of Titles of Chisago County prior to May 1, 1974 that do not meet the dimensional requirements herein may be allowed as building sites provided the following conditions are met:
1. The proposed use is permitted in the zoning district.
 2. The lot has been in separate ownership from abutting lands since May 1, 1974.
 3. It can be demonstrated that the lot is provided with a proper and adequate method of sewage disposal.
 4. The dimensional standards of this ordinance are complied with to the greatest extent practicable.
- B. Lot size: For lots created after May 1, 1974, the minimum size shall be:
1. Where public sewer and water were available as of May 1, 1974: not less than 20,000 square feet in area for riparian lots and not less than 15,000 square feet in area for non-riparian lots; not less than one-hundred (100) feet in width at the building line; and not less than one-hundred (100) feet in width on the side abutting or nearest the river; and
 2. Where public sewer and water were not available as of May 1, 1974: not less than one acre in area; not less than one-hundred fifty (150) feet in width at the building line; and not less than one-hundred fifty (150) feet in width on the side abutting or nearest the river.
- Greater densities of development than those specified above may be permitted for planned cluster developments, subject to the provisions of Subd. 9 (D).
- C. Number of dwelling units. There shall be not more than one dwelling unit per lot except for planned cluster developments subject to the provisions herein.
- D. Front, Side and Rear Yard Requirements.
1. Front Yard. A front yard of not less than thirty (30) feet is required.
 2. Side Yards. Two (2) side yards are required, each with a width of not less than ten (10) feet. Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the side street shall not be less than thirty (30) feet.
 3. Rear Yard. A rear yard with a depth of not less than twenty (20) feet is required.
- E. Structure setbacks. The following minimum setbacks from the ordinary high water mark and blufflines shall apply to all structures and private roads and parking areas, except those specified as exceptions herein:
1. Not less than one-hundred (100) feet from the ordinary high water mark and not less than forty (40) feet from a bluffline.
 2. Exceptions to the minimum setbacks:
 - a. Where a substandard setback pattern from the ordinary high water mark or a bluffline has already been established by existing principal dwelling unit structures on adjacent lots on

both sides of the proposed building site, the setback of the proposed structure shall be the average setback of the existing dwelling units plus at least forty (40) feet, or the required minimum setbacks of the particular zoning district, whichever distance is less from the average setback line. This exception shall apply only to substandard lots which do not meet the minimum lot requirements of Subd. 7 (B).

- b. Developments subject to state permits which provide services to the public, and which, by their nature, require location on or near public waters shall be subject to the conditions of the state permits as provided in Minnesota Rules, parts 6105.0390 and 6105.0410 to 6105.0440.
 - c. Temporary docks may be allowed as approved by federal, state, or local governments to extend into the water the minimum distance necessary to facilitate the launching or mooring of watercraft during the open water season.
 - d. Signs may be allowed as approved by federal, state or local governments which are necessary for the public health and safety. Signs may also be allowed that indicate areas that are available or not available for public use. Outside the minimum setbacks within the St. Croix Riverway, signs that are otherwise lawful are permitted, provided they will be visually inconspicuous in summer months as viewed from the river.
 - e. Stairways and lifts to enable access from bluffland properties to the water on steep slopes may be allowed by the Zoning Administrator provided the disruption of vegetation and topography is kept to a minimum and the structure will be visually inconspicuous in summer months as viewed from the river.
- F. Placement of structures. In addition to the setback requirements of Subd. 7 (D & E), placement of structures shall be controlled as follows:
- 1. No structures, except stairways and lifts, shall be permitted on slopes greater than twelve (12) percent. Regardless of the number of blufflines on a given property, structures on slopes shall not be permitted. The physical alteration of slopes shall not be permitted for the purpose of overcoming this limitation.
 - 2. No structures shall be located in a floodway, as defined in Minnesota Statutes, Section 103F.111. Outside the floodway, structures shall be placed at an elevation consistent with any applicable floodplain management ordinance. The elevation to which the lowest floor of a structure, including a basement, shall be placed, shall be determined after an evaluation of available flood plain information, and shall be consistent with the Statewide Standards and Criteria for Management of Floodplain Areas in Minnesota.
- G. Structure heights. The distance between the average ground level at the building line and the uppermost point of the structure shall not exceed thirty-five (35) feet.
- H. Color of structures. The exterior color of new structures, including roofs, shall be of earth or summer vegetation tones, unless completely screened from the river by topography. This standard shall apply to the repainting and reroofing of existing structures visible from the river.

Subd. 8 Sanitary Standards and Criteria.

In order to insure safe and healthful conditions, to prevent pollution and contamination of surface and ground waters, and to guide development compatible with the natural characteristics of blufflands,

shorelands, and related water resources, the following provisions shall control individual water supply and waste disposal systems, with respect to location, construction, repair, use and maintenance; and shall control commercial, agricultural, industrial, and public waste disposal, and solid waste disposal sites.

- A. Water supply. Any public or private supply of water for domestic purposes shall conform to Minnesota Department of Health Standards for water quality. Private wells shall be placed in areas not subject to flooding and upslope from any source of contamination.
- B. Sewage and waste disposal. Any dwelling shall be provided with an adequate method of sewage disposal to be maintained in accordance with accepted practices.
 - 1. Public or municipal collection and treatment facilities shall be used where available or feasible.
 - 2. All private sewage and other private sanitary waste disposal systems shall require a permit from the Zoning Administrator and shall be subject to, and conform to, applicable standards, criteria, rules and regulations of the Minnesota Department of Health, the Minnesota Pollution Control Agency, and all applicable local Ordinances. Septic tank and soil absorption systems shall be set back not less than one-hundred (100) feet from the ordinary high water mark and not less than forty (40) feet from a bluffline.
 - 3. Public sewage disposal and commercial, agricultural, industrial, and solid waste disposal shall be subject to the standards, criteria, rules, and regulations of the Minnesota Pollution Control Agency.

Subd. 9 Subdivision Provisions

- A. Land suitability.
 - 1. Land may be subdivided only where it is demonstrated by the applicant that all lots are suitable for residential development.
 - 2. No land shall be subdivided which is held unsuitable by the City Council, or the Minnesota Department of Natural Resources Commissioner, for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
- B. Subdivision standards. The provisions set forth in Minnesota Rules, parts 6105.0360 to 6105.0440 shall apply to all plats, except planned cluster developments.
- C. Preliminary plan approval. Preliminary plans for all plats, including planned clustered developments, shall be approved by the Commissioner prior to their approval by the City Council.
- D. Planned cluster developments. A pattern of subdivision development which places dwelling units into compact groupings may be allowed when the proposed clustering provides a better means of preserving agricultural land, open space, woods, scenic views, wetlands, and other features of the natural environment than traditional subdivision development. Except for minimum setbacks and height limits, altered dimensional standards may be allowed as exceptions to these provisions for planned clustered developments provided:

1. The number of dwelling units allowed shall not exceed fifty percent (50%) more than the total number of dwelling units allowed if the development was based on the minimum lot size requirements for a single-family residential subdivision;
 2. Open space is preserved, including at least fifty percent (50%) of the length of shoreland of bluffland frontage as viewed from the river on which the placement of structures is otherwise permitted in Subd. 7 of the Ordinance;
 3. Temporary docks, if allowed, shall be centralized and of a size not to exceed the needs of the residents of the development;
 4. Central sewage facilities, if allowed, shall meet the applicable standards, criteria, rules, or regulations of the Minnesota Department of Health, the Pollution Control Agency, and any applicable local Ordinances or regulations; and
 5. The provisions otherwise set forth in this Ordinance shall apply to all planned cluster developments.
- E. Public hearings required. Public hearings shall be held in accordance with Chapter One, Section 115 – Public Hearings, of the City of Taylors Falls Code of Ordinances, to consider all subdivision proposals and plats, including planned cluster developments.
1. A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, variances, or inconsistent plats under this ordinance shall be sent so as to be received by the Commissioner at least thirty (30) days prior to such hearings or meetings to consider such actions. The notice or application shall include a copy of the proposed ordinance or amendments, or a copy of the proposed inconsistent plat, or a description of the requested variance.
 2. The City Council shall notify the Commissioner of its final decision on the proposed action within ten days of the decision.
 3. The Commissioner shall, not later than thirty (30) days from the time he receives notice of the final decision, communicate either certification of approval, with or without conditions, or notice of nonapproval.
 4. The action becomes effective when and only when either:

Subd. 10 Alterations in Public Waters.

Changing the course, current, or cross-section of public waters requires a permit from the Commissioner under Minnesota Statutes, §103G.245.

Under Section 10 of the River and Harbor Act of 1899 and/or Section 404 of the Federal Water Pollution Control Act Amendments of 1972, a permit for any structure and/or fill is also required from the Army Corps of Engineers.

Subd. 11 Transmission Services.

A permit from the Commissioner is required pursuant to Minnesota Statute §84.415 or 103G.245 before transmission services may cross state-owned lands or public waters.

Rules of the Department of Natural Resources relating to utility crossings of public lands and waters, parts 6135.0100 to 6135.1800, shall apply to proposed transmission services crossings of state-owned lands and public waters. The performance standards in these rules as they relate to transmission services shall apply when securing approval from the local authority to cross other lands in the Saint Croix Riverway.

Subd. 12 Public Roads.

A permit from the Commissioner is required to Minnesota Statutes §103G.245 before construction, reconstruction, removal, or abandonment of any road or railroad crossing of public waters. In reviewing permit applications required for road or railroad crossings, consideration shall be given to crossings with or adjacent to existing facilities, such as roads and utilities.

Rules of the Department of Natural Resources relating to the wild, scenic, and recreational rivers system, part 6105.0200 shall apply to road crossings of public waters. The performance standards in these rules as they relate to public roads shall also apply when securing approval from the local authority to cross other lands in the Saint Croix Riverway.

Subd. 13 Certification of Certain Actions.

A. Certain land use decisions which directly affect the use of land within the Scenic River land use districts and involve any of the following actions must be certified by the Commissioner, as described in paragraph C of Subd. 13 of this Section:

1. Adopting or amending an ordinance regulating the use of land, including rezoning of particular tracts of land.
2. Granting a variance from a provision of this ordinance which relates to the zoning dimension provisions of this ordinance and any other zoning dimensions provisions established in Minnesota Rules, Parts 6105.1400 -.1500.
3. Approving a plat which is inconsistent with this ordinance.

B. No such action shall be effective until the Commissioner has certified that the action complies with the Minnesota Wild and Scenic River Act and statewide standards and criteria.

C. Certification procedure.

1. A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, variances, or inconsistent plats under this ordinance shall be sent so as to be received by the Commissioner at least thirty (30) days prior to such hearings or meetings to consider such actions. The notice or application shall include a copy of the proposed ordinance or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance.
2. The City Council shall notify the Commissioner of its final decision on the proposed action within ten days of the decision.
3. The Commissioner shall, no later than thirty (30) days from the time he receives notice of the final decision, communicate either certification of approval, with or without conditions, or notice of non-approval.
4. The action becomes effective when and only when either;

- a. The final decision taken by the City Council has previously received certification of the approval from the Commissioner; or
 - b. The City Council received certification of approval after its final decision; or.
 - c. Thirty (30) days have elapsed from the day the Commissioner received notice of the final decision, and the City has received from the Commissioner neither certification of approval nor notice of non-approval; or
 - d. The Commissioner certifies his approval after conducting a public hearing.
5. In case the Commissioner gives notice of nonapproval of an ordinance, amendment, variance or inconsistent plat, either the applicant or the Zoning Administrator of the City may within thirty (30) days of said notice, file with the Commissioner a demand for hearing. If the demand for hearing is not made within thirty (30) days, the notice of non-approval becomes final.
- a. The hearing will be held within sixty (60) days of the demand and after at least two weeks published notice.
 - b. The hearing will be conducted in accordance with Minnesota Statutes §103G.311, Subdivisions 2,6, and 7.
 - c. The Commissioner shall either certify his approval or deny the proposed action within thirty (30) days of the hearing.

Subd. 14 Amendments.

- A. Requests for amendments shall be subject to the requirements as set forth in Section 1000.015.
- B. Certification from the Commissioner must be obtained as specified in paragraphs B and C of Subd. 13 of this Section before the proposed amendment becomes effective.

Subd. 15 Variances.

- A. Requests for variances shall be subject to the requirements as set forth in Section 1000.007.
- B. Exception: Where a setback pattern from the ordinary high water level has already been established on both sides of a proposed building site, the set back of the proposed structure may be allowed to conform to that pattern. This provision shall apply only to lots which do not meet the minimum lot width requirements of this ordinance.
- C. All granted variances to the requirements of this ordinance must be certified in accordance with paragraphs B and C of Subd. 13 of this Section before they become effective.

Subd. 16 Plats.

- A. Copies of all plats within the St. Croix Scenic River Districts shall be forwarded to the Commissioner within ten days of approval by the City Council.
- B. Approval of a plat which is inconsistent with this ordinance is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.

- C. All inconsistent plats approved by the City Council must be certified in accordance with paragraphs B and C of Subd. 13 of this Section.

Subd. 17 Conditional Use Permit Application Review by DNR.

- A. A copy of all notices of any public hearing, or where a public hearing is not required, a copy of the application to consider issuance of a conditional use permit shall be sent to as to be received by the Commissioner at least thirty (30) days prior to such a hearing or meeting to consider issuance of a conditional use permit. A copy of the decision shall be forwarded to the Commissioner within ten days of such action.

Subd. 18 Procedures Summary. The following table summarizes permit, review and certification procedures within the land use district designated by this ordinance.

Types of Activities Procedures

Building Permits	LP
Sign Construction Permits	LP
Water Supply Permits	LP
Sewage System Permits	LP
Grading, Filling Permits	LP
Conditional Use Permits	PH - FD
Amendments to Ordinance	PH - FD - CC
Variances	PH - FD - CC
Inconsistent Plats	PH - FD - CC
Planned Unit Developments	PH - PA - FD
Plats	FD

LP	Permit issued by the local authority in accordance with this ordinance and all other local ordinances.
PH	Copy of public hearing notice or application sent so as to be received by the Commissioner at least 30 days prior to the hearing or meeting.
FD	Local authority forwards decision to the Commissioner within ten days after taking final action.
CC	Action becomes effective only when Commissioner certifies its compliance with the Act and statewide standards and criteria.
PA	Preliminary plans approved by Commissioner prior to their enactment by local authority.

SECTION 2000.009 (S) SHORELAND DISTRICT

Subd. 1 Purpose. The Shoreland District is established to manage the use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shoreland and provide for the wise use of waters and related land resources, pursuant to Minnesota Statutes §103 and 105, Minnesota Regulations, Parts 6120.2500 - 6120.3900.

Subd. 2 District Boundaries. The Shoreland District shall include the area three hundred (300) feet landward from the ordinary high water level mark of the St. Croix River, north of the dam and within the corporate limits of Taylors Falls.

Subd. 3 Permitted Uses. The following are permitted uses:

- A. Forest Management
- B. Sensitive resource management
- C. Agricultural activities and farmsteads, but not including agricultural feedlots.

Subd. 4 Conditional Uses. The following uses may be permitted through issuance of a conditional use permit:

- A. Parks and historic sites
- B. Single family residences
- C. Water-oriented commercial
- D. Home occupations consistent with this Ordinance.

