

Part II – Land Use and Development

CHAPTER 111. USE SPECIFIC STANDARDS

ARTICLE I. PRINCIPAL USES – RESIDENTIAL

Sec. 111-1. Assisted living facility.

- (a) An assisted living facility shall be limited to a maximum of 12 units per building in the RE, R1, R1A, and R2 district.
- (b) A minimum of 600 square feet of lot area shall be provided for each person to be housed on the site.
- (c) All structures shall meet the setback standards established for multi-unit dwellings in the same zoning district.
- (d) The structure shall be set back a minimum of 50 feet when the use is adjacent to an RE, R1, R1A, or R2 district.
- (e) At least 12% of the lot area shall be developed as an outdoor recreation area or gathering space.
- (f) The structure housing the use shall comply with the requirements of the state law and the building code regulating the construction of licensed care facilities.
- (g) Approval must be obtained from the proper agencies concerning health and safety conditions and the home must be licensed by the agencies.

Sec. 111-2. Continuing care facility.

- (a) All structures shall meet the setback standards established for multi-unit dwellings in the same zoning district.
- (b) The structure housing the use shall comply with the requirements of the state law and the building code regulating the construction of licensed care facilities.
- (c) Approval must be obtained from the proper agencies concerning health and safety conditions and the facility must be licensed by the proper agencies.

Sec. 111-3. Dwelling, two- to four- family.

- (a) Only two- and three-family dwellings shall be allowed in the R1A district.

Sec. 111-4. Dwelling, attached townhouses or rowhouses.

- (a) Attached townhouses or rowhouses with a maximum of eight units per building shall be allowed in the R2 district.
- (b) In the R3 and MU districts, attached townhouses or rowhouses with a maximum of 12 units per building shall be allowed.
- (c) The minimum width of each individual dwelling unit in such townhouse or rowhouse, measured from interior wall to interior wall along the exterior wall, shall be not less than 20 feet.

Sec. 111-5. Dwelling, apartment.

- (a) An apartment building shall be limited to a maximum of 12 units per building in the R2 district.
- (b) The structure shall be set back a minimum of 50 feet when the use is adjacent to an R1, R1A, or R2 district.

Sec. 111-6. Dwelling, senior independent living.

- (a) In the R2 district, no more than eight units per building shall be allowed.

Sec. 111-7. Long-term or transitional care facility.

- (a) A long-term or transitional care facility shall be limited to a maximum of 12 units per building in the RE, R1, R1A, and R2 districts.
- (b) All structures shall meet the setback standards established for multi-unit dwellings in the same zoning district.
- (c) The structure shall be set back a minimum of 50 feet when the use is adjacent to an RE, R1, R1A, or R2 district.
- (d) The structure housing the use shall comply with the requirements of the state law and the building code regulating the construction of licensed care facilities.
- (e) Approval must be obtained from the proper agencies concerning health and safety conditions and the home must be licensed by the agencies.

Sec. 111-8. Manufactured home park.

- (a) Generally. All regulations prescribed by the State Board of Health or other authority having jurisdiction and the regulations of the Building Code of the city shall be complied with in addition to the regulations set forth in this section.
- (b) Size. Any manufactured home park established after the effective date of this chapter shall contain not less than 20 manufactured home lots and shall be at least three acres in area.

- (c) Access. Each manufactured home park shall abut upon a public street and shall have a minimum of two ingress and egress locations abutting the public street.
- (d) Setback requirements.
 - (1) Structures in manufactured home parks shall be set back 25 feet from all perimeter property lines.
 - (2) The minimum building separation between neighboring manufactured homes shall be 15 feet.
- (e) Building height. No building or structure hereafter erected or altered in a manufactured home park shall exceed 20 feet or one and one-half stories in height.
- (f) Interior requirements. The following requirements shall apply to the interior of the manufactured home park:
 - (1) Interior streets. The minimum roadway width of interior one-way streets with parking permitted on one side shall be 21 feet. The minimum roadway width of two-way streets with parking permitted on one side shall be 28 feet. The minimum width of two-way streets without parking shall be 20 feet. The streets shall be paved according to city specifications for residential streets, maintained in good condition and lighted at night.
 - (2) Lot area. The minimum lot area per manufactured home site shall be 5,000 square feet.
 - (3) Utilities. Each manufactured home shall be equipped with one electric outlet and hookups for municipal water and sewer. Fire hydrants shall be located in accordance with generally accepted practices as determined by the city fire marshal and city engineer.
 - (4) Setback from interior streets. No manufactured home shall be located closer than 20 feet to the traveled portion of an interior street.
 - (5) Off-street parking. Off-street parking shall be provided at the ratio of two spaces for each manufactured home lot.
- (g) Required improvements. In order that a manufactured home park may be harmonious within itself and with the surrounding area, the following improvements shall be required:
 - (1) Adequate provisions per city standards for the control of surface drainage, approved by the city engineer must be incorporated on the site.

- (2) All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire area maintained in good condition in accordance with section 109-8.
- (3) A 12-foot buffer yard meeting the standards specified in section 109-9 shall be located and maintained along all exterior boundary lot lines of the manufactured housing park not bordering a street.
- (4) Skirting for manufactured homes is required.
- (5) Skirting shall be a permanent exterior material color coordinated to match the decor of the manufactured home.
 - a. All skirting shall be firmly attached and maintained in good repair.
 - b. No other buildings or structures shall be attached to a manufactured home, as specified by the building code.
- (6) Accessory structures allowed shall be one utility building per lot no larger than 120 square feet. No accessory structure shall be placed less than 10 feet from any structure on an adjacent lot; less than six feet from the main structure and/or closer to the street than the front of the main structure.
- (7) One deck per manufactured home shall be permitted. The deck can be enclosed by an aluminum, canvas or fiberglass awning with a mesh screen.
- (8) There shall be provided within each manufactured home park, a recreation site or sites, for the exclusive use of the park occupants. The recreation site shall have a minimum area of 10,000 square feet for each 50 units or fraction thereof. Where possible, the area shall be configured so it is no longer than two times its width. The recreational sites shall be provided with equipment as approved by the city council.
- (h) Commercial operations restricted
 - (1) No commercial operation shall be conducted within the park other than those necessary for the operation thereof. A common laundering facility for park occupants is an allowed use. Commercial sales lots for manufactured homes are prohibited.
 - (i) Parking restrictions. Except as may be authorized by general traffic and parking regulations or ordinances, no person shall park or occupy any recreational vehicle in a manufactured home park.
 - (j) New application required for enlargement, extension or transfer of permit. Any enlargement or extension to any existing manufactured home park or

transfer of an existing permit shall require a new application for a conditional use permit as if it were a new establishment.

- (k) Storm shelter facilities. There shall be provided within each manufactured home park that has 10 units or more, except a park for travel trailers, suitable storm shelter facilities constructed to withstand a free field of wind of 200 mph, a 1.2.PSI drop in four seconds, of any type of missile projections. Storm shelter facilities shall comply with the most recent state building code requirements and State Health Department standards. The area of the shelter facilities shall be equal to seven and one-half square feet per manufactured home lot.
- (l) Promulgation of additional regulations. In addition to the foregoing, the city may impose other conditions, requirements or limitations concerning the design, development and operation of the manufactured home park it may deem necessary for the protection of adjacent properties and the public interest.

ARTICLE II. PRINCIPAL USES – PUBLIC OR INSITUIONAL

Sec. 111-9. Daycare center.

