

# Blaine Zoning Code

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## Chapter 22 - TITLE

### 22.01 - Title.

This ordinance shall be known and may be cited and referred as the "Blaine Zoning Ordinance," except as referred to herein, where it shall be known as "this ordinance."

## Chapter 23 - PURPOSE—INTENT

### 23.01 - Purpose—Intent.

This ordinance is adopted for the following purposes:

- (a) To promote the health, safety, ~~morals, comfort, convenience~~ and general welfare of the inhabitants of the City of Blaine.
- (b) To minimize congestion in the public rights-of-way, securing safety from fire, panic and other dangers, provide for adequate light and air, ~~preventing the overcrowding of land.~~
- (c) ~~Avoiding undue concentration of population,~~ f Facilitating the adequate provisions for transportation, water, sewage, schools, parks, and other public requirements.
- (d) To promote a more efficient and desirable utilization of land by recognizing special land features, such as slopes, topography, soils, vegetation, wetland areas, and wildlife.
- (e) Conserving and developing natural resources and maintaining a high standard of environmental quality.
- (f) Conserving the natural, scenic beauty, and attractiveness of [the] Blaine [~~countryside~~].
- (g) Preserving the capacity of floodplains to carry and discharge flood waters.
- (h) To divide the city into zones or districts as to the compatible use of land and structures for residences, business, and industrial purposes.
- (i) To prohibit the use of buildings, structures, and lands that are incompatible with the intended use or development of lands within the specified zones.
- (j) Providing for the compatible and appropriate use of land throughout the City of Blaine.
- ~~[(k) —Protecting and preserving economically viable agricultural land. ]~~
- (k) [(4)] Promoting orderly development of residential, commercial, industrial, recreational, and public areas.
- (l) [(m)] Minimizing pollution of all types.
- (m) [(n)] Providing for the administration of this ordinance and amendments thereto.
- (n) [(o)] Defining the powers and duties of the administrative officers and bodies.
- (o) [(p)] Describing penalties for the violation of provisions of this ordinance or any amendment thereto.

## Chapter 24 - RULES

### 24.01 - Rules.

The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

- (a) Any use not herein expressly permitted is hereby expressly prohibited.
- (b) The singular number includes the plural and plural the singular.
- (c) The present tense includes the past and future tense and the future, the present.
- (d) The word "shall" is mandatory and the word "may" is permissive.
- (e) The masculine gender indicates the feminine and neuter genders.
- (f) Whenever a word or term defined hereinafter appears in the text of this ordinance, its meaning shall be construed as set forth in such definition thereof.

- (g) All measured distances expressed in feet shall be rounded to the nearest foot.
- (h) The word "building" shall include the word "structure."
- (i) The word "person" shall include any firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- (j) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

## Chapter 25 - DEFINITIONS

### 25.01 - Intent.

The following words and terms, wherever they occur in this ordinance, shall be construed as herein defined. Words not defined shall be interpreted in accordance with definitions in any standard dictionary.

### 25.02 - Definitions.

*Abutting:* Making contact with or separated only by public thoroughfare, railroad, or public utility right-of-way.

*Access drive or driveway:* A paved or unpaved pathway upon a property and intended to provide vehicular access to and from a public street or alley. (Ord. No. 91-1243, amended 1-17-1991)

*Accessory building:* A subordinate building, or a portion of the main building which is located on the same lot or parcel as the main building and the use of which is clearly incidental to that of the main building or to the use of the premises. Playhouses over 30 square feet and/or five feet in height, enclosed gazebos, glass greenhouses, and enclosed treehouses are considered accessory buildings.

*Accessory use or structure:* A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

*Addition:* An extension or increase in floor area or height of a building or structure.

*Adult Use:* See 22-31 of the Blaine Code of Ordinances.

*Agricultural building or structure:* Any building or structure existing or erected which is used principally for agricultural purposes, with the exception of dwelling units.

*Agricultural use:* The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income, including but not limited to the following: (a) field crops, including: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, sunflowers, and sod; (b) livestock, including: dairy and beef cattle, goats, horses, poultry; (c) livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.

*Airport or heliport:* Any land or structure which is used or intended for use, for the landing and takeoff of aircraft, and any appurtenant land or structure used or intended for use for port buildings or other port structures or rights-of-way.

*Alley:* A public right-of-way less than sixteen (16) feet, but not less than ten (10) feet in width, which has been dedicated or deeded to the public for public use and designed to provide secondary property access.

*Animals, domestic farm:* Cattle, hogs, horses, ~~queen~~ bees, sheep, goats, chickens, and other commonly known farm animals.

*Animals, domestic pets:* Dogs, cats, birds, and other commonly known house pets.

*Animal unit:* The following animals constitute one (1) animal unit equivalency: one (1) cow or steer, one (1) horse, donkey, or burro, one (1) bee hive consisting of one queen bee, three (3) sheep or goats, or one hundred (100) fowl, or an equivalent thereof.

*Apartment:* A room or suite of rooms rented, leased, or similar tenancy, with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single-family unit. Apartments must have minimum lease terms of 30 days. This includes any unit in buildings with more than two (2) dwelling units.

*Apartment building:* Three (3) or more dwelling units or apartments grouped in one (1) building with a common entryway. Apartment buildings may include one (1) or more guest suites.

*ARC:* Administrative Review Committee is a committee composed of the Director of Community Development, City Engineer, Chief Building Official [City Building Inspector], and other appropriate City officials [appointed by the City Manager]. The Chairman of the committee shall be the Director of Community Development or their designee.

*Automobile, car wash:* A building, or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods, including, but not limited to, steam cleaning device or other mechanical devices.

*Automobile or motor vehicle reduction yard:* A lot or yard where one (1) or more unlicensed motor vehicle(s) or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale of scrap, storage, or abandonment. (See also "Junkyard").

*Automobile repair, major:* General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers, including body work, frame work, welding and painting of entire vehicle or major portion thereof.

*Automobile repair, minor:* The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission or differential; incidental body and fender work, minor painting and upholstering service when said service above stated is applied to passenger vehicles. (Ord. No. 94-1534, amended 9-1-1994)

~~[Automobile service station: A place where gasoline, kerosene, or any other motor fuel, lubricating oil, or grease for operating motor vehicles is offered for sale to the public and deliveries are made into motor vehicles.]~~

*Automobile wrecking:* The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, or wrecked vehicles or their parts. (See also "Junkyard").

*Basement:* A portion of a building located partly underground, but having half or more of its floor to ceiling height below the average grade of the adjoining ground.

*Bay:* Abbreviated portion of a room which extends from the main structure or building.

*Billboard:* See Sign, advertising.

*Board:* The Board of the Planning Commission.

*Boarder and/or roomer:* A person who regularly receives room and/or meals at another's home for pay or services.

*Boarding house (Room or Lodging House):* A building or dwelling unit other than a motel or hotel, where, for compensation and by prearrangement, meals, or lodgings are provided for three (3) or more persons not to exceed eight (8) persons, where such residency is on a temporary basis as opposed to permanent residency.

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

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

*Brewery: A facility that brewer malt liquor for distribution off site.*

*Broadcasting antenna, radio and television:* Commercial, public or private broadcasting towers exceeding the district height limitations, or more than one (1) tower of any height located on the same lot or parcel.

*Buffer:* The use of land, topography, difference in elevation, space, fences, or landscape planting to screen or partially screen a use or property from another use or property, and thus reduce undesirable influences, such as site, glare, noise, dust, and other external affects. When installed for the purpose of erosion or stormwater protection the definition contained in Section 33.15 (h) ~~[Section] 33-16(h)~~ - Submittal Components. (Ord. No. 10-2203, amended 5-20-2010)

*Buildable area:* The space remaining on a lot after the minimum setback, drainage provisions, ponding, compensatory storage, soils, open space and other site constraint requirements of this ordinance have been met.

*Building:* Any structure having a roof which may provide shelter, support, protection, or enclosure of persons, animals, or property of any kind, and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

*Building height:* The vertical distance to be measured from the grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

*Building line:* An imaginary line separating buildable area and the required yards as defined herein.

*Building line, shoreland:* A line measured across the width of the lot where the main structure is placed in accordance with setback provisions from the ordinary high water mark, as designated by the Department of Natural Resources.



*Building setback:* The minimum horizontal distance between the building and lot line or the normal high water mark of a lake, as designated by the Department of Natural Resources.

*Building, unit group:* Two (2) or more buildings (other than dwellings) grouped upon a lot and held under one (1) ownership, such as universities, hospitals, institutions and industrial plants.

*Bulk commodity:* A bulk product stored on the floor of a building that is delivered in bulk by semi or large truck and distributed in a similar fashion without being placed in small containers or packaged. Bulk commodity materials, for purposes of this ordinance, include but are not necessarily limited to gravel, sand, black dirt, roadway salt, organic compost or grain. (Ord. No. 01-1935, added 1-3-2002)

*Business:* Any occupation, employment or enterprise, wherein merchandise is exhibited or sold, or where services are offered for compensation.

*Carport:* A ~~an~~ **permanently constructed** automobile shelter having one (1) or more sides open.

*Cemetery:* Site set apart for the burial or interment of the human dead.

*Cemetery, pet:* Site set apart for the burial of pets.

*Church:* A building, together with its necessary buildings and uses, where persons regularly assemble for religious worship and which buildings, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

*Clear cutting:* The removal of an entire stand of vegetation.

*Club or lodge:* A club or lodge is a nonprofit association of persons who are bonafide members paying annual dues, with the use of premises being restricted to members and their guests. The serving of food and meals on such premises is permissible providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, provided 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 such serving of alcoholic beverages is in compliance with the applicable federal, state, county, and municipal laws.

*Clustering/cluster housing:* The development pattern and technique whereby structures are arranged in closely related groupings to make the most efficient use of natural amenities of the land.

*Communication equipment facilities:* Essential communication service structures designed to house equipment necessary for the distribution requirements of all districts. The structures shall be less than three hundred (300) square feet in area. (Ord. No. 86-929, amended 2-20-1986)

*Compensatory storage:* The storage volume required to be excavated within or adjacent to a floodplain equal to the area filled in a floodplain.

*Comprehensive plan or policies:* A computation of goals, policy statements, standards, programs and maps for guiding the physical, social, and economic development, both public and private, as defined in the Minnesota Municipal Planning Act, and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.

*Conditional use:* A use classified as conditional generally may be appropriate or desirable in a specific zone, but requires special approval because if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

*Conditional use permits:* There are certain types of land uses which are allowed in some zoning districts, provided that certain conditions or safeguards are imposed by the City Council.

*Condominium:* A form of individual ownership within a building which may entail joint ownership and responsibility for maintenance and repairs of the land and other common property of the building.

*Conservancy:* The purpose of which is to protect the natural resources in managed areas per Section 32.10.

*Cooperative:* A multiunit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.

*Covenant:* A contract between two (2) individuals which constitutes a restriction of a particular parcel of land.

*Day care center, commercial:* A licensed commercial facility in which care is provided for children.

~~[Day care center, residential: A licensed facility which is accessory to a residential use and where care is provided for more than twelve (12) children as distinguished from a nursery school.]~~

*Density:* A number expressing the relationship of the number of dwellings to an acre of land.

Donation Drop-off Box: A portable outdoor container intended or used for the collection and storage of unwanted textiles and household items which are removed from the container on a periodic basis or the collection of recyclable materials not generated on the site, except for designated recycling collection centers, as designated by the Zoning Administrator. Containers less than 8 cubic feet are except from regulation under this code.

*Drive[-in] Thru:* Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether the service is provided within the building.

*Dwelling attached:* A dwelling which is joined to another dwelling at one (1) or more sides by a party wall or walls.

*Dwelling detached:* A dwelling which is entirely surrounded by open space on the same lot.

*Dwelling multiple or apartment building (multiple dwelling complex):* A residential building, or portion of a building, containing three (3) or more dwelling units served by a common entrance, or a building designed for occupancy by three (3) or more families.

*Dwelling one-family:* A residential building containing one (1) detached dwelling unit or a building designed and occupied exclusively by one (1) family.

*Dwelling two-families (duplex or two-family):* A residential building containing two (2) dwelling units, or a building designed for occupancy by two (2) families.

*Dwelling unit:* A residential building or portion thereof intended for occupancy by a single family, but not including hotels, motels, boarding or rooming houses ~~or tourist homes~~. There are three (3) principal types: (a) single-family: a freestanding (detached) residence structure designed for or occupied by one (1) family only; (b) two-family: a residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each; (c) multiple family: a residence designed for or occupied by three (3) or more families, either wholly (attached) or partially a part of a larger structure (detached), with separate housekeeping and cooking facilities for each.

*Easement:* A grant by a property owner for use of a strip of land by the public or any person for any specific purpose or purposes of construction and maintaining utilities, including, but not exclusive of the following: sanitary sewers, water mains, electric lines, telephone lines, other transmission lines, storm sewer, storm drainage ways, gas lines, other service utilities, etc.

~~[Elderly/retirement housing: Occupants shall be fifty-five (55) years old or older.]~~

*Equal degree of encroachment:* A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

*Essential services:* Overhead or underground electrical, gas, steam or water transmission or distribution systems, and collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or systems as are required for the protection of public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith, not including buildings except communication equipment facilities as approved by the Department of Community Development. (Ord. No. 86-929, amended 2-20-1986)

*Exterior storage:* The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

*Extraction area:* Any nonagricultural, artificial, excavation of earth exceeding fifty (50) square feet of surface area of two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth.

*Family:* ~~[An individual or a group of two (2) or more persons each related by blood, marriage, adoption, or foster care arrangement living together as a single housekeeping unit, or a group of not more than four (4) persons not so related, maintaining a common household, and using common cooking and kitchen facilities, exclusive of usual servants.]~~ Family means any of the following:

(a) An Individual

(b) A group of not more than four (4) individuals, none of whom are related by blood or marriage, adoption, or foster care, but all of whom are maintaining a common residence.

(c) Up to two adult individuals, whether related or unrelated, and the parents and children of each, if any, residing in the same dwelling unit and maintaining a common residence.

(d) A combination of (a) and (c)

For the purposes of this definition, maintaining a common residence shall mean sharing access by all residents to permanently installed cooking and kitchen facilities, eating areas, laundry facilities, bathroom facilities, and social areas.

*Farm:* Any tract of land, five (5) acres or greater, used for agricultural purposes, which is under cultivation or is fenced and utilized as pasture.

*Farming:* Process of operating a farm for the growing and harvesting of crops which shall include those necessary accessory buildings related to operating the farm and the keeping of common domestic animals which shall not exceed one (1) animal unit per acre in aggregate. In addition, hobby farm is defined as a farming activity engaged in primarily for pleasure. (Ord. No. 84-856, amended 1-3-1985)

*Fence:* A fence is defined, for the purpose of this ordinance, as any partition, structure, wall, or gate erected as a divider marker, barrier or enclosure and located along the boundary, or within the required yard.

*Flood:* A temporary increase in the flow or stage of a stream or in the stage of a lake that results in the inundation of normally dry areas.

*Flood frequency:* The average frequency, statistically determined, at which it is expected that a specific flood stage or discharge may be equaled or exceeded.

*Flood fringe:* That portion of the floodplain outside of the floodway. (Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study - Reference Section 32.02(b).

*Floodplain:* The channel or beds proper and the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the regional flood. (Ord. No. 10-2203, amended 5-20-2010)

*Floodproofing:* A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

*Floodway:* The channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood.

*Floor area:* The area included within the surrounding exterior walls of a building or portion thereof, including the sum of the gross horizontal areas of several floors of a building including interior balconies, mezzanines, basements, and attached buildings, exclusive of vent shafts, courts, utility rooms, stairs, escalators, or the like.

*Floor area ratio:* The numerical value obtained through dividing the gross floor area of a building or buildings by the lot area on which such building or buildings are located.

*Floor plan:* A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

*Foster care arrangement:* Shall mean a facility providing care and shelter for nonblood related persons where adult supervision does not involve the payment of money or services or shelter in lieu of money other than direct payment by social service governmental agencies.

*Frontage:* That boundary of a lot which abuts an existing or dedicated public street.

*Garage, private:* A detached or attached accessory building or a portion of the principal building, including a car port, which is used primarily for the storing of passenger vehicles, trailers, mobile homes, trucks or a rated capacity not in excess of ten thousand (10,000) lbs. gross weight, in which only vehicles used by the tenants of the building or buildings on the premises are stored or sheltered.

*Garage, public:* Any premises, except those described as a private garage, used for the storage or care of power driven vehicles or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

*Garage, repair:* A building or space for the repair or maintenance of vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junkyards.

*Garage sale:* Any display of used goods and/or salesmen samples for sale of said goods on a property customarily used as a residence. The persons conducting the sale shall be residents of the immediate neighborhood.