Subd. 5 Accessory Uses. The following are permitted accessory uses:

- A. Operation and storage of such vehicle, equipment, and machinery which are incidental to permitted or conditional uses allowed in this district.
- B. Private garages, parking spaces and car ports for licensed and operable passenger cars and trucks not to exceed a gross capacity of twelve thousand (12,000) pounds, as regulated by Section 2000.018 of this Ordinance. Said uses are intended for the storage of private passenger vehicles of the family or families residing upon the premises, and in which no business service or industry is carried on. Such space can be rented to non-residents of the property for private passenger vehicles and/or non-commercial vehicles, trailers, or equipment if sufficient off-street parking in full compliance with this Ordinance is provided elsewhere on the property. Such garage shall not be used for the storage of more than one (1) commercial vehicle owned or operated by a resident per dwelling unit.
- C. Off-street parking areas and the parking of vehicles.
- D. Non-commercial greenhouses and conservatories.
- E. Swimming pools, tennis courts, and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- F. Tool houses, sheds, and similar buildings for storage of domestic supplies and non-commercial recreational equipment.
- G. Boarding or renting of rooms, not constituting an apartment, within the principal building to not more than two (2) persons.
- H. Essential services.
- I. Fencing, screening and landscaping as permitted and regulated by Section 2000.013, Subd. 7 of this Ordinance.
- J. Home occupations consistent with Section 2000.025, Subd. 3 of this Ordinance.

Subd. 6 **Minimum Lot Size.** A lot size of not less than the following is required:

- A. Lot Area. A lot area of not less than one (1) acre is required.
- B. Lot Width. A lot width of not less than two hundred fifty feet (250) is required.
- C. Lots intended as controlled accesses to public waters or as recreational areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:
 - 1. They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
 - 2. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements

Ratio of lake size to shore length <u>(acres/mile)</u>	Required increase in frontage <u>(percent)</u>
Less than 100	25
100-200	20
201-300	15

Controlled Access Lot Frontage Requirements

Ratio of lake size to shore length <u>(acres/mile)</u>	Required increase in frontage <u>(percent)</u>
301-400	10
Greater than 400	5

- 3. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot.
- 4. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

Subd. 7 Placement, Design, and Height of Structures.

A. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows.

1. Structure and On-site Sewage System Setbacks (in feet) from Ordinary High Water Level*.

<u>Structures</u>		<u>Sewage Treatment</u>
Unsewered	Sewered	System
150	150	100

*One water-oriented accessory structure designed in accordance with Paragraph B of this section may be set back a minimum distance of ten (10) feet from the ordinary high water level.

2. Additional Structure Setbacks. The following additional structure setbacks apply:

<u>Setback From:</u>	<u>Setback (in feet)</u>
a. top of bluff	30
b. unplatted cemetery	50

<u>Setback From:</u>	<u>Setback (in feet)</u>
c. right-of-way line of federal, state, or county highway; and	50
d. right-of-way line of town road, public street, or other roads or streets not classified.	20
e. side lot line	30
f. rear lot line	20

3. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
4. Uses Without Water-oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

B. Design Criteria For Structures.

1. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood proofed must be determined as follows:
 - a. For lakes, by placing the lowest floor at a level at least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is higher;
 - b. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
 - c. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
2. Water-oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Subdivision 7 of this Section if this water-oriented accessory structure complies with the following provisions:
 - a. The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than two-hundred-fifty (250) square feet. Detached decks must not exceed eight (8) feet above grade at any point;
 - b. The setback of the structure or facility from the ordinary high water level must be at least ten (10) feet;
 - c. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - d. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
 - e. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and
3. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
 - a. Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 - b.

- b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, and public open-space recreational properties.
 - c. Canopies or roofs are not allowed on stairways, lifts, or landings;
 - d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 - e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - f. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
4. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
5. Steep Slopes. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- C. Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed twenty-five (25) feet in height.

Subd. 8 Shoreland Alterations. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

A. Vegetation Alterations.

- 1. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Subd. 9 of this section are exempt from the vegetation alteration standards that follow.
- 2. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Subd. 11, paragraphs A and B, respectfully, is allowed subject to the following standards:
 - a. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.

- b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 1. the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 2. along rivers, existing shading of water surfaces is preserved; and
 3. the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

B. Topographic Alterations/Grading and Filling.

1. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
2. Public roads and parking areas are regulated by Subd. 9 of this section.
3. Notwithstanding paragraphs 1. and 2. above, a grading and filling permit will be required for:
 - a. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - b. The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.

The grading and filling permit application fee in accordance with the fee schedule attached to this Ordinance as Appendix A.

4. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances, and subdivision approvals:
 - a. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland*:
 1. sediment and pollutant trapping and retention;
 2. storage of surface runoff to prevent or reduce flood damage;
 3. fish and wildlife habitat;
 4. recreational use;
 5. shoreline or bank stabilization; and

6. noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

*This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.

- b. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
 - c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
 - d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
 - e. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
 - f. Fill or excavated material must not be placed in a manner that creates an unstable slope;
 - g. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater;
 - h. Fill or excavated material must not be placed in bluff impact zones;
 - i. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes §105.42;
 - j. Alterations of topography must be allowed only if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 - k. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
5. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

Subd. 9 Placement and Design of Roads, Driveways, and Parking Areas.

- A. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and

constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

- B. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- C. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Subd. B of this Section of this Ordinance must be met.

Subd. 10 Stormwater Management. The following general and specific standards shall apply:

A. General Standards:

- 1. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- 2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible, and facilities or methods used to retain sediment on the site.
- 3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

B. Specific Standards:

- 1. Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area.
- 2. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- 3. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

Subd. 11 Special Provisions for Commercial, Public/Semipublic, and Forestry.

- A. Surface water-oriented commercial uses and public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
 - 1. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

2. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
3. Signs and lighting may be used to convey needed information to the public, subject to the following general standards:
 - a. signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
 - b. advertising signs may only be placed so that they are oriented to the road, not the water, and must not be located higher than ten (10) feet above the ground, and must not exceed thirty (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and
 - c. other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

B. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

C. Agriculture Use Standards.

1. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.

D. Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management “Best Management Practices in Minnesota.”

Subd. 12 Conditional Uses. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas:

- A. Evaluation criteria. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:
 1. the prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 2. the visibility of structures and other facilities as viewed from public waters is limited;

3. the site is adequate for water supply and on-site sewage treatment; and
 4. the types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
- B. Conditions attached to conditional use permits. The City of Taylors Falls, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
1. increased setbacks from the ordinary high water level;
 2. limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
 3. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

Subd. 13 Water Supply and Sewage Treatment

- A. Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
- B. Sewage Treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:
1. Publicly owned sewer systems must be used where available.
 2. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this ordinance.
 3. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Subd. 7, Paragraph A of this Section.
 4. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in sub-items (1)-(4). If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation criteria:

- a. depth to the highest known or calculated ground water table or bedrock;
- b. soil conditions, properties, and permeability;
- c. slope;
- d. the existence of lowlands, local surface depressions, and rock outcrops;

5. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Subd. 14, Paragraph C of this Section.

Subd. 14 **Non conformities in Shoreland District.** All legally established non-conformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

A. Construction on nonconforming lots of record.

1. Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of Subd. 6 of this Section may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.
2. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the board of adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
3. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Subd. 6 of this Section, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Subd. 6 of this Section as much as possible.

B. Additions/expansions to nonconforming structures.

1. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Subd. 7 of this Section. Any deviation from these requirements must be authorized by a variance pursuant to Section 1000.007.
2. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 - a. the structure existed on the date the structure setbacks were established;
 - b. a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - c. the deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
 - d. the deck is constructed primarily of wood, and is not roofed or screened.

C. Nonconforming sewage treatment systems.

1. A sewage treatment system not meeting the requirements of Subd. 13 of this Section must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
2. The governing body of the City of Taylors Falls will identify nonconforming sewage treatment systems. The City will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed 2-years. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes §105.485, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

Subd. 15 Subdivision / Platting in Shorelands.

Land Suitability. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of historic sites, or any other feature of natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or the community.

Subd. 16 Notifications to the Department of Natural Resources.

- A. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses must be sent to the commissioner or commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision / plats.
- B. A copy of approved amendments and subdivisions / plats, and final decisions granting variances or conditional uses must be sent to the commissioner or the commissioner's designated representative and postmarked within ten (10) days of final action.

SECTION 2000.010 GENERAL STANDARDS

Subd. 1 Purpose. The purpose of this Section is to establish general development standards to assure compatible land uses; to prevent blight and deterioration; and to enhance the health, safety, and general welfare of the City.

Subd. 2 Dwelling Unit Restrictions.

- A. No cellar, basement, garage, tent, R.V., camper or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently.
- B. Basements may be used as living quarters or rooms as a portion of residential dwellings.
- C. Tents, play houses or similar structures may be used for play or recreational purposes.

Subd. 3 Building Restrictions.

- A. Any person desiring to improve property shall submit to the Zoning Administrator information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information which may be necessary to insure conformance to City Ordinances.
- B. All buildings shall be placed so that they will not obstruct future streets which may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City
- C. Not more than one (1) principal building shall be located on a lot. The words “principal building” shall be given their common, ordinary meaning. In case of doubt or on any question or interpretation, the decision of the Zoning Administrator shall be final, subject to the right of appeal to the Board of Adjustment and Appeals.

Subd. 4 Building Site Requirements.

- a. Utilities and Street Required. No building permit shall be issued for any new construction unless and until all utilities are installed in the public street adjacent to the parcel of land to be improved and the rough grading of the adjacent street has been completed to the extent that adequate street access to the parcel is available.
- B. Equipment and Material Storage. No construction equipment and/or material pertaining to construction shall be stored on any property within the City without a valid building permit. When construction is completed, all construction equipment and materials must be removed within 30 days.
- C. Safeguards. Warning barricades and lights shall be maintained whenever necessary for the protection of pedestrians and traffic; and temporary roofs over sidewalks shall be constructed whenever there is danger from falling articles or materials to pedestrians.

Subd. 5 Under this Ordinance land reclamation is the reclaiming of land by depositing of materials so as to elevate the grade. All land reclamation shall be controlled under the provisions of the State Uniform Building Code and Zoning Ordinance and shall meet the following minimum standards:

- A. The smallest amount of bare ground is exposed for as short a time as feasible.
- B. Temporary ground cover is used and permanent ground cover, such as sod, seeding, and mulch is planted.
- C. Methods to prevent erosion and trap sediment are employed.
- D. Fill is stabilized to the standards of the City Engineer.
- E. Final slopes for cut slopes should be a maximum of 1:1, or 100%; fill slope 3:1, or 30%; and grade or construction slope 5:1, or 20%.

Subd. 6 Drainage and Grading.

- A. Obstruction of Natural Drainage Prohibited. No building permit shall be issued for the construction of any building on which construction or necessary grading thereto shall obstruct any natural drainage waterway.

- B. Undrainable Lands. No building permit shall be issued for the construction of any building upon ground which cannot be properly drained.
- C. Protection of Existing Drainage Installations. Where application is made for a building permit and subsequent investigation shows that the property to be occupied by said building is adjacent to a portion of a public road or street containing a drainage culvert, catch basin, sewer, special ditch, or any other artificial drainage structures used for the purpose of draining said property and/or neighboring property, the applicant shall specifically agree in writing to protect these waterways in such a way that they shall not be affected by the proposed building construction or grading work incidental thereto.
- D. Order to Regrade. The City may order the applicant to regrade the property if the existing grade does not conform to any provision of this subdivision, if the grade indicated in the preliminary plan has not been followed, or if the grade poses a drainage problem to neighboring properties.
- E. Drainage Tile. The City’s Zoning Administrator or Engineer may require drainage tile if, in his opinion, it is needed to avoid the accumulation of water or moisture in the building.

Subd. 7 Vacated Streets. Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceedings.

Subd. 8 Refuse. All lots within all zoning districts shall be maintained in a neat and orderly manner. No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open when the same is construed by the City Council to be a menace or nuisance to the public health, safety, or general welfare of the City, or to have a depressing influence upon property values in the area. Salvage operations are permissible within an industrial district if such use is in compliance with the regulations of that district.

Subd. 9 Vision Clearance at Corners and Curb Cuts. Notwithstanding any part of this Ordinance or any permit or variance granted, no building, or any obstacle, or any portion thereof shall be placed or retained in such a manner to constitute a traffic hazard or obstruct the vision clearance located within 25 feet of the corner formed by the intersection of street rights-of-ways as measured from the intersecting property lines.

Subd. 10 Performance Standards.

All users shall comply with all federal, state, and local pollution and nuisance laws and regulations, including but not limited to glare, smoke, dust, odors, and noise. The burden of proof for compliance with appropriate performance standards shall lie with the applicant.

It is the intent of this subdivision to provide that activities shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of the following:

- A. Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so not to become objectionable due to intermittence, beat, frequency, shrillness or intensity. At the property line, the sound pressure level of noise radiated continuously from a facility shall not exceed the values given in Table A herein.

TABLE A

Maximum permissible sound pressure levels of specified points of measurement for noise radiated continuously from a facility.

<u>Bank Cycles Per Second (Frequency)</u>	<u>Maximum Permitted Sound Level (Decibels)</u>
20-75	72
75-150	67
150-300	59
300-600	52
600-1200	46
1200-2400	40
2400-4800	34
Over 4800	32

- B. 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.
- C. Solid or liquid particles shall not be emitted at any point in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air. For measuring the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and 50% excess air.
- D. All sewage and industrial wastes shall be treated and disposed in such manner as to comply with Minnesota State Department of Health standards and requirements, Minnesota Pollution Control Agency standards and requirements, and local codes.
- E. In order to assure compliance with the performance standards set forth above, the Planning Commission may require the owner or operator of any permitted use to make such investigations and tests as may be required to show adherence to the performance standards.

Subd. 11 Whenever in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided within this Ordinance, the decisions shall be made so that the result will be consistent with the intent and purpose of this Ordinance.

Subd. 12 **Waters, Waterways.**

- A. As used in this section, the terms waters and/or waterways shall include all public waterways as defined by Minnesota Statutes, Section 105.38, and shall also include all bodies of water, natural or artificial, including ponds, streams, lakes, swamps, and ditches which are a part of or contribute to the collection, runoff, or storage waters within the City or directly or indirectly affect the collection, transportation, storage, or disposal of the storm and surface waters system in the city.
- B. No person shall cause or permit any waters or waterways to be created, dammed, altered, filled, dredged, or eliminated, or cause the water level elevation thereof to be artificially altered without first securing a permit from the City, County, or the State.
- C. Applications for permits required by the provisions of this section shall be made in writing upon printed forms furnished by the Zoning Administrator.
- D. Applications for permits required by this Section shall be accompanied with a complete and detailed description of the proposed work, together with complete plans and topographical survey map clearly illustrating the proposed work and its effect upon existing waters and water handling facilities.

SECTION 2000.011 YARD, AREA AND BUILDING REGULATIONS.

Subd. 1 The purpose of this Section is to determine minimum yard, area, building size and building design requirements for each zoning district.

Subd. 2 No lot, yard, or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than a minimum required by this Ordinance, and if the existing yard or other open space as existing is equal or less than the minimum required, it shall not be further reduced.

Subd. 3 The minimum yard requirements from the appropriate lot line are set forth within the district provisions of this Ordinance.

A. Corner Lots. Where a lot is located at the intersection of 2 or more streets, the width of the yard along the side street shall not be less than the front yard setback.

B. Through Lots. On a lot fronting on 2 parallel streets, both street lines shall be front lot lines for applying the yard regulations of this Ordinance.

C. Rear Yard With Alley Adjoining. In computing the depth of a rear yard for any building where the rear line of the lot adjoins an alley, one-half the width of such alley may be included as rear yard depth. In any residential district, the rear yard depth actually on the lot shall be not less than 10 feet in any dwelling district.

D. Earth Sheltered Buildings. Computations for yard requirements shall be based upon measurements from the exposed exterior surface of the building.