- (a) All principal structures and uses shall have the greater of the applicable district side yard setback or a minimum six foot side yard setback.
- (b) Play equipment, swings, sand boxes, or similar structures shall not be located in the required front yard setback and shall be effectively screened from any adjacent residential use.
- (c) The boundaries of an outdoor play space shall be defined by a permanent enclosure not less than four feet high to protect the children. Fencing, plants or landscaping may be used to create a permanent enclosure.
- (d) Within the Office District daycare centers that are free-standing or occupy more than 50% of the leasable area in a multiple tenant building require a conditional use permit.

Sec. 111-10. Public assembly use.

- (a) Public assembly use standards shall apply to all of the following uses:
 - (1) Club, lodge, or meeting places of a non-commercial nature;
 - (2) Municipal, social, cultural, or recreational facility;
 - (3) Municipal, county, state, or federal administrative or services building;
 - (4) Place of worship;
 - (5) School, public or private;

- (6) Recreation facility; and
- (7) Theater, dance, or music performance facility;
- (b) Public assembly uses shall be permitted, with the following standards:
 - (1) Except in the R1 district, the minimum lot size is at least three acres.
 - (2) Parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with section 109-7.
 - (3) Adequate off-street loading and service entrances are provided and regulated where applicable by section 109-17; and all service areas and loading docks shall be located behind the front facade line of the principal structure and not visible from a public right-of-way or any adjoining residential use.
 - (4) The use shall be located along an improved (i.e. blacktop or concrete) collector or arterial roadway as identified in the city's comprehensive plan.
 - (5) Except in the R1 district, when a public assembly use is located adjacent to, or across the street from, a property zoned residential or designated residential in the comprehensive plan, the following shall apply:
 - a. Side, rear and parking setbacks shall be double the standard requirement, but no less than 30 feet.
 - b. A minimum of 30% green space shall be provided.
 - (6) It shall be permissible to serve food and meals on such premises, providing adequate dining space and kitchen facilities are available.
 - (7) Serving of alcoholic beverages to members and their guests shall be allowed providing such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that serving of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws. A liquor license is required from the city.
- (c) Public assembly uses with a capacity of greater than 250 persons as calculated according to the city's building code shall meet the following requirements:
 - (1) A traffic impact study shall be conducted by the city's traffic consultant at the expense of the applicant. The traffic impact study shall assess the potential short-term and long-term traffic impacts associated with the proposed use on the site itself and on adjacent roadways. The traffic impact study shall identify appropriate

mitigation and/or recommendations to offset project impacts, which the user shall be responsible for implementing at its sole cost.

- (2) An operations plan approved by the city that shall prescribe typical start and end times for the primary activity or activities constituting the use (e.g. motion picture showings, worship service times, or other assembly function), in addition to accessory uses. The operations plan shall be based on the traffic impact study, if any, nearby land uses and other related factors, and incorporated into a conditional use permit agreement.
- (d) Any modification of an existing use which intensifies the use and/or surpasses the 250 person occupancy threshold shall require a Site and Building Plan review and shall be subject to 1 and 2 above.

ARTICLE III. PRINCIPAL USES – COMMERCIAL

Sec. 111-11. Animal boarding, shelter, or daycare center.

- (a) The use shall comply with the provisions listed in chapter 6, animal control of the city code.
- (b) Hospitals and clinics operated by licensed veterinarians exclusively for the care and treatment of animals are exempt from the provisions of this section.
- (c) The subject site shall be a minimum of one and one-half acres in size.
- (d) The facility shall have an outdoor exercise area with an approved ground cover. This outdoor exercise area shall be enclosed with fencing not to exceed six feet in height.
 - (1) The outdoor exercise area shall not be adjacent to property zoned for residential use.
 - (2) The outdoor exercise area shall be setback a minimum of 10 feet from adjoining property lines and may not be located in any yard area adjacent to a street.
- (e) All animals shall be kept indoors between the hours of 9 pm and 7 am.
- (f) The operation shall not create noise which can be heard by any person at or beyond the property line of the lot on which the kennel is located so as to create a nuisance.
- (g) No more than 25 animals over the age of six months shall be kept on the site at any time.

Sec. 111-12. Animal/veterinary clinic or hospital.

- (a) All principal structures and uses shall be a minimum of 100 feet from any residence. The aforesaid minimum lot area and minimum distance from any residence shall not be required for animal hospitals which do not provide outside boarding for animals.
- (b) Any building or room within a building in which animals are housed on an overnight basis shall not have openings other than stationary windows and required fire exits.
- (c) Exercise runs shall be enclosed on four sides by a sight-obscuring, unpierced fence or wall at least five feet in height.

Sec. 111-13. Automobile body shop.

- (a) The use, including outdoor parking areas, shall be screened from all adjacent residentially-zoned property, including any properties directly across the street from the facility.
- (b) All outside storage shall be prohibited except the storage of customer vehicles waiting for repair or pick-up.
- (c) All repair and service work shall be completed within an enclosed building.
- (d) All petroleum products, anti-freeze, and hazardous materials shall be disposed of in accordance with local and state regulations.
- (e) All necessary permits shall be obtained from the proper authorities prior to the operation of the auto repair use.

Sec. 111-14. Automobile fueling station.

- (a) Up to 20 fueling stations allowed on one site.
- (b) All gas pumps and tanks shall be setback a minimum of 30 feet from any side or rear lot line and 20 feet from any public right-of-way.
- (c) Gas pump island canopies shall be setback a minimum of 20 feet from any side or rear lot line and 10 feet from any public right-of-way.

Sec. 111-15. Automobile fueling station with repair.

- (a) Up to 12 fueling stations allowed on one site.
- (b) All gas pumps and tanks shall be setback a minimum of 30 feet from any side or rear lot line and 20 feet from any public right-of-way.
- (c) Gas pump island canopies shall be setback a minimum of 20 feet from any side or rear lot line and 10 feet from any public right-of-way

- (d) Any portion of a building used for minor repair shall be located at least 50 feet from any R district and shall have no openings adjoining any R district, other than stationary windows and fire escapes.
- (e) No outdoor storage, with the exception of vehicles being serviced, is permitted on the property. All repair and service work shall be completed within an enclosed building.
- (f) All petroleum products, anti-freeze, and hazardous materials shall be disposed of in accordance with local and state regulations.
- (g) All necessary permits shall be obtained from the proper authorities prior to the operation of the auto repair use.
- (h) A parking area for vehicles to be serviced shall be located adjacent to the portion of the building used for automobile repair.

Sec. 111-16. Automobile repair and automobile body shop.

- (a) The use, including outdoor parking areas, shall be screened from all adjacent residentially-zoned property, including any properties directly across the street from the facility.
- (b) Any portion of a building used for minor repair shall be located at least 50 feet from any R district and shall have no openings adjoining any R district, other than stationary windows and fire escapes.
- (c) No outdoor storage, with the exception of vehicles being serviced, is permitted on the property.
- (d) All repair and service work shall be completed within an enclosed building.
- (e) All petroleum products, anti-freeze, and hazardous materials shall be disposed of in accordance with local and state regulations.
- (f) All necessary permits shall be obtained from the proper authorities prior to the operation of the auto repair use.

Sec. 111-17. Automobile sales, leasing, rental, and services.

- (a) The use is permitted in single-tenant or multi-tenant commercial buildings.
- (b) No more than five rental cars for pick-up or drop off in the short term may be parked and/or stored on the property.
- (c) The number of parking stalls provided this use shall be in addition to the city's minimum parking requirements for the property and shall be located to the rear or side of the building.
- (d) No servicing of vehicles shall be offered to the general public.

Sec. 111-18. Brewpub.