*Garden supply store:* A business selling trees; flowering, ornamental, or vegetable plants; grasses; shrubs; and other ground covers as well as selling non-living garden or yard products such as but not limited to: fertilizer, herbicides, pesticides, garden and yard tools, yard maintenance and care equipment, landscape rock, yard decorations, edging, etc. Garden supply stores may be conducted within a building or without. (Ord. No. 98-1728, amended 6-25-1998)

Gasoline [service] station: ~~[Any building or premises used for the dispensation, sale or offering for sale at retail of any motor fuels, oils, or lubricants.]~~ A facility which supplies and dispenses at retail motor fuels, including electrical charging, directly into vehicles. When the use is incidental to the conduct of a public garage, the premises is classified as a public garage.

*General development plan:* A report in text and in map form with the map drawn to scale depicting the general location and relationship of structures, streets, driveways, recreation areas, parking areas, utilities, etc., as related to a proposed development.

*General floodplain district(s):* Those areas designated as unnumbered A Zones on the Flood Insurance Rate Map.

Greenhouse: A glass building in which plants are grown. Greenhouse does not include structures using tarps, plastic sheeting, or other temporary materials.

*Group family daycare center:* A licensed facility which is accessory to a residential use and where daycare is provided for no more than fourteen (14) children at any one (1) time. The total number of children includes all children of any care giver when the children are present in the residence. Group family daycare includes facilities licensed as family childcare and group family childcare. (Ord. No. 91-1248, amended 4-4-1991)

*Group home:* ~~[A specialized facility that provides care on a twenty-four-hour-a-day basis for a selected group of not more than ten (10) children. The facility can be owned, rented, or leased by a county welfare department, licensed child placing agency, or licensed children's institution. The specialized care will be planned treatment program under the direction and control of an agency, institution, or independent operator. Natural children under twenty-one (21) years of age, if present in the home of the group home parents, are included in the total number of children living in the home. (Ord. No. 95-1559, amended 6-2-1995)]~~ A state licensed residential facility or housing with services establishment licensed under Minnesota statute 144D.

Guest Suite: An apartment or room in an apartment building that is occupied exclusively by guests of leaseholders in the apartment building.

*Home occupation:* Any business or commercial activity that is conducted or petitioned to be conducted from property that is zoned for residential use.

*Horticulture:* Horticulture uses and structures designed for the storage of products and machinery pertaining and necessary thereto.

*Hotel:* Any building or portion thereof providing provisions for nine (9) or more guests, in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and in which ingress and egress to and from all rooms is through an inside lobby or office, supervised by a person in charge.

Impound Lot: A property used for the storing of impounded vehicles with or without towing service.

*Institutional housing:* Housing for students, mentally ill, elderly, nurses, physically retarded, and similar housing of a specialized nature.

Interim Use: An interim use may or may not be consistent with the zoning regulations of the district within which they are proposed but may be acceptable or beneficial if reviewed and provisionally approved for a limited period of time.

*Intersection sight distance triangle:* The intersection sight distance triangle, in the case of ninety (90) degree intersecting streets, shall be described as the area within a triangle formed by connecting the following three (3) points: the point of intersection of the curb lines adjacent to the lot of the intersecting streets, a point sixty (60) feet from said point of intersection along one (1) curb line, and a point sixty (60) feet from said point of intersection along the other curb line. In the case of all other intersecting streets, the intersection sight distance triangle shall be defined by the Zoning Administrator. (Reference diagram in appendix section).

*Junkyard:* Land or buildings where waste, discarded or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including, but not limited to, scrap metal, rags, paper, rubber products, plastics, glass products, lumber products and products resulting from wrecking or salvage of automobiles or other vehicles, outdoor storage of two (2) or more unregistered vehicles, except as otherwise authorized. Such use shall not include sanitary land fill, organic waste or material.

*Kennel, commercial:* Any structure or premises on which four (4) or more animals - domestic pets, of one (1) type, over four (4) months of age are kept, owned, boarded, groomed, sheltered, protected, bred, or offered for sale or any other merchandising.

*Kennel, private:* Any structure or premises on which four (4) or more animals - domestic pets, of one (1) type, over four (4) months of age are kept for private enjoyment and not for monetary gain.

*Land reclamation:* The reclaiming of land by depositing and/or excavating material so as to alter at the minimum four hundred (400) cubic yards of the existing grade, either by hauling and/or regarding the area, shall constitute land reclamation.

*Landfills:* A system of trash, waste, refuse, debris, salvaged material, or garbage disposal, in which the waste is buried between layers of soil.

*Landscaping:* Alteration of the natural terrain, including the planting of trees, grass, shrubs, and ground cover.

*Live entertainment:* An activity performed in person by one (1) or more individuals for the purpose to amuse or interest an audience including, but not limited to bands and disc jockeys. (Ord. No. 92-1227, amended 2-6-1992)

*Livestock:* Any animal or animals other than domestic pets kept for commercial sale or profit.

*Loading space:* An area, not within a building, used for loading or unloading of goods from any type of vehicle. (Ord. No. 89-1135, amended 4-20-1989)

*Lodging house:* A building or premises where lodging is provided for compensation for three (3) or more persons, but not exceeding twenty-five (25) persons.

*Lot:* A tract of land, designated by metes and bounds, registered land survey, or plat, and separated from other tracts of land by legal description approved by the City of Blaine and recorded or to be recorded in the Office of the Anoka County Recorder. In addition, a lot is a tract of land occupied or used or intended for occupancy or use for purposes permitted in this ordinance, abutting on a public street or approved private street, of sufficient size to provide the yards and area required by this ordinance.

*Lot area:* Area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which such lot abuts, even if fee title to such a street is in the owner of the lot. If a corner lot has its corner bounded by a curved line connecting other street lines which, if extended, would intersect, the area may be computed as if such boundary lines were so extended.

*Lot area per unit:* The lot area required by this ordinance to be provided for each dwelling unit.

*Lot, corner:* A lot situated at the junction of, and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.

*Lot depth:* The minimum horizontal distance between the front lot line and the rear lot line of a lot.

*Lot, double frontage:* An interior lot having frontage on two (2) streets.

*Lot, interior:* A lot other than a corner lot.

*Lot line:* A lot line is the property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed right-of-way, the line of such public right-of-way shall be the lot line.

*Lot line, front:* That boundary of a lot which abuts an existing or dedicated public street. In no case shall there be more than two (2) front lot lines applied to any lot. Any other lines abutting a public right-of-way shall be designated by the Zoning Administrator as either a side or rear lot line. (Ord. No. 88-1085, amended 6-16-1988).

*Lot line, rear:* That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

*Lot line, side:* Any boundary of a lot which is not a front lot line or a rear lot line.

*Lot of record:* Any lot which is one (1) unit of a plat duly approved and filed, or one (1) unit of an auditors subdivision or a registered land survey, that has been recorded in the Office of the County Recorder for Anoka County, Minnesota, prior to the effective date of this ordinance.

*Lot width:* The maximum horizontal distance between the side lot lines of a lot measured on or within the front yard setback requirements.

*Maintenance free exterior:* Construction involving the use of low or no maintenance exterior materials not requiring frequent maintenance such as but not limited to aluminum, steel, cementitious, or vinyl siding, brick, stucco or other unpainted masonry products, vinyl or aluminum clad windows and doors, garage doors, fascia, soffits, or other trim. (Ord. No. 94-1538, amended 11-17-1994)

*Major industrial buildings:* An industrial building or facility which comprises at least one hundred thousand (100,000) square feet of occupied building area and is situated on at least ten (10) acres. (Ord. No. 92-1282, amended 3-5-1992)

*Manufactured home:* Manufactured home means a structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designated to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification pursuant to Minnesota Statutes, Sections 327.31 through 327.36, as amended.

*Manufactured home lot:* A parcel of land for the placement of a single mobile home for the exclusive use of the occupants of said mobile home.

*Manufactured home park:* Any site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two (2) or more occupied mobile homes. Mobile home parks shall include any buildings, structures, vehicles, or enclosure intended for use as part of the equipment of such mobile home park.

*Manufactured home stand:* That part of an individual mobile home lot which has been reserved for placement of the mobile home, appurtenant structures or additions.

*Manufacturing, heavy:* All manufacturing, compounding, processing, packaging, treatment, or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located. Such uses include, but are not limited to the following: sawmill, refineries, commercial feedlots, acid, cement, explosives, flour, seed, and grain milling or storage, meat packing, slaughter houses, coal or tar asphalt distillation, rendering of fat, grease, lard or tallow, alcoholic beverages, poisons, exterminating agents, glue or size, lime, gypsum, plaster of Paris, tanneries, automobile parts, paper and paper products, glass, chemicals, plastics, crude oil and petroleum products, including storage, electric power generation facilities, vinegar works, junkyard, auto reduction yard, foundry, forge, casting of metal products, rock, stone, cement products.

*Manufacturing, light:* Fabrication, processing, or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.

*Mean flow level:* The average flow elevation of a stream or river computed as the midpoint between extreme low and extreme high water.

*Medical uses:* Those uses concerned with the diagnosis, treatment, and care of human beings. These include: hospitals, dental services, medical services, or clinics [~~nursing or convalescent homes, orphan homes, rest homes, sanitariums~~].

*Medical cannabis dispensary:* A retail store that sells medical cannabis as defined and regulated by Minnesota Statute 152.22-152.37.

*Memory Care Facility:* A secure assisted living facility or a portion of such facility providing services specifically for adults experiencing memory loss due to Alzheimer's disease or other dementia related illness.

*Metes and bounds description:* A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of the section, lot or area by described lines or portions thereof.

*Mining:* The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand (1,000) cubic yards or more and the removal thereof from the site. For the purpose of this ordinance, mining shall not include: the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats or utility and highway construction, minor agricultural and sod removal except as further regulated herein.

~~*Mobile home:* Any vehicle or structure constructed in such a manner as to permit occupancy thereof, as living quarters and so designed that it is or may be mounted on wheels, and used as conveyance on highways and streets, propelled or drawn by its own or other motor power. Any mobile home less than thirty (30) feet in overall length is defined as a "Recreational vehicle".~~

~~*Mobile home lot:* A parcel of land for the placement of a single mobile home for the exclusive use of the occupants of said mobile home.~~

~~Mobile home park: Any site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two (2) or more occupied mobile homes. Mobile home parks shall include any buildings, structures, vehicles, or enclosure intended for use as part of the equipment of such mobile home park.~~

~~Mobile home stand: That part of an individual mobile home lot which has been reserved for placement of the mobile home, appurtenant structures or additions.~~

~~Motel: A building or group of detached, semidetached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.]~~

*Multiple residence:* Three (3) or more dwelling units in one (1) structure.

*Municipal water and sewer systems:* Utility systems serving a group of buildings, lots, or an area of the City, with the design and construction of such utility systems as approved by the City Engineer.

*Natural resource analysis:* A report in map and text form identifying the existing natural features of a parcel of land and the relationship of a proposed use to the existing natural conditions of the parcel.

*Noise:* One (1), or a group of, loud, harsh nonharmonious sounds or vibrations that are present and irritating to the ear.

*Noise, ambient:* All encompassing sounds associated with a given environment, which may be either a composite of sounds, transmitted by any means from many sources near and far or from a single predominant source.

*Nonconforming structure:* A structure which does not comply with the bulk yard setback or height regulations of the district in which it is located. Any structure permitted by existing City ordinance upon the effective date of this ordinance, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this ordinance.

*Nonconforming use:* Any use of a lot or structure which does not conform to the applicable use regulations of the district in which it is located, or use of land, building or structures permitted and existing at the time of adoption of this ordinance, which does not comply with all of the regulations of this ordinance, or any amendments hereto, governing the zoning district in which such use is located.

*Noxious:* Matter which is capable of causing injury or is in any way harmful to living organisms, or is capable of causing detrimental effect upon the health, the physiological and social or economic well-being of human beings.

~~[Nursery, day: A use where care is provided for three (3) or more children under kindergarten age for periods of four (4) hours or more per day for pay.]~~

*Nursery, landscape:* A business growing and selling trees, flowering and ornamental plants, grasses, shrubs, and other ground covers, which may be conducted within a building or without, for the purpose of landscape construction.

*Nursery, temporary landscape:* A business conducting temporary sales with an associated primary use erected on a commercially zoned lot for the purpose of displaying or selling seasonal plant and landscape materials not inside a permanent structure.

*Nursing home, rest home or convalescent home:* A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder but not containing equipment for surgical care or for treatment of disease or injury. Said nursing home shall be licensed by the State Board of Health, as provided for in Minnesota Statutes, Section 144.50.

*Obstruction:* Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stock pile, refuse, fill, structure, or matter in, along, across or projecting into any channel, water course, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

*Occupancy:* The purpose for which a building is used or intended to be used. The term shall also include the building or rooms housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

*Office uses:* Those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired. These include: banks, general offices, professional offices, governmental offices, insurance offices, real estate offices, travel agencies or transportation ticket offices, telephone exchanges, utility offices, radio broadcasting and similar uses.

*Open sales lot:* Land devoted to the display of goods for sale, rent, lease, advertising, merchandising, or trade where such goods are not enclosed within a building, including, but not limited to flea markets. Open sales lots do not include temporary landscape nurseries.

*Open space:* Any open area not covered by structure.

*Open space, common:* A parcel or parcels of land or an area of water not required for storage of the "regional flood" or a combination of such land and water area within the site designated for private open space for the sole benefit, use and enjoyment of the homeowners within a planned unit development or similar developments associated with common open space area.

*Open space, private:* Any open space owned by a person or persons.

*Open space, public:* Any open space publicly owned.

*Open storage:* Storage of any material outside of the building and/or structure.

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

- (a) The ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;
- (b) For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and
- (c) For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

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

*Overhead doors:* A door which allows passenger vehicles and/or trucks to enter and/or exit a building. (Ord. No. 89-1135, amended 4-20-1989)

*Parcel:* Is a tract of land that does not have sufficient street frontage or area, as defined within the ordinance, to be considered a buildable lot.

*Parking space:* A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one (1) automobile.

*Party wall:* A common wall which divides two (2) independent structures.

*Paths of solar energy system:* A solar energy system that uses natural and architectural components to collect and store solar power energy without using external mechanical power.

*Pedestrian way:* A public or private right-of-way across or within a block, to be used by pedestrians.

*Performance standards:* Criteria established to control environmental conditions such as, but not limited to: odor, smoke, toxic or noxious matter, vibration, fire and explosive hazard, glare, runoff generated by or inherent in use of land or building.

*Person:* An individual, firm, partnership, association, corporation or organization of any kind.

*Plan, comprehensive:* Comprehensive Plan shall mean a compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan, and recommendations for plan execution. A comprehensive plan represents the planning agency's recommendations for the future development of the community.

*Plan, concept:* A report in map and [~~text form submitted as the first step of a Planned Unit Development (P.U.D.) proposal,~~] depicting the location, general purpose, general type of land use, and circulation pattern, primary relationship between site elements and between the proposed development and surrounding development, proposed general schedule of development and information on the proposed developer.

*Plan, general development:* A report in text and map form with the map drawn to scale, depicting the general location and relationship of structures, streets, driveways, recreation areas, parking areas, utilities, buffering, as related to a proposed development.

*Plan, site:* A map or graphics prepared to scale depicting the development of a tract of land, including, but not limited to, the location and relationship of the structures, streets, driveways, recreation areas, parking areas, utilities,



landscaping, existing and proposed grading, walkways, and other site development information as related to a proposed development.

~~[Plan, ultimate development: A map or graphic information prepared to scale reflecting the ultimate development of a tract of land with respect to current ordinance requirements, the comprehensive plan, and other City development policies. Such a plan need only be prepared general in scope, including, but not limited to, the location and relationship of structures, streets, driveways, recreation areas, parking areas, utilities, landscaping, engineering information, etc., as related to a proposed development.]~~

*Plan, [ultimate] parking:* A graphic, plan, or map shall be prepared reflecting the total parking required, based on the more restrictive land use where a building is proposed to accommodate uses that may require application of two (2) or more differing parking standards, based on potential occupancy. The standard providing the greatest amount of parking shall be applied exclusively.

~~[Planned unit development: A development, having two (2) or more principal uses or structures on a single tract or tracts of land, developed according to a plan approved by the City, under single ownership or unified control. A planned unit development allows for flexibility not available under normal zoning district requirements. A planned unit development may include a combination of land uses.]~~

*Plat:* A map, graphics or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record title. The plat is recorded legal document and must conform to all Minnesota State Laws.

*Practical difficulty:* Undue hardship as used in connection with the recommending of the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variance, if recommended, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the Zoning Ordinance.

*Prefabricated home:* A nonmobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.

*Principal structure or use:* One (1) which determines the predominant use as contrasted to accessory use or structure.

*Property line:* The legal boundaries of a parcel of property which may also coincide with the right-of-way of a road, cartway and the like.

*Public land:* Land owned or operated by municipalities, school district, county, state, or other governmental unit.

*Public building:* A building owned and operated by the City including but not limited to, fire stations, wells, City Hall, public works, senior citizen facility and police facilities.

*Quad[raminium]:* A four-unit multiple residence building with private entrances to each unit.