E. Exceptions. The following shall not be considered as encroachment into yard setback requirements.

1. Architectural projections extending not more than three (3) feet into the yard area from the structure it is extended from.
2. In rear yards, recreational and laundry drying equipment, trellises, and air conditioning or heating equipment not less than two (2) feet from any lot line.
3. Driveways and parking areas in residential districts, terraces, steps, stoops, patios, decks or similar features, provided they do not exceed the height of the principal structure or extend to a distance less than two (2) feet from any lot line.
4. Retaining walls not less than 1 foot from any lot line.
5. Parking areas in the “DC” districts.

Subd. 4 Minimum Lot Area. The minimum lot area requirements are set forth within the district provisions of this Ordinance.

A. Lot area With Alley Adjoining. In computing required lot area, one-half of the width, but not exceeding ten (10) feet of any alley or portion thereof abutting any lot line may be included as part of the lot area for such computation.

B. Lot Area Exception. A lot of record existing upon the effective date of this Ordinance which does not meet the area or width requirements of this Ordinance may be utilized provided the measurements of such area and width are within sixty (60%) percent of the requirements of this

Ordinance and that due to ownership patterns, the combining of adjacent lots to meet the requirements of this Ordinance is not possible.

Subd. 5 The following building size and architectural standards shall apply to all districts unless otherwise specified.

A. Height Exceptions. The building height limits established shall not apply to agricultural buildings, grain elevators, essential services, nor to architectural projections of buildings such as belfries, cupolas, domes, spires, chimneys, flues or to similar structures extending above the roof of any building and not occupying more than 25% of the area of such roof.

B. Garage Requirements. Each dwelling unit within the “RC”, “RT”, “ST”, “SCR” and “S” Districts shall have an accompanying garage to serve the residents of that unit.

C. Residential Dwelling and Garage Size Requirements. The minimum area of dwellings and garages shall be as follows:

1. “RC” and “RT” “SCR” and “S” Districts

Single story	1,100 square feet of ground floor area per unit
Two story or split entry	1,000 square feet of main floor living area per unit
Minimum garage area	576 square feet

2. “ST” District

Single story	960 square feet of ground floor area per unit
Two story or split entry	864 square feet of main floor living area per unit
Minimum garage area	400 square feet

(Single-family dwellings may be converted to one-bedroom apartments at the ratio of one for each 600 square feet of floor area in each dwelling before conversion. An additional minimum garage area of two hundred (200) square feet shall be provided for each apartment unit.)

3. Multiple Family Dwellings.

Multiple Family Dwellings:

Efficiency unit 400 square feet of living area

Bedroom units 600 square feet of living area for one bedroom, plus 100 square feet or each additional bedroom

Minimum garage area 200 square feet per unit

Single and two family dwellings:

Single story 964 square feet of ground floor area per unit

Two story or split entry 864 square feet of main floor living area per unit

Minimum Garage area 400 square feet

(Single family dwellings may be converted to one bedroom apartments at the ratio of one for each 600 square feet of floor area in each dwelling before conversion. An additional minimum garage area of two hundred (200) square feet shall be provided for each apartment unit.)

- D. Architectural Requirements. The following architectural requirements shall apply to all districts:
1. Dwellings shall exceed eighteen (18) feet in width and shall be over thirty (30) feet in length.
 2. Dwellings shall be placed on a permanent foundation forming a complete enclosure inside [and under] the exterior walls.

SECTION 2000.012 ACCESSORY STRUCTURES

Subd. 1 The following requirements apply to all districts, unless otherwise noted.

- A. Permits required. All accessory structures shall require a zoning permit for which the application fee in accordance with the fee schedule attached to this Ordinance as Appendix A. Accessory structures greater than one-hundred-twenty (120) square feet shall require a building permit. A site plan, drawn to scale, shall accompany all requests for accessory building permits, and shall include the following information:
1. Property lines, dimensions and setback requirements
 2. Existing building and their relationship to all property lines
 3. Location of sewer and water collection/distribution lines and/or wells
 - a. The Zoning Administrator may require a survey as part of the application when the property is undeveloped or when the locations of the property lines are in question.
 - a. Part of Principal Building. An accessory building shall be considered an integral part of the principal building if it is connected to the principal building.
 - b. Permitted After Principal Building. No accessory building or structure other than a fence, essential services, or a temporary construction office shall be permitted on any lot prior to the time of construction of the principal building to which it is accessory, except for a private garage which is to be used only for storage purposes pertaining to the construction of the principal building, and essential services, except for “DC” district.
 - c. Location. Except for the “RC” (excluding OSD) district, detached accessory structures other than terraces, fences, patios, decks or similar structures shall not be located in the front yard.
 - d. Height. Accessory structures shall not exceed thirteen (13) feet sidewall height.
 - e. Setbacks. Accessory structure setbacks are as follows, except for the “DC” district and where specified in the “RT,” “RC,” and “ST” districts:
 1. Structures of greater than one hundred and twenty (120) square feet in floor area shall be located from all lot lines in accordance with yard requirements set forth for principal structures within the zoning district, except as otherwise permitted within this Ordinance.

2. Structures of one hundred and twenty (120) square feet of floor area or less and not exceeding nine (9) feet in height may be located within five (5) feet of all lot lines of adjoining lots, except as otherwise permitted within this Ordinance.
 3. Structures shall not be located within a utility or drainage easement.
- G. Maximum size in “RC” (excluding OSD) District. Accessory buildings in the “RC” District shall not exceed 4,200 square feet in area.
- H. Number. The number of accessory buildings shall be limited as follows, except for the “DC” and “RC” (excluding OSD) districts:
1. In cases where a garage is part of the principal structure, one (1) additional accessory building is allowed provided that the total floor area of the accessory building does not exceed eight hundred (800) square feet or result in total lot coverage of more than twenty five (25%) percent.
 2. In cases where a garage is not part of the principal structure, two (2) accessory buildings are allowed provided that the total floor area of the accessory buildings does not exceed one thousand five hundred (1,500) square feet or result in total lot coverage of more than twenty five (25%) percent.
- I. Building Design Standards. The architectural design and appearance of all accessory buildings and structures shall comply with the following standards:
1. The roof and exterior finish of all accessory buildings shall be similar to that of the principal building. Corrugated fiberglass and corrugated metal siding is prohibited; tarp siding and roofs are prohibited.
 2. Exceptions. Metal lawn or storage sheds one-hundred-twenty (120) square feet or less shall be exempt from the building design standards of this Section. Accessory building in the “RC” District and on parcels of 10 acres or more are except from this section. Brick, stucco, wood, and stone dwellings justify an exemption for required matched building exteriors.
 3. All accessory buildings must be securely anchored to prevent uplifting by wind.

SECTION 2000.013 FENCES

Subd. 1 The placement of fences shall require a fence permit, for which the application fee is established in accordance with the fee schedule attached to this Ordinance as Appendix A. Fences shall be subject to the following requirements, except for agricultural fences within or adjacent to the “RC” (excluding OSD) district.

- A. No fence shall exceed four (4) feet in the front yard or six (6) feet in the side and rear yards in height as measured from the average point between the highest and lowest grade, except for security purposes within the “DC” district, security for government facilities, and for agricultural purposes.

Fences located in the front yard may be allowed up to six (6) feet in height only in cases where:

1. the fence does not obstruct traffic vision if the roadway is elevated; or

2. the fence has a densely wooded area as a backdrop; or the fence abuts public property or public buildings, schools, churches, parking lots, ball diamonds or businesses
- B. No fence, screen, or structure which obstructs the view shall be located within twenty-five (25) feet of the corner formed by the intersection of street and railroad rights-of-ways as measured from the intersecting property lines.
- C. Except as provided in B. above, fences, hedges, or shrubs, less than four (4) feet in height may be located on any part of the lot.
- D. In all zoning districts all usable open space as defined by this Ordinance shall be planted and maintained in grass, sodding, shrubs, or other suitable vegetation or treatment.
- E. Except as provided in this Section, B., fences shall be set back at least one (1) foot from the lot lines or it may upon written mutual consent of the abutting property owner(s) be placed along the lot line.
- F. That side of the fence considered to be the face, opposite the side with the fence posts, shall face the abutting public or private property.
- G. All fences shall be constructed of or have the appearance of masonry, brick, wood, steel, or chain link. No barbed wire, electric fences, hog netting, poultry netting, or sheep netting are permitted. No snow fencing or construction security fencing is allowed, except during construction.
- H. Any nonconforming fence which is destroyed or in disrepair, requiring more than fifty (50) percent of its replacement cost to repair, shall be removed and be rebuilt only if in compliance with the standards set forth in this section.
- I. No fence that will impede water flow shall be placed in drainage areas.
- J. No fences are allowed in officially defined wetlands.

SECTION 2000.014 SCREENING AND LANDSCAPING

- Subd. 1** A landscaping and screening plan shall be submitted as part of any Site Plan or Preliminary Plat application in all zoning districts except for the “RC” (excluding OSD) district.
- Subd. 2.** The City finds that proper landscaping on newly built or redeveloped sites adds to the health, safety, aesthetic, ecological, and economic values of the community. The provisions of this section are intended to:
- A. Add visual interest to open spaces and blank facades;
 - B. Soften dominant building mass;
 - C. Provide definition for public walkways and open space areas;
 - D. Enhance the streetscape by separating the pedestrian from motor vehicles and by reducing the visual impact of large expanses of pavement;
 - E. Ensure significant tree canopy shading to reduce glare and heat build-up;

- F. Improve the visual quality and continuity within and between developments;
- G. Provide screening and mitigation of potential conflicts between active areas and more passive areas;
- H. Protect and improve property values;
- I. Improve air quality and provide a buffer from air and noise pollution;
- J. Ensure aesthetic treatment of ponding areas;
- K. Enhance the overall aesthetic conditions within the City;
- L. Limit sight line obstructions;
- M. Reduce the potential for criminal and illegal activities; and
- N. Prevent conflicts with utilities.

Subd. 3 **Plan submittal requirements.** Landscape plans should be prepared by a landscape architect or other qualified person (as determined by the Zoning Administrator), drawn to an appropriate scale and show:

- A. Current and accurate certificate of survey;
- B. Locations of existing and proposed buildings, parking lots, roads, walkways, and other improvements;
- C. Proposed grading and drainage plan with no greater than two-foot contour intervals;
- D. Location and approximate size of existing trees greater than 4 inches in diameter and shrubs;
- E. A planting schedule containing symbols, quantities, common and botanical names, size of plant materials, root condition, and special planting instructions;
- F. Planting details illustrating proposed locations of all new plant material;
- G. Locations and details of other landscape features, including berms, fences, and retaining walls;
- H. A cross-section drawing at a measurable scale illustrating the effectiveness of proposed screening both at the time of planting and the anticipated screening with five years of growth (if requested by the Zoning Administrator);
- I. Details of restoration of disturbed areas, including areas to be sodded or seeded;
- J. Irrigation systems including system limits.

Subd. 4 **General landscaping requirements.** The City intends that each new landscaping and screening plan be designed to a high level of quality. The Zoning Administrator shall review and decide the adequacy of each landscaping and screening design based on whether or not it meets the intent of this ordinance. The Zoning Administrator shall advise the Planning Commission as part of Site Plan Review.

- A. **Area to be landscaped:** All open areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, understory trees, shrubs, flowers, and ground cover materials.

- B. Materials: The plan for landscaping shall include ground cover, shrubs, trees, public art, walls, fences, decorative walks or other features or materials acceptable to the Zoning Administrator.
- C. Tree types and species: For sites requiring 10 trees or more as determined by Subd. 5 for residential sites and Subd. 6 for commercial sites, not more than 50 percent of the required trees shall be composed of one species. No required tree shall be any of the following:
1. A species of the genus *Ulmus* (elm), except those elms bred to be immune to Dutch elm disease;
 2. Box elder; or
 3. Female ginko.
- D. Minimum sizes of ornamental trees and shrubs: Ornamental trees shall generally have a minimum caliper of 1 inch. (Caliper and height requirements apply only to trees needed to satisfy the City's quantity requirements. Once these are satisfied, any size can be used.) Shrubs shall be 5 gallons in size.
- E. Ground cover: All lot areas not covered by buildings, sidewalks, parking lots, driveways, patios, or similar hard-surface materials shall be covered with sod, seeding, mulch, or an equivalent ground cover approved by the City. (Gravel and/or landscape rock by itself does not constitute groundcover.)
- F. Sight lines: Plantings after five (5) years' growth must not interfere with auto traffic sight lines at intersections nor interfere with pedestrian movement.
- G. Existing trees and shrubs: In instances where healthy plant materials of species acceptable to the City Council exist on a lot prior to its development, the application of the standards in this Section may be adjusted by the City Council during the platting process, to allow credit for such material, provided that such adjustment is consistent with the intent of this Ordinance. A reasonable attempt shall be made to preserve as many existing trees as is practicable and to incorporate them into the site plan. No clearing shall be allowed on a site until tree retention and landscaping plans have been approved. The following practices shall be followed in order to protect existing trees:
1. Protective fencing consisting of steel posts and conspicuously colored fence at least 48 inches in height shall be placed in a location surrounding the protected trees so that they will not be damaged or jeopardized by construction. The protective fencing shall be placed prior to the issuance of any development permits and shall remain in place and in good condition until any construction work that may jeopardize the health of the protected trees has been completed. The protective fencing shall be installed at the edge of the tree canopy or dripline or at a location defined by the Zoning Administrator;
 2. Areas within the protective fencing shall be off-limits to workers, visitors, operating equipment, parked equipment, parked vehicles, storage of materials, and pedestrian traffic;
 3. Storage of fuels, chemicals, solutions and washing equipment shall be no closer than seventy-five (75) feet from fenced areas;
 4. When any construction traffic must pass nearer to a protected tree than its dripline, a twelve (12) foot wide by twelve (12) inch deep layer of shredded hardwood mulch shall be placed over the impacted area. The twelve (12) foot width by twelve (12) in depth shall be maintained for the entire period of construction that affects the protected tree. The mulch shall be removed entirely at the end of construction;

5. Trees removed in the construction area shall be felled away from areas of protected trees to avoid disturbance or damage;
 6. Stump height must be no higher than six (6) inches above ground level. If directed by the Zoning Administrator, stumps near protected trees may require grinding to reduce soil disruption. These stumps must be ground to a depth of 1 foot below ground level. Woodchips must be removed and the hole filled with appropriate topsoil for the area;
 7. Pruning of protected trees will be allowed only for removal of damaged, disfigured, or crossing branches; climbing spikes shall not be used to perform pruning;
 8. All brush must be removed;
 9. Diseased wood cut from any site shall be disposed of at the tree disposal site serving the City;
 10. If roots of trees to be protected are disturbed or damaged by construction, they shall be immediately and cleanly cut back to sound healthy tissue and covered with topsoil to a depth of six inches.
 11. Any roots of protected trees that are uncovered by construction operations shall be immediately covered with topsoil to a depth of six inches;
 12. Protected trees, and especially, any tree damaged or disturbed by construction operations, shall be watered during the growing season in order to maintain adequate but not excessive soil moisture;
 13. All work shall be performed with the proper equipment by qualified personnel;
 14. Where fill must be placed around protected trees, a section of protective fencing shall be placed around the trunk of the tree, including root flares. Heavy equipment shall not be used to remove soil nearer than ten (10) feet from a protected tree. Removal of soil nearer than ten (10) feet from a protected tree shall be performed by hand;
 15. Oaks are very susceptible to root damage by soil compaction. Avoid placing fill around oak trees. This will avoid compaction by the fill itself and by equipment used to remove it from around the tree;
 16. For sites with significant existing trees to be protected, or where limited space exists around trees to be protected, the Zoning Administrator may require that a qualified arborist or forester be “on-call” during the project. In this case, the name and telephone number of the qualified arborist or forester shall be placed prominently on the approved construction documents;
 17. Because some construction impacts cannot be avoided, and because damage to a tree’s root system is not immediately evident, the Zoning Administrator may require submittal of a plan for post-construction care for sites with protected trees; and
 18. Quality trees, as determined by the Zoning Administrator, of 4-8 inch caliper should be transplanted on site or to another site when possible.
- J. Slopes: Final slopes greater than 3:1 are assumed to be unmowable and must have special treatment such as special seed mixtures or reforestation, terracing or retaining walls. Berming used to provide required screening of parking lots and other open areas shall not have slopes in excess of 3:1.