- (a) Compliance with all applicable provisions of state and local law and obtain all required licenses.
- (b) Owner/operator shall install all standard or necessary equipment to ensure that detectable odors coming from brewing/distilling operation are eliminated to prevent odors from presenting a public nuisance.
- (c) No exterior storage allowed including but not limited to: brewing/distilling equipment, product, raw materials or waste materials.
- (d) A loading and unloading area for all trucks greater than 22 feet in length must be provided off-street.
- (e) No more than 50% of the total gross floor area of the establishment shall be used for the brewery function, including but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.
- (f) Revenue from food sales must constitute at least 50% of total business revenue.

Sec. 111-19. Restaurant.

- (a) Musical entertainment may be offered within a restaurant when clearly secondary to the restaurant.
- (b) In the Office and Business Park Districts the following standards shall be met:
 - (1) Food sales constitute at least 60% of the establishment's gross sales.
 - (2) Except for special occasions, do not accept orders for food after 11 pm.
 - (3) Qualify for the issuance of an intoxicating on-sale liquor license within the city.
 - (4) Do not have drive-up order facilities.
 - (5) Are able to accommodate, by reservation, gatherings of 20 or more people.

Sec. 111-20. Retail with office above street level.

- (a) The retail use may account for no more than 30% of the ground floor area.
- (b) Any retail use shall be related to the principal office use.

ARTICLE IV. PRINCIPAL USES – INDUSTRIAL

Sec. 111-21. Brewery, winery, or distillery.

- (a) The use shall comply with all applicable provisions of state and local law and all required licenses shall be obtained.
- (b) Owner/operator shall install all standard or necessary equipment to ensure that detectable odors coming from brewing/distilling operations are eliminated to prevent odors from presenting a public nuisance.
- (c) No exterior storage shall be allowed including but not limited to: brewing/distilling equipment, product, raw materials, or waste materials.
- (d) A loading and unloading area for all trucks greater than 22 feet in length must be provided off-street.
- (e) Facilities within the C2 district shall also meet the following:
 - (1) The facility shall not produce more than 20,000 barrels of malt liquor, wine, or spirits per year.
 - (2) A taproom and/or retail outlet is required and shall be located along the primary storefront of the building.
 - (3) The taproom and/or retail outlet shall occupy a minimum of 20 percent of the gross floor area with no maximum limit.
 - (4) Alcohol produced off-site shall not be sold on-site. This includes both on-sale and off-sale transactions.
 - (5) Breweries, wineries, or distilleries in the BPK and I districts may provide a taproom and/or retail outlet following the above provisions.

Sec. 111-22. Makerspace.

- (a) This use may also include associated facilities such as offices and small scale warehousing, but distribution is limited to vans and small trucks. Distribution access shall be from the rear.
- (b) A showroom or retail outlet is permitted.
- (c) Distribution shall be from a designated loading area only.

Sec. 111-23. Manufacturing, light.

- (a) Odors produced on-site shall not negatively affect other businesses or properties in the area.

Sec. 111-24. Self-service storage facility.

- (a) No entrance doors to storage compartments shall front on any public street.

- (b) Exterior surfaces of all building shall meet architectural design standards set forth in section 109-3 of this code.
- (c) The site shall be secured by a security fence or wall that does not exceed eight feet in height.
- (d) Units shall not be used as habitable space or as a dwelling unit.
- (e) No building shall be located closer than 25 feet to each other to allow for parking, loading, and driveway and fire lanes.
- (f) All driveways and parking areas shall have a paved surface with bituminous, concrete pavement, concrete pavers or other similar materials and allow for circulation of emergency vehicles throughout the site.

Sec. 111-25. Storage and sale of machinery and equipment.

- (a) Storage of machinery and equipment shall be enclosed, however, said materials may be stored outside provided the following standards are met:
 - (1) Outdoor storage areas shall be screened from view of adjoining right-of-ways and adjacent properties to minimize the visual impact of the area in accordance with the following requirements:
 - a. The screening materials shall consist of both deciduous and coniferous vegetation species, attractive low or no maintenance fencing with an opaquing material, landscaped berm, brick or masonry wall, or any combination of these items. Fencing and walls shall not exceed eight feet in height. All screening materials shall be maintained so that dust and other windblown materials that originate on the site remain on the site as far as practical.
 - b. All landscape materials shall comply with the minimum standards set forth in sections 109-7 and 109-8(screening and landscaping). The city forester shall approve the species mix, height, and density of plantings on the basis of year-around screening needs.
 - c. If the outdoor storage area is adjacent to property that is not zoned industrial, the outside storage area shall be setback a minimum of 20 feet from the property line.
 - d. The storage area is surfaced with asphalt or concrete unless specifically approved by the city council.
 - e. The storage area does not take up parking space or loading space as required for conformity to this ordinance.

- f. The storage area is not greater than 125% of the principal structure's building footprint.
- (b) Outdoor storage areas shall not be located in any yard adjacent to a public right of way.

ARTICLE V. PRINCIPAL USES – OTHER

Sec. 111-26. Adult establishment.

- (a) All adult establishment uses shall comply with the provisions of chapter 10 article III, adult entertainment businesses.

Sec. 111-27. Ambulance or medical carrier service.

- (a) In the C1, C2, BPK, and INST districts, there shall be no outside storage of vehicles.
- (b) In the C1, C2, BPK, I, and INST districts, any vehicle maintenance and repair shall be completed within in enclosed building.

Sec. 111-28. Commercial recreation, outdoor.

- (a) All structures shall be a minimum of 50 feet from any district boundary.

Sec. 111-29. Commercial recreation, indoor.

- (a) Gymnastics training and/or exhibition centers shall be permitted provided the following standards are met:
 - (1) The presence and operation of said activity will not significantly interfere with the functionality or attractiveness of the area for permitted industrial uses.
 - (2) Access to and from the site does not require the patrons to travel through commercial truck docking areas or areas frequented by heavy machinery. Access to the facility, while on the site, shall not require pedestrians to travel through commercial truck docking areas or areas frequented by heavy machinery.
 - (3) For purposes of determining adequacy of on-site parking, the standards for commercial recreation uses shall be used as a guideline if a more definitive basis is not available. Parking space credit may be given for scheduling gymnastics activities when the typical industrial uses will be closed for business.

Sec. 111-30. Commercial antenna.

- (a) The antennas must be located on or attached to an existing structure.
- (b) The height shall not exceed six feet above the roof.

- (c) The antennas, to the extent possible, use materials, colors, textures, screening, and landscaping to blend in with the surrounding natural setting and built environment.
- (d) Wireless telecommunication antennas shall also comply with the standards in section 111-35.

Sec. 111-31. Commercial telecommunications facilities and tower up to 60 feet in height.

- (a) Telecommunications facilities and towers shall be located within the TOD-1 overlay district.
- (b) No more than one facility or tower shall be placed on a property.

Sec. 111-32. Commercial telecommunications facilities and tower up to 75 feet in height.

- (a) Telecommunications facilities and towers shall be located within the TOD-2 overlay district.
- (b) No more than one facility or tower shall be placed on a property.

Sec. 111-33. Controlled access/beach lot.