*Reclamation, land:* The improvement of land by the depositing of material to elevate the grade. Any parcel upon which four hundred (400) cubic yards or more of fill are deposited shall be considered as reclaimed land.

*Recreation, commercial:* Includes all uses such as bowling alleys, driving ranges, and movie theaters, or the equivalent thereof, that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.

*Recreation, public:* Includes all uses such as tennis courts, ball field, picnic areas, and the like, that are commonly provided for the public at parks, playgrounds, community centers, and other sites, owned and operated by a unit of government for the purpose of providing recreation.

*Recreation, regional:* A public indoor and outdoor recreation facility serving a regional clientele, including but not limited to uses such as soccer, track and field events, skating, hockey, biking, volleyball, and concerts. The site must be owned and operated by a unit of government, public, or not-for-profit-organization for the purpose of providing recreation. (Ord. No. 98-1753, amended 11-19-1998)

*Recreational Equipment:* Non enclosed structures or equipment used for recreational purposes including but not limited to trampolines, treehouses without walls and roofs, slides, climbing structures, playhouses under 30 square feet with a maximum height of 5 feet, and playground equipment. Recreation equipment does not include playhouses over 30 square feet and/or five feet in height or treehouses with fully enclosed walls.

Recreational vehicle: Any vehicle or structure constructed in such a manner as to permit occupancy thereof, as living quarters and so designed that it is or may be mounted on wheels, and used as conveyance on highways and streets, propelled or drawn by its own or other motor power. See Mobile home.

*Regional flood:* A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval.

*Registered land survey:* A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into tract or tracts of registered land survey number.

*Regulatory flood protection elevation:* It is the elevation to which uses regulated by this ordinance are required to be elevated or floodproofed. The Regulatory Flood Protection Elevation shall be an elevation no lower than two (2) feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway. (Ord. No. 99-1770, amended 2-18-1999)

*Restaurants (Class I):* Traditional restaurant where food is served by a waitress or waiter to a customer and consumed while seated at a counter or a table. Food is served on nondisposable containers.

*Restaurants (Class II):* Fast food restaurants in which a majority of the customers are served food at a counter and take it to a table to eat at or may take food outside to consume in a vehicle or off the premises.

*Road:* A public right-of-way affording primary access by pedestrians in vehicles to abutting property whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, place, or however otherwise designated. Egress and ingress easements shall not be considered roads.

*Selective cutting:* The removal of single scattered trees.

Self Storage Facility, Indoor: A fully enclosed, climate controlled, building containing separate, individual and private storage spaces of varying sizes, leased or rented on an individual basis for the storage of personal property; where individual renters control and access individual storage spaces via its own access door. Each unit must be directly accessed from the interior of the building via its own access door. Outdoor access to individual units is prohibited. Ancillary retail sales of related items, such as moving supplies, facility offices, and a dwelling for a night watchman may also be included. Such facilities to be used for storage only.

Senior Housing: Multifamily housing with occupancy restricted to persons over 55 years of age. Senior housing includes Senior Assisted Living Facility.

Senior Assisted Living Facility: A housing with services establishment that provides sleeping accommodations to one or more adult residents, at least 80 percent of which are 55 years of age or older, and offering or providing, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for the establishment, as defined in Minn. Stat. 144D.01, subd. 4 and Minn. Statute 144G.

*Sewage:* Sewage is any water carrying domestic waste, exclusive of footing and rough drainage of any residence, industry, agricultural or commercial establishment, whether treated or untreated and includes the liquid waste produced by bathing, laundry, and culinary operations, and from toilets and floor drains. Raw sewage is sewage which has not been subjected to any treatment process.

*Shop, specialty:* A business in a commercial zone which requires a conditional use permit because of the special product or services sold or rendered.

*Shopping center, community center:* A regional center designed for the purpose of retailing and providing a wide range of goods and services such as apparel, furniture and banking and financial services, for a trade area comprised of several residential neighborhoods.

*Shopping center, neighborhood center:* A retail center designed for the purpose of retailing convenience goods, such as food and drugs, providing personal services such as barber shops and laundry stations, for a combination of basic day to day shopping for service needs of persons living or working within the nearby area.

*Shopping center, regional center:* A retail center designed to serve a trade area of several communities and to provide a range of convenience and shoppers durable goods and services comparable to that found in the central business districts of Minneapolis and St. Paul.

*Shoreland:* Land located within the following distances from public water; (1) [one] thousand (1,000) feet from the normal high water mark of a lake, pond, or flowage; or (2) three hundred (300) feet from a river or stream or floodplain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less

than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water for lesser distances. Public waters shall be any existing body of water, wetland, drainage way as designated by the Minnesota Department of Natural Resources.

*Shoreland alteration:* Grading and filling in shoreland areas or any alteration of the natural topography where the slope of the land is towards a public water or watercourse leading to a public water.

*Shoreland setback:* The minimum horizontal distance between the structure and the normal high water mark.

*Sign:* Any letters, words, symbols, poster, picture, device reading matter, or representation in the nature of a message, announcement, visual communication, or advertisement whether printed, painted, posted, affixed, constructed, or displayed for the purpose of information or communication. This definition includes sign structural supports, uprights, bracing and framework. The term sign shall specifically include architectural or graphic features which are intrinsically associated with a particular product, good service, business, firm corporation, or profession. (Ord. No. 86-934, amended 6-5-1986)

*Sign, advertising:* A sign which directs attention to a business, commodity, service, activity, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located: such as a beer billboard.

*Significant tree:* Any live healthy tree measuring eight (8) inches in diameter or greater, measured at four and one-half (4.5) feet above the ground. (Ord. No. 93-1337, amended 6-3-1993)

~~[Social rehabilitation programs: Programs which provide supervised care and rehabilitation services in a family home environment to individuals who have demonstrated behavior patterns not consistent with society's norms and law. Residents in the program shall be referred by medical experts, courts, or trained counselors as the individuals will benefit from the rehabilitation programs and family home environment. The following programs provide supervised care and rehabilitation opportunities to adults and children with the following problems and included in Social Rehabilitation Programs:~~

- ~~(a) — Chemical Dependency including Alcoholism;~~
- ~~(b) — Juvenile Delinquency;~~
- ~~(c) — Runaway Children or Young Adults;~~
- ~~(d) — Women's Emergency Residential Program;~~
- ~~(e) — Single Parent Residential Program; and~~
- ~~(f) — Children's Emergency Residential Program.~~

~~A Social Rehabilitation Program shall be licensed by the State of Minnesota, Federal Government or other governmental licensing agencies.~~

~~*Solar access space:* That air space above all lots within the district necessary to prevent any improvement or tree located on said lots from casting a shadow upon any solar device located within said zone greater than the shadow cast by a hypothetical vertical wall ten (10) feet high located along the property lines of said lots between the hours of 9:30 a.m. to 2:30 p.m. central standard time on December 21, provided, however, this ordinance shall not apply to any improvement or tree which casts a shadow upon a solar device at the time the installation of said device, or to vegetation existing at the time of the installation of said solar device.~~

~~*Solar collector:* A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy and that contributes significantly to a structure's energy supply.~~

*Solar energy:* Radiant energy that is direct, diffused, and reflected energy received from the sun.

~~*Solar energy system:* [A complete design or assembly consisting of a solar energy collector, and energy storage facility and components for the distribution of transformed energy. To qualify as a solar energy system, the system must be permanently located for not less than ninety (90) days in any calendar year beginning with the first calendar year after completion of construction. Paths of solar energy systems are included in this definition, but not to the extent that they fulfill other functions such as structural and recreational.] A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.~~

*Solar energy system, ground mounted:* A freestanding solar energy system mounted directly to the ground.

~~[*Solar sky space:* The space between the solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes the cost effective operation.~~

~~Solar sky space easement: A right, expressed as an easement, covenant condition, or other property interest in any deed or other instruments executed by or on the behalf of any landowner, which protects the solar sky space of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar sky space must be described as the three (3) dimensional space in which obstruction is prohibited or limited, or as the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two (2) methods.~~

~~Solar structure: A structure designed to utilize solar energy as an alternative for, or supplement to, a conventional energy system.-]~~

*Stable, commercial:* Any structure or premises on which horses are kept, owned, boarded, groomed, trained, bred, or offered for sale. Requires a Conditional Use Permit. (Ord. No. 89-1130, amended 4-20-1989)

*Stable, private:* Any structure or premises on which twenty (20) or more horses, or more than one (1) horse per acre, are kept for private enjoyment and hobby purposes only. Requires a Conditional Use Permit. (Ord. No. 89-1130, amended 4-20-1989)

*Street:* A public right-of-way which affords primarily means of access to abutting property, and shall also include avenue, highway, road, or way.

*Street, arterial or major:* A street which serves, or is designed to serve heavy flows of traffic which is used primarily as a street route for traffic between communities and/or other heavy traffic generating areas.

*Street, collector:* A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major roadway. Direct driveway access is limited to the greatest extent possible.

*Street, local:* A street intended to serve primarily as access to abutting properties.

*Street, pavement:* The wearing or exposed surface of the roadway used by vehicular traffic.

*Street, right-of-way:* The width of the right-of-way, measured at right angles to the center line of the street.

*Street, width:* The width of street surface measured at right angles between the curbs or edge of pavement.

*Story:* That portion of a building included between the surface of any floor and the surface of the flooring next above. A basement shall be counted as a story provided forty percent (40%) or more of the height of the basement is above grade.

*Structural alteration:* Any change, other than incidental repairs, which would prolong the life of supporting members of a building such as bearing walls, columns, beams, girders, or foundations.

*Structure:* Anything constructed, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.

*Subdivision:* The division or redivision of a lot, tract, or parcel of land into two (2) or more lots, either by plat, metes and bounds, or by registered land survey.

*Top soil:* Black dirt composed of unconsolidated material, largely undecomposed organic matter with a maximum of 35% sand. (Ord. No. 86-972, amended 8-21-1986)

Tow truck: Motor vehicles equipped with a crane and winch, or an attached device used exclusively to transport vehicles, and further equipped to control the movement of the towed or transported vehicle

Tow truck operation: Operation of tow trucks based out of the location of a minor or major auto repair business. Tow truck operation does not include the drop off of vehicles by tow trucks not associated with the business.

*Townhouse:* A single-family building attached by party walls with other single-family buildings, and orientated so that all exits open to the outside with private entries maintained to each individual unit.

*Toxic and hazardous waste:* Waste materials including, but not limited to: poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar harmful chemicals and waste which requires special handling and must be disposed of in a manner which conserves the environment and protects the public health and safety.

~~Transient sale: [The temporary or transient sale and delivery of goods, wares and merchandise, or transaction of any temporary, seasonal or transient business, outside of a building with a valid certificate of occupancy, in or upon any vacant lot, lot, motor vehicle, trailer, tent or railroad car.-]~~ Temporary sale of goods, wares, services, and merchandise within the city outside of a building with a valid certificate of occupancy in or upon a vacant lot, motor vehicle, trailer, tent, or railroad car.

Treehouse: A structure constructed in a tree. Treehouses without enclosed walls and roofs are regulated as recreational equipment and treehouses with enclosed walls and roofs are regulated as accessory buildings.

*Truck terminal:* A building or area in which freight brought by motor truck is assembled, stored, and/or transferred for routing in intrastate or interstate shipment by motor truck. (Ord. No. 89-1135, amended 4-20-1989)

~~[*Undue hardship:* Undue hardship as used in connection with the recommending of the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variance, if recommended, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the Zoning Ordinance.]~~

*Use:* The purpose or activity for which the land or building thereon is designated, arranged, or intended, for which it is occupied, utilized, or maintained.

*Use, accessory:* A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

*Use, permitted:* A public or private use which of itself conforms with the purposes, objectives, requirements, regulations, performance standards of a particular district.

*Use, principal:* The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted or conditional.

*Variance:* A modification or variation of the provisions of this ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the ordinance would cause ~~[an undue hardship]~~ a practical difficulty.

*Vehicle:* Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks. (Ord. No. 86-936, amended 4-3-1986)

*Vehicle, passenger:* Any motor vehicle designed and used for carrying not more than ten (10) persons including station wagons, pickup trucks, vans and motorcycles. (Ord. No. 86-936, amended 4-3-1986)

*Vehicle rental agency:* Any real property owned, leased or used by a person, association or corporation for the purpose of storing, displaying or parking two (2) or more passenger vehicles for short term lease of not more than ninety (90) days. (Ord. No. 05-2063, added 10-20-2005)

*Vehicle sales lot:* Any real property owned, leased or used by a persons, business, association or corporation for the purpose of storing, displaying or parking two (2) or more new or used vehicles for sale, consignment, lease, trade or exchange. Parking or storage of two (2) or more vehicles on real property with a sign or signs indicating a phone number, address or other identifying information, or a sign or signs indicating that such vehicles are for sale, consignment, lease, trade or exchange, is prima facie evidence of a vehicle sales lot. (Ord. No. 86-936, amended 4-3-1986)

*Warehousing:* The use of a portion or all of a building or buildings used for the storage of goods, of any type. (Ord. No. 89-1135, amended 4-20-1989; Ord. No. 95-1586, amended 12-21-1995)

*Wetlands:* Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three (3) attributes:

- (a) Have a predominance of hydric soils;
- (b) Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (c) Under normal circumstances support a prevalence of such vegetation.

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

*Yard:* A required open space on the lot which is unoccupied and obstructed by a structure from its lowest level to the sky except as permitted in this ordinance. A yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

*Yard, front:* A yard extending along the full width of the front lot line between the side lot lines and extending from the abutting street right-of-way to the front face(s) of the principal building or to the depth required in the setback regulations for the zoning district in which such lot is located whichever distance is greater. (Ord. No. 00-1836, amended 3-16-2000)

*Yard, rear:* A yard extending along the full width of the rear lot line between the side lot lines and extending from the rear lot line to the rear face(s) of the principal building or to the depth required in the setback regulations for the zoning district in which such lot is located whichever distance is greater. In single-family residential districts the principal building shall include attached garages. (Ord. No. 00-1836, amended 3-16-2000)

*Yard, side:* The yard extending along the side lot line between the front and rear yards to the face(s) of the principal building or to the depth or width required by setback regulations for the zoning district in which such lot is located whichever distance is greater. (Ord. No. 00-1836, amended 3-16-2000)

*Yard waste drop-off facility:* A facility for disposal of yard waste not typically collected by commercial and residential waste haulers. Yard waste includes compostable items such as leaves, lawn clippings and shrub prunings, but for the purposes of this definition also includes tree branches, tree trunks, and stumps from removed trees. All on-site yard waste must be stored within a building or within portable metal containers. No processing or treatment of yard waste nor active composting may occur at a drop-off facility. (Ord. No. 95-1564, amended 7-6-1995)

*Zero lot line:* The location of a building and/or parking area over a common lot line. (Ord. No. 89-1135, amended 4-20-1989)

*Zero lot line split:* The instance where a structure is allowed to be constructed over a lot line of two (2) adjoining lots.

*Zoning administrator:* The officer charged with the administration and enforcement of this ordinance. For the purposes of this ordinance, the Zoning Administrator and/or Director of Community Development shall be considered the Director of Planning & Economic Development or their designee when referenced in this code. (Ord. No. 93-1337, amended 6-3-1993)

*Zoning amendment:* A change of the zoning map or zoning text authorized by the City, either in the allowed use with a district, or in the boundaries of a district.

*Zoning district:* An area or areas within the limits of the City for which the regulations and requirements governing use are uniform.

*Zoning district, overlay:* A zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district use regulations.

*Zoning district, underlying:* All zoning districts except Overlay Zoning Districts.

*Zoning map:* The map or maps incorporated into this Ordinance as a part thereof, designating the zoning districts.

## **Chapter 26 - GENERAL PROVISIONS**

### **26.01 - Application of this ordinance.**

- (a) In their interpretation and application, the provisions of this ordinance shall be minimum requirements for the promotion of public health, safety, morals, and welfare.
- (b) Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- (c) From and after the effective date of this ordinance, the use of all land and every building or portion of a building erected, altered in respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in the City of Blaine, shall be in conformity with the provisions of this ordinance. Any existing building or structure and any existing use or properties not in conformity with the regulations herein prescribed, shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations herein provided with respect to nonconforming properties or uses.

### **26.02 - Private agreements.**

This ordinance does not abrogate any easement, covenant, or any other private agreement which are legally enforceable, provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

### 26.03 - Separability.

It is hereby declared to be the intention that the provisions of this ordinance are separable in accordance with the following:

- (a) If any court of competent jurisdiction shall adjudge any provisions of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said statement.
- (b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or structure, such judgment shall not affect other property, buildings, or structures.