- K. All landscaping must be installed within one growing season of building completion or occupancy, whichever is first.

Subd. 5 Residential sites.

Residential sites shall be landscaped to improve the livability, beauty and value of housing; to screen and mitigate views of large parking areas; to reduce the effect of traffic noise; to provide shade; and to help protect water quality.

- A. Quantities. These requirements are in addition to any plantings in the public street right-of-way that shall be installed by the land developer. These planting shall be indicated on a landscaping and screening plan.

	Single-Family Dwellings	Multiple-Family Dwellings
Overstory deciduous trees	1 per dwelling unit.	1 per dwelling unit.
Coniferous trees	May be substituted on a one-for-one basis for the overstory deciduous trees.	
Ornamental deciduous trees	1 per dwelling unit.	1 per dwelling unit.

- B. Commercial edges: The density and initial size of plantings shall be increased along non-residential edges and may be combined with berms, walls and fences to achieve the objective of protecting the values, quietude and privacy of the housing. Landscaping on the adjacent non-residential property may not be substituted for plantings on the residential property.

Subd. 6 Commercial, Business and Industrial Sites.

Commercial, Business and Industrial sites shall use plant materials, berms, slopes, retaining walls, fences, low masonry walls and public art to enhance the appearance of buildings and parking areas; to provide visual relief from long blank walls; to improve the environment for pedestrians; to improve compatibility with adjacent housing; and to help protect water quality.

- A. Locations: Such treatments shall occur on the perimeter of the site, within parking areas and along building edges. In particular, special attention should be paid to providing visual and auditory separation between commercial and residential land uses and in screening features such as truck docks.
- B. Quantities: Landscaping plans shall include a mixture of overstory, ornamental, ground cover and berming. At a minimum, plantings shall be provided on commercial and mixed use sites at this rate (which includes the plantings for parking lots):

1. One tree per 2,500 square feet of Developable Area; and
2. One shrub per 1,000 square feet of Developable Area

Developable Landscaping Area is defined as the total area of a development site or phase minus the portion of that area within a natural water body or a protected wetland.

- C. Residential buffer yard: The density and initial size of plantings shall be increased along residential edges and may be combined with berms, walls and fences to achieve the objective of protecting the values, quietude and privacy of the housing.

When not regulated by other regulations of this Ordinance, a buffer yard of not less than twenty-five (25) feet in width and 50% all-season opacity from the ground to a height of six (6) feet shall be provided to separate all aspects of non-residential uses from abutting residential parcels. The Council may reduce this requirement to not less than fifteen (15) feet if significant additional landscaping and/or fencing, with 75% all-season opacity, is provided to screen the use. The Council, at its digression may require screening up to eight (8) feet in height.

At the discretion of the Zoning Administrator, an elevation drawing may be required for any residential buffer yard showing the visual effect after five years of growth as viewed from the residential property.

- D. Buffer yard adjacent to non-residential business and industrial land use: At a minimum, a mixture of overstory and coniferous trees and shrubs shall be planted along the street edge of all parking lots at the rate of one overstory tree (or one coniferous tree) for every fifty (50) feet of street frontage (on average, may be grouped) plus twenty (20) percent of the ground covered by shrubs and/or perennials.

Subd. 7 Cemeteries.

Development along any cemetery shall be landscaped to improve the beauty and intrinsic value; to screen and mitigate views of parking areas; to reduce the effect of noise; to provide shade; and to help protect water quality.

- A. Type. Plantings along any cemetery shall be Spruce Trees.
- B. Size. Spruce Trees shall be six (6) foot at time of planting.
- C. Location. Spruce Trees shall be planted along the perimeter of any land that abuts a cemetery; properties separated by a right-of-way are exempt. Planting shall only be placed along the section of such properties where the cemetery and subject property line is the same. Plantings shall be no farther than five (5) feet from the subject property line.
- D. Density. Spruce Trees shall be planted every fifteen (15) feet from center of each tree.
- E. Quantity. Plantings along cemetery boundaries, at residential sites, shall count for one-for-one substitution for plantings required in Subd. 5.

Subd. 8 Streetscape plans and boulevard plantings.

- A. Streetscape plans: Boulevard plantings shall be in accordance with Section 3000.012. Streetscape plantings located within the property lines of the site may be credited toward the required number of trees and shrubs but plantings in the public right-of-way shall not. Landscaping placed or removed in the public right-of-way must receive City approvals for right-of-way plantings and must conform to City right-of-way planting policies.

SECTION 2000.015 SLOPES

- Subd. 1 Purpose.** The purpose and intent of the Slope regulations is to protect the public health, safety and community welfare and to otherwise preserve the natural environmental resources of the City in areas having significant and critical environmental characteristics. It is intended that the conservation regulations accomplish the following purposes:

- A. To implement the policies Comprehensive Plan envisions for the River Zone.
- B. Protect the wooded appearance of steep slopes that face the St. Croix River.
- C. Protect streams and wetlands.
- D. Minimize cut, fill, earth moving, grading operations, and other such manmade effects on the natural terrain;
- E. Minimize water runoff and soil erosion caused by human modifications to the natural terrain;
- F. Minimize fire hazard and risks associated with landslides and unstable slopes by regulating development in areas of steep slopes and potential landslide areas;
- G. Preserve riparian areas and other natural habitat by controlling development near the edge of ponds, streams, and rivers;
- H. Encourage developments which use the desirable, existing features of land such as natural vegetation, climatic characteristics, viewsheds, possible geologic and archaeological features and other features, which preserve a land's identity; and
- I. Maintain and improve to the extent feasible existing water quality by regulating the quantity and quality of runoff entering local watercourses.

Subd. 2 General Provisions.

- A. Applicability. The Slope regulations apply to every zoning district within the City.
- B. To the greatest extent feasible, subdivisions shall be designed to avoid variances to this section. Where a division of land would require an variance to this section, precise building envelopes must be specified on parcel and preliminary maps so that maximum feasible conformance with this section can be attained.

Subd. 3 Slope Regulations.

- A. Applicability and purpose. The following regulations are enacted to minimize the risks associated with project development in areas characterized by steep or unstable slopes. These areas include ravines, blufflands and shorelands. A further purpose is to avoid the visual impact of height, bulk and mass normally associated with building on any steep slope. For the purpose of these regulations, steep slopes are defined slopes of greater than twenty-four (24%) percent as measured over a distance of one hundred (100) feet measured horizontally.

	St. Croix River (SCR) National Scenic Riverway District	Outside of the St. Croix National Scenic Riverway District	
	Slopes Greater than 12% Grade	Slopes of 15 to 24% Grade	Slopes of Greater than 24% Grade
Location	District I and II, urban districts in the City of Taylors Falls, as defined by the Federal Lower St. Croix River Act.	The River District as defined in the Comprehensive Plan. An area including the St. Croix River, the streams, coulees, ravines, wetlands, backwater, and the basalt dome where only limited development would occur, and where it does, it would respect fully the primeval forces that shaped the St. Croix River Valley and the unique natural heritage we enjoy as a result. Includes the three bluffs wherever their aspect faces the direction of the St. Croix River Valley. The three narrow, steep slopes are separated by the two developed “benches.”	
Purpose	Protect and preserve existing natural, scenic and recreational values, to maintain proper relationships between various land use types, and to prohibit new residential, commercial or industrial uses that are inconsistent with the National Wild and Scenic Rivers Act and the Federal and State Lower St. Croix River Acts.	In order to maintain the qualities of this district, regulations should maintain the green mantle of trees, protect the slopes from erosion, maintain the appearance of wilderness (with a few exceptions such as church steeples) as seen from the east bluff of the river, protect streams and wetlands, preserve wildlife movement corridors, and minimize disturbance of the environment.	
Bluffline Definition	Top of the slope where the grade becomes less than 13 percent.	Top of the slope where the grade becomes less than 24 percent.	
Mapping		Require 2-foot contour map	Require 2-foot contour map
Lot Size Computations		May be counted in lot size computations.	May not be counted in lot size computations.
Structures		Allowed with Conditional Use Permit.	Not allowed.
Structure Setbacks	40 feet from bluffline	30 feet from the bluffline.	
Roads and Paved Surfaces		Roads and paved surfaces must be set back at least 10 feet from the bluffline. Roads or driveways may cross the slope with a Conditional Use Permit to reach developable land. Road may have a maximum grade of 6%.	

	St. Croix River (SCR) National Scenic Riverway District	Outside of the St. Croix National Scenic Riverway District	
	Slopes Greater than 12% Grade	Slopes of 15 to 24% Grade	Slopes of Greater than 24% Grade
Commercial Structures		Allowed through the Downtown District regulations.	Allowed by Conditional Use Permit and other Downtown District regulations
Vegetative Cutting	As regulated by the SCR Districts.	Clear-cutting allowed by Conditional Use Permit. Selective cutting allowed.	Clear-cutting not allowed. Selective cutting allowed.
Grading and Filling	As regulated by the SCR Districts.	Allowed with Conditional Use Permit.	Not allowed.

B. Driveway.

1. Driveways must be designed to conform with existing contours to the maximum extent feasible.
2. Driveways must enter streets so as to maintain adequate line of sight.
3. Driveways may have a maximum grade of 9%.

SECTION 2000.016 LIGHTING

Subd. 1 Exterior lighting.

- A. Lighting shall be designed and arranged to restrict direct illumination and glare onto abutting parcels.
- B. Mitigative measures shall be employed to limit glare and spill light to protect neighboring parcels and to maintain traffic and pedestrian safety on public streets and sidewalks. These measures shall include lenses, shields, louvers, prismatic control devices and limitations on the height and type of fixtures. The City may also limit the hours of operation of outdoor lighting if it is deemed necessary to reduce impact on the surrounding neighborhood.
- C. Flickering or flashing lights shall not be permitted.
- D. Direct off-site views of the light source shall not be permitted except for globe and/or ornamental light fixtures. Globe and ornamental fixtures shall only be used if the developer can demonstrate that off-site impacts stemming from direct views of the bulb are mitigated by the fixture design and/or location.
- E. Lights under the canopy of a gasoline dispensing station or similar structure shall not be directly visible from a public street or another property. Such lights shall either be recessed into the underside of the canopy or screened from view with shields.

- F. Poles within landscaped areas and plazas shall have a maximum height of twenty (20) feet, measured from grade. Poles within these areas may be set on pedestals no more than eight (8) inches in height.
- G. Poles in parking lots shall have a maximum height of twenty-four (24) feet measured from finished grade.
- H. Lighting fixtures mounted directly on structures shall be permitted when utilized to enhance specific architectural elements or to help establish scale or provide visual interest.
- I. “Wall paks” shall be permitted only in loading and service areas and shall be down-lit and shielded from view.
- J. Shielded illuminators or fixtures shall be permitted to light building mounted signage, building facades, or pedestrian arcades if they are integrated into a building’s architectural design.
- K. Lighting should highlight entrances, art, terraces and special landscape features.
- L. Site lighting should provide consistent levels of illumination, avoiding pockets of very high or low levels of illumination.

SECTION 2000.017 OFF-STREET PARKING AND LOADING

- Subd. 1** It is the purpose of this Section to provide for the regulation of and design standards for off-street parking facilities within the City, to minimize congestion on the public rights-of-way, and to maximize the safety and general welfare of the public.
- Subd. 2** No provision of any Section of this Ordinance shall be less restrictive than those outlined in this Section. The off-street parking requirements and off-street loading requirements of this Section shall apply within all zoning districts.
- Subd. 3** Calculating Space.
 - A. Where calculations result in requiring a fractional space, any fraction less than 1/2 shall be disregarded and any fraction of 1/2 or more shall require one space.
 - B. The term “floor area” for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the building structure or use multiplied by the number of floors, minus ten (10) percent.
 - C. If a building or structure contains two (2) or more types of uses, each shall be calculated separately for determining the total off-street parking spaces required.
 - D. The parking requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Planning Commission.
- Subd. 4** Except for single family dwellings, all applications for a building or an occupancy permit shall be accompanied by a site plan drawn to scale and dimensioned, indicating the location of all off-street parking and loading spaces in compliance with the requirements of this Section. Such plan shall be reviewed by the Planning Commission and in certain cases the City Engineer and approved by the City Council, in accordance with the criteria developed in Subd. 5. of this Section.

- A. Zoning, setbacks, and statement of use.
- B. North point and scale.
- C. All adjacent streets and alleys.
- D. Sidewalks, curbs, gutters, lighting, storm water drainage, and street trees.
- E. Entire ownership of lot or parcel being developed.
- F. Completely dimensioned parking layouts.
- G. All parking spaces clearly marked.
- H. Owner's name and current address.
- I. The type and thickness of the paving.
- J. All screening and landscaping.

Subd. 5 Site Plan Criteria.

Upon review by the Planning Commission and approval by the City Council, the plan for off-street parking shall meet the following site design standards:

- A. All areas devoted to parking spaces and driveways shall be surfaced with materials suitable to control dust and drainage, etc. as determined by the Planning Commission and City Council. All parking areas shall be designed to control surface runoff to adjacent properties either with curbing or grading techniques.
- B. Any lighting used to illuminate off-street parking areas shall be directed away from abutting property and public right-of-way.
- C. No sign shall be located to restrict the sight, orderly operation, and traffic movement within any parking area.
- D. Parking lots may be required to be screened and landscaped from abutting residential and institutional uses or districts by a wall, fence, or densely-planted, compact hedge or tree cover not less than five (5) feet nor more than (8) feet in height.
- E. The parking area shall meet the minimum design standards, and number of stalls required within this Section.

Subd. 6 Reduction and Use of Parking and Loading Space. Off-street parking and loading facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. No change of use or occupancy of land, or of use or occupancy of any building shall be made until there is furnished sufficient parking and loading spaces as required by this Section, unless parking requirements are deemed unfeasible by the Planning Commission or Zoning Administrator. In such case where reconstruction enlarges bulk or floor area or other such measurable unit prescribed in this Ordinance, parking and loading facilities shall be provided for that measurable unit beyond the original type use of structure.

Subd. 7 Parking of Commercial Vehicles or Equipment. No commercial vehicles, or equipment, exceeding 12,000 pounds gross weight, shall be parked, stored, or otherwise continued in a residential district for more than a maximum of 24 hours unless in a completely enclosed structure or unless they are being used in conjunction with a legitimate service being rendered for the benefit of the residential premises.

Subd. 8 Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind or type without current legal license plates, for sale or rent, or those inoperable shall not be parked or stored on any residentially zoned property other than in a completely enclosed building.

Subd. 9 Maintenance. It shall be the responsibility of the lessee and/or owner of the principal use or building to maintain in a neat and adequate manner, the parking area, striping, landscaping and screening.

Subd. 10 Stall, Aisle, and Driveway Design.

A. Except in the case of single family and two-family dwellings, and townhouses, parking areas shall be designed so that circulation between parking aisles or driveways occurs within the designated parking lot and does not depend upon a public street or alley, and such design does not require backing into the public street.

B. Except in the case of single family and two-family dwellings, and townhouses, parking areas shall comply with the following standards:

Angle of Parking	Stall Width	Stall Depth	Minimum Driveway Width
0 degrees (along curb)	10'	22'*	12'
30 degrees	10'	19'	11'
45 degrees	10'	22'	18'
90 degrees	9'	18'	24'

*Parallel Parking: 22 feet in length.