- (a) Any such lot created after January 1, 1993, shall comply with the following requirements:
 - (1) The parcel's width and area shall meet or exceed the requirements set forth in section 107-30 (shoreland management) for a residential lot.
 - (2) The location, topography, and size of the lot are found to be suitable for the proposed use by the city council. In making this determination, the city council must find that the proposed recreation activities will not significantly conflict with the general public's use of the public water or with the normally anticipated activities and enjoyment of the public water by the adjoining property owners.
 - (3) Any parking lot facility and any permanent or temporary accessory structures to be located on the controlled access/beach lot shall comply with all setback requirements as if the parcel were a conventional single-dwelling homesite. All structures shall also be screened by vegetation or topography, as much as practical, from view from the public water, assuming summer, leaf-on conditions. If a parking lot is installed, its capacity shall not exceed six vehicles.
 - (4) Launching, loading, docking, mooring, beaching or over-water (shore station) storage shall be limited to six watercraft, unless a marina

permit is approved by the Department of Natural Resources and is found by the city council to be compatible with the subject site and the adjoining land uses.

- (5) The parcel must be jointly owned by each of the associated nonriparian property owners who are provided riparian access rights via the controlled access/beach lot.
- (6) The conditional use permit authorizing a controlled access/beach lot shall be recorded against the title of all benefiting property owners. Said permit shall include, but not be limited to, the permissible activities and a listing of the benefiting properties.

Sec. 111-34. Parking structure.

- (a) The use shall be screened from all adjacent residentially-zoned property, including any properties directly across the street from the facility.
- (b) Parking structures shall meet the minimum structure setback requirements of the zoning district in which they are located. Underground parking within the front yard setback may be permitted provided the structure is not visible from the ROW and is located at least 10 feet from the front property line.
- (c) Use shall not be located within 50 feet of any R district.
- (d) In the mixed use districts, any parking area for more than 20 vehicles shall be enclosed by a decorative fence and/or landscaping.

Sec. 111-35. Wireless telecommunication facilities (WTF).

- (a) Siting
 - (1) New WTFs shall only be located on parcels that fall within the Telecommunications Overlay District.
- (b) Color, camouflage and architecture
 - (1) All WTFs shall be camouflaged and use architectural design, materials, colors, textures, screening, and landscaping to blend in with the surrounding natural setting and built environment. If a WTF is proposed on any part of a building or structure, it must blend with the building or structure's design, architecture and color, including exterior finish. All WTFs shall utilize color, architecture and camouflage to minimize the visual impact and, in the sole discretion of the city council, so appear compatible with the surroundings:
 - a. Color
 - 1. The WTF shall use colors to minimize the visual impact when viewed from adjacent public streets and nearby

property, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

b. Camouflage

1. The WTF shall, to the extent practicable, simulate objects that typically occur in landscapes similar to the proposed location, except for billboards, electrical transmission facilities or telecommunications towers, and similar constructions. Examples of camouflage designs include flagpoles, sport field lighting poles, trees, monuments, and on buildings, steeples, parapets and rooftop penthouses.
 - i. Utility cabinets shall be placed in underground vaults or integrated within existing structures, unless the city determines an above-grade installation is appropriate for the site.
 - ii. Freestanding, above grade equipment cabinets shall be heavily screened from view with landscape materials.

c. Architecture

1. The WTF shall be designed to blend in with the surrounding natural setting and build environment.
 - i. Towers shall use antennas, antenna mounts, equipment enclosures and monopoles that provide minimal visual profile and silhouette, in order to reduce visual clutter. For example, underground cable routing is less visually intrusive than using overhead cables with metal bridging for ice-fall protection; cylindrical unicell antenna arrays are preferred over davit arms or other types of mounting brackets extending out from the monopole; platform mounted antennas are generally discouraged.
 - ii. Building mounted wireless telecommunications facilities shall be screened from view or camouflaged in a manner to generally comply with the architectural and site design standards specified in chapter 109 article III.

(c) Landscaping

- (1) Except in the TOD-3, WTFs shall be landscaped with a buffer of plant materials as determined appropriate for the site by the city. Existing

mature trees and other vegetation at the site shall be preserved to the maximum extent possible.

(d) Signs

- (1) The use of any portion of a WTF for signs or advertising other than warning or small equipment and emergency contact information signs is prohibited.

(e) Lighting

- (1) Wireless telecommunication antennas or towers shall not be illuminated by artificial means and shall not display lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authorities. When incorporated into the approved design of the WTF, light fixtures used to illuminate sport fields, parking lots or similar areas may be attached to the tower.

(f) Monopole

- (1) New wireless telecommunication towers shall be of a monopole design unless the applicant demonstrates to the satisfaction of the city council that an alternative design would better blend into the surrounding environment.

(g) Tower setbacks

- (1) Wireless telecommunications towers shall comply with the principal structure setbacks of the underlying zoning district and the following additional standards:
 - a. The tower is set back from all residential dwellings units at least one foot for each foot in height.
 - b. Tower shall not co-occupy any easements unless permission is obtained from the underlying property owner and holder of the easement.
 - c. Tower shall not be located between a principal structure and a public street.
 - d. The required tower setbacks may be reduced or the location in relation to a public street modified, at the sole discretion of the city, when the WTF is integrated into an existing or proposed structure such as a building, light or utility pole.

(h) Height

- (1) The height of any commercial telecommunications tower shall not exceed 60 feet in the TOD-1 district and 75 feet in the TOD-2 district.

- (2) Antennas located in the TOD-1 and TOD-2 on an existing structure which exceeds the maximum telecommunications tower height for the district in which the existing structure is located may extend up to five feet above the height of the structure.
- (3) In the event substantial obstacles to RF signal propagation are present within 1000 feet of the proposed WTF, the telecommunications tower height may be increased an additional 20% above the maximum height permitted in the TOD. No such increase in height will be permitted unless the applicant's proposed design utilizes color, architecture and camouflage to minimize the visual impact and, in the sole discretion of the city council, so appear in context on the landscape.
- (4) WTFs mounted on an existing building in the TOD-3 shall:
 - a. Roof mounted WTF are preferred near the center of the building in a location that minimizes visibility from the surrounding area.
 - b. Roof mounted WTF shall extend a maximum of 10 feet above the height of the building to which they are attached, and be setback from the building façade a minimum of two feet for each foot of height the WTF extends above the building roof, with a minimum setback of five feet.
 - c. Wall mounted WTF shall not extend above the building parapet, and shall be incorporated into design elements of the building to maintain architectural integrity.
 - d. Deviations from the height and façade setback requirements may be approved when, in the sole discretion of the city council, the WTF is fully concealed in an aesthetically integrated building component, for example a steeple, parapet extension, chimney, penthouse or similar architectural feature.
 - e. Roof mounted WTFs shall be exempt from the building height regulations for the underlying zoning district, subject to the approval of the Lake Johanna Fire Department.
- (i) Safety/environmental standards
 - (1) Unauthorized climbing
 - a. WTFs shall be designed to prevent unauthorized climbing or entry.
 - (2) Noise
 - a. If the proposed WTF includes a back-up generator or otherwise results in significant increased sound levels, sound buffers may

- be required including, but not limited to, baffling, barriers, enclosures, walls, and plantings, so that the WTF is operated in compliance with the requirements specified in chapter 14, article III, noise.
- (3) Radio frequency (RF) emissions and interference
 - a. WTFs shall comply with Federal Communication Commission standards for RF emissions and interference. WTFs shall be tested for compliance with FCC RF emissions standards after the WTF has been installed.
 - (4) Maintenance
 - a. All commercial towers or WTFs shall at all times be kept and maintained in good condition, appearance, order, and repair so that the same shall not menace or endanger the life or property of any person.
 - (5) Occupational safety
 - a. WTFs shall comply with applicable State of Minnesota and Federal regulations for occupational exposure to non-ionizing radiation.
 - (j) Location and collocation requirements
 - (1) Except as herein and after provided, WTFs within the city shall comply with the following collocation requirements:
 - a. Locations are preferred by the city in the following priority:
 1. Collocation on existing wireless telecommunications towers;
 2. Location on city property in the TOD-1 and TOD-2;
 3. Location on existing buildings in the TOD-3;
 4. Location on other property in the TOD-1 and TOD-2.
 - b. All proposed WTFs must be located on an existing structure 55 feet or greater in height located within one-half mile of the site being considered by the applicant.
 - c. All wireless telecommunication providers shall cooperate with each other in collocating WTFs and shall exercise good faith in collocating with other licensed carriers and in the sharing of sites, including the sharing of technical information to evaluate the cost and feasibility of collocation. In the event that a dispute arises as to a collocation issue, the city may require a third-party technical study to evaluate the feasibility or cost of collocating