### 26.04 - Accessory buildings, structures, uses.

- (a) No accessory building or use shall be constructed or use developed on a lot prior to obtaining a building permit for the principal building or use to which it is accessory.
- (b) A detached accessory building or garage shall not be located in any required front or side yard setback. (Ord. No. 84-856, amended 1-3-1985)
- (c) All accessory buildings and uses shall comply with the regulations of the zoning district in which they are located.
- (d) No accessory building shall exceed the height of the principal building except in the ~~Farm Residential and Agriculture zoning districts~~. (Ord. No. 94-1501, amended 4-21-1994)

### 26.05 - Existing lots.

- (a) A lot or parcel of land in a residential district which was of record as a separate lot or parcel in the Office of the Anoka County Recorder on or before the date of adoption of this ordinance, may be used for single family detached dwelling purposes, provided the area and width are within seventy-five percent (75%) of the minimum requirements of this ordinance, and provided that it can be demonstrated that safe and adequate sewer systems can be installed to serve such permanent dwelling, and provided that it does have access on the public street.

### 26.06 - Nonconforming structures, uses.

The lawful use of any land or building existing at the time of the adoption of this ordinance may be continued, even if such does not conform to the regulations of this ordinance, except as provided below:

- (a) *Nonconforming structures except nonconforming signs which are regulated by Section 34.03.* (Ord. No. 86-934, amended 6-5-1986)
  - (1) Alterations: A nonconforming building or structure shall not be reconstructed or altered unless such building or structure is changed to conform with the regulations of this ordinance.
  - (2) Enlargement: A nonconforming building or structure shall not be added to or enlarged in any manner unless such additions or enlargements are made so as to bring said building or structure into conformity with the regulations of this ordinance.
  - (3) Restoration: A nonconforming building or structure which is damaged by fire or other causes to the extent of more than fifty percent (50%) of its market value, unless a formal application for a building permit has been applied for within one hundred eighty (180) days of when the property was damaged, shall not be restored except in conformity with the regulations of this ordinance. (Ord. No. 04-2035, amended 12-16-2004)
  - (4) Abandonment: A nonconforming use of a building which has been discontinued for a period of more than one (1) year shall not be reestablished, and any future use shall be in conformity with the regulations of this ordinance. (Ord. No. 04-2035, amended 12-16-2004)
  - (5) Maintenance: Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
- (6) Existing buildings not in conformance with architectural control standards in the applicable zoning district shall construct additions in conformance with the architectural control standards. Any addition greater than 50% of the square footage of the building shall require the entire building to meet architectural control standards.
- ~~[(6) A nonconforming Auto Vehicle Salvage Facility in existence on the date of the passage of this amendment, may be permitted to construct a building for the dismantling of vehicles, draining of fluids, and temporary storage of fluids and other hazardous materials from junked vehicles upon approval of plans by the City. (Ord. No. 97-1635, amended 3-6-1997)~~

~~(i) Any buildings so constructed shall comply with all current applicable City ordinances, standards and criteria at the time of said construction.~~

~~(ii) The use of the buildings shall be limited to dismantling, draining of fluids and hazardous materials storage. No other expansion or additional uses are allowed.]~~

(b) *Nonconforming use of building or land.*

- (1) Extension: No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the time of the effective date of this ordinance.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the time of the effective date of this ordinance.
- (3) If any such nonconforming use of land or building ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located. (Ord. No. 04-2035, amended 12-16-2004)

(c) *Inspection.*

- (1) The enforcing officer shall make an annual inspection each June, of all the nonconforming uses and report to the City Council within sixty (60) days.

## **Chapter 27 - ADMINISTRATION**

### **27.01 - Enforcing officer.**

The Director of Community Development or their designee shall serve as the Zoning Administrator. The Zoning Administrator shall enforce the ordinance.

- (a) Oversee issuance of building and other permits, and make and maintain records thereof.
- (b) Conduct inspections of buildings and use of land to determine compliance with the terms of this ordinance.
- (c) Maintain permanent and current records of this ordinance, including, but not limited to, all maps, amendments, and conditional uses, variances, appeals and applications.
- (d) Receive, file, and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.

### **27.02 - Planning Commission/Board of Appeals and Adjustments.**

- (a) There is hereby established, for the City of Blaine, a Planning Commission, which also may be known as the Commission.
- (b) The Planning Commission is an advisory board to the City Council. The Planning Commission shall review, hold public hearings, and make recommendations to the City Council on all applications for zoning amendments, conditional use permits, and variances, using the criteria in Sections 27.03(a), 27.04(a) and 27.05(a). The Planning Commission shall also prepare and recommend a comprehensive plan for the development of the City, study and make recommendations to the City Council as regards means to carry out and maintain the comprehensive plan and regulations thereto. The Commission shall prepare and recommend to the proper officials of the municipality, needed capital improvements consistent with the comprehensive plan for the City. The Commission shall conduct hearings, study, and recommend to the City Council, a zoning code and such amendments thereto as may, from time to time, be proposed. (Ord. No. 88-1112, amended 1-5-1989; Ord. No. 95-1557, amended 5-18-1995; Ord. No. 96-1628, amended 1-2-1997; Ord. No. 15-2319, amended 7-9-2015; Ord. No. [19-2442](#), amended 1-6-2020)
- (c) Hearings by the Planning Commission shall be held within such time and upon such notice to interested parties as provided in this ordinance and its adopted rules for the transaction of its business. (Ord. No. [19-2442](#), amended 1-6-2020)
- (d) The Planning Commission is hereby established as a Board of Appeals and Adjustments for the City of Blaine. The decisions of the Board on matters within its jurisdiction are advisory to the City Council. The Board shall have the powers hereinafter set forth. (Ord. No. [19-2442](#), amended 1-6-2020)
  - (1) To hear appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance. (Ord. No. [19-2442](#), amended 1-6-2020)



- (2) To hear requests for variances from the literal provisions of the zoning ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to recommend granting such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the zoning ordinance. The Board may not recommend the granting of a variance for any use that is not permitted under the zoning ordinance for property in the zone where the affected person's land is located. The Board may impose conditions in the recommendation for a variance to insure compliance and to protect adjacent properties. A hearing on a request for a variance to the zoning ordinance shall comply with the applicable provisions of the zoning ordinance. (Ord. No. [19-2442](#), amended 1-6-2020)
- (3) ~~To hear appeals to the denial of permits found to be in conflict with the official map as described in Minnesota Statute 462.359. [When a building permit for the construction of a building is not issued because the proposed building is to be constructed within an area identified for public purposes on an official map or maps adopted by the City of Blaine, the Board, upon appeal filed with it by the owner of the land, may recommend the issuance of a permit for said building in such location in any case in which the Board finds, upon the evidence and arguments presented to it, as follows:~~
- ~~(aa) That the entire property of the affected property owner, of which such area identified for public purposes forms a part, cannot yield a reasonable return to the owner unless such a permit is granted, and (Ord. No. [19-2442](#), amended 1-6-2020)~~
- ~~(bb) That balancing the interest of the City in preserving the integrity of the official map and of the comprehensive municipal plan and the interest of the owner of the property in the use of his property and the benefits of the ownership, the issuance of such permit is required by considerations of justice and equity. (Ord. No. [19-2442](#), amended 1-6-2020)~~
- ~~(e) If the City Council agrees with the Board's recommendation that a permit is to be issued, the City shall have six (6) months from the date of the decision of the Board to institute proceedings to acquire such land or interest therein, and if no such proceedings are started within that time, the officer responsible for issuing building permits shall issue the permit if the application otherwise conforms to City Ordinances. (Ord. No. [19-2442](#), amended 1-6-2020).]~~
- (e) ~~(f)~~ Hearings before the Board, pursuant to the provisions of paragraphs ~~[(f)]~~ (d)(1) and (3) shall be preceded by the following: Notice of the purpose, time, and place of such hearing shall be published in the official newspaper of the City at least ten (10) days prior to the hearing and a similar notice shall be mailed to the affected property owner, who is the appellant, at least ten (10) days before the day of the hearing. For the purpose of giving notice, the City may use any appropriate records to determine the name and address of the affected property owner. (Ord. No. [19-2442](#), amended 1-6-2020)
- (f) ~~(g)~~ The Board shall within a reasonable time make its recommendation as to the matter before it, and shall serve a copy of such recommendation upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney. The Board may adopt rules for the conduct of the hearings before it. Such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The Board shall provide for a record of its proceedings, which shall include the minutes of its meetings, its findings, and the actions taken on each matter heard by it, including the final recommendation. (Ord. No. [19-2442](#), amended 1-6-2020)

### **27.03 - Zoning/comprehensive plan amendments.**

- (a) *Criteria for granting zoning/comprehensive plan amendments:* (Ord. No. 86-939, amended 4-3-1986)
- (1) The City Council may adopt amendments to the zoning ordinance, zoning map, and comprehensive plan relative to land uses within a particular district or to the location of the district lines. Zoning amendments shall only be used as a means to reflect changes in the goals and policies of the City as reflected in the comprehensive plan or changes in conditions in the City. (Ord. No. 86-939, amended 4-3-1986)
- (b) *Type of amendments:*
- (1) A change in the district's boundary.
  - (2) A change in a district's regulations.
  - (3) A change in any other provision of this ordinance.
  - (4) A change in the comprehensive plan. (Ord. No. 86-939, amended 4-3-1986)
  - (5) Establishment of an agricultural preserve. (Ord. No. 86-939, amended 4-3-1986)
- (c) *Initiation of proceedings.* Proceedings for amending this ordinance shall be initiated by at least one (1) of the following three (3) methods:

- (1) By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.
  - (2) By recommendation of the Planning Commission.
  - (3) By action of the City Council.
- (d) *Required exhibits for rezoning, district regulation changes, or comprehensive plan amendments.* (Ord. No. 86-939, amended 4-3-1986)
- ~~[(1) Abstractor's property certificate showing property owners names and addresses within three hundred fifty (350) feet of the outer boundaries of the property in question.]~~
- ~~(1) [(2)]~~ A boundary line survey.
  - ~~(2) [(3)]~~ A general development plan showing the potential development of the property, indicating proposed streets, buildings, drainage, and landscaping.
  - ~~(3) [(4)]~~ Other information as required by staff.
- (e) *Procedure.* The procedure for a property owner to initiate a rezoning, district regulation change or comprehensive plan amendment is: (Ord. No. 86-939, amended 4-3-1986)
- (1) The property owner or his agent shall meet with the Zoning Administrator to explain his proposal, obtain procedures, and an application form.
  - (2) The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay a filing fee as established by the City Council. All applications for rezoning or comprehensive plan amendment shall be received in the Office of Community Development no later than thirty (30) days prior to a Planning Commission meeting. (Ord. No. 86-939, amended 4-3-1986)
  - (3) The Zoning Administrator shall transmit the application and the required exhibits to the Planning Commission.
  - (4) The Zoning Administrator shall set the date for the public hearing and shall have notices of such hearing published in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing in accordance with Minnesota Statute 462.357 Subd. 3. ~~[The City Council may waive the mailed notice requirements for amondments to the zoning text initiated by the Planning Commission or City Council. ]~~
  - (5) The Zoning Administrator shall see that a similar notice shall be mailed at least ten (10) days before the day of the hearing to all property owners of record within three hundred fifty (350) feet of the exterior boundaries of the property ~~[to which the amendment relates and within three hundred fifty (350) feet of all contiguous property under common ownership. (Ord. No. 88-1068, amended 2-4-1988)]~~ in accordance with Minnesota Statute 462.357 Subd. 3.
  - (6) The Planning Commission shall hold the public hearing and then shall recommend one (1) of three (3) actions: approval, denial, or conditional recommendation. (Ord. No. 04-2035, amended 12-16-2004)
  - (7) The Planning Commission shall transmit its recommendation to the City Council for its official action. (Ord. No. 04-2035, amended 12-16-2004)
  - (8) The Council shall act upon the application after receiving the recommendation of the Planning Commission. (Ord. No. 04-2035, amended 12-16-2004)
  - (9) No application of a property owner for an amendment to the text of the zoning ordinance, zoning map, or comprehensive plan shall be considered by the Planning Commission within a one-year period following a denial of such request, except that the Planning Commission may permit a new application, if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it. (Ord. No. 86-939, amended 4-3-1986).

#### **27.04 - Conditional use permits.**

- (a) Criteria for granting conditional use permits. In granting a conditional use permit, the Blaine City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, ~~morals~~ and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following findings where applicable.
- (1) The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
  - (2) ~~The use will be located, designed, maintained, and operated to be compatible with adjoining properties and the existing or intended character of the zoning district~~

~~The use shall be compatible with adjacent land uses so that existing uses will not be depreciated in value and there will be no deterrence to development of vacant land.~~

- (3) The use shall have an appearance that will not have an adverse effect upon adjacent properties.
  - (4) The use, in the opinion of the City Council, shall be reasonably related to the overall needs of the City and to the existing land use.
  - (5) The use shall be consistent with the purposes of the zoning code and purposes of the zoning district in which the applicant intends to locate the proposed use.
  - (6) The use shall not be in conflict with the comprehensive plan of the City.
  - (7) The use will not cause traffic hazard or congestion.
  - (8) The use shall have adequate utilities, access roads, drainage and necessary facilities.
- (b) Conditional use permits shall ~~be issued to the applicant only unless otherwise specified by the City Council and may not be transferred or assigned without prior City Council approval.~~ remain with the property, and not the applicant, as long as the property and use are in compliance with the conditions attached to the permit.

A conditional use permit shall expire if the use is discontinued for a period of more than one (1) year. (Ord. No. 04-2035, amended 12-16-2004)

A conditional use permit shall be recorded pursuant to Minnesota Statutes, Section 462.3595.

- (c) Additional conditions. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose, in addition to these standards and requirements expressly specified by this ordinance, additional conditions which the City Council considers necessary to protect the best interest of the surrounding area or community as a whole. These conditions may include, but are not limited to, the following:
- (1) Increasing the required lot size or yard dimension.
  - (2) Limiting the height, size or location of buildings.
  - (3) Controlling the location and number of vehicle access points.
  - (4) Increasing the street width.
  - (5) Increasing the number of required off-street parking spaces.
  - (6) Limiting the number, size, location or lighting of signs.
  - (7) Requiring additional fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
  - (8) Designating sites for open space.
  - (9) Enhanced building materials or architectural design.

The Zoning Administrator shall maintain a record of all conditional use permits issued, including information on the use, location, and conditions imposed by the City Council such as ~~time limits~~, review dates, and other information as may be appropriate.

- (d) Required exhibits for a conditional use permit. The following exhibits shall be required:

~~(1) Abstractor's certificate showing property owners names and addresses within three hundred fifty (350) feet of the outer boundaries of the property in question.~~

(1) ~~(2)~~ A boundary line survey.

(2) ~~(3)~~ A general development plan showing the potential development of the property, including proposed streets, buildings, landscaping, and drainage.

(3) ~~(4)~~ Any other information as required.

- (e) Procedure. The procedure for obtaining a conditional use permit is as follows:

- (1) The property owner or his agent shall meet with the Zoning Administrator to explain his proposal, learn the procedures, and obtain an application form.
- (2) The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay a filing fee as established by the City Council. All applications for a conditional use permit must be received in the Office of Community Development thirty (30) days prior to a Planning Commission meeting.
- (3) The Zoning Administrator shall transmit the application to The Planning Commission and shall notify all property owners of record within three hundred fifty (350) feet of the exterior boundaries of the property in

question and within three hundred fifty (350) feet of all contiguous property under common ownership. (Ord. No. 88-1067, amended 2-4-1988)

- (4) The Zoning Administrator shall set the date for a public hearing and shall have notice of such hearing published at least once in legal newspaper, not less than ten (10) days and not more than thirty (30) days prior to said hearing.
- (5) The Planning Commission shall hold the public hearing and determine possible adverse effects of the proposed ~~[special]~~ conditional use and determine what additional requirements may be necessary to reduce such adverse effects and recommend to the City Council one (1) of three (3) actions - approval, denial, or conditional approval.
- (6) The Planning Commission shall transmit its recommendation to the City Council for its official action. (Ord. No. 04-2035, amended 12-16-2004)
- (7) The City Council shall take appropriate action on the request for conditional use permit after receiving the recommendations by the Planning Commission. If it grants a conditional use permit, the City Council may impose conditions, ~~[including time limits]~~ it considers necessary to protect the public health, safety, and welfare ~~[- and such conditions may include a time limit for the use to exist or operate]~~. (Ord. No. 04-2035, amended 12-16-2004)

(8) Zoning Administrator may transmit the application directly to the City Council to hold the public hearing following the notice produce outlined in 27.04 (e) 3-5.

(f) Revocation of Conditional Use Permits.

- (1) Where a conditional use permit has been issued pursuant to provisions of this ordinance, such permit shall become null and void without further action by The Planning Commission or City Council unless construction commences within one (1) year of the date of granting such conditional use. A conditional use permit shall be deemed to authorize only one (1) particular use and shall expire if that use shall cease for more than one (1) year. (Ord. No. 04-2035, amended 12-16-2004)
- (2) In the event that the applicant violates any of the conditions set forth in the permit, the City Council shall have the authority to revoke the conditional use permit following a public hearing. In addition to a potential revocation of the conditional use permit, the City may issue a citation for a violation of any of the conditions set forth in the permit, pursuant to Section 27.07(d) ~~27.06(d)~~. (Ord. No. 11-2227, amended 8-4-2011)

**27.05 – Interim use permits.**

(a) Criteria for granting interim use permits. An interim use permit is to allow a temporary use that is not designated as permitted or conditionally permitted but is acceptable for a limited period of time subject to conditions. The Blaine City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following findings where applicable.