C. No driveway access shall be located less than forty (40) feet from the intersection of two (2) or more street rights-of-way for residential uses, and sixty (60) feet for commercial and industrial areas. This distance shall be measured from the intersection of lot lines.

D. Access openings for commercial uses shall be no less than five (5) feet from the side property line. Common accesses serving more than one lot are exempt from this requirement.

E. Access openings for residential uses shall be no less than two (2) feet from any side property line. Common accesses serving more than one lot are exempt from this requirement.

F. All property shall be entitled to at least one (1) access. Single family uses shall be limited to 1 access per property.

G. All parking spaces shall be served by access aisle or driveway connections to a public right-of way.

Subd. 11 The following minimum number of off-street parking and loading spaces shall be provided and maintained:

Use	Number of Parking Spaces to be Required	Off-Street Loading & Unloading Spaces to be Required.																					
Residential Uses																							
Single Family	2 spaces per dwelling	N/A																					
Two-Family	2 spaces per dwelling	N/A																					
Elderly Housing	½ space per dwelling	N/A																					
Multiple Family	2 spaces per dwelling	N/A																					
Institutional Uses																							
Auditorium, stadium gymnasium, community centers & religious institution (private or public)	1 space for each permanent seat in the place of assembly plus 1 space for each 250 sq. ft. of gross office area	For each structure over 100,000 sq. ft. of gross floor area.																					
<table border="1"> <thead> <tr> <th data-bbox="240 953 613 1083">Use</th> <th data-bbox="613 953 967 1083">Number of Parking Spaces to be Required</th> <th data-bbox="967 953 1367 1083">Off-Street Loading & Unloading Spaces to be Required.</th> </tr> </thead> <tbody> <tr> <td data-bbox="240 1083 613 1222">Hospitals, rest homes, nursing homes, et.</td> <td data-bbox="613 1083 967 1222">1 for each 4 beds plus 1 space per 2 employees on major shift</td> <td data-bbox="967 1083 1367 1222">1 space for 100,000 sq. ft. of gross floor area.</td> </tr> <tr> <td data-bbox="240 1222 613 1461">Schools</td> <td data-bbox="613 1222 967 1461">5 spaces for each (cont) classrooms for elementary school. An additional 1 space for each 5 students is required for high schools.</td> <td data-bbox="967 1222 1367 1461"></td> </tr> <tr> <td colspan="3" data-bbox="240 1461 1367 1520">Commercial Uses</td> </tr> <tr> <td data-bbox="240 1520 613 1730">Commercial Uses (except as below)</td> <td data-bbox="613 1520 967 1730">3 spaces per 1,000 sq. ft. of retail or sales</td> <td data-bbox="967 1520 1367 1730">1 space for first 100,000 sq. ft. of gross floor area & 1 space for each additional 50,000 sq. ft. of gross floor area.</td> </tr> <tr> <td data-bbox="240 1730 613 1869">Veterinarian clinics</td> <td data-bbox="613 1730 967 1869">6 spaces plus 1 space for each 200 sq. ft. of gross floor area over 10,000 sq. ft</td> <td data-bbox="967 1730 1367 1869">N/A</td> </tr> <tr> <td data-bbox="240 1869 613 1984">Automobile Serve Stations</td> <td data-bbox="613 1869 967 1984">3 for each service stall plus 1 for each attendant on the major shift</td> <td data-bbox="967 1869 1367 1984">N/A</td> </tr> </tbody> </table>			Use	Number of Parking Spaces to be Required	Off-Street Loading & Unloading Spaces to be Required.	Hospitals, rest homes, nursing homes, et.	1 for each 4 beds plus 1 space per 2 employees on major shift	1 space for 100,000 sq. ft. of gross floor area.	Schools	5 spaces for each (cont) classrooms for elementary school. An additional 1 space for each 5 students is required for high schools.		Commercial Uses			Commercial Uses (except as below)	3 spaces per 1,000 sq. ft. of retail or sales	1 space for first 100,000 sq. ft. of gross floor area & 1 space for each additional 50,000 sq. ft. of gross floor area.	Veterinarian clinics	6 spaces plus 1 space for each 200 sq. ft. of gross floor area over 10,000 sq. ft	N/A	Automobile Serve Stations	3 for each service stall plus 1 for each attendant on the major shift	N/A
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Use	Number of Parking Spaces to be Required	Off-Street Loading & Unloading Spaces to be Required.
Bowling Alleys	5 spaces for each lane or alley	1 space for each structure over 20,000 sq. ft. in gross floor area
Commercial uses with area devoted to storage warehouse and/or industry.	1 space per 200 sq. ft. devoted to sales or service + 1 space per 500 sq. ft. of storage area	Same as commercial use requirements for commercial purpose. Additional space for storage as required.
Drive-In Restaurant	5 spaces for each 100 of business area	N/A
Furniture, automobile, marine and appliance sales	1 space for each 400 sq. ft. of floor area the first 25,000 sq. ft. and 1 space each 600 sq. ft. thereafter.	1 space plus 1 additional space for 25,000 sq. ft. of gross floor area.
Miniature golf course, archery range, golf driving range	10 spaces respectively.	N/A
Motel, Hotel	1 space per dwelling unit	N/A
Office Building, professional offices, banks	1 space for each 350 sq. ft. of gross floor area.	1 space for buildings between 30,000 sq. ft. and 100,000 sq. ft. of gross floor area and 1 space for each additional 100,000 sq. ft. of gross floor area.
Restaurants and other food dispensing establishments except drive-in restaurants.	1 space for each 5 seats plus 1 for each 2 employees	1 space for each structure over 10,000 sq. ft. of gross floor area.
Skating rink or dance hall.	1 space for each 200 sq. ft. of gross floor area.	N/A
Theater	1 space per 4 seats.	N/A

Industrial Uses		
Manufacturing, assembler, processing, experimental or testing stations.	1 space for each employee on a major shift or 1 space for each 400 sq. ft or whichever is greater	1 space for each structure over 10,000 sq. ft. of gross floor area and 2 spaces for each structure over 100,000 sq. ft. of gross floor area.
Business and Industrial Uses with area devoted to warehousing	1 space for each 2,000 sq. feet of storage area	Same as Manufacturing, assembling, processing, experimental or testing stations

Subd. 12 Joint Facilities. Provision of joint parking areas for several uses within the same block or same vicinity is permissible provided that the number of stalls required shall be the sum of the individual and approved by the City Council following review of the Planning Commission.

A. The City Council may, upon receiving a recommendation from the Planning Commission, approve a conditional use permit for one (1) or more businesses to provide the required off-street parking facilities by joint use 1 or more sites where the total number of spaces provided are less than the sum of the total required for each business, if the following conditions are satisfactorily met:

1. The building or use for which the application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred (300) feet of such parking facilities.
2. The applicant shall show that there is no substantial conflict in the operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.
3. The provisions of this Section of this Ordinance are considered and satisfactorily met.

Subd. 13 Off-Street Loading Facilities. Loading space required under this Section shall be at least fifty (50) feet long and ten (10) feet wide. The regulations of this Section may be applied to the “DC” District as determined by the City Council. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least 10,000 square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least 30,000 square feet, shall be provided with an off-street loading space. An additional off-street loading space shall be required for lots used for commercial or industrial purposes where the floor area of all buildings exceeds 100,000 square feet. For those uses or uses similar to those identified in Subd. 11. of this Section, the requirements set forth in that subdivision shall apply.

Subd. 14 Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:

- A. Each zoning lot served shall have direct access to the central loading area without crossing or utilizing streets at grade.
- B. Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Total area of uses may be summed before computing number of loading berths.)
- C. No zoning lots served shall be more than five (500) feet removed from the central loading zone area.

Subd. 15 Access drives onto County roads shall require an access permit from the Chisago County Public Works Department. This permit shall be issued prior to the issuance of any building permits.

Subd. 16 **Administrative Review.** When a change of use in an existing building occurs, the Zoning Administrator shall review parking requirements of this Section and to the greatest extent feasible, ensure compliance to this Section.

The Zoning Administrator, at his or her digression, may defer reviewing the parking requirements to the Planning Commission. The Zoning Administrator or Planning Commission may waive the requirements of this Section if circumstances prior to the proposed change of use make complying with this Section unfeasible.

SECTION 2000.018 SIGN REGULATIONS

Subd. 1 The purpose of this Section is to regulate the location, size and type of signs; to prevent undue competition; to prevent hazards to life and property; and to maintain and enhance the aesthetic environment.

Subd. 2 Except as otherwise provided in this Ordinance, no sign shall be erected, constructed, altered, rebuilt, or relocated until a sign permit has been issued. The sign permit application fee shall be established in accordance with the fee schedule attached to this Ordinance as Appendix A.

A. Exceptions. No permit will be required under this Ordinance for the following signs, which are to be located on premises or installed within public rights-of-way or public easements by government agencies:

1. Address and identification signs not exceeding three (3) square feet in area.
2. Real estate sale signs which do not exceed ten (10) square feet in area.
3. Political signs.
4. Public signs including traffic control signs, non-commercial governmental signs, local notices, railroad crossing signs, and temporary non-advertising safety or emergency signs.
5. Badges, or insignia of any governmental or governmental agency, or of any civic, religious, fraternal, or similar organizations.
6. Temporary construction signs denoting the architect, engineer, contractor, financial institution, or owner when placed upon a work site, which do not exceed an aggregate of 32 square feet in area. Such signs must be removed 10 days after completion of construction.
7. Message board or changeable copy sign message changes.
8. Pedestrian, vehicular traffic, and parking directional signs in parking lots, provided such signs are less than six (6) square feet in area and less than 5 feet in height, unless located on the building, provided such sign does not constitute traffic hazard.
9. Real estate signs as follows:

- a. Temporary signs for the purpose of selling or leasing individual lots or buildings provided that such signs are less than eight (8) square feet for residential property and thirty-two (32) square feet for other property, have a maximum height of six (6) feet, unless located on the building, and provided that only one (1) sign is permitted for each property or each road frontage. The signs must be removed within ten (10) days following the lease or sale.
 - b. One (1) sign per building for the purpose of two (2) or more units, provided such signs are limited to five (5) square feet in area.
 - c. One sign for the purpose of announcing or promoting a residential, commercial, or industrial development shall be allowed subject to the following conditions: Each residential project must contain at least six (6) dwellings or lots. The sign must be located within the original project area. The sign must be removed when the development is eight percent (80%) sold or rented, whichever is sooner. Each sign shall not exceed thirty-two (32) square feet.
10. “No hunting” or “no trespassing” signs are allowed, not to exceed two (2) square feet each.
 11. Temporary displays which are erected to celebrate, commemorate or observe a civil or religious holiday, provided such displays are removed within thirty (30) days after the event or holiday.
 12. Agricultural test plots.

Subd. 3 Prohibited Signs. No sign shall be erected or maintained:

- A. Which purports to be or resembles an official traffic control device, sign, or signal, railroad sign or signal; or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, sign, or signal, or railroad sign or signal, or which obstructs or interferes with the driver’s view of approaching, merging, or intersecting traffic within a distance of five-hundred (500) feet.
- B. Which prominently displays the word “stop” or “danger”.
- C. Which contains statements, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency.
- D. Within a public right-of-way or easement, except for signs installed by governmental subdivisions.
- E. If any part of such sign extends less than seven (7) feet above ground level. Canopy signs shall be considered an integral part of the structure to which they are attached and may extend into the right-of-way up to six (6) feet. Hanging signs under canopies shall not exceed twelve (12) inches in height. This Section does not apply to signs posted by duly constituted public authorities in the performance of their public duties.
- F. On private land without the written consent of the owner thereof.
- G. On trees, shrubs, or those which are painted or drawn upon rocks or other natural features, or on any public utility poles.
- H. Which has flashing lights, moving lights, video display, or lights resembling an emergency vehicle or so designed as to be distracting or constitute a traffic hazard.
- I. Which are structurally unsafe, in disrepair, or are abandoned.

- J. Which make noise or play music.
- K. Banners, pennants, and balloons, unless temporary.
- L. Sign posters that are tacked or posted on trees, utility posts.
- M. Portable signs, unless temporary or provided for in Subd. 4, H.
- N. Roof signs.
- O. Abandoned signs.
- P. Signs with rotating or moving parts.
- Q. 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.
- R. Signs which have become rotted, unsafe or unsightly.
- S. All other signs not expressly permitted by this ordinance.
- T. Signs which have animation, motion or video.

Subd. 4 **General Provisions.** The following requirements shall apply to all signs in all districts.

- A. Signs painted on a building shall be governed by the square footage limitations specified in the appropriate zoning districts. These shall be kept in good condition and shall be repainted, removed or painted out when they are not so maintained.
- B. Signs shall not obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.
- C. The owner, lessee or manager of any freestanding sign and the owner of the land on which the same is located shall keep grass, weeds and other growth cut, and debris and rubbish cleaned up and removed from that location.
- D. Political signs are allowed in any district, on private property, with the consent of the owner of the property. Such signs must be removed within seven (7) days following the date of the election or elections to which they apply.
- E. The light from any illuminated sign shall be shaded, shielded or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect the safe vision of operators of vehicles moving on the public or private roads, highways or parking areas. Light shall not shine or reflect on or into residential structures. Any LED sign must have a brightness control device and shall adjust at the request of the City.
- F. Real estate sales signs may be placed in any yard provided such signs are within the property line.
- G. Construction signs shall not be erected before issuance of a building permit or remain after issuance of certificate of occupancy.

- H. Temporary Signs. Banners, pennants, and temporary signs that are displayed for special events may be erected or displayed not more than twenty (20) days in advance, and must be removed within five (5) days after the event. Temporary signs for any given special event shall not be in place longer than twenty-five (25) days.
- I. Multi-faced signs shall not exceed 2 times the allowed square footage of single faced signs.
- J. A sign and/or its structural components shall not be designed to move as a result of wind pressure for the purpose of drawing attention to the sign.
- K. The sign height shall be measured from the normal grade of the lot.
- L. The owner of a freestanding sign, who intends to sell or lease portions of a freestanding sign, shall first notify the City of the owner's intent to do so and secondly, receive written verification from the Zoning Administrator that the sign conforms to current sign standards prior to conveying or leasing portions of said sign.

Subd. 5 Signs in the “RC”, “RT”, “ST”, “SCR” and “S” Districts. The following signs are permitted and regulations established for the “RC”, “RT”, “ST”, “SCR” and “S” zoning districts:

- A. Types of Signs. All signs allowed for in Subd. 2. A. which do not require a sign permit.
- B. Number of Signs. One (1) of each type of sign is allowed per lot frontage.
- C. Business signs, institutional signs, and governmental signs located on premises in conjunction with a legally existing business use subject to the following provisions:
 - 1. Business, institutional, and government signs.
 - a. No more than one (1) freestanding sign of not more than thirty-two (32) square feet in surface area and no more than ten (10) feet in height above the average grade.
 - b. No more than one (1) flat wall and/or window sign, which shall not exceed thirty-two (32) square feet in total surface area.
 - 2. Home occupation signs
 - a. No more than one (1) business sign, which shall not exceed four (4) square feet in surface area.

Subd. 6 Signs in “DC” Commercial Districts. The following signs are permitted and regulations are established for the commercial zoning districts.

- A. Signs as permitted and regulated in the “RC”, “RT”, “ST”, “SCR” and “S” districts except Subd. 5, B.
- B. On-premise business signs, subject to the following provisions:
 - 1. The total surface area of all business signs for each business shall not exceed the following standards:
 - a. Free standing: No more than one (1) free standing sign per building of not more than sixty-four (64) square feet in surface area and not more than ten (10) feet in height above the average grade.

b. Building Signs: The total area of all building signage per wall shall not exceed fifteen (15) percent of that wall area, not to exceed two-hundred fifty (250) square feet in area.