- at the expense of either or both wireless telecommunication providers.
 - d. All new and replacement wireless telecommunications towers and any pre-existing towers owned by a wireless telecommunication provider shall be made available for use by the owner or initial user thereof, together with as many other licensed carriers as can be technically located thereon.
 - e. All new or replacement wireless telecommunication towers shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's antennas and comparable antennas for at least one additional user, except when the applicant demonstrates that a monopole with conforming height is technologically unsuitable for the facilities of a second provider.
- (k) Exceptions to location requirements
- (l) The city may waive any or all of the collocation requirements if it is determined that:
 - a. The planned WTF would exceed the structural capacity of the existing or approved structure, as documented by a qualified and licensed professional engineer, and the existing or approved structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment.
 - b. The planned WTF would cause interference materially impacting the usability of other existing or planned WTFs at the structure as documented by a qualified radio frequency engineer selected by the city and the interference cannot be prevented.
 - c. Existing structures within the applicant's search radius cannot or will not accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency engineer selected by the city.

ARTICLE VI. ACCESSORY USES

Sec. 111-36. Accessory dwelling units.

- (a) A permit shall be required in accordance with section 103-13(a).
- (b) Only one accessory apartment permit may be issued per detached single-family dwelling unit.

- (c) The building and property shall remain in single ownership and title and shall only have one mailing address.
- (d) The owner of the property shall reside either in the principal dwelling unit or the accessory dwelling unit.
- (e) If the accessory dwelling unit will not be owner-occupied, a rental license in accordance with chapter 30 of the city code is required.
- (f) The accessory dwelling unit shall not be sold independently of the principal dwelling unit and may not be a separate tax parcel.
- (g) Accessory dwelling units shall have at least 200 square feet and not more than 800 square feet of living space. Living space square footage for the accessory apartment shall be exclusive of utility rooms, common hallways, entryways or garages. Living space for the accessory apartment shall include a kitchen or cooking facilities, a bathroom and a living room.
- (h) A minimum of three total off-street parking spaces must be provided on a residential property containing an accessory dwelling unit, one of which must be enclosed. These spaces are intended to serve both the principal structure and the accessory dwelling unit.
- (i) The accessory dwelling unit and principal dwelling unit must meet the applicable standards and requirements of the Shoreview's development code, building code, Ramsey County Health Codes and Fire Codes.
- (j) An accessory dwelling unit that is within or attached to the principal dwelling unit shall also comply with the following standards:
 - (1) The accessory dwelling unit must be clearly a subordinate part of the single-family dwelling unit. In no case shall it be more than 40 percent of the building's total floor area, nor greater than 800 square feet nor have more than two bedrooms.
 - (2) The principal unit shall have at least 850 square feet of living space remaining after creation of the accessory dwelling unit exclusive of attached accessory building area.
- (k) Accessory dwelling units that are located in detached accessory structures shall comply with the following additional standards:
 - (1) The detached accessory dwelling unit shall be located in the side or rear yard of the property.
 - (2) The minimum side yard setback of the detached accessory dwelling unit shall be 10 feet. The minimum rear yard setback of the detached accessory dwelling unit shall setback one foot for every foot of build height, or 10 feet, whichever is more restrictive.

- (3) Accessory buildings on corner lots shall be setback the same distance as the principal structure from the street right-of-way except as permitted in 107-13.
- (4) The maximum height of the detached accessory dwelling unit shall not exceed
 - a. 10 feet for the sidewalls
 - b. 24 feet; however, in no case shall the height of the accessory building exceed the height of the dwelling unit.
- (5) An accessory dwelling unit shall count towards the maximum number of accessory buildings allowed on a lot.
- (6) Exterior design and construction
 - a. The exterior design and materials shall be compatible with the principal dwelling unit and be similar in appearance from an aesthetic, building material and architectural standpoint.
 - b. Unfinished metal building exteriors, including corrugated metal siding, untreated non-decay resistant wood, concrete block, cloth, plastic sheeting and other materials that are not compatible with residential neighborhoods are prohibited.
 - c. The detached accessory dwelling unit shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the surrounding properties and neighborhood.
- (7) The detached accessory apartment requires a building permit and must meet building code.
- (8) A cash escrow may be required to ensure the removal and site restoration of any accessory buildings on the property if said building must be removed to comply with this ordinance.

Sec. 111-37. Accessory buildings.

- (a) The following standards shall be met for accessory buildings in all districts:
 - (1) The accessory building shall be subordinate to the principal building.
 - (2) For parcels one acre or larger in size, the lot shall have a minimum area of one acre above the ordinary high water line of a lake, ponding area or wetland on the property.
 - (3) There shall be no more than two detached accessory buildings greater than 50 square feet each per lot.
 - (4) Location

- a. The accessory building shall be located in the rear or side yard of the property except as otherwise permitted by this ordinance.
 - b. No accessory buildings shall be located in the front yard of any lot, except for a riparian lot which shall comply with the provisions of [section 107-30](#).
- (5) Setbacks
- a. Accessory buildings on corner lots shall be setback the same distance as the principal structure from the street right-of-way except as permitted in [section 107-13](#).
 - b. Greater setbacks may be required to mitigate impacts on adjoining properties.
 - c. Setback for accessory building adjacent to an alley
 - 1. 20 feet if a garage overhead door faces the alley.
 - 2. 10 feet if a garage overhead door is side loaded and does not face the alley.
 - 3. Location of the accessory buildings shall not interfere with vehicle visibility or traffic movement in the alleyway.
- (6) Height for detached accessory buildings
- a. Height of sidewalls cannot exceed 10 feet.
 - b. Maximum height: 24 feet; however, in no case shall the height of the accessory building exceed the height of the dwelling unit
- (7) Exterior design and construction
- a. The exterior design and materials shall be compatible with the dwelling unit and be similar in appearance from an aesthetic, building material and architectural standpoint.
 - b. Unfinished metal building exteriors, including corrugated metal siding, untreated non-decay resistant wood, concrete block, cloth, plastic sheeting and other materials that are not compatible with residential neighborhoods are prohibited.
 - c. All accessory buildings shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the surrounding properties and neighborhood.
 - d. All accessory buildings shall have a finished flooring system, with the exception of boathouses.

- e. No accessory buildings shall be constructed prior to the construction of a principal structure.
- (8) Use
 - a. Accessory buildings are to be used for personal use only and no commercial use or commercial related storage is permitted.
- (9) Escrow
 - a. A cash escrow may be required to ensure the removal of any accessory buildings on the property if said structure must be removed to comply with this ordinance.
- (10) Evaluation of impact
 - a. The proposed design, scale, massing, height and other aspects related to the accessory building of any permit requested herein shall be evaluated by the city manager with respect to the structures and properties in the surrounding area. A building permit may be issued upon the finding that the appearance of the structure is compatible with the structures and properties in the surrounding area and does not reasonably detract from the appearance of the area or city as a whole. Conditions may be attached to the approval of any building permit to ensure that the proposed structure does not have a negative impact on the surrounding areas.
 - (b) Accessory buildings are subject to the maximum size and setback standards of Table 111.1 below in the RE and R1 districts.
 - (c) Accessory structures are subject to the setback standards of Table 111.1 below in the RE and R1 districts.