- a. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
- b. The proposed use will not create an excessive burden on parks, streets, and other public facilities; and
- c. The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare.

(b) Interim use permits shall terminate upon the specified termination date or whenever the use is discontinued for more than one (1) year. The city council may impose conditions requiring termination prior to the termination date, including but not limited to the platting of neighboring property.

(c) Additional conditions. In permitting a new interim use or the alteration of an existing interim use, the City Council may impose, in addition to these standards and requirements expressly specified by this ordinance, additional conditions which the City Council considers necessary to protect the best interest of the surrounding area or community as a whole. These conditions may include, but are not limited to, the following

- (1) All conditions listed in 27.04 (c)
- (2) Termination date
- (3) Conditions requiring termination prior to the termination date

(d) Procedure. The procedure for obtaining an interim use permit and the exhibits required for making an application shall be the same as for a conditional use permit, as 27.04 (d)-(e).

(e) Revocation of Interim Use Permits.

(1) In the event that the applicant violates any of the conditions set forth in the permit, the City Council shall have the authority to revoke the interim use permit following a public hearing. In addition to a potential revocation of the interim use permit, the City may issue a citation for a violation of any of the conditions set forth in the permit, pursuant to Section 27.07(d).

## **27.06 [27.05] - Variances.**

(a) Criteria for granting variances. A variance to the provision of the zoning ordinance may be issued by the City Council to provide relief to the land owner in those cases where the ordinance imposes [~~undue hardship~~] **practical difficulty** on the property owner in the use of his land. No use variances may be issued. A variance may be granted only in the event that the following circumstances exist.

- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of the property, since enactment of this ordinance, have had no control.
- (2) The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- (3) That the special conditions or circumstances do not result from the actions of the applicant.
- (4) That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other owners of lands, structures or buildings within the same district.
- (5) That the variance requested is the minimum variance which would alleviate the hardship. Economic considerations alone shall not be considered a hardship.
- (6) A variance would not be materially detrimental to the purposes of this ordinance, or to other property in the same zone.
- (7) The proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion of public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(b) The City Council may impose such restrictions and conditions upon the premises benefited by the variance as may be necessary to comply with the standards established by this ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance.

(c) Required exhibits for variances.

~~[(1) — Abstractor's property certificate showing property owners names and addresses within three hundred fifty (350) feet of the outer boundaries of the property in question.]~~

~~(1) [(2)]~~ The boundary survey and preliminary building and site development plan.

~~(2) [(3)]~~ Any other information as required.

(d) Procedures. The procedure for obtaining a variance from the regulations of this ordinance are as follows:

- (1) The property owner or agent shall meet with the Zoning Administrator to explain his situation, learn the procedures and obtain an application form.
- (2) The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay a filing fee as established by the City Council. Applications for variance must be submitted to the Office of Community Development no later than thirty (30) days prior to a Planning Commission meeting.
- (3) The Zoning Administrator shall transmit the application to the Planning Commission and shall notify all property owners of record within three hundred fifty (350) feet of the exterior boundaries of the property in question and within three hundred fifty (350) feet of all contiguous property under common ownership. (Ord. No. 88-1065, amended 2-4-1988)

- (4) The Planning Commission shall hold the public hearing and determine possible adverse effects of the variance and determine what additional requirements may be necessary to reduce such adverse effects and recommend to the City Council one (1) of three (3) actions - approval, denial, or conditional approval.
- (5) The Planning Commission shall transmit its recommendation to the City Council for its official action. (Ord. No. 04-2035, amended 12-16-2004)
- (6) The City Council shall take appropriate action on the request for a variance after receiving the recommendations by the Planning Commission. (Ord. No. 04-2035, amended 12-16-2004)
- ~~[(4) The Planning Commission shall study the application and shall make a decision one of three actions: approval, denial, or conditional approval. (Ord. No. 04-2035, amended 12-16-2004)]~~
- (7) [(5)] No application by a property owner for a variance shall be submitted to the Planning Commission within a twelve-month period following denial of such request, except that the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
- (8) [(6)] The City Council may revoke a variance if any conditions established by the City Council, as part of granting the variance request, are violated.
- (e) Expiration. When a variance has been issued pursuant to the provisions of this ordinance, the variance shall become null and void without further action by the Planning Commission or City Council unless construction relative to the variance commences within one (1) year of the date of granting the variance. If a variance ceases to exist for a period of more than one (1) year, it shall also expire without further action by the City. (Ord. No. 85-921, amended 1-2-1986; Ord. No. 04-2035, amended 12-16-2004)

**[27.06 – Enforcement.]**

- ~~(a) *Enforcing Officer.* It shall be the duty of the Zoning Administrator to cause the provisions of this ordinance to be properly enforced through the proper legal channels.~~
- ~~(b) *Building permit.*~~
- ~~(1) Hereafter, no person shall erect, alter, remodel, wreck or move any kind of a structure or building or part thereof without first securing a building permit.~~
- ~~(2) Applications for commercial, industrial, and multiple dwelling building permits shall be accompanied by the following exhibits:~~
- ~~(aa) A complete site plan application form together with all applicable filing requirements.~~
- ~~(bb) A boundary survey of the area including the property in question and one hundred (100) feet beyond its outer boundaries showing existing utilities, lot boundaries, and dimensions, buildings, easements, foliage, topography, and waterways. Soil tests may be included if pertinent.~~
- ~~(cc) Preliminary building and site development plans showing buildings, location, dimensional parking and loading arrangement, vehicular and pedestrian access and egress, surface drainage plan, landscaping, utility plan, screening, size and location of all signs, building and floor plans of all floors, elevations of all sides of all buildings, and sections and outline material specifications as appropriate.~~
- ~~(3) Applications for single and two-family building permits shall be accompanied by building plans and certificate of survey.~~
- ~~(c) *Procedure.*~~
- ~~(1) Persons requesting a building permit shall fill out a building permit form and site plan application form available from the Zoning Administrator.~~
- ~~(2) Completed building permit forms and a fee as established by resolution of the City Council shall be submitted to the Zoning Administrator. If the proposed development conforms in all respects to the zoning ordinance, a building permit shall be issued upon approval of the Zoning Administrator within a period of sixty (60) days.~~
- ~~(3) If the proposed development involves a zoning amendment, variance, or conditional use permit, the application, together with a building permit, shall be submitted to the Planning Commission and City Council for review and appropriate action.~~
- ~~(d) *Violations and Penalties.* Any person or entity who shall violate or refuse to comply with any condition of a conditional use permit or any other provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction~~

~~thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed ninety (90) days, or both, together with the cost of prosecution.~~

~~In addition to the potential criminal sanctions set forth above, a violation of any condition of a conditional use permit will result in revocation of such permit by the City Council, following public hearing.~~

~~Notice and public hearings of violations and termination proceedings and all nonconforming, conditional, incompatible, accessory, special uses, or home occupation uses, notice of hearing shall be given by the City Council to the interested party or parties by certified mail or in lieu thereof one (1) legal published notice at least ten (10) days before the public hearing date, which notice shall be given by the City Council within a reasonable time.~~

~~(Ord. No. 11-2227, amended 8-04-2011)~~

## **27.07 - Administration.**

(a) The Director of Community Development shall serve as the Zoning Administrator. The Zoning Administrator shall enforce the ordinance and shall perform the following duties.

- ~~[(a)]~~ **1** Enter upon land or within a building during reasonable working hours as found necessary to fulfill his duties as Administrator of this ordinance.
- ~~[(b)]~~ **2** Conduct inspections of buildings, structures, and uses of land, to determine compliance with the terms of this ordinance.
- ~~[(c)]~~ **3** Maintain permanent and current records of this ordinance, including, but not limited to the following: all maps, amendments, conditional use permits, variances, appeals, nonconforming uses, planned unit developments, and other applications thereto.
- ~~[(d)]~~ **4** To receive, file, and forward to the Planning Commission all applications for amendments, appeals, variances, conditional use permits, planned unit developments, and other matters which these bodies are required to consider under this ordinance.
- ~~[(e)]~~ **5** Institute, in the name of the City of Blaine, appropriate actions or proceedings against a violator as provided by law.
- ~~[(f)]~~ **6** Establish and enforce necessary or desirable regulations in writing, clarifying or explaining any provision of this ordinance.
- ~~[(g)]~~ **7** To provide such clerical, technical, and professional assistance as may be required by the Planning Commission in the exercise of their duties.
- ~~[(h)]~~ **8** Other information; the staff may require the applicant to furnish such additional information as may be necessary.

~~(b) Building permit. No person shall erect, alter, remodel, wreck or move any kind of a structure or building or part thereof without first securing a building permit.~~

~~(1) Single and two family home permits: Applications for building permits shall be made with the building permit forms available from the zoning administrator and shall be accompanied by building plans and a certificate of survey. Building permits shall not be issued prior to receipt of permit fees established by the city council.~~

~~(2) Site Plan: All applications for commercial, industrial, institutional, apartments, attached townhomes, or detached townhomes must secure site plan approval in addition to required building permits. Building permits shall not be issued prior to approval of site plan by the Zoning Administrator or his or her designee. All applications shall be accompanied by the following materials:~~

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

~~(b) Site plan. The site plan shall include the location of all proposed buildings and their proposed uses; location of driveways and parking areas; front, side and rear setbacks; location, size, and purpose of all easements; location~~

and size of existing buildings and structures on site and within the distance of 100 feet from the property; location of refuse areas; location of outdoor storage areas.

(c) Tree preservation plan. Plan shall include all requirements of 33.09.

(d) Landscape plan. Plan shall include all requirements of 33.07.

(e) Grading and drainage plan. Grading and drainage plan shall contain existing and proposed grades with a minimum of two-foot contour intervals to a known datum. All proposed stormwater management facilities, roadway gradients, flood hazard zones, and spot elevations on parking lots and curb lines must also be shown on the grading plan. The grading and drainage plan must also comply with the requirements of Section 33.15(h), Submittal Components.

(f) Utilities plan. Utilities plan shall indicate the location of existing and proposed water and sanitary sewer lateral and service locations and size of pipe. Other utilities information required as requested by the city engineer.

(g) Lighting and photometric plan. The lighting plan shall include detail drawings for all proposed lighting fixtures and a photometric plan depicting the extent of lighting within and beyond the property lines.

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

(i) Elevations. Elevations shall include specification of colors and materials to be used. A material board including samples of the proposed materials shall be submitted upon request of the zoning administrator.

All plans to be drawn to an established engineering scale and prepared by a registered architect, engineer, landscape architect, or surveyor.

#### (c) Procedure

All building permits shall be issued by the Building Official following review and approval by the Zoning Administrator of the site plan for conformity with the city's present development code and Comprehensive Land Use Plan. The zoning administrator may submit the application to the Administrative Review Committee for review.

(d) *Violations and Penalties.* Any person or entity who shall violate or refuse to comply with any condition of a conditional use permit or any other provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed ninety (90) days, or both, together with the cost of prosecution.

In addition to the potential criminal sanctions set forth above, a violation of any condition of a conditional use permit will result in revocation of such permit by the City Council, following public hearing.

Notice and public hearings of violations and termination proceedings and all nonconforming, conditional, incompatible, accessory, special uses, or home occupation uses, notice of hearing shall be given by the City Council to the interested party or parties by certified mail or in lieu thereof one (1) legal published notice at least ten (10) days before the public hearing date, which notice shall be given by the City Council within a reasonable time.

#### **[27.08 – Administrative Review Committee (ARC).]**

~~The Director of Community Development, at his discretion, may submit site plans for any development to the Administrative Review Committee for review in the following districts: R-3A, R-3B, R-3C, R-4, RF, B-1, B-2, B-3, B-4, PIP and I-2. The site plan shall include location of all buildings, use of land, waste disposal, water supply, drainage, ingress and egress, landscaping, screening and other pertinent data. The Administrative Review Committee shall undertake a comprehensive review of the site plan in order to determine how the proposed development will affect and provide for traffic, utilities, drainage, community facilities, public safety, surrounding development, natural features, historic sites, landscaping, open spaces, and other development factors. The Committee shall also consider the proposed development in terms of its conformity with the City's codes and comprehensive land use plan.~~

~~The Director of Community Development may refer the building permit application to the City Council for its review and determination. If the building permit application is referred to the City Council, a permit shall be issued for construction~~



~~only if authorized by majority vote of the Council. The Council may, before taking final action, refer the building permit to the Planning Commission for its consideration and recommendation.~~

**27.08 [27.09] - Financial guarantee.**

(a) *Improvements required, agreement providing for proper installment of improvements.* Prior to installation of any required improvements and prior to issuance of a building permit, the developer shall complete a detailed cost estimate of proposed site improvements on a City form titled "The Work," and shall enter into a contract in writing, called the "Site Improvement Performance Agreement," with the City (on file in the Office of Community Development), requiring the developer to furnish and construct said site improvements at his sole cost and in accordance with the plans and specifications and usual contract conditions, all approved by the City Council. The contract shall provide that the developer will assure the City that the improvements and utilities will be constructed and installed according to the specifications approved by the City Council. The developer shall secure the City by a cash deposit, certified check, or in lieu thereof, by furnishing a letter of credit or performance bond as hereinafter set forth in Section ~~27.08(d)~~ ~~27.09(b)~~ of this Code.

(b) *Improvements required, financial guarantee.* The contract provided by Section 27.09(a) above shall require the developer to make a cash deposit, certified check, or in lieu thereof, furnish the performance bond(s) as follows:

(1) *Performance Bonds et al.* The developer shall provide [~~a performance bond, letter of credit, savings certificate assigned to the City, certified check, or a cash deposit in a sum equal to at least one hundred percent (100%), or one hundred fifty percent (150%) for a bond, times the total cost of the improvements.~~] cash deposit equal to at least 10% of the cost of the improvements with any difference between the cost of the improvements and the cash deposit guaranteed by a letter of credit or performance bond with the City listed as beneficiary. These guarantees shall be filed with the City prior to issuance of a building permit. Items covered by these guarantees include:

Lighting;

Fences, screen structures;

Trash disposal enclosures;

Curbing, islands, delineators;

Storm drainage system, sewers, catch basins, culverts, swales;

Public trail and/or sidewalk construction;

Grading;

Paving;

Private trail and sidewalk construction;

Driveway, curb cut, parking lot, fire lane construction;

Water mains, hydrants, sanitary sewers;

Landscaping;

Sod and seed;

Trees;

Other plantings and materials;

Site grading, berming (except public trail grading).

These financial guarantees are for all of the improvements to be furnished and installed by the developer, pursuant to the contract.

(2) The developer may request a one-time reduction in the financial guarantee, provided there has been substantial progress shown in completion of the proposed plans.

(c) *Single Family Landscape Escrows*. (Ord. No. 99-1812, added 9-16-1999)

- (1) Landscaping improvements or other site requirements that are required for single family homes either by ordinance or development agreement can be completed after Certificate of Occupancy provided an escrow has been deposited with the City. The escrow will contain a fee to be collected at the time of escrow to cover the City's cost of reinspection. Additional fees may be charged by the City for work that is not completed within the required time frame.
- (2) If escrow related work is not completed within the time period required by the City, the Zoning Administrator may authorize escrow account closure. Written notification to the escrow payor will be made by regular and certified mail to payor's last known address at least thirty (30) days in advance of account closure. Closed accounts will be used by the City to complete unfinished items with any unused balance dispersed to the current owner of the property.

(Ord. No. 86-957, amended 7-10-1986)

**27.09 [27.10] - Administrative fees.**

All permit fees, application fees, planning fees, administrative fees and other charges for services under this ordinance shall be set in accordance with a fee schedule adopted by resolution of the City Council.

(Ord. No. 90-1184, added 2-1-1990)

## **Chapter 28 - ZONING DISTRICTS—PROVISIONS**

### **28.00 - ZONING DISTRICTS**

#### **28.01 - Zoning districts.**

The zoning districts are so designed to assist in carrying out the intents and purposes of the comprehensive plan and are based upon the comprehensive plan which has the purpose of protecting the public health, safety, convenience and general welfare. For the purposes of this ordinance, the City of Blaine is hereby divided into the following zoning districts.