(1) The total signage area in multi-tenant buildings shall not exceed the total allowable signage area for the building.

(2) The total allowable area of signage shall include wall, projecting, window and awning signs.

2. Restaurants providing a drive through, take-out service may have in addition to the signs as permitted in this Subdivision, an additional menu board monument sign providing that the maximum height of the sign is ten (10) feet and the maximum area is fifty (50) square feet.

3. Each business may have in addition to the signs as permitted in this Subdivision, one double-sided sandwich sign, sidewalk sign, A-board sign, or menu board sign, with a maximum height of four (4) feet and maximum area of eight (8) square feet per side.

4. No business sign shall project above the permitted building height of thirty-five (35) feet. No sign shall be painted on or affixed to a building above the roof (or eave) line.

C. Off-Premises Signs:

1. Free-standing signs shall not exceed thirty-two (32) square feet in-area and shall conform to the free standing sign regulations in off premises free standing signs shall be counted toward the total allowable free standing signage area for that property as set forth in Subd. 6, B,1, a.

Subd. 7 Nonconforming Signs.

A. Nonconforming permanent signs lawfully existing at the time of adoption of this Ordinance shall be allowed to continue in use, but shall be removed or shall be altered to conform to the provisions of this chapter when the sign is moved, enlarged, structurally altered, or when the sign is damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at time of damage. After a nonconforming sign has been removed, another nonconforming sign shall not replace it.

B. The Zoning Administrator shall order the removal of any sign erected or maintained in violation of the law as it existed prior to the date of adoption of this ordinance, except as provided herein. Removal shall be in accordance with Subd. 8.

C. Whenever the use of a non-conforming sign or an abandoned sign has been discontinued for a period of twelve (12) months, such use shall not thereafter be resumed unless in conformance with this ordinance.

Subd. 8 Removal of Illegal and Nonconforming Signs

1. The Zoning Administrator shall remove any sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the City shall be assessed to the owner of the property on which such sign is located or may be collected in appropriate legal proceedings.

2. Signs in violation of this ordinance placed on public property or in the public right-of-way are subject to immediate removal.

SECTION 2000.019 BUILDING TYPE AND MATERIALS

Subd. 1 General Provisions.

- A. No building exterior wall shall be constructed of steel, iron, sheet aluminum, corrugated aluminum, or plain, flat, unpainted concrete block, except in the “RC” District on parcels greater than ten (10) acres.
- B. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the community's public health, safety, and general welfare.

Subd 2 Specific Materials.

- A. Exterior residential building finishes shall consist of materials comparable in grade and quality to the following:
 - 1. Brick.
 - 2. Natural stone.
 - 3. Wood, hardiplank, vinyl, steel or aluminum lap siding provided the surfaces are finished for exterior use and proven to have exterior durability, such as cedar, redwood, and cypress.
 - 4. Stucco.
 - 5. Architectural metal panels for roofing and accents only.

SECTION 2000.020 BED AND BREAKFAST

Subd. 1 The establishment of bed and breakfast inns provides a needed service to the public and is defined as an owner-occupied dwelling, having no more than 4 guest rooms for short term lodging, and where meals are provided for guests for compensation.

Subd. 2 A conditional use permit is required for the establishment of a bed and breakfast inn.

Subd. 3 Bed and Breakfast establishments shall be subject to the following requirements:

- A. Any restoration or addition to a structure in use or to be used for a bed and breakfast inn shall be done without damaging or destroying materials, features or finishes that are important in defining the building's character.
- B. A maximum of 4 guest rooms may be established in the structure.
- C. At least two off-street parking spaces shall be provided on-site for the owner/manager and one parking space for each guest unit.
- D. One identification sign of not more than four (4) square feet in area is allowed on the premises.
- E. The dining facilities shall be exclusively for the guests and shall not be open to the general public.

SECTION 2000.021 ESSENTIAL SERVICE – UTILITY SUBSTATION AND UTILITY LINES

Subd. 1 **Required Permits.** Essential services - utility substations and utility lines are allowed in all zoning districts with a Conditional Use Permit.

Subd 2 **Performance Standards.** The essential service must comply with all of the following standards:

- A. Notwithstanding the prohibition against two or more uses on an individual parcel, the lot area for essential service-utility substation can be acquired by lease provided, however, the lot shall be large enough so all structures/facilities comply with the required setbacks for the zoning district.
- B. The approved lot, when no longer needed or used by the utility, shall be returned to its original state by the applicant. The Zoning Administrator may require a bond to ensure compliance with this standard.
- C. The site shall be landscaped to screen the facility from view from property lines and road.

SECTION 2000.022 GOLF COURSES

Subd. 1 **Required Permits.** Golf courses are permitted in the “RC” and “RT” with a Conditional Use Permit.

Subd. 2 **Accessory Uses.** Accessory uses to a golf course are limited to a driving range, putting greens, a pro shop, a clubhouse, locker rooms, a restaurant and bar and maintenance buildings.

Subd. 3 **Performance Standards.** The golf course must meet all of the following standards:

- A. Landscaping shall be planted to buffer the use from adjacent residential land uses and to provide screening. A landscape plan shall be submitted to the Zoning Administrator at the time of application for a Conditional Use Permit.
- B. Storage and use of pesticides and fertilizers shall meet the standards of the State Department of Agriculture. A plan shall be submitted for pesticide and fertilizer use at the facility.
- C. An environmental assessment worksheet may be required by the City for the development of a golf course facility.

SECTION 2000.023 GOLF DRIVE RANGE

Subd. 1 **Required Permits.** Golf driving ranges are permitted in the “RC” and “RT” with a Conditional Use Permit.

Subd. 2 **Performance Standards.** The golf driving range must meet all of the following standards:

- A. Hours of Operation. 7:00 AM to Dusk.
- B. Lighting. No lighting allowed except for security.
- C. Safety netting may be required.

- D. A 150-foot setback from all property lines to the outer boundaries of the driving range fairway is required.
- E. Screening: Fencing and landscaping shall be installed where deemed necessary by the City.

SECTION 2000.024 HOME OCCUPATIONS

- Subd. 1** **Purpose.** It is the purpose of this Section to provide for the use of the home as a place for the operation of a business or profession provided the occupation is clearly secondary to the principal use of the home as a residence.
- Subd. 2** **Permitted Home Occupations.** Home occupations which do not require additional parking, an accessory building, generate a noticeable increase in traffic, does not have the potential to impact adjacent properties, or does not have the potential of exceeding existing services or facilities shall be permitted as an accessory use.
- Subd. 3** **Conditional Use Permit Required.** Home occupations which have the potential for generating a noticeable increase in traffic, requires additional parking, employs persons not residing in the home, requires the use of an accessory building, has the potential to impact adjacent properties or, has the potential of exceeding existing services or facilities, shall require a Conditional Use Permit.
- Subd. 4** **Performance Standards.** All home occupations shall conform to the following standards:
 - A. Conduct of the home occupation does not require alterations to the exterior of the residence which substantially alters the appearance of the dwelling as a residence.
 - B. Only those persons residing in the home and two other persons as allowed by a Conditional Use Permit may be employed within the home.
 - C. Signage consists of no more than one (1) single or double-faced sign with a maximum area of four (4) square feet per side, not to exceed ten (10) feet in height.
 - D. The home occupation shall not generate wastes of a nature or type that cannot be treated by a standard on-site sewage system or municipal sewer system, or hazardous wastes without an approved plan for off-site disposal.
 - E. All home occupations shall comply with the performance standards set forth in this ordinance.
- Subd. 5** **Review By Planning Commission.** The Zoning Administrator may bring a proposed or existing home occupation to the attention of the Planning Commission at which time the Planning Commission may permit the use or hold such public hearings, request such information, or require such conditions as deemed necessary to ensure compliance with the performance criteria of this Section.

SECTION 2000.025 HORSE TRAINING FACILITIES

- Subd. 1** **Required Permits.** Horse training facilities are allowed in the “RC” District. Commercial horse training facilities of more than 10 horses shall obtain a Conditional Use Permit.
- Subd. 2** **Performance Standards.** All horse training facilities shall conform to the following standards:
 - A. Horse training facilities shall meet the setback requirements for accessory structures.

SECTION 2000.026 MOTOR VEHICLE REPAIR

Subd. 1 **Required Permits.** A Conditional Use Permit is required for motor vehicle repair establishments in the “DC” Districts.

Subd. 2 **Performance Standards.** Motor vehicle repair establishments must comply with all of the following standards:

- A. Lots and structures utilized for motor vehicle repair must meet the minimum standards of the zoning district in which the use is located.
- B. The entire site, other than that devoted to structures and landscaped areas, shall be an impervious surface and maintained for control of dust, erosion, and drainage.
- C. Location and number of access driveways shall be approved by the county engineer if such establishment is located along a county road and by the Engineer if located along a road.
- D. No vehicles shall be parked on the premises other than those utilized by employees, customers awaiting service or as allowed through a Conditional Use Permit. Storage of salvage vehicles shall be prohibited.
- E. All areas utilized for the storage and disposal of trash, debris, discarded parts and similar items shall be fully screened. All structures and grounds shall be maintained in an orderly, clean, and safe manner.
- F. Landscaping shall be planted to buffer the use from adjacent residential land uses. A landscape plan shall be submitted to the Zoning Administrator according to the Landscaping section of this Ordinance at the time of application for a Conditional Use Permit.

SECTION 2000.027 MOTOR VEHICLE SERVICE STATION

Subd. 1 **Required Permits.** A Conditional Use Permit is required for motor vehicle service stations in the “DC” District.

Subd. 2 **Performance Standards.** Service stations must comply with all of the following standards:

- A. A minimum lot width of one-hundred fifty (150) feet is required.
- B. The setbacks of all buildings, canopies and pump islands shall be in compliance with the standards of the zoning district in which the use is located.
- C. The entire site other than that devoted to structures and landscaped areas shall be an impervious surface and maintained for control of dust, erosion, and drainage.
- D. Wherever fuel pumps are installed, pump islands shall be installed. Pump islands shall not be placed in the required yards.
- E. Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curbs shall be six inches in height, except at approved entrances and exits.
- F. Access Drives onto a county road must be approved by the county. Access drives onto a road must be approved by the Engineer.

- G. No vehicles shall be parked on the premises other than those utilized by employees, customers awaiting service or as allowed through a Conditional Use Permit. Storage of salvage vehicles shall be prohibited.
- H. Exterior storage shall be limited to vehicles, service equipment and items offered for sale on pump islands; exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays and similar structures designed to display merchandise or as indicated by the Conditional Use Permit.
- I. All areas utilized for the storage and disposal of trash, debris, discarded parts and similar items shall be fully screened. All structures and ground shall be maintained in an orderly, clean, and safe manner.
- J. Landscaping shall be planted to buffer the use from adjacent residential land uses. A landscape plan shall be submitted according to the Landscaping section of this Ordinance to the zoning administrator at the time of application for a Conditional Use Permit.

SECTION 2000.028 SELF SERVICE STORAGE FACILITY (MINI-STORAGE)

Subd. 1 **Required Permit.** Self-service storage facilities are allowed as a permitted use in the “B & I” District.

Subd. 2 **Performance Standards.** Self-service storage facilities must comply with all of the following standards:

- A. Units are not to be used for retailing, auto repair, human habitation, or any commercial activity. Storage of any flammable or hazardous material is prohibited.
- B. One off-street parking space is required for each one-hundred (100) storage units and two spaces are required for the live-in manager if one is provided for. Interior drives must be wide enough to accommodate a parked car and traffic that must pass.
- C. No outside storage is allowed.
- D. An on-site manager may be allowed provided adequate sanitary facilities are provided.
- E. All doors on the units shall face inward and away from the street and property lines.
- F. Only one entrance and exit to the facility are allowed except for an additional emergency exit

SECTION 2000.029 SWIMMING POOLS

Subd. 1 **Required Permit.**

A building and zoning permit shall be required for any swimming pool with a capacity of 5,000 gallons or more or the depth is thirty-six (36) inches or more.

Swimming pools are defined as: any structure intended for swimming or recreational bathing that is fixed-in-place and contains twenty-four (24) inches of water. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

A swimming pool structure is considered “fixed in place” if any of the following conditions exists:

- A. The pool itself, or support posts, beams, or other items supporting the pool basin are sunk into the ground;
- B. Support posts, beams, or other items supporting the pool basin are attached to a building;
- C. External, rigid plumbing is used to supply water to the pool and/or drain the pool basin;
- D. A pool of any structural type is left standing on the property for one hundred and eighty (180) consecutive days.

Subd. 2 **Application.** An application for a building permit and zoning permit shall include a site plan showing:

The type and size of pool, location of pool, location of house, garage, fencing and other improvements on the lot, location of structures on all adjacent lots, location of filter unit, pump and writing indicating the type of such units, location of back-flush and drainage outlets, grading plan, finished elevations and final treatment (decking, landscaping, etc.) around the pool, location of existing overhead and underground wiring, utility easements, trees and similar features, and location of any water heating units.

Subd. 3 **Performance Standards.** Swimming pools must comply with all of the following standards:

- A. Pools shall not be located within twenty (20) feet of any septic tank/drainfield nor within six (6) feet of any principal structure or frost footing. Pools shall not be located within any required front or side yard setbacks.
- B. Pools shall not be located beneath overhead utility lines nor over underground utility lines of any types.
- C. Pools shall not be located within any private or public utility, walkway, drainage, or other easement.
- D. In the case of in-ground pools, necessary precautions shall be taken during the construction to avoid damage, hazards or inconvenience to adjacent or nearby property and assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust, or other infringements upon adjacent property.
- E. To the extent feasible, back-flush water or water from pool drainage shall be directed onto the owner's property or into approved public drainage ways. Water shall not drain onto adjacent or nearby private land.
- F. The filter unit, pump, heating unit and any other noise-making mechanical equipment shall be located at least fifty (50) feet from any adjacent or nearby residential structure and not closer than ten (10) feet to any lot line.
- G. Lighting for the pool shall be directed toward the pool and not toward adjacent property.
- H. There must be a five (5) foot safety fence of the non-climbable type or similar safety device around swimming pools that are less than three (3) feet above ground to inhibit the entry of persons to an unprotected swimming pool.
- I. Swimming pools three (3) feet above the ground or greater must have a retractable ladder or similar safety device to inhibit entry of persons to an unprotected swimming pool.

- J. All gaps in a fence around a pool must be less than four (4) inches.
- K. The opening between the bottom of any fence around a swimming pool and the ground or other surface shall be less than four (4) inches.

SECTION 2000.030 CAMPGROUNDS

- Subd. 1** **Purpose.** The purpose of this Section is to allow for recreational camping areas which will not detract from surrounding land uses and natural resources, and provide for the health and safety of the public using these areas.
- Subd. 2** **Conditional Use Permit Required.** A conditional use permit shall be required for the construction or expansion of a recreational camping area.
- Subd. 3** **License Required.** No person, corporation, partnership, firm, or other entity shall operate a recreational camping area unless a valid license has been issued for the facility by the Department of Health for the current year.