Table 111.1. Accessory building size and setback standards

Lot Area	Type of Accessory Building	Maximum Area	Minimum Side Setback	Minimum Rear Setback	In no case shall the total square footage of all detached and attached accessory buildings exceed
Less than ½ acre	Attached	1,000 SF or 80% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.	1,200 square feet or 90% of the dwelling unit foundation area, whichever is more restrictive
	Detached (with no attached or less than 2-car attached)	750 SF or 75% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.	
	Detached (with 2-car or larger attached garage)	200 SF	5 ft.	10 ft.	
		CUP required for a building between 200 and 400 SF	10 ft.	10 ft.	
½ acre to less than 1 acre	Attached	1,000 SF or 80% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.	1,200 square feet or 90% of the dwelling unit foundation area, whichever is more restrictive
	Detached (with no attached or less than 2-car attached)				
	Detached (with 2-car or larger attached garage)	Less than 200 SF	5 ft.	10 ft.	
		300 SF	10 ft.	10 ft.	
		CUP required for a building between 300 and 500 SF			
	Attached		5 ft.	10 ft.	

Lot Area	Type of Accessory Building	Maximum Area	Minimum Side Setback	Minimum Rear Setback	In no case shall the total square footage of all detached and attached accessory buildings exceed
1 acre to less than 2 acres	Detached (with no attached or less than 2-car attached)	1,000 SF or 80% of the dwelling unit foundation area, whichever is more restrictive			1,500 square feet or 100% of the dwelling unit foundation area, whichever is more restrictive
	Detached (with 2-car or larger attached garage)	Less than 200 SF.	5 ft.	10 ft.	
		Between 200 and 500 SF	10 ft.	10 ft.	
		CUP required for any building larger than 500 SF			
2 acres or more	Attached Detached (with no attached or less than 2-car attached)	1,000 SF or 80% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.	125% of the dwelling unit foundation area
	Detached (with 2-car or larger attached garage)	Less than 200 SF.	5 ft.	10 ft.	
		Between 200 and 500 SF	10 ft.	10 ft.	
		CUP required for any building larger than 500 SF			

- (d) Accessory buildings are subject to the maximum size and setback standards of Table 111.2 below in the R1A and R2 districts.

Table 111.2. Accessory structure size and setback standards

Lot Area	Type of Accessory Building	Maximum Area¹	Minimum Side Setback	Minimum Rear Setback
Less than ½ acre	Attached	1,000 SF or 80% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.
	Detached (with no attached or less than 2-car attached)	750 SF or 75% of the dwelling unit foundation area, whichever is more restrictive	5 ft.	10 ft.
	Detached (with 2-car or larger attached garage)	200 SF	5 ft.	10 ft.
¹ In no case shall the total square footage of all detached and attached accessory buildings exceed 1,200 SF or 90% of the dwelling unit foundation, whichever is more restrictive.				

Sec. 111-38. Boarder or roomer.

- (a) There shall be no more than two boarders or roomers per household.

Sec. 111-39. Cemetery.

- (a) Cemeteries shall be accessory to a place of worship.
- (b) Cemeteries shall be no smaller than one acre in area and shall not exceed 25% of the total site area.
- (c) Cemeteries shall have access to a collector or arterial roadway as identified in the Comprehensive Plan or shall be otherwise located so that access may be provided without conducting significant traffic on local residential streets.
- (d) Direct views from all adjoining residential parcels shall be screened through a combination of landscaping, berming, and fencing in accordance with section 109-7.
- (e) Burial plots, grave markers, monuments, and buildings operated in connection with a cemetery shall meet the building setbacks and structure height requirements of the underlying zoning district.

- (f) Graves and structures used for internment shall be setback 50 feet from wells.
- (g) Cemeteries are prohibited below the regulatory flood protection elevation as defined in section 107-29.
- (h) Cemeteries shall comply with all rules and regulations of Federal, State, County, and local agencies.

Sec. 111-40. Detached accessory structure on a riparian lot.

- (a) The structure is in general character with surrounding properties.
- (b) The structure will not cause a traffic sight problem or endanger public health or safety.
- (c) The structure will not encroach upon a public right-of-way, easement or utilities.
- (d) A detached accessory building may be permitted on a riparian property, provided it maintains a minimum front setback of no less than 20 feet.

Sec. 111-41. Daycare, group family.

- (a) Use shall comply with all state and local standards.
- (b) The use of any accessory building or accessory structure for child care is not allowed.
- (c) No more than one non-resident, other than members of the family residing on the premises, shall be engaged or employed. This shall not apply to a substitute, non-resident person providing care on the premises while the owner/operator is sick or otherwise unable to provide care.
- (d) Off-street parking shall be provided as follows:
 - (1) Meet the requirements of parking for the dwelling
 - (2) One space per non-resident employee
 - (3) One space for every five children not related to the provider
- (e) Play equipment, swings, sand boxes, or structures shall not be located in front yards or in the required side yard setback area adjacent to a street.
- (f) Any outdoor play area shall be fully enclosed by a fence, wall, or hedge of at least three feet in height.

Sec. 111-42. Drive-thru establishment.

- (a) Commercial uses containing drive-thru facilities shall provide a stacking area for vehicles on the site.
 - (1) A minimum of six spaces per lane for stacking is required in addition to the number of required parking spaces.

- (2) The stacking lane shall be a minimum of 12 feet wide.
- (3) The vehicle stacking area shall not exceed beyond the street right-of-way line and shall be delineated so that the vehicles waiting in line will not interfere with the primary driving and parking facilities on site.
- (4) Any pedestrian walkway that is adjacent to or crosses the stacking lane must be marked and clearly indicated with signage or painted crosswalk.
- (b) Drive-thru windows, drop boxes, menu boards, and associated or similar structures shall be located to the rear or side of the principal building, and must incorporate landscape screening, decorative fences, walls, or a combination of these elements to minimize their view from the street.
- (c) Drive-thru lanes should be located away from building entrances and (unless screened) should not be located between a principal building and the street, or if a corner site, all adjacent roadways.
- (d) If the drive-thru facility is adjacent to residential properties:
 - (1) The facility shall establish sound barriers and be screened from vehicle lights in stacking areas.
 - (2) Systems for placing of orders shall be located and designed so that noise is not perceptible on adjacent residential properties.
 - (3) The hours of operation are limited to 6 am to 10 pm unless extended by the city council as part of a conditional use permit.

Sec. 111-43. Freestanding solar panel array.

- (a) All freestanding solar panel arrays shall comply with the setback requirements for accessory buildings in the zoning district they are located in.
- (b) Arrays may be placed in the front yard provided there are no other optimal locations on the property for solar access.
- (c) Solar arrays located in the front yard must be setback a minimum of 15 feet from a front property line.

Sec. 111-44. Home occupation.

- (a) No signs shall be permitted on or off the premises.
- (b) No outdoor storage or display of materials shall be permitted.
- (c) No home occupation shall have an adverse affect on adjacent properties due to excessive traffic or offensive noise, light, odor, dust or other noxious substances. If the home occupation will require a delivery service, such as

UPS, no more than six delivery/pickup trips per week shall be permitted. Delivery vehicles shall not be larger than a typical step van. Customer visitation to the premises of the home occupation shall be by appointment only.