Symbols	Names
AG	Agricultural
FR	Farm Residence
R-E	Residential Estate
R-1	Single Family
R-1A	Single Family
R-1AA	Single Family
R-2	Two Family
R-1B	Single Family
R-3A	Multi-Family Low Density
R-3B	Multi-Family Medium Density

R-3C	Multi-Family High Density
R-4	Mobile Home
RR	Regional Recreation
DF	Development Flex
B-1	Neighborhood Business
B-2	Community Commercial
B-3	Regional Commercial
B-4	Office Research Park
I-1	Light Industrial
I-1A	Light Industrial
I-2	Heavy Industrial
I-2A	Heavy Industrial I
PBD	Planned Business District
PBD-A	Planned Business District-Airport
POD	Planned Office District
FP	Floodplain
HOD	Highway 65 Overlay District

(Ord. No. 98-1753, amended 11-19-1998; Ord. No. 15-2322, amended 9-17-2015)

**28.02 - Zoning map.**

The location and boundaries of the districts established by this ordinance are set forth on the official zoning map which is hereby incorporated as part of this ordinance and which is on file with the Office of Community Development. ~~[The zoning map shall be at a scale of one (1) inch on the map equals one thousand (1,000) feet on the ground.]~~

District boundary lines recorded on the City zoning map are intended to follow lot lines, the center lines of streets or alleys, the center lines of streets or alleys projected, railroad right-of-way lines, the center of watercourses or the corporate limit lines as they exist at the time of the enactment of this ordinance.

Whenever any street, alley, or other public way is vacated, the zoning district adjoining that of such vacated street, alley or public way, shall automatically be extended to the center of such vacated area and all area included therein shall be then and hence forth subject to all of the regulations of the extended district.

Any area shown on the zoning map as park, playground, school, cemetery, water body, etc., shall be subject to the zoning regulations of the district in which it is located. In case of doubt, the zoning regulations of the most restricted adjoining district shall govern.

All territory which may hereafter be annexed to the City shall be considered zoned in the same manner as contiguous territory inside the previous City limits unless otherwise classified.

It shall be the responsibility of the Zoning Administrator to maintain and amend said zoning map. The Zoning Administrator shall make, or cause to have made, any corrections or amendments to said map after all of the procedures outlined in this ordinance for the making of such revisions or amendments shall have been followed by The Planning Commission and City Council.

Amendments to the zoning map shall be recorded on said map within fifteen (15) days after adoption by the City Council. The copy of the official zoning map shall be kept on file in the Office of the Community Development Department and shall be open to public inspection at all times during which the office is customarily open.

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may, by ordinance, adopt a new official zoning map. The new official zoning map may correct drafting or other errors or omissions in the principal zoning map, but no such corrections shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the Mayor, attested by the City Clerk, and under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map."

### **28.03 - Exemptions.**

The following essential services are permitted in any district: the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies of systems, including gas, electrical, steam or water transmission or distribution systems; collection, communication systems, including communication equipment facilities, supply or disposal systems; elevated and underground water storage tanks; poles, wires, mains, drains, sewers, pipes, conduits, cables; fire alarm boxes, police call boxes; traffic signals, hydrants, and other similar equipment and accessories in connection therewith, including city buildings and parks; reasonably necessary for the furnishing of adequate service of such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

(Ord. No. 86-929, amended 2-20-1986)

## **Chapter 29 - RESIDENTIAL DISTRICTS**

### **29.00 - AGRICULTURAL (AG)**

#### **29.001 - Intent.**

This district is intended for areas for long term agricultural preserves. No sewer service will be provided to these areas. This district is established to preserve farmland in the City.

#### **29.002 - Permitted uses.**

- (a) Agricultural preserves.
- (b) Single family detached dwellings.
- (c) Raising of domestic farm animals, excluding hogs and fur bearing animals, not to exceed one (1) animal unit per acre.

~~[(d) — Public parks.]~~

(d) ~~[(e)]~~ Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

~~[(f) — Fire Stations. (Ord. No. 91-1264, amended 9-19-1991)]~~

(e) State licensed residential care facilities or housing with services established registered under Minnesota Statute 144D serving six or fewer persons.

#### **29.003 - Accessory uses.**

- (a) Private garages/accessory buildings/carports attached to garages.
- (b) Private swimming pools and tennis courts.

- (c) Signs as regulated in Section 34.07(c).
- (d) Keeping of not more than two (2) boarders and/or roomers per dwelling unit.
- (e) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, amended 7-21-1994)

(Ord. No. 94-1501, amended 4-21-1994)

**29.004 - Conditional uses.**

- (a) Boarding houses.
- (b) Churches.
- (c) Schools.
- (d) Golf courses.

~~[(e) Public buildings.]~~

- (e) [(f)] Home occupations as described in 33.10(d).
- (f) [(g)] Kennel—Private.
- (g) [(h)] Accessory buildings, including all garages and carports, with a total combined area greater than three thousand (3,000) square feet.

(Ord. No. 94-1501, amended 4-21-1994)

**29.005 - Standards.**

- (a) Minimum area to be zoned AG—Forty (40) acres.
- (b) Minimum lot area—Forty (40) acres.
- (c) Front footage—One thousand two hundred (1,200) feet.
- (d) Minimum depth—None.
- (e) Average width—One thousand two hundred (1,200) feet.
- (f) Front yard setback—Forty-five (45) feet for house, forty-five (45) feet for garage/accessory building, two hundred (200) feet for accessory buildings sheltering domestic farm animals. (Ord. No. 94-1501, amended 4-21-1994)
- (g) Rear yard—House thirty (30) feet, garage/accessory building thirty (30) feet, accessory buildings sheltering domestic farm animals fifty (50) feet. (Ord. No. 94-1501, amended 4-21-1994)
- (h) Side yard—House twenty (20) feet, garage/accessory building twenty (20) feet, accessory buildings sheltering domestic farm animals fifty (50) feet. (Ord. No. 94-1501, amended 4-21-1994)
- (i) Corner lot—House forty-five (45) feet, garage/accessory building forty-five (45) feet, accessory buildings sheltering domestic farm animals two hundred (200) feet. (Ord. No. 94-1501, amended 4-21-1994)
- (j) It shall be required for all single family dwellings that there be a garage constructed of a minimum of four hundred (400) square feet with no dimension less than twenty (20) feet. Total garage/carport/accessory building space shall not exceed three thousand (3,000) square feet of gross area except provided for in Section 29.04. (Ord. No. 94-1501, amended 4-21-1994)

The architectural style and color of a garage/accessory building shall be compatible with the principal building. The facing material of the garage shall be compatible with the principal building. (Ord. No. 94-1501, amended 4-21-1994)

- (k) Maximum building height—Two and one-half (2½) stories or thirty (30) feet.

~~[(l) There shall be at least three (3) livable rooms per dwelling unit.]~~

~~[(m) No livable room, except a kitchen, shall have a floor area of less than seven (7) feet wide.]~~

- (l) [(n)] No [~~area more than six (6) feet below grade nor any~~] part of the garage shall be considered a livable area.

- (m) [(o)] For a single family dwelling, the minimum above grade finished [~~first~~] floor area of the various kinds of dwellings shall be as follows: [~~first floor area as used herein shall mean the overall dimensions of the first floor.~~ ]

- (1) [~~One (1) story with basement—One thousand forty (1,040) square feet; one thousand two hundred forty (1,240) square feet] without basement.] Without basement 1,240 square feet.~~
- (2) [~~Multi-level dwellings—Eight hundred thirty-six (836) square feet.] With basement 1,040 square feet.~~
- (n) [(p)] No residential structure shall have a width of less than twenty-four (24) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.
- (o) [(q)] All residential structures shall have permanent concrete or wood foundations, which comply with the [~~Uniform Building] Minnesota Residential Code as adopted by the State of Minnesota and which is solid for the complete circumference of the house.~~
- (p) [(r)] All single family dwellings and additions to single family dwellings, other than earth sheltered homes and rear yard pre-engineered patio enclosures, shall have at least a three-twelfths ( 3/12 ) roof pitch and shall have a shingled roof. Pre-engineered patio enclosures shall be limited to not more than three hundred twenty (320) square feet of floor area and shall not have any dimension greater than twenty (20) feet. All pre-engineered patio enclosure plans need to be approved by the building department with issuance of a building permit. (Ord. No. 98-1743, amended 9-17-1998)
- (q) [(s)] All residential dwellings must be built in conformance with the [~~Uniform Building] Minnesota Residential Code as adopted in the State of Minnesota.~~
- (r) [(t)] All residential dwellings shall have roof overhangs which extend a minimum of one (1) foot from the exterior wall of the structure.
- (s) [(u)] Any metal siding upon residential structure shall have horizontal edges and overlapping sections no wider than twelve (12) inches. Sheet metal siding shall not be permitted in this residential district except as follows: (Ord. No. 84-856, amended 1-3-1985)
- (1) For parcels of five (5) acres or more, metal siding shall be permitted for accessory structures other than the garage. (Ord. No. 84-856, amended 1-3-1985)
- (t) [(v)] All single family lots shall contain a minimum of two (2) front yard trees of a minimum of two and one-half (2½) inch caliper. (Ord. No. 94-1501, amended 4-1-1994)
- (u) [(w)] Driveways shall not be constructed closer than five (5) feet to the property line [~~without written authorization from the adjacent property owner and Zoning Administrator].~~
- (v) [(x)] The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)
- (w) [(y)] Single family lots shall provide a driveway with a surface equal to the street's surface for the first thirty-five (35) feet off the traveled street.

## **29.010 - FARM RESIDENTIAL (FR)**

### **29.011 - Intent.**

This district is intended for areas where urban services are not presently available. A minimum lot size of ~~four (4)~~ **ten (10)** acres will retain these lands in their natural uses and agricultural uses pending proper timing of economical provision for parks, streets, utilities, and other public facilities, so that orderly development will occur.

### **29.012 - Permitted uses.**

- (a) Single family detached dwellings.
- ~~(b) Public parks.~~
- (b) [(c)] General farming and gardening.
- (c) [(d)] Raising of domestic farm animals, excluding ~~hogs swine~~ and fur bearing animals, not to exceed one (1) animal unit per acre.
- (d) [(e)] Group family day care. (Ord. No. 91-1248, amended 4-4-1991)
- ~~(f) Fire stations. (Ord. No. 91-1264, amended 9-19-1991)~~
- ~~(g) Agricultural buildings as principal structures on parcels of land forty (40) acres or greater. Use of building limited to active farm operations including general farming or live stock. (Ord. No. 91-1248, amended 4-4-1991)~~
- (e) [(h)] Nurseries (Ord. No. 98-1728, amended 6-25-1998)

(f) State licensed residential care facilities or housing with services established registered under Minnesota Statute 144D serving six or fewer persons.

**29.013 - Accessory uses.**

- (a) Private garages/accessory buildings/carports attached to garages. (Ord. No. 94-1501, amended 4-21-1994)
- (b) Private swimming pools and tennis courts.
- (c) Signs as regulated in Section 34.07(c). (Ord. No. 94-1501, amended 4-21-1994)
- (d) Keeping of not more than two (2) boarders and/or roomers per dwelling unit. (Ord. No. 94-1501, amended 4-21-1994)
- (e) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, amended 7-21-1994)

**29.014 - Conditional uses.**

- (a) Churches.
- (b) Golf courses and golf driving ranges. (Ord. No. 93-1492, amended 12-16-1993)
- (c) Schools.
- (d) Public buildings.
- (e) Home occupations as described in 33.10(d).
- (f) Kennel—Private.
- (g) Boarding houses.
- (h) Private stables with a density exceeding one (1) horse per acre, or more than twenty (20) horses in aggregate, meeting standards outlined in 29.015 (x) [[Section] 29.15]. (Ord. No. 89-1113, amended 4-20-1989)
- ~~(i) Commercial stables meeting standards outlined in [Section] 29.15(z). (Ord. No. 89-1113, added 4-20-1989; Ord. No. 95-1574, amended 9-21-1995)~~
- ~~(j) Accessory buildings for parcels located outside the Metropolitan Urban Services Area (MUSA) with a total combined area greater than three thousand (3,000) square feet in area. (Ord. No. 94-1501, amended 4-21-1994; Ord. No. 01-1933, amended 12-20-2001)~~
- ~~(i) [(k)]~~ Garden supply stores. (Ord. No. 95-1574, added 9-21-1995.; Ord. No. 98-1729, amended 6-25-1998)
- ~~(j) [(l)]~~ Accessory buildings located within the front yard, provided the structure to be placed in the front yard has at least a one-hundred-foot front yard setback. (Ord. No. 01-1910, added 7-19-2001; Ord. No. 01-1933, amended 12-20-2001)
- ~~(k) [(m)]~~ Accessory buildings for parcels located within the Metropolitan Urban Services Area (MUSA) with a total combined area greater than twelve hundred (1,200) square feet but less than three thousand (3,000) square feet. (Ord. No. 01-1933, amended 12-20-2001).

**29.015 - Standards.**

- (a) Minimum lot area—~~[four (4)]~~ ten (10) acres. ~~Exception to this is all land located inside the MUSA (Metropolitan Urban Service Area) boundary. These lands shall have a minimum lot area of ten (10) acres. (Ord. No. 94-1505, amended 2-17-1994)~~
- (b) Frontage—Three hundred (300) feet.
- (c) Average width—Three hundred (300) feet.
- (d) Minimum depth—None.
- (e) Front yard setback—Forty-five (45) feet for house, forty-five (45) feet for garage/accessory building, two hundred (200) feet for accessory buildings sheltering domestic farm animals. (Ord. No. 94-1501, amended 4-21-1994)
- (f) Rear yard—House thirty (30) feet, garage/accessory building thirty (30) feet, accessory buildings sheltering domestic farm animals fifty (50) feet. (Ord. No. 94-1501, amended 4-21-1994)
- (g) Side yard—House twenty (20) feet, garage/accessory building twenty (20) feet, accessory buildings sheltering domestic farm animals fifty (50) feet. (Ord. No. 94-1501, amended 4-21-1994)

- (h) Corner lot—House forty-five (45) feet, garage/accessory building forty-five (45) feet, accessory buildings sheltering domestic farm animals two hundred (200) feet. (Ord. No. 94-1501, amended 4-21-1994)
- (i) It shall be required for all single family dwellings that there be a garage constructed of a minimum of four hundred (400) square feet with no dimension less than twenty (20) feet. Total garage/accessory building/carport space shall not exceed 1,200 square feet, except as provided by Section 29.014(j). The height of the accessory structure shall not exceed the height of the principal building.

~~(1) Three thousand (3,000) square feet of gross area except as provided in Section 29.14(j). This limit applies to property located outside the Metropolitan Urban Service Area; or~~

~~(2) Twelve hundred (1,200) square feet for property located within the Metropolitan Urban Service Area (MUSA) except as provided by Section 29.14(m). No garage/accessory building covered under this subsection shall exceed the height of the principal building. (Ord. No. 01-1933, amended 12-20-2001)~~

Accessory buildings shall only be located in the rear yard, except as permitted by Section 29.014(j) ~~[Section] 29.14(l)~~. The architectural style and color of a garage/accessory building shall be compatible with the principal building. The facing material of the garage shall be compatible with the principal building. ((Ord. No. 94-1501, amended 4-21-1994; Ord. No. 01-1910, amended 7-19-2001)

- (j) Maximum building height—Two and one-half (2½) stories or thirty (30) feet.

~~(k) There shall be at least three (3) livable rooms per dwelling unit.~~

~~(l) No livable room, except a kitchen, shall have a floor area of less than seven (7) feet wide.~~

- (k) ~~[(m)]~~ No ~~area more than six (6) feet below grade nor any~~ part of the garage shall be considered a livable area.

- (l) ~~[(n)]~~ For a single family dwelling, the minimum above grade finished floor area of the various kinds of dwellings shall be as follows:

(1) Without basement—One thousand two hundred forty (1,240) square feet

(2) With basement—One thousand forty (1,040) square feet

~~first floor area as used herein shall mean the overall dimensions of the first floor:~~

~~(1) One (1) story with basement—One thousand forty (1,040) square feet; one thousand two hundred forty (1,240) [square feet] without basement.~~

~~(2) Multi-level dwellings—Eight hundred thirty-six (836) square feet.~~

- (m) ~~[(o)]~~ No residential structure shall have a width of less than twenty-four (24) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.

- (n) ~~[(p)]~~ All residential structures shall have permanent concrete or wood foundations, which comply with the Uniform Building Minnesota Residential Code as adopted by the State of Minnesota and which is solid for the complete circumference of the house.

- (o) ~~[(q)]~~ All single family dwellings and additions to single family dwellings, other than earth sheltered homes and rear yard pre-engineered patio enclosures, shall have at least a three and one-half-inch roof pitch and shall have a shingled roof. Steel panel (standing seam) roofing can be used as an alternative to a shingled roof provided the material used is 1) a minimum twenty-six (26) gauge steel base sheet 2) provided with a minimum G-90 galvanized protective coating or equivalent 3) a factory finished solid color material with a minimum paint quality grade of Standard or Better. All steel panel roofing shall be installed per the most current edition of the Minnesota State Residential Building Code and the manufacturer's installation instructions. Only manufacturer produced flashing, fasteners, trim pieces and vents shall be used in the installation of steel panel roofing. Variations on non-manufacturer produced accessories shall be pre-approved by the City Building Official for use with any steel panel roofing. Pre-engineered patio enclosures shall be limited to not more than three hundred twenty (320) square feet of floor area and shall not have any dimension greater than twenty (20) feet. All pre-engineered patio enclosure plans need to be approved by the building department with issuance of a building permit. (Ord. No. 98-1743, amended 9-17-1998; Ord. No. 11-2225, amended 6-16-2011)

- (p) ~~[(r)]~~ All residential dwellings must be built in conformance with the Uniform Building Minnesota Residential Code as adopted in the State of Minnesota.