SECTION 2000.031 WIRELESS COMMUNICATION FACILITIES

- Subd. 1** **Purpose.** In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, these regulations are necessary in order to:
 - A. Facilitate the provision of wireless communication services to the residents and businesses of the City of Taylors Falls;
 - B. Minimize adverse visual impacts of wireless communication facilities (WCFs) through careful design, siting, landscape screening, and innovative camouflaging techniques;
 - C. Encourage WCFs to be located, to the extent possible, in areas where the adverse impact on the community is minimal;
 - D. Avoid potential damage to adjacent properties from the construction, operation and potential failure of WCFs through structural standards and setback requirements; and
 - E. Maximize the use of existing and approved towers, buildings, or structures to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve community.
 - F. To protect and preserve the outstanding scenic, geologic, historic and cultural resources of Taylors Falls consistent with federal and state policies and laws related to the protection and preservation of historic buildings, Angel Hill’s Historic District and the St. Croix Riverway.
- Subd. 2** **Applicability.** This Section shall not apply to the use or location of private, residential citizen band radio towers, amateur radio towers or television antennas, or public safety communication facilities owned or operated by the City.
- Subd. 3** **Allowed as Permitted or Conditional Use in the “RC” “DC” “RT” and “ST” Districts.** It shall be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, or replace any WCF without first making application and securing the required permits as hereinafter specified.

- A. “RC” District Standards. WCFs may be located in the “RC” District provided the site is not within 1/2 mile of the St. Croix River or within 1/4 mile of a state park in order to minimize the impact on the St. Croix River, river valley bluffs, and natural park area.
1. Permitted Uses.
 - a. WCFs shall be permitted upon City-owned water towers provided the applicant has a lease agreement with the City, which has been approved by the Council.
 - b. WCFs shall be permitted when being co-located on existing towers, after the applicant has provided to the City a written statement of approval from the tower owner or lessor.
 - c. WCFs shall be permitted when located on existing buildings or structures, provided the WCFs do not exceed the height of the structure by more than fifteen (15) feet and after the applicant has provided to the City a written statement of approval from the building or structure owner or lessor.
 - d. A tower within the easement of a power line or within fifty (50) feet of a power line easement on the same side of the road up to a maximum height of ninety (90) feet.
 - e. The construction or placement of a tower of not more than fifty (50) feet in height.
 - f. Any replacement or repair of existing WCFs.
 - g. All permitted WCFs are subject to design review and approval by the Planning Commission and City Council in accordance with Subd. 8 of this Section.
 2. Conditional Use Permit.
 - a. The construction or placement of a tower of greater than fifty (50) feet in height and not exceeding ninety (90) feet in height.
- B. “DC” District Standards. The following WCFs are permitted in the “DC” District:
1. WCFs attached to an existing tower or structure and not exceeding more than fifteen (15) feet above the highest point of the tower or structure.
 2. A tower within the easement of a high power transmission line or within fifty (50) feet of the transmission line easement on the same side of the road up to a maximum height of ninety (90) feet.
 3. A WCF which is camouflaged and of a similar height of surrounding structures and vegetation as to be visually inconspicuous, as determined by the Planning Commission and Council.
 4. Accessory equipment enclosed within an existing building or structure or be located and screened so as to be hidden from public view from the street and adjacent properties.
 5. All permitted WCFs are subject to design review and approval by the Planning Commission and City Council in accordance with Subd. 8 of this Section.
- C. “RT” “ST” District Standards. The following WCFs are allowed as a conditional use in the “RT” and “ST” District:

1. WCFs attached to any existing tower or structure and not exceeding more than fifteen (15) feet above the highest point of the tower or structure.
2. Accessory equipment enclosed within an existing building or located and screened so as to be hidden from public view from the street and adjacent properties.
3. A WCF which is camouflaged and of a similar height of surrounding structures and vegetation as to be visually inconspicuous, as determined by the Planning Commission and Council.
4. All permitted WCFs are subject to design review and approval by the Planning Commission and City Council in accordance with Subd. 8 of this Section.

Subd. 4 **Activities Not Requiring Zoning Permit.** Zoning Permits are not required for:

- A. Routine maintenance of towers and related structures shall not require the issuance of a zoning permit.
- B. Adjustment or replacement of the elements of an antenna array affixed to a tower, building or other structure, provided that replacement does not reduce the safety factor.
- C. WCFs erected temporarily for test purposes, for emergency communication, or for broadcast remote pick-up operations. Temporary WCFs shall be removed within seventy-two (72) hours following installation except in the case of an emergency situation where the City Council may permit the use of temporary equipment for up to thirty (30) days.

Subd. 5 **Additional Submittal Requirements.** In addition to the information required elsewhere in this Ordinance, prior to the issuance of a zoning or building permit, an applicant for a WCF shall include the following supplemental information:

- A. A site plan showing property boundaries, location of proposed equipment, fencing, screening, and landscaping.
- B. An engineer's, architect's or computer generated drawing of the proposed WCF, including elevations, landscaping, camouflaging and screening in order to determine the visual impact of the facility.
- C. A report from a qualified and registered engineer that:
 1. describes the tower and antenna height and design including a cross section and elevation;
 2. documents the approximate height above grade for potential mounting positions for co-located WCFs and the approximate minimum separation distances between WCFs;
 3. describes the tower's capacity with structural and electrical plans showing how the proposed tower will accommodate the co-location of the applicant's WCF and WCFs of additional users, and the plans and specifications whereby the proposed tower is designed to allow for future rearrangement of WCFs to accommodate additional users and the mounting of additional antennas at varying heights;
 4. describes the lighting to be placed on the tower if required by the FCC or FAA;
 5. certifies that the facilities will not cause destructive interference with previously established public safety communications systems; and

- 6. certifies the facility's compliance with structural and electrical standards.
- D. A description of the type of consumer services each provider will provide to its customers (cellular, PCS, SMR, ESMR, paging or other anticipated wireless communication services).
- E. A map showing the geographic service area of the existing and proposed WCFs.
- F. A letter of intent committing the tower owners and their successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, including without limitation, reasonable rental rates for such shared use.
- G. In the case of mounting WCFs on an existing tower or structure, a letter of intent committing the owners and his or her successors of the tower or structure to allow antennas to be mounted.
- H. A landscape plan showing specific landscape materials.
- I. Method of fencing tower and accessory structures, finished tower color and, if applicable, the method of camouflage and illumination.
- J. Plans shall include an engineer's stamp and registration number.
- K. Written acknowledgment by the landowner of a leased site that they will abide by and be responsible for all applicable terms of the permit, including all structure removal and site restoration requirements of this section of this Ordinance.
- L. Written proof of liability insurance which protects against losses due to personal injury or property damage resulting from the construction, operation or collapse of the WCF.
- M. Additional information as may be requested by the City, including the use of an independent technical resource to review application information or to provide technical information not provided by the applicant. The costs of such reviews or provision of technical information shall be paid for by the applicant, and said payment shall be made within thirty (30) days of the review.

Subd. 6 **Building Permit Requirement.** No person shall place, construct, or modify a WCF without first having obtained a building permit. All WCFs are subject to plan review and inspection by the City to determine compliance with the Uniform Building Code construction standards. No building permit shall be issued without prior approval and issuance of all required zoning permits.

Subd. 7 **Environmental Assessment Requirement.** Any application for the construction or placement of a tower exceeding fifty (50) feet shall be accompanied by an environmental assessment due to the potential for significant impact on the designated Angel Hill Historic District, other sites and buildings that are listed or eligible for listing in the National Register of Historic Places, and federal designated St. Croix National Scenic Riverway and state designated Wild, Scenic and Recreational St. Croix River. Such assessment shall be conducted in accordance with the National Environmental Policy Act and Minnesota Environmental Review Program. The costs of the environmental assessment shall be paid by the applicant.

Subd. 8 **Design Review Requirement.** The Planning Commission and Council shall approve the design of WCFs requiring zoning permits. The purpose of the design review is to protect the historic buildings and district, historic integrity of the community, preserve the natural and scenic characteristics of the St. Croix River valley, and ensure compliance with the design and construction standards and intent of this Section.

Subd. 9 **Co-Location Requirements.** A proposal for a new commercial wireless telecommunication service tower shall not be approved unless it can reasonably be documented by the applicant that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower, other structure or building due to one or more of the following reasons:

- A. The planned equipment would exceed the structural capacity of the existing or approved tower, other structure, or building, as documented by a qualified engineer;
- B. The planned equipment would cause interference, materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified engineer;
- C. Existing or approved towers, buildings, or other structures within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified engineer;
- D. In spite of best efforts, within sixty (60) days, the applicant is unable to negotiate reasonable business terms regarding the lease or purchase of space on an existing tower; or
- E. Other reasons affecting technical performance, system coverage, and system capacity that make it impractical to place or locate the planned telecommunications equipment upon an existing or approved tower, other structure or building, as documented by a qualified engineer.

Subd. 10 **WCF Design and Construction Requirements.** Proposed construction or modification of WCFs shall meet the following design requirements.

- A. Any proposed wireless telecommunication tower shall be designed structurally, electrically, and in all respects, to accommodate the applicant's antennas and WCFs for at least one additional user if the tower is over fifty (50) feet in height. Towers must be designed to allow for future rearrangement of WCFs upon the towers and to accept WCFs mounted at varying heights.
- B. WCFs shall be designed to blend into the surrounding environment to the maximum extent feasible through the use of camouflaging techniques and color, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
- C. WCFs shall be located on a parcel of land so as to have the least impact on adjoining properties and any negative impacts of the facility shall be confined as much as possible to the property on which it is located.
- D. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be located to the extent possible and be of a color that is identical to or closely compatible with the color of the structure so as to make the antenna and related equipment as visually unobtrusive as possible. Roof-mounted antennas shall not be permitted on pitched-roofs, unless they are incorporated into architectural elements such as steeples, spires, bell towers, and chimneys. Antennas mounted on sides of buildings shall be attached flush with the side of the building, and shall not protrude more than three (3) feet from the side of the building.
- E. Wireless communication service towers shall be of a monopole design unless determined by the City that an alternative design would be necessary to support future potential users.
- F. WCFs shall, to the extent possible, be architecturally designed to blend in with the surrounding environment, and use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

- G. All accessory utility buildings and structures shall meet such setback requirements as are compatible with the actual placement of the tower.
- H. Accessory utility buildings and structures shall not be more than two-hundred (200) square feet in size.
- I. WCFs shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
- J. Tower designs shall be certified by a qualified engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association.
- K. No WCF shall have constructed thereon, or attached thereon, any platform, walkway, or like structure for the purpose of human support, except during periods of construction and repair.
- L. All WCFs shall be constructed of or treated with corrosive resistant material.
- M. No part of any antenna or tower nor any lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.
- N. Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons by erection of a security fence at least six (6) feet in height and by design that the bottom of the tower (within twelve (12) feet of the ground) precludes unauthorized climbing.
- O. Any other applicable provision of this Ordinance.

Subd. 11 **Landscaping.** The following requirements shall govern the landscaping surrounding WCFs for which a conditional use permit is required;

- A. WCFs shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide and eight (8) feet high outside the perimeter of the compound, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding neighborhood.
- B. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- C. These landscaping requirements may be waived or modified by the Planning Commission and Council in cases when the WCF is affixed to a building or other structure or is sufficiently camouflaged as to be visually inconspicuous without the application of these landscaping requirements.

Subd. 12 **WCF Setbacks.** WCFs shall conform to each of the following minimum setback requirements.

- A. WCFs shall meet the setbacks of the underlying zoning district or the special setback requirements set forth in this subdivision, whichever is the greater.
- B. The WCF shall not encroach upon any easements. The minimum distance to the property line shall be equal to the height of the WCF, plus ten (10) feet. The minimum distance to the nearest

residential structure shall be two times the height of the WCF.

- C. The setback shall be measured between the base of the WCF and the property line.
- E. The setback of a WCF may be reduced or its location in relation to a public street varied, at the discretion of the Board of Adjustments and Appeals, to allow the integration of a WCF into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

Subd. 13 Lighting. No lights, reflectors, flashers, or strobes shall be affixed or attached in any way to WCFs unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority, or if allowed or required by the City for security or safety reasons. This provision shall not preclude the placement of an antenna on an existing or proposed lighting standard.

Subd. 14 Signs and Advertising. The use of any portion of a WCF for signs or advertising message, other than warning or equipment information signs, is prohibited.

Subd. 15 Antennas Mounted on Roofs, Walls, and Existing Towers. The placement of wireless telecommunication antennas on roofs, walls, and existing towers shall be allowed based upon the submittal and approval of:

- A. Applicable plans as specified in Subd. 5 of this Section.
- B. A report prepared by a qualified professional engineer indicating the existing building, structure or tower suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

Subd. 16 Existing Light Poles. The replacement of an existing light pole or lighting standards in order to accommodate the placement of an antenna thereupon shall be approved by the Council.

Subd. 17 Interference with Telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications, or private telecommunications, including without limitation, radio, television, and personal communications, in accordance with rules and regulations of the Federal Communications Commission.

Subd. 18 Inspection. The City may, at any time, require an inspection of any WCF by a certified or qualified inspector, to ensure its structural integrity. The cost of such inspection shall be at the owner's expense, and said payment should be made within thirty (30) days of the inspection. If upon inspection, it is determined that the facility fails to comply with applicable codes and such failure constitutes a danger to persons or property, notice shall be provided to the owner of the facility requiring that the facility be brought into compliance within thirty (30) days. Failure to bring the facility into compliance within this period shall constitute cause for the City to remove the facility at the owner's expense.

Subd. 19 Lawful Existing WCFs and Towers. WCFs and towers in lawful existence as of the date of effect of this Ordinance that do not conform to or comply with this Section are subject to the following provisions:

- A. Towers may continue in use for the purpose now used and as now existing but may not be replaced or materially altered without complying in all respects with this Section.
- C. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restore to its former use, location, and physical dimensions upon obtaining a

building permit therefore, but without otherwise complying with this Section, provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would exceed the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this Section.

Subd. 20 **Abandoned or Unused Towers or Portions of Towers.** All abandoned or unused WCFs shall be removed within 6 months of the cessation of operations unless a time extension is approved by the City. After the WCF is removed, the site shall be restored to its original or an improved condition, and anchoring elements shall be removed from the ground to within eight (8) feet below grade. In the event that a WCF is not removed or the site restoration not completed within twelve (12) months of the cessation of operations at a site, the facilities may be removed by the City. The City Council may certify the cost of the removal service to the County Auditor as an unpaid service charge, which will then be collected together with the property taxes as provided for in Minnesota Statutes. As an additional or alternative remedy, the owners of the land shall be liable for such costs; said costs shall be recoverable in any action brought against them in the name of the City. The City may also require a bond, letter of credit, cash escrow or other form of security acceptable to the City in the amount sufficient to remove the tower and restore the site.

SECTION 2000.032 OPEN SPACE DESIGN (OSD)

Subd. 1 **Purpose and Scope.**

“OSD” Development is established to encourage development of rural housing clusters that meet the following purposes:

- A. To implement the policies established in the Comprehensive Plan.
- B. Allow housing to be concentrated on sites that have low agricultural potential and/or high natural housing appeal.
- C. Create neighborhoods with direct access to open space, distinct identities, and sense of community.
- D. To encourage innovation and promote flexibility, economy, and creativity in residential development.
- E. To provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.
- F. To provide for a diversity of lot sizes, housing choices, and building densities to accommodate a variety of age and income groups.
- G. To preserve scenic views and elements of the City’s rural character by minimizing views of new development from existing roads.
- H. Protect the National Wild and Scenic River viewshed as emphasized in the Comprehensive Plan.

Subd. 2 **Applicability.**

The OSD Development standards are an alternative set of standards for residential development within the “RC” and “RT” districts. OSD Development shall be permitted with a conditional use permit subject to the design standards described herein.

The regulations of this Zoning Ordinances are applicable only to open space developments approved after the effective date of this Zoning Ordinance.

Subd. 3 Application.