- (d) Adequate off-street parking must be provided for customers and for those who reside on the premises. All required parking spaces shall be located on an asphalt or bituminous surface, which is in character with the surrounding residential neighborhood.
- (e) Employment shall be restricted to persons who reside on the premises.
- (f) If customers will visit the premises, the areas accessible to customers shall comply with all applicable life safety codes.
- (g) The home occupation must be clearly accessory to the principal use of the structure as a dwelling unit.
- (h) There shall be no exterior evidence of the presence of the home occupation on the premises.
- (i) The home occupation shall not occupy more than 20% of the dwelling unit's floor area.

Sec. 111-45. Keeping of non-domestic animals.

- (a) The keeping of non-domestic animals is permitted on property containing two or more acres. The city council may require the owner of non-domestic animals to apply for a conditional use permit if the council determines that it is in the best interest of the public's health, safety or general welfare; except the following:
 - (1) The raising and keeping of not more than four hen chickens or pullets is permitted on property less than two acres provided a license is obtained in accordance with section 6-26.
 - (2) The raising and keeping of honeybee colonies is permitted on properties less than two acres provided a license is obtained in accordance with section 6-27.
- (b) The keeping of wild animals is permitted pursuant to the provisions of section 6-23 and provided a license is obtained in accordance with the requirements of that section.

Sec. 111-46. Outdoor storage.

- (a) Outdoor storage areas shall be screened to minimize the visual impact of the area in accordance with the following requirements:
 - (1) The screening materials shall consist of both deciduous and coniferous vegetation species, attractive low or no maintenance

fencing with an opaquing material, landscaped berm, brick or masonry wall, or any combination of these items. Fencing and walls shall not exceed eight feet in height. All screening materials shall be maintained so that dust and other wind blown materials that originate on the site remain on the site as far as practical.

- (2) All landscape materials shall comply with the minimum standards set forth in sections 109-7 and 109-8 (screening and landscaping). The city forester shall approve the species mix, height, and density of plantings on the basis of year-around screening needs.
- (3) The materials and equipment within outdoor storage facilities and truck terminals that are located adjacent to street or highway right-of-way shall be completely screened from view from the right-of-way. If a fence or wall is use for screening along a right-of-way or private road that serves more than one property, shrubbery and trees shall be planted to enhance the aesthetics of the fence as viewed from the roadway.
- (4) The materials and equipment within an outdoor storage area and truck terminals that are located adjacent to property that is not zoned for Industrial uses shall be completely screened from view from the adjoining non-industrial property.
- (5) Industrial uses requiring bulk exterior storage of hazardous materials will not be allowed on wet or very wet soils, very shallow soils or soils with very high or high permeability areas.
- (6) Trucks and/or trailers used to transport materials and supplies to and from the premises are permitted for a period not to exceed three days. Trucks and/or trailers used for storage purposes are not permitted.

Sec. 111-47. Outside display area.

- (a) Merchandise which is offered for sale, rental or lease may be displayed within an outside display area through the site and building plan review process. Outside display areas shall be landscaped and provided with trash containers and screening where necessary, and shall be maintained in a clean and attractive manner.
- (b) In the Business Park District seasonal outside display of merchandise is allowed on a seasonal basis if the following conditions are met:
 - (1) The seasonal outside display shall not exceed 750 feet.
 - (2) The seasonal outside display must be screened from view from adjacent properties and arterial roadways. Screening must include an attractive opaque fence and either planters or landscaping.

- (3) Outside storage of materials or merchandise is not permitted.

Sec. 111-48. Portable storage unit.

- (a) Portable storage units are permitted on residential properties with individual driveways in the RE, R1, R1A and R2 zoning districts subject to the following standards:
 - (1) Placement. Portable storage units may be placed in any driveway provided it is setback a minimum of five feet from a property line, and does not impede traffic visibility and public safety. Portable storage units shall not be placed in any public street. Portable storage units placed in a private roadway shall not impede access by emergency vehicles.
 - (2) Duration.
 - a. A Portable storage unit located is permitted for a period not to exceed 30 calendar days and not more than two times in a calendar year.

Sec. 111-49. Private antennas.

- (a) Permit requirements
 - (1) A private antenna/tower permit is required for:
 - a. Any antennas more than 10 feet in height attached to an existing structure except those antennas exempted from local zoning authority by federal regulations.
 - b. Any antenna attached to a free-standing tower of any height.
 - c. Any dish antenna greater than one meter in diameter that does not meet the standards in the following section 111-49(b).
- (b) Standards
 - (1) All antennas or other devices used for transmitting or receiving signals must comply with Federal Communication Commission procedures to resolve any complaints relating to interference allegedly caused by a private antenna/tower.
 - (2) Antennas, except antennas used for amateur or citizen band radio communication:
 - a. The height is no greater than 10 feet above the roof or more than 40 feet above mean ground level.
 - b. A building permit is obtained prior to installation to verify compliance with applicable building, fire, and safety codes.

- c. The ground-level view of the device is screened from contiguous properties and adjacent streets.
- (3) For amateur and citizen band radio facilities.
 - a. Height
 - 1. The maximum height for amateur or citizen band radio antennas and/or towers shall not exceed 75 feet. In addition, that portion of any antenna or tower over 55 feet must be retractable to a height no greater than 55 feet.
 - b. Lowering device
 - 1. All amateur radio facilities capable of a maximum extended height of more than 55 feet shall be equipped with a mechanical device capable of lowering the facility to the maximum permitted height when not in operation.
 - c. Number permitted
 - 1. One amateur radio facility is permitted per property.
 - d. Siting/setbacks
 - 1. All amateur radio facilities shall be located in a manner that minimizes the visibility of the facility from nearby properties and adjacent streets. No portion of facility shall be located within a required principal structure setback or in a yard abutting a public right-of-way. In addition, any free-standing tower must be set back at least one foot from adjacent residential units for each foot in height or provide documentation acceptable to the city planner that all adjacent residential units are outside the tower's fall zone.
 - e. Color/screening
 - 1. The color of the amateur radio facilities shall blend with the surrounding environment and must be screened with trees and landscaping to the extent possible.
 - f. Deviation from standards
 - 1. Deviation from the height and setback standards may be allowed if the applicant can demonstrate that compliance with these standards would unreasonably limit or prevent reception or transmission of signals and a conditional use permit is obtained in addition to the private antenna/tower permit.

Sec. 111-50. Solar energy system.

- (a) Solar energy systems are allowed as accessory uses in all zoning classifications provided the following standards are met:
 - (1) Height
 - a. Solar energy systems must meet the following height requirements:
 - 1. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed building height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other such mechanical devices.
 - 2. Ground- or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
 - (2) Setback
 - a. Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.
 - 1. Roof-mounted systems: consistent with the required building setback, the collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
 - 2. Ground-mounted systems: ground-mounted solar energy systems shall not extend into the required side- or rear-yard setback when oriented at minimum design tilt.
 - (3) Visibility
 - a. Solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.
 - 1. Building-integrated photovoltaic systems
 - i. Building-integrated photovoltaic systems shall be allowed regardless of visibility, provided the building

component in which the system is integrated meets all required setback, land use, and performance standards for the district in which the building is located.

2. Solar energy systems with mounting devices
 - i. Roof- or ground-mounted solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mounted systems that are visible from the nearest edge(s) of the street frontage right(s)-of-way shall be reviewed and approved by community development staff to ensure the system meets the wind load standards for the roof and there are not major aesthetic impacts with the system to the surrounding properties.
- (4) Coverage
 - a. Roof- or building- mounted systems, excluding building-integrated systems, shall not cover more than 80% of the south-facing or flat roof upon which the panels are mounted, and shall be set back from the roof edge by a minimum of one foot. The surface area of pole or ground mount systems shall not exceed half the building footprint of the principal structure.
- (5) Approved components
 - a. Solar energy system components must have a UL listing.
- (6) Compliance with building code
 - a. All active solar energy systems shall require building permits.
- (7) Compliance with state electric code
 - a. All photovoltaic systems shall comply with the Minnesota State Electric Code.
- (8) Utility notification
 - a. No grid-intertie photovoltaic system shall be installed until evidence has been given to the city manager that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

Sec. 111-51. Supporting commercial uses.

- (a) The supporting commercial use shall be related to the principal use.

- (b) The supporting commercial use shall be housed in the same building as the principal use.
- (c) The supporting commercial use shall not exceed 20% of the building's gross floor area.

Sec. 111-52. Swimming pools.

- (a) The following pools shall meet the regulations set forth herein:
 - (1) In-ground pools, whether indoor or outdoor.
 - (2) Above ground pools, except for storable swimming or wading pools having a diameter of 18 feet or less and a wall height of four feet or less and installed for less than 180 days in a calendar year.
- (b) Setbacks.
 - (1) RE, R1, R1A Districts
 - a. Pools shall not be located within 10 feet of any side or rear lot line or within six feet of any principal structure or frost footing. Pools shall not be located within any front yard or any side yard abutting a street.
 - (2) R2, R3, R4, MU-C, MU-TC Districts
 - a. No part of the water surface of the pool shall be less than 50 feet from any lot line. All deck area, adjacent patios, or other similar areas used in conjunction with the pool shall be located at least 30 feet from any lot line. Pools shall not be located within any front yard or any side yard abutting a street.
- (c) Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.
- (d) Pools shall not be located within any private or public utility, walkway, drainage or other easement.
- (e) In the case of underground pools, the necessary precautions shall be taken during construction to avoid damage, hazards or inconvenience to adjacent or nearby property and assure that proper care shall be taken in stock piling excavating materials to avoid erosion, dust or other infringements upon adjacent property.
- (f) All access for construction shall be over the owner's land, and due care shall be taken to avoid damages to public streets and adjacent private or public property.
- (g) 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.

(h) Mechanical support equipment shall be located as follows:

(1) RE, R1, R1A Districts:

- a. Pool filter, pool pump, and pool heating equipment shall be located at least five feet from a property line.
- b. Pool pumps shall be located at least 30 feet from an adjoining residence, except a separation of as little as 20 feet may be permitted if a sound buffer is provided that complies with the standards contained in the city's noise control regulations.
- c. The noise buffer requirements may be waived by the city manager or his/her designee where the equipment site adjoins a non-residential land use or a street right-of-way.
- d. Sound buffers shall consist of evergreen plantings, a retaining wall, fence and/or an on-site structure, such as a garage or portion of the dwelling.

(2) R2, R3, R4, MU-C and MU-TC Districts

- a. No pumps, filter or other apparatus used in connection with or to service a swimming pool shall be located less than 50 feet from any lot line.
- b. Adequate screening and landscaping shall be placed between the pool areas and adjacent property.

(i) Enclosure

(1) All pools shall be enclosed with one of the following:

- a. Fencing at least four feet high, but not exceeding six feet high to prevent uncontrolled entrance of all persons. Such fence shall have self-closing and self-latching gates with provisions for locking and shall be completely installed prior to the filling of the pool.
- b. An automatic pool cover that meets the American Society of Testing and Materials (ASTM) F1346-91 Standard (2010), as such standards may be modified, superseded, or replaced by ASTM. Such pool cover shall be closed when a responsible person is not present outdoors and within 25 feet of the pool.

(j) Lighting for the pool shall be directed toward the pool and not toward adjacent property.

Sec. 111-53. Temporary sales or events.

(a) Temporary sales or events must comply with the following standards:

(1) Health, safety, and welfare

- a. The proposed sale or event shall not cause a public nuisance because of noise, air pollution, traffic congestion, or failure to properly maintain the site. Any proposed temporary sale or event shall comply with all relevant building, fire, and safety codes.
- (2) Location
 - a. Temporary sales or events may be located on land associated with commercial, public, or quasi-public uses. Seasonal residential sales may only be permitted within residential districts.
- (3) Duration
 - a. Temporary sales by temporary vendors or established merchants may be permitted for up to seven consecutive days. Seasonal residential sales are permitted for up to four consecutive days. Outdoor seasonal commercial sales are permitted for the duration specified on the permit, but not to exceed six months. Carnivals or fairs may be permitted for up to seven consecutive days. These durations should be considered maximums and permits issued may be approved for shorter durations if necessary to protect public health, safety, and welfare. These durations may be extended by action of the city council after review by the planning commission.
- (4) Hours of operation
 - a. Hours of operation for temporary sales and events must be between 7 am and 10 pm.
- (5) Parking and traffic
 - a. Ample parking must be provided on site to accommodate expected visitors. The sale or event shall not cause a traffic hazard.
- (6) Signage
 - a. A maximum of one sign is permitted per temporary event. This sign shall be located on private property (not in the public right-of-way). The sign shall not exceed 32 square feet in area or six feet in height. The sign location shall not interfere with intersection sight distances or cause a traffic hazard.
- (7) Site maintenance and restoration
 - a. The applicant shall be responsible for maintaining and cleaning the site utilized for the temporary sale or event and restoring it to its original condition. If the city manager determines that it is

necessary, the applicant may be required to post a financial security to ensure site maintenance and/or restoration.

Sec. 111-54. Urban container farming.

- (a) Only hydroponics container farming is allowed.
- (b) A conditional use permit shall be obtained.
- (c) Containers designed specifically for agricultural use are to be used only.
- (d) Containers and vestibules must be maintained such that no rust, paint, or mechanical defects are present.
- (e) To be licensed by the state and or the county to conduct sales if applicable.
- (f) One container shall not exceed 544 square feet with attached vestibule. Maximum number of containers permitted is three.
- (g) Any equipment or supplies needed for farm operations shall be fully enclosed within a building.
- (h) The container shall not be located in a required front yard. Required building setbacks for district shall be maintained. Placement will not interfere with principal use.
- (i) A minimum of three parking spaces must be provided per 1,000 square feet of production space.
- (j) No retail sales are permitted onsite.
- (k) Signs are to be approved with the conditional use permit.
- (l) The containers shall meet the city's building code requirements.

Sec. 111-55. Uses incidental to a manufactured home park.

- (a) No mobile home sales lots shall be allowed.

Sec. 111-56. Wind energy conversion system (WECS).

- (a) The height of a WECS shall not exceed the maximum height permitted in the zoning district the WECS is located in.
- (b) The structure shall not be placed in the front or side yard abutting a street.
- (c) The WECS shall be:
 - (1) Setback from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor;
 - (2) Certified by a professional engineer as being of a design adequate for the atmospheric conditions of the Twin Cities;

- (3) Equipped with over-speed or similar controls designed to prevent disintegration of the rotor in high winds;
- (4) In compliance with all building and electrical code requirements of the city, the noise regulations of the Minnesota pollution control agency and the rules and regulations of the federal communications commission and federal aviation administration;
- (d) If the WECS has not been operated for a period of one year or fails to meet the conditions of this ordinance, the city council may order it dismantled and the site restored to its original condition; and
- (e) If the owner or person responsible for the WECS does not maintain it or comply with all requirements of this ordinance, the city may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The city may sell salvaged and valuable materials at public auction on 10 days' notice.