- (q) ~~[(s)]~~ All residential dwellings shall have roof overhangs which extend a minimum of one (1) foot from the exterior wall of the structure.



- (r) ~~[(t)]~~ Any metal siding upon residential structure shall have horizontal siding edges and overlapping sections no wider than twelve (12) inches. Sheet metal siding shall not be permitted in this residential district except as follows: (Ord. No. 84-856, amended 1-3-1985)
- (1) For parcels of four (4) acres or more, metal siding shall be permitted for accessory structures other than the garage. (Ord. No. 84-856, amended 1-3-1985)
- (s) ~~[(u)]~~ All single family lots shall contain a minimum of two (2) front yard trees of a minimum of two and one-half (2½) inch caliper. (Ord. No. 94-1501, amended 4-21-1994)
- (t) ~~[(v)]~~ Driveways shall not be constructed closer than five (5) feet to the property line ~~without written authorization from the adjacent property owner and Zoning Administrator.~~
- (u) ~~[(w)]~~ The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)
- (v) ~~[(x)]~~ Single family lots shall provide a driveway with a surface equal to the street's surface for the first thirty-five (35) feet off the traveled street. (Ord. No. 94-1501, amended 4-21-1994)
- (w) ~~[(y)]~~ All new homes ~~constructed northeast of the Anoka County Airport, as subsequently described, and~~ within five hundred (500) feet of any minor and principal roadways as defined by the City of Blaine Transportation Plan, shall meet the Noise Abatement Standards, Section 33.22. ~~The northeast area is bounded by 101st Avenue, Naples Street, 109th Avenue, and Radisson Road. (Ord. 94-1543, added 2-16-1995; Ord. No. 05-2053, amended 8-18-2005)~~
- (x) ~~[(z)]~~ Standards and requirements for private ~~or commercial~~ stables: (Ord. No. 89-1113, added 4-20-1989; Ord. No. 95-1574, amended 9-21-1995)
- (1) Minimum lot area—Ten (10) acres.
  - (2) Maximum density—Three (3) horses per acre.
  - (3) Must obtain Minnesota Pollution Control Agency (MPCA) feedlot permit.
  - (4) Building(s) used for sheltering, training, or riding horses shall have a minimum two-hundred-foot setback from any property line.
  - (5) Fences to control livestock adjacent to ~~R-1 (Single family)~~ single family zoning districts, excluding AG and FR, shall have a minimum setback of one hundred (100) feet.
    - (aa) Standards and requirements for churches, golf courses and golf driving ranges, schools, and garden supply stores: (Ord. No. 95-1574, added 9-21-1995; Ord. No. 98-1728, amended 6-25-1998)
      - (i) Shall have principal access to a collector or arterial roadway.
      - (ii) Front, rear, and side yard building and parking setbacks—Forty-five (45) feet.
      - (iii) Maximum building height two (2) stories.
      - (iv) Off street loading and overhead doors shall comply with Section 33.15.
      - (v) All site improvements and landscaping shall comply with Sections 33.07 and 33.08.
      - (vi) Underground irrigation is required for all front and corner side yards.
      - (vii) Architectural style and building materials shall be compatible with the surrounding area and subject to Council approval.

## **29.020 - RESIDENTIAL ESTATE (RE)**

### **29.021 - Intent.**

The residential estate district is established to provide for a large lot zoning of two and one-half (2½) acres or more in size. Single family homes are permitted in this district. This district shall be located only in areas where sanitary sewer and water services can be extended in the near future.

### **29.022 - Permitted uses.**

(a) Single family detached dwellings.

~~(b) —Public parks.~~

(b) ~~[(e)]~~ Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

~~(d) Fire stations. (Ord. No. 91-1264, amended 9-19-1991)~~

(c) State licensed residential care facilities or housing with services established registered under Minnesota Statute 144D serving six or fewer persons.

#### **29.023 - Accessory uses.**

(a) Private garages/accessory buildings/~~carports attached to garages.~~

(b) Private swimming pools and tennis courts.

(c) Signs as regulated in Section 34.07(c).

(d) Keeping of not more than two (2) boarders and/or roomers per dwelling.

(e) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, amended 7-21-1994)

(f) Keeping of not more than six (6) hen chickens consistent with standards outlined in Section 33.22 ~~[33.23]~~. (Ord. No. 15-2320, amended 8-6-2015)

(Ord. No. 94-1501, amended 4-21-1994)

#### **29.024 - Conditional uses.**

(a) Boarding houses.

(b) Schools.

(c) Churches.

~~(d) Public buildings.~~

(d) ~~[(e)]~~ Home occupations as described in 33.10 (d).

(e) ~~[(f)]~~ Golf courses.

(f) ~~[(g)]~~ Kennel—Private.

(g) ~~[(h)]~~ More than two (2) garage/accessory buildings. (Ord. No. 94-1501, amended 4-21-1994)

(h) ~~[(i)]~~ Garage, carport, and accessory building space with total combined area larger than two thousand (2,000) square feet and up to three thousand (3,000) square feet for properties outside the MUSA boundary. (Ord. No. 09-2195, added 10-15-2009)

#### **29.025 - Standards.**

(a) The minimum area to be zoned RE is forty (40) acres.

(b) Front yard setback—Thirty-five (35) feet.

(c) Side yard setback—Ten (10) feet.  
Corner lots—Thirty-five (35) feet.

(d) Rear yard setback—Thirty (30) feet.

(e) Minimum lot size—One hundred four thousand (104,000) square feet (two and one-half (2½) acres).

(f) Minimum frontage—One hundred (100) feet.

(g) Minimum lot depth—Three hundred (300) feet.

(h) Average lot width—One hundred fifty (150) feet.

(i) Maximum building height shall not exceed two and one-half (2½) stories or thirty (30) feet.

(j) It shall be required for all single family dwellings that there be a garage constructed of a minimum of four hundred (400) square feet with no dimension less than twenty (20) feet. Total garage and accessory building space shall not exceed two thousand (2,000) square feet of gross area for parcels inside the MUSA boundary. (Ord. No. 94-1501, amended 4-21-1994; Ord. No. 01-1911, amended 7-19-2001; Ord. No. 09-2195, amended 10-15-2009)

The architectural style and color of a garage and accessory building shall be compatible with the principal building. The facing material of the garage shall be compatible with the principle building. Garage/accessory building access doors

shall not exceed ten (10) feet in height. Accessory buildings shall only be located in the rear yard. (Ord. No. 94-1501, amended 4-21-1994).

~~(k) Parking—One (1) garage space plus two (2) off-street spaces.~~

~~(l) There shall be at least three (3) livable rooms per dwelling unit.~~

~~(m) No livable room, except a kitchen, shall have a floor area of less than seven (7) feet wide.~~

~~(k) [(n)] No area more than six (6) feet below grade nor any part of the garage shall be considered a livable area.~~

~~(l) [(o)] For a single family dwelling, the minimum finished first floor area of the various kinds of dwellings shall be as follows: first floor area as used herein shall mean the overall dimensions of the first floor:~~

~~(1) Without basement—One thousand two hundred forty (1,240) square feet~~

~~(2) With basement—One thousand forty (1,040) square feet~~

~~(1) One story with basement—One thousand forty (1,040) square feet; one thousand two hundred forty (1,240) [square feet] without basement.~~

~~(2) Multi-level dwellings—Eight hundred thirty-six (836) square feet.~~

~~(m) [(p)] No residential structure shall have a width of less than twenty-four (24) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.~~

~~(n) [(q)] All residential structures shall have permanent concrete or wood foundations, which comply with the Uniform Building Minnesota Residential Code as adopted by the State of Minnesota and which is solid for the complete circumference of the house.~~

~~(o) [(r)] All single family dwellings and additions to single family dwellings, other than earth sheltered homes and rear yard pre-engineered patio enclosures, shall have at least a three-twelfths ( 3/12 ) roof pitch and shall have a shingled roof. Steel panel (standing seam) roofing can be used as an alternative to a shingled roof provided the material used is 1) a minimum twenty-six (26) gauge steel base sheet 2) provided with a minimum G-90 galvanized protective coating or equivalent 3) a factory finished solid color material with a minimum paint quality grade of Standard or Better. All steel panel roofing shall be installed per the most current edition of the Minnesota State Residential Building Code and the manufacturer's installation instructions. Only manufacturer produced flashing, fasteners, trim pieces and vents shall be used in the installation of steel panel roofing. Variations on non-manufacturer produced accessories shall be pre-approved by the City Building Official for use with any steel panel roofing. Pre-engineered patio enclosures shall be limited to not more than three hundred twenty (320) square feet of floor area and shall not have any dimension greater than twenty (20) feet. All pre-engineered patio enclosure plans need to be approved by the building department with issuance of a building permit. (Ord. No. 98-1743, amended 9-17-1998; Ord. No. 11-2225, amended 6-16-2011)~~

~~(p) [(s)] All residential dwellings must be built in conformance with the Uniform Building Minnesota Residential Code as adopted in the State of Minnesota.~~

~~(q) [(t)] All residential dwellings shall have roof overhangs which extend a minimum of one (1) foot from the exterior wall of the structure.~~

~~(r) [(u)] Any metal siding upon residential structure shall have horizontal edges and overlapping sections no wider than twelve (12) inches. Sheet metal siding shall not be permitted in this residential district. (Ord. No. 84-856, amended 1-3-1985)~~

~~(s) [(v)] Driveways shall not be constructed closer than five (5) feet to the property line ~~without written authorization from the adjacent property owner and Zoning Administrator.~~~~

~~(t) [(w)] The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)~~

## **29.030 - SINGLE FAMILY (R-1)**

### **29.031 - Intent.**

The purpose of this district is to allow low density single family units in developing portions of the city where sanitary sewer and water services are available.

### **29.032 - Permitted uses.**

(a) Single family detached dwellings.

~~(b) Public parks.~~

(b) [(e)] Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

~~(d) Fire stations. (Ord. No. 91-1264, amended 9-19-1991)~~

(c) State licensed residential care facilities or housing with services established registered under Minnesota Statute 144D serving six or fewer persons.

**29.033 - Accessory uses.**

(a) Private garages/accessory buildings.

(b) Private swimming pools.

(c) Signs as regulated in Section 34.07(c).

(d) Keeping of not more than two (2) boarders and/or roomers per dwelling unit. (Ord. No. 90-1193, amended 3-15-1990)

(e) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, amended 7-21-1994)

(f) Keeping of not more than six (6) hen chickens consistent with standards outlined in Section 33.22 [~~33-23~~]. (Ord. No. 15-2320, amended 8-6-2015)

(Ord. No. 94-1501, amended 4-21-1994)

**29.034 - Conditional uses.**

(a) Boarding houses.

(b) Churches.

(c) Schools.

(d) Golf courses.

~~(e) Public buildings.~~

~~(e) [(f)] Home occupations as described in 33.10(d).~~

~~(f) [(g)] More than two (2) garage/accessory buildings. (Ord. No. 94-1501, amended 4-21-1994)~~

~~(h) Group home, licensed by the State Department of Human Services, operated by a service provider under contract with Anoka County Social Services, serving from seven (7) through ten (10) youth under the age of eighteen (18), and located abutting a collector or minor arterial roadway with a minimum lot size of one-half (½) acre. (Ord. No. 95-1559, amended 6-22-1995)~~

~~(g) [(h)] Total combined garage, carport and accessory structure space greater than one thousand (1,000) square feet and up to one thousand two hundred (1,200) square feet. (Ord. No. 99-1799, amended 7-8-1999)~~

**29.035 - Standards.**

(a) Front yard setback—Thirty (30) feet. (Ord. No. 90-1193, amended 3-15-1990; Ord. No. 98-1694, amended 1-22-1998)

(b) Side yard setback—Ten (10) feet.  
Corner lots—Twenty (20) feet.

(c) Rear yard setback—Thirty (30) feet. Building setback of seventy-five (75) feet from the surveyed ordinary high water mark of public waters as defined by the Minnesota Department of Natural Resources. ( Ord. No. 17-2371, amended 2-2-2017)

(d) Garages and accessory building shall have rear and side yard setbacks of not less than five (5) feet with the exception that accessory buildings, less than one hundred twenty (120) square feet in area, shall have a rear and side yard setback of not less than one (1) foot. Accessory buildings placed within the five (5) foot setback area, and within a drainage and utility easement, shall not be placed or constructed, in the easement, in a manner to limit the use of the easement or alter storm drainage in any way as to negatively impact other property. Accessory buildings placed within a drainage and utility easement are placed, by the owner, at the owner's risk of removal by the City or other agencies that may have legal use of the easement. Garages and accessory buildings shall have corner yard setbacks of not less than 20 feet. (Ord. No. 05-2062, amended 10-20-2005; Ord. No. 90-1193, amended 3-15-1990)

- (e) Conditional use permits under [section] 29.034(b), (c), ~~and (d), and (e)~~ shall have the following setbacks; building—Fifty (50) feet front, rear and side; parking—Thirty (30) feet front, rear and side. (Ord. No. 90-1193, amended 3-15-1990)
- (f) Minimum lot size—Ten thousand (10,000) square feet.
- (g) Minimum lot width as measured at the front setback line—Eighty (80) feet. (Ord. No. 90-1193, amended 3-15-1990)
- (h) Minimum frontage—Sixty (60) feet. (Ord. No. 99-1813, amended 9-16-1999; Ord. No. 90-1193, amended 3-15-1990)
- (i) Minimum depth—One hundred twenty-five (125) feet.
- (j) Maximum building height shall not exceed two and one-half (2½) stories or thirty (30) feet, whichever is less.
- (k) It shall be required for all single family dwellings that there be a garage constructed of a minimum of four hundred (400) square feet with no dimension less than twenty (20) feet. Total combined garage, carport and accessory building space shall not exceed one thousand (1,000) square feet ~~and two hundred (200) square feet respectively~~ unless specifically authorized by a Conditional Use Permit. The architectural style and color of a garage and accessory building shall be compatible with the principal building. The facing material of the garage shall be compatible with the principal building. Garage/accessory building access doors shall not exceed ten (10) feet in height. (Ord. No. 94-1501, amended 4-21-1994; Ord. No. 99-1799, amended 4-21-1994)
- (l) No accessory building, other than a garage shall be located within any yard other than the rear yard, except that single story accessory buildings may be permitted in the side yard with the approval of the Zoning Administrator only if there is a door on the same side of the single family dwelling that is accessible to living space. Side yard shed approval will also be based on a screening plan consisting of privacy fencing and or landscaping to minimize the impact to adjacent properties. Garages located in the rear yard must have capability of hard surface driveway access meeting all setback requirements. The minimum width of access drive shall be no less than eight (8) feet. Access can include the ability to drive through existing garage into the rear yard upon providing evidence that an eight-foot minimum width garage door has been installed along the rear of the garage and that access to rear door is not restricted by non-vehicular storage. Garages or accessory buildings not having driveway access capability shall be limited in door size to no more than five (5) feet in width to preclude storage of vehicles normally requiring driveway access. (Ord. No. 00-1836, amended 3-16-2000; Ord. No. 98-1705, amended 3-19-1998)
- ~~(m) Parking—Two (2) garage spaces plus two (2) off-street spaces. (Ord. No. 95-1546, amended 1-19-1995)~~
- (m) ~~(n)~~ For a single family dwelling, the minimum finished first floor area of the various kinds of dwellings shall be as follows: ~~first floor area as used herein shall mean the overall dimensions of the first floor:~~
- (1) Without basement—One thousand two hundred forty (1,240) square feet
- (2) With basement—One thousand forty (1,040) square feet
- ~~(1) One story with basement—One thousand forty (1,040) square feet; one thousand two hundred forty (1,240) [square feet] without basement.~~
- ~~(2) Multi-level dwellings—Eight hundred thirty-six (836) square feet.~~
- (n) ~~(o)~~ No residential structure shall have a width of less than twenty-four (24) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.
- (o) ~~(p)~~ All single family dwellings and additions to single family dwellings, other than earth sheltered homes and rear yard pre-engineered patio enclosures, shall have at least a three-twelfths ( 3/12 ) roof pitch and shall have a shingled roof. Steel panel (standing seam) roofing can be used as an alternative to a shingled roof provided the material used is 1) a minimum twenty-six (26) gauge steel base sheet 2) factory finished solid color material with a minimum paint quality grade of Standard or Better. All steel panel roofing shall be installed per the most current edition of the MN State Residential Building Code and the manufacturer's installation instructions. Only manufacturer produced flashing, fasteners, trim pieces and vents shall be used in the installation of steel panel roofing. Variations on non-manufacturer produced accessories shall be pre-approved by the City Building Official for use with any steel panel roofing. Pre-engineered patio enclosures shall be limited to not more than three hundred twenty (320) square feet of floor area and shall not have any dimension greater than twenty (20) feet. All pre-engineered patio enclosure plans need to be approved by the building department with issuance of a building permit. (Ord. No. 98-1743, amended 9-17-1998; Ord. No. 12-2249, amended 4-19-2012)
- (p) ~~(q)~~ All residential dwellings must be built in conformance with the Minnesota Residential State Building Code. (Ord. No. 90-1193, amended 3-15-1990)

- (q) ~~(f)~~ All residential dwellings shall have roof overhangs which extend a minimum of one (1) foot from the exterior wall of the structure.
- (r) ~~(s)~~ Any metal siding upon residential structure shall have horizontal edges and overlapping sections no wider than twelve (12) inches. Sheet metal siding shall not be permitted in this residential district. (Ord. No. 84-856, amended 1-3-1985)
- (s) ~~(t)~~ Driveways shall not be constructed closer than three (3) feet to the property line. All driveways and approaches shall be hard surfaced using concrete, blacktop, or equivalent paving approved by the City Engineer. ~~Single family lots of more than one-half (½) acre in size are exempt from this provision except that the first thirty-five (35) feet of the driveway directly off the traveled street shall be surfaced equal to the street's surface.~~ (Ord. No. 87-1000, amended 5-7-1987; Ord. No. 89-1163, amended 10-19-1989)
- (t) ~~(u)~~ It shall be required that all front yards, rear yards, and side yards be sodded over a minimum of four (4) inches of black dirt. Each lot shall also contain ~~one (1) boulevard deciduous over story tree and one (1) front yard deciduous over story tree of two and one half inch caliper or six foot coniferous tree~~ two front yard overstory deciduous trees of two and one half caliper. One of the required trees may be replaced by a six foot conifer or two ornamental trees of two caliper inches. One additional overstory tree shall be planted in side corner yards on corner lots. In addition, all corner lots will contain an additional boulevard tree along the corner side yard. All trees shall meet the City's residential tree planting requirements. All landscaping work to be completed at the time of request for a Certificate of Occupancy if issued between May 15th and October 15th, unless dates have been modified by the Zoning Administrator to accommodate unseasonable weather. A Certificate of Occupancy requested after October 15th and before May 15th may be issued with a cash deposit submitted by the builder in an amount required by the Zoning Administrator to guarantee installation of landscaping. Natural areas left undisturbed can be excluded from this requirement with the approval of the Zoning Administrator. (Ord. No. 99-1823, amended 11-18-1999; Ord. No. 99-1771, amended 3-4-1999; Ord. No. 84-839, amended 9-6-1984; Ord. No. 86-972, amended 8-21-1986; Ord. No. 97-1686, amended 11-20-1997; Ord. No. 01-1903, amended 5-23-2001)
- (u) ~~(v)~~ The lowest floor elevation shall be no lower than the Regulatory Flood Protection elevation or four (4) feet above the high ground water level established by a registered professional engineer, whichever is greater. (Ord. No. 90-1193, amended 3-12-1990)
- (v) ~~(w)~~ All new homes constructed southeast or northeast of the Anoka County Airport, as subsequently described, and within five hundred (500) feet of any minor and principal roadways as defined by the City of Blaine Transportation Plan, shall meet the Noise Abatement Standards, Section 33.21 ~~33.22~~. The southeast area is bounded by 85th Avenue, 35W, 95th Avenue and the Airport; the northeast area is bounded by 101st Avenue, Naples Street, 109th Avenue, and Radisson Road. (Ord. No. 05-2053, amended 8-18-2005)

(Ord. No. 94-1543, added 2-16-1995)

## **29.040 ~~[29.300]~~ - SINGLE FAMILY (R-1AA)**

### **29.041 ~~[29.3001]~~ - Intent.**

The purpose of this district is to allow low density single family units in developing portions of the city where sanitary sewer and water services are available. This district establishes lot sizes and house sizes that are slightly larger than those of the R-1 District.

(Ord. No. 90-1181, added 1-18-1990)

### **29.042 ~~[29.3002]~~ - Permitted uses.**

(a) Single family detached dwellings.

~~(b) Public parks.~~

(b) ~~(c)~~ Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

~~(d) Fire stations. (Ord. No. 91-1264, amended 9-19-1991)~~

(c) State licensed residential care facilities or housing with services established registered under Minnesota Statute 144D serving six or fewer persons.

(Ord. No. 90-1181, added 1-18-1990)

**29.043 [29.3003] - Accessory uses.**

- (a) Private garages/accessory buildings.
- (b) Private swimming pools.
- (c) Signs as regulated in Section 34.07(c).
- (d) Keeping of not more than two (2) boarders and/or roomers per dwelling unit.
- (e) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, Amended 7-21-1994)
- (f) Keeping of not more than six (6) hen chickens consistent with standards outlined in Section 33.22 [~~33.23~~]. (Ord. No. 15-2320, amended 8-6-2015)

(Ord. No. 90-1181, added 1-18-1990; Ord. No. 94-1501, amended 4-21-1994)

**29.044 [29.3004] - Conditional uses.**

- (a) Boarding houses.
- (b) Churches.
- (c) Schools.
- (d) Golf courses.
- ~~(e) Public buildings.~~
- (f) Home occupations as described in 33.10(d).
- (g) More than two (2) garage/accessory buildings. (Ord. No. 94-1501; amended 4-21-1994)
- (h) ~~Garages with floor areas larger~~ Total combined garage and accessory structure space greater than one thousand (1,000) square feet and up to one thousand two hundred (1,200) square feet. (Ord. No. 99-1799, amended 7-8-1999)

(Ord. No. 90-1181, added 1-18-1990)

**29.045 [29.3005] - Standards.**

- (a) Front yard setback—Thirty (30) feet.
- (b) Side yard setback—Ten (10) feet.  
Corner lots—Twenty (20) feet.
- (c) Rear yard setback—Thirty (30) feet.
- (d) Garages and accessory buildings shall have rear and side yard setbacks of not less than five (5) feet and corner yard setbacks of not less than 20 feet.
- (e) Conditional use permits under [section] 29.3604(b), (c), (d) and (e) shall have the following setbacks; building—Fifty (50) feet front, rear and side; parking—Thirty (30) feet front, rear and side.
- (f) Minimum lot size—Ten thousand eight hundred (10,800) square feet.
- (g) Lot width—Eighty (80) feet.  
Lot width corner—Ninety (90) feet.
- (h) Minimum frontage—Sixty (60) feet. (Ord. No. 99-1813, amended 9-16-1999)
- (i) Minimum depth—One hundred twenty-five (125) feet.
- (j) Maximum building height shall not exceed two and one-half (2½) stories or thirty (30) feet, whichever is less.
- (k) It shall be required for all single family dwellings that there be a garage constructed of a minimum of four hundred (400) square feet with no dimension less than twenty (20) feet. Total combined garage and accessory building space shall not exceed one thousand (1,000) square feet ~~and two hundred (200) square feet respectively~~ unless specifically authorized by a Conditional Use Permit. The architectural style and color of a garage and accessory building shall be compatible with the principal building. The facing material of the garage shall be compatible with the principal building. Garage/accessory building doors shall not exceed ten (10) feet in height. (Ord. No. 99-1799, amended 6-24-1999; Ord. No. 94-1501, amended 4-21-1994)

- (l) No accessory building, other than a garage shall be located within any yard other than the rear yard, except that single story accessory buildings may be permitted in the side yard with the approval of the Zoning Administrator only if there is a door on the same side of the single family dwelling that is accessible to living space. Side yard shed approval will also be based on a screening plan consisting of privacy fencing and or landscaping to minimize the impact to adjacent properties.. Garages located in the rear yard must have capability of hard surface driveway access meeting all setback requirements. The minimum width of access drive shall be no less than eight (8) feet. Access can include the ability to drive through existing garage into the rear yard upon providing evidence that an eight-foot minimum width garage door has been installed along the rear of the garage and that access to rear door is not restricted by non-vehicular storage. Garages or accessory buildings not having driveway access capability shall be limited in door size to no more than five (5) feet in width to preclude storage of vehicles normally requiring driveway access. (Ord. No. 00-1836, amended 03-16-2000; Ord. No. 98-1705, amended 3-19-1998)
- (m) For a single family dwelling, the minimum finished floor area above grade shall be one thousand two hundred forty (1,240) square feet.
- (n) No residential structure shall have a width of less than twenty-four (24) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.
- (o) All single family dwellings and additions to single family dwellings, other than earth sheltered homes and rear yard pre-engineered patio enclosures, shall have at least a three-twelfths ( 3/12 ) roof pitch and shall have a shingled roof. Pre-engineered patio enclosures shall be limited to not more than three hundred twenty (320) square feet of floor area and shall not have any dimension greater than twenty (20) feet. All pre-engineered patio enclosure plans need to be approved by the building department with issuance of a building permit. (Ord. No. 98-1743, amended 9-17-1998)
- (p) All residential dwellings must be built in conformance with the Minnesota [Residential State Building Code](#).
- (q) Any metal siding used on residential structures shall have horizontal edges and overlapping sections no wider than twelve (12) inches. Sheet metal siding shall not be permitted in this residential district.
- (r) Residential driveways and vehicle parking areas shall not be constructed closer than three (3) feet to the property line. All driveways, approaches and vehicle parking areas shall be hard surfaced using concrete, blacktop, or equivalent paving approved by the City Engineer.
- (s) All front yards, rear yards, and side yards shall be sodded over a minimum of four (4) inches of black dirt. All landscaping work to be completed at the time of request for a Certificate of Occupancy if issued between May 15th and October 15th, unless dates have been modified by the Zoning Administrator to accommodate unseasonable weather. A Certificate of Occupancy requested after October 15th and before May 15th may be issued with a cash deposit submitted by the builder in an amount required by the Zoning Administrator to guarantee installation of landscaping. Natural areas left undisturbed can be excluded from this requirement with the approval of the Zoning Administrator. In addition, each lot shall contain [two front yard overstory deciduous trees of two and one half caliper. One of the required trees may be replaced by a six foot conifer or two ornamental trees of two caliper inches. One additional overstory tree shall be planted in side corner yards on corner lots](#) ~~one (1) boulevard deciduous over story tree and one (1) front yard deciduous over story tree of two and one half inch caliper or six-foot coniferous tree~~. In addition, all corner lots will contain an additional tree along the corner side yard. All trees shall meet the City's residential tree planting requirements. Existing trees within the front yard can be substituted upon approval of the Zoning Administrator. (Ord. No. 99-1823, amended 11-18-1999; Ord. No. 99-1771, amended 3-4-1999; Ord. No. 97-1686, amended 11-20-1997; Ord. No. 01-1903, amended 5-23-2001)
- (t) The lowest floor elevation shall be no lower than the Regulatory Flood Protection elevation or four (4) feet above the high ground water level as established by a registered professional engineer, whichever is greater.
- ~~(u) [Parking—Two \(2\) garage spaces plus two \(2\) off-street spaces. \(Ord. No. 95-1546, added 1-19-1995\)](#)~~
- ~~(u) [(v)]~~ All new homes constructed southeast or northeast of the Anoka County Airport, as subsequently described, and within five hundred (500) feet of any minor and principal roadways as defined by the City of Blaine Transportation Plan, shall meet the Noise Abatement Standards, Section ~~33.21~~ [33.22](#). The southeast area is bounded by 85th Avenue, 35W, 95th Avenue and the Airport; the northeast area is bounded by 101st Avenue, Naples Street, 109th Avenue, and Radisson Road. (Ord. No. 05-2053, amended 8-18-2005; Ord. No. 94-1543, added 2-16-1995)

(Ord. No. 90-1181, added 1-18-1990)

## **29.050 [29.304] - SINGLE FAMILY (R-1A)**



**29.051 [29.3011] - Intent.**

The purpose of this district is to allow low density single family units in developing portions of the City. This district shall encourage larger lot single family dwelling units utilizing City services of sanitary sewer, water, street, and storm drainage.

(Ord. No. 87-1044, added 11-5-1987)

**29.052 [29.3012] - Permitted uses.**

(a) Single family detached dwellings.

~~(b) Public uses or utilities, except major buildings, substations, towers, or transmission lines.~~

~~(b) [(e)]~~ Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

~~(d) Fire stations. (Ord. No. 91-1264, amended 9-19-1991)~~

~~(c) State licensed residential care facilities or housing with services established registered under Minnesota Statute 144D serving six or fewer persons.~~

(Ord. No. 87-1044, added 11-5-1987)

**29.053 [29.3013] - Accessory uses.**

(a) Private garages/accessory buildings.

(b) Private swimming pools.

(c) Private tennis courts and patios.

(d) Signs as regulated under [Section] 34.07(c).

(e) Keeping of not more than two (2) boarders and/or roomers per dwelling unit.

(f) Keeping of not more than six (6) hen chickens consistent with standards outlined in Section 33.22 ~~[33.23]~~. (Ord. No. 15-2320, amended 8-6-2015)

(Ord. No. 87-1044, added 11-5-1987; Ord. No. 94-1501, amended 4-21-1994)

**29.054 [29.3014] - Conditional uses.**

(a) Boarding ~~house or group homes of more than six (6) persons.~~

~~(b) Public buildings.~~

~~(b) [(e)]~~ Home occupations as described in 33.10(d) ~~regulated under [Section] 33.11.~~

~~(c) [(d)]~~ More than two (2) garage/accessory buildings.

~~(d) [(e)]~~ Recreation facilities such as golf courses and country clubs.

(Ord. No. 87-1044, added 11-5-1987; Ord. No. 94-1501, amended 4-21-1994 )

**29.055 [29.3015] - Standards.**

(a) Front yard setback—Thirty-five (35) feet.

(b) Side yard setback—Ten (10) feet.

(c) Corner side yard setback—Twenty-five (25) feet (Ord. No. 90-1193, amended 3-15-1990)

(d) Rear yard setback—Thirty (30) feet (Ord. No. 92-1304, amended 8-20-1992)

(e) Rear yard and side yard setback for detached garage—Fifteen (15) feet, and accessory buildings—Five (5) feet (Ord. No. 96-1599; amended 5-16-1996) Corner yard setback for garages and accessory buildings-twenty five (25) feet.

(f) Uses by conditional use permit Section 29.054 (d) ~~[Section] 29.3014(b) and (g)~~ shall have the following building setbacks for front yard, side yard, and rear yard—Fifty (50) feet (Ord. No. 90-1193, amended 3-15-1990)

- (g) Parking/driveway for conditional uses Section 29.054 (d) [~~Section 29.3014(b) and (g)~~] shall have a minimum setback of twenty-five (25) feet. (Ord. No. 90-1193, amended 3-15-1990)
- (h) Minimum lot size—Twelve thousand one hundred fifty (12,150) square feet (interior lot) with City sewer and water services. Thirteen thousand five hundred (13,500) square feet (corner lot) with City water and sewer services. Ten (10) acres without City sewer and water services.
- (i) Minimum lot width as measured at the front setback line—Ninety (90) feet.  
Minimum corner lot width—One hundred (100) feet. (Ord. No. 90-1193, amended 3-15-1990)
- (j) Minimum lot depth—One hundred thirty-five (135) feet.
- (k) Maximum building height—Two and one-half (2½) stories or thirty-five (35) feet—An accessory structure shall not exceed the height of the home.
- (l) It shall be required for all single family dwellings that there be a garage constructed of a minimum of five hundred twenty-eight (528) square feet (twenty-four (24) feet by twenty-two (22) feet). Total combined garage and accessory building space shall not exceed one thousand two hundred (1,200) square feet ~~and two hundred (200) square feet respectively~~. Attached garages shall have a side yard setback of not less than ten (10) feet. Triple stall attached garages shall have a side yard setback of not less than five (5) feet. (Ord. No. 90-1193, amended 3-15-1990)

The architectural style and color of a garage and accessory building shall be compatible with the principal building. The facing material of the garage shall be compatible with the principle building. Garage and accessory access doors shall not exceed ten (10) feet in height. (Ord. No. 94-1501, amended 4-21-1994)

- (m) No accessory building, other than a garage, shall be located within any yard other than the rear yard, except that single story accessory buildings may be permitted in the side yard with the approval of the Zoning Administrator only if there is a door on the same side of the single family dwelling that is accessible to living space. Side yard shed approval will also be based on a screening plan consisting of privacy fencing and or landscaping to minimize the impact to adjacent properties. Garages located in the rear yard must have capability of hard surface driveway access meeting all setback requirements. The minimum width of access drive shall be no less than eight (8) feet. Access can include the ability to drive through existing garage into the rear yard upon providing evidence that an eight-foot minimum width garage door has been installed along the rear of the garage and that access to rear door is not restricted by non-vehicular storage. Garages or accessory buildings not having driveway access capability shall be