- A. A Conditional Use Permit is required for an open space design development in the “RC” and “RT” districts.
- B. A Conditional Use Permit application shall be filed, in writing, with the Zoning Administrator in accordance with Chapter One, Section 1000.008, Conditional Uses.
- C. In addition to the criteria stated in Chapter One, Section 1000.008, the Planning Commission shall consider the following:
 1. The open space development is designed to preserve open space and the City’s rural character while creating compact residential neighborhoods.
 2. The open space development is designed in accordance with the standards of this Zoning Ordinance.
 3. The open space development supports the goals and policies of the City’s Comprehensive Plan.
- D. In addition to those submittal requirements stated in Chapter One, Section 1000.008, the following items shall be submitted as part of the Conditional Use Permit application for open space development:
 1. Resource Inventory. The plan for an Open Space Design Development shall include a resource inventory, to include the following, mapped at a scale of no less than one inch: 100 feet.
 - a. Topographic contours at two (2) foot intervals, showing rock outcrops, and slopes of fifteen percent (15%) to twenty-four percent (24%); slopes greater than twenty-four percent (24%) shall also be delineated.
 - b. Soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock, and suitability for wastewater disposal systems.
 - c. Hydrologic characteristics, including surface water bodies, floodplains, wetlands, natural swales, and drainage ways.
 - d. Vegetation of the site, according to general cover type (pasture, woodland, etc.), defining boundaries of woodland areas and stand-alone trees with a caliper of more than eighteen (18) inches. Vegetative types shall be classified as generally deciduous, coniferous or mixed and described by plant community, relative age, and condition.
 - e. Current land use and land cover (cultivated areas, paved areas, etc.), all buildings and structures on the land, and all encumbrances, such as easements or covenants.
 - f. Visual resources, showing views onto the tract from surrounding roads and public areas, as well as views within the tract.
 - g. Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological features.

- h. Context: general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within five hundred (500) feet of the tract. This information may be presented on an aerial photograph
2. Yield Plan at a scale of no less than 1 inch: 100 feet
- a. The applicant shall submit a “yield plan,” showing the maximum number of dwelling units that would be permitted given the minimum lot size and lot widths for conventional subdivisions and other requirements of the Zoning Ordinance and Subdivision Regulations. The yield plan need not be engineered; however, it shall be drawn to scale and it shall identify all the major physical features on the parcel. The Yield Plan shall be based on a minimum lot size of five (5) acres.
3. Concept Subdivision Plan. One or more open space design plans meeting the intent of this Chapter and including the following information.
- a. Open space areas indicating which areas are to be protected.
 - b. Boundaries of areas to be developed and proposed general street and lot layout.
 - c. Number and type of housing units proposed.
 - d. Areas proposed for storm water management and on-site or off-site sewage treatment if applicable.
 - e. Said plans shall be drawn at a scale of one (1) inch = one hundred (100) feet.
4. Phasing Plan. Open Space Design development may be phased in accordance with a unified development plan for the entire tract meeting the following requirements:
- a. A phasing plan identifying the sequence of development showing approximate areas serially numbered with a description of each phase. Information shall be provided regarding the number of dwelling units, proposed improvements, and common facilities for each.
 - b. The phasing plan shall be made a part of the Conditional Use Permit and is effective for five (5) years from the date of preliminary plat approval.
 - c. Any common facilities shall be constructed prior to the sale of any lots and shall be clearly marked on a site map which shall be an attachment to all sales agreements for individual lots.
 - d. As part of the development agreement, a financial guarantee to ensure completion of common facilities, trails, and landscaping shall be provided.
 - e. General Location Map.
5. Application Procedure. Upon submittal of a complete application, the application shall be processed according to the Subdivision Ordinance and Conditional Use Permit processes.

Subd. 4 Uses.

A. The following uses are permitted within OSD Developments. The following uses must meet the standards and criteria specified for those uses, as set forth in and regulated by the City of Taylors Falls Zoning Ordinance.

1. Permitted Uses - Residential.

The following uses are allowed uses in the residential portion of the open space development.

a. Single Family Detached Dwellings;

2. Conditional Uses – Residential.

a. Bed and Breakfast

b. Two-family Unit Buildings (Urban OSD only)

c. Multi-family Residential up to four (4) units (Urban OSD only)

d. Home occupations (within single-family residences) as regulated by this Ordinance

e. State-licensed day care facility serving more than twelve (12) persons, or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving fifteen (15) or more children within non-residential buildings (e.g., schools or churches) provided the following conditions are met:

(1) Designated pick-up and drop-off areas shall be located on the site; and

(2) Designated outdoor play areas shall be set back at least fifteen (15) feet from any lot line which abuts a residential property.

3. Permitted Uses - Open Space. The following uses are allowed uses in the designated open space:

a. Conservation (i.e., woodland, meadow, prairie)

b. Agricultural, except feedlots

c. Equestrian

d. Recreational uses and associated parking intended mainly to serve residents of the development.

(1) Non-motorized trails (walking, skiing, cycling, horseback riding)

(2) Picnic areas

(3) Community gardens

(4) Composting (for waste generated by residents of the development)

(5) Turf areas for informal play

(6) Common areas such as greens or squares

- (7) Playgrounds
 - (8) Common buildings
 - e. Stormwater Management Facilities
 - f. Sewage Disposal Systems
 - g. Steep slopes
 - h. Wetlands as regulated by this Section
4. Conditional Uses – Open Space. The following uses are allowed in the designated open space with an additional Conditional Use Permit:
- a. Golf Course
 - b. Golf Course Driving Range
 - c. Recreational uses available to the public including:
 - (1) Ball fields
 - (2) Courts (tennis, basketball, etc)
 - (3) Swimming pools or beaches
 - (4) Motorized trails

Subd. 5 Ownership and Management of Open Space.

- A. The designated open space and common facilities may be owned and managed by one or a combination of the following:
- 1. Homeowners' Association
 - 2. Non-profit Organization
 - 3. The City or another governmental body empowered to hold interest in real property (in accordance with Minnesota Statutes Section 84C.01-.05)
 - 4. An individual who will use the land for open space purposes as provided by the permanent conservation restrictions.

Subd. 6 Open Space.

- A. The minimum open space required per Subd. 8 may be subject to a conservation easement and used for the purposes as defined by this Zoning Ordinance. The conservation easement may be dedicated to the City of Taylors Falls, an acceptable land trustee, or other similar organization as approved by the City.
- B. The uses within the open space shall be accessible to the residents of the development in accordance with Subd. 4. These uses may also be available to the general public.

- C. A financial guarantee ensuring the construction and completion of the common facilities shall be submitted to the Zoning Administrator.
- D. Open Space may allow re-subdivision if or when the zoning has been changed.

Subd. 7 Homeowners' Associations.

A Homeowners' Association shall be established if the open space is owned by a homeowner's association. Membership in the Association is mandatory for all purchasers of homes in the development and their successors.

A Homeowners' Association Agreement, guaranteeing continuing maintenance, shall be submitted to the City as part of the data required for the Conditional Use Permit. The Homeowners' Association documents or the declaration of covenants, conditions, and restrictions shall contain the following information:

1. The legal description of the common lands or facilities;
2. The restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities entitled to enforce the restrictions;
3. A mechanism for resolving disputes among the owners or association members;
4. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes, and insurance premiums;
5. The conditions and timing of the transfer of ownership and control of land or facilities to the Association or to common ownership;
6. Any other matter the developer deems appropriate;
7. The management of collector sewage treatment systems if applicable.

Subd. 8 Performance Standards.

A. General considerations.

1. **Minimum Development Size.** To be eligible for Open Space Development, the development must contain a minimum of twenty (20) acres.
2. The residential lots shall be large enough to accommodate all setbacks and garage requirements.
3. All structures shall be setback a minimum of seventy-five (75) feet from unclassified water bodies.

B. Residential Lot Requirements. There are two types of Open Space Design Developments, Rural and Urban. The Rural OSD contains an average of two (2) acre lots. The Urban OSD contains an average of eighteen thousand (18,000) square foot (per dwelling unit) lots. Both Urban and Rural OSD may decrease average lot sizes by dedicating more open space. Density bonuses are subject to Subd. 9 of this Section.

Both Urban and Rural OSD may utilize a community well and sewage/treatment system or City water and sewer.

	<u>RURAL DESIGN</u>	<u>URBAN DESIGN</u>
Average Lot Size Per Dwelling Unit	2 acres	18,000 s.f.
Principal Building Setbacks		
Front lot line	50 feet	30 feet
Side lot line	30 feet	10 feet
Rear lot line	60 feet	20 feet
State and County highways Setback (this includes Front, Side, and Rear Setbacks) as measured from the centerline.	150 feet	150 feet
Cemetery (principle building)	50 feet	50 feet

*Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the side street shall not be less than front yard.

Accessory Building Setbacks

Side lot line	Section 2000.012	Section 2000.012
Rear lot line	Section 2000.012	Section 2000.012
State and County highways Setback (this includes Front, Side, and Rear Setbacks) as measured from the centerline	110 feet	110 feet
Minimum frontage on right-of-way	200 feet	90 feet
Maximum Building Height	35 feet	35 feet
Depth to frontage ratio not to exceed	3:1	3:1

Multi-family Dwellings. Multifamily dwellings are allowed in Urban OSD Developments subject to the following requirements:

1. A maximum of thirty (30%) of the residential dwelling units may be multi-family residential.
2. Multi-family structures shall be setback a minimum of fifty (50) feet from the lot line of a lot designated for single family detached dwelling units.
3. For single-family attached and multi-family structures, the maximum number of units per freestanding building is four (4).

4. The lot size for a multi-family structure shall meet or exceed the average lot size per dwelling unit.
- C. All lots shall take access from interior local streets developed as part of the open space development.
- D. Fifty (50%) percent of the lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space.
- E. Lots shall be oriented around a central focal point. This may be one or more of the following:
 1. A central green or square.
 2. A physical amenity such as a meadow, a stand of trees, a stream or other water body, or some other natural feature.
 3. A street designed with boulevards planted with shade trees and with a central “parkway” or median, at least twenty-five (25) feet wide.
- F. Neighborhood Siting Standards.
 1. Neighborhoods shall be located to minimize their impacts on the natural, scenic, and cultural resources of the site.
 2. Neighborhoods shall avoid encroaching on rare plant communities or endangered species identified in the Department of Natural Resources' County Biological Survey for Natural Communities and Rare Species.
 3. Fragmentation of open space shall be minimized.
 4. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels.
 5. Neighborhoods should be sited to achieve the following goals, to the extent practical. In cases where impact on one or more of the following resource areas is unavoidable, the impact should be minimized through use of landscaping, topography, or other features.
 - a. Avoid prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices;
 - b. Minimize disturbance to woodlands, hedgerows, mature trees, or other significant vegetation;
 - c. Protect scenic views of open land from adjacent roads;
 - d. Protect existing historic buildings or incorporate them through adaptive reuse.
 6. More than one (1) neighborhood may be developed if separated by a clear boundary comprised of a combination of two or more of the following elements: street pattern, marked topographical changes, drainageways, ponds, wetlands, streams, greenways, and woodlands.
 7. Neighborhoods should be design to coordinate with surrounding properties.

G. Open Space Design.

1. Open space shall be designated as part of the development. The minimum required open space is forty (40%) percent.
2. Open space is in addition to park and trail dedications established in Section 3000.009 and may not count towards the required minimum open space.
3. Open Space may allow re-subdivision if or when the zoning has been changed.
4. The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
 - a. Parking areas for access to and use of the open space.
 - b. Buildings or structures if they are accessory to the use of the open space.
5. Road rights-of-way may not be located within the required open space area, and shall not be counted towards the required minimum open space.
6. At least fifty percent (50%) of the open space shall be accessible to the residents of the development.
 - a. At least twenty-five percent (25%) of the "accessible" open space shall be suitable for recreational uses such as trails, play fields, or community gardens.
 - b. A pathway system connecting all parts of those open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the plan. At discretion of the City, some or all of the pathway system, may count towards the prescribed Trail Dedication in Section 3000.010, Subd. 2.
 - c. That portion of the open space designated for the location of sewage treatment facilities shall not be included as part of this accessible open space.

H. Street Standards.

Streets shall be developed according to the City of Taylors Falls Engineering Standards.

I. Sewage and Water Facilities.

1. Water for an OSD Development may be provided by on-site wells or by one or more community wells meeting the permit requirements of the Minnesota Department of Health.
2. All OSD shall be provided with adequate sewage treatment facilities meeting the standards of the Chisago County.
3. One primary and one alternate septic site must be identified on the site plan and Preliminary Plat for each building site or each private community collection and treatment system as applicable.
4. OSD Developments may connect to City water and sewer.

Subd. 9 Density Standards.

A. Density bonus. For the purposes of requiring public open space, preservation of historic structures, preserving agricultural practices, and endowments, the following density bonuses will apply, and are in addition to section 3000.010 Park and Trail Dedication Requirements. The density may be increased if the development complies with following formulas for Urban and Rural Design. Calculations of open space and lot sizes shall be rounded to the nearest whole number. Each bonus must be approved by the City Council as part of the conditional use.

1. Urban Design. With bonus densities incorporated, no lot in an Urban Design may be less than ten thousand (10,000) square feet. Density bonuses for Urban Design is determined by the amount of open space dedicated. Beginning with the minimum open space dedication of forty percent (40%) with an average lot size of eighteen thousand (18,000) square feet (per dwelling unit), every increment of five percent (5%) of land dedicated to open space shall be given an average lot size reduction of three thousand (3,000) square feet per lot.

Percent Open Space Dedicated	Average Lot Size in Square Feet (Per Dwelling Unit)
40%	18,000 s.f.
45%	15,000 s.f.
50%	12,000 s.f.

2. Rural Design. With bonus densities incorporated, no lot in a Rural Design may be less than (0.8) acres. Density bonus for Rural Design is determined by the amount of open space dedicated. Beginning with the minimum open space dedication of forty percent (40%) with an average lot size of two (2) acres, every increment of five percent (5%) of land dedicated to open space shall be given an average lot size reduction of 0.4 acres (17,425 square feet) per lot.

Percent Open Space Dedicated	Average Lot Size in Acres	Average Lot Size in Square Feet
40%	2.0 acre	87,123 s.f.
45%	1.6 acre	69,698 s.f.
50%	1.2 acre	52,274 s.f.
55%	0.8 acre	34,849 s.f.

SECTION 2000.033 OUTDOOR WOOD-FIRED BOILER

Subd. 1 Required Permits. Outdoor wood-fired boilers are permitted in the “RC”, “RT” allows for wood gasification or equivalent technologies with a zoning permit, permitted in “ST” through Conditional Use Permit.

Subd. 2 Performance Standards. Outdoor wood-fired boilers must meet all of the following standards

- A. No person may install a new outdoor wood-fired boiler unless it is installed a minimum of 100 feet from the nearest property line.
- B. No person may install a new outdoor wood-fired boiler unless it has a permanently attached stack with a minimum height of 10 feet above the ground that is installed according to the manufacturer’s specifications.

- C. No person that operates a new or existing outdoor wood-fired boiler may use fuel other than:
- a. clean wood
 - b. wood pellets made from clean wood
 - c. home heating oil, natural gas, propane or that which complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired outdoor wood-fired boilers.
- D. No person may burn any of the following items in an outdoor wood-fired boiler:
- a. any material not listed in C.
 - b. treated or painted wood
 - c. furniture
 - d. garbage
 - e. tires
 - f. lawn clippings or yard waste
 - g. materials containing plastic
 - h. material containing rubber
 - i. waste petroleum products
 - j. paint and paint thinners
 - k. chemicals
 - l. any hazardous waste
 - m. coal
 - n. glossy colored paper
 - o. construction and demolition debris
 - p. plywood
 - q. particleboard
 - r. salt water driftwood
 - s. manure
 - t. animal carcasses
 - u. asphalt products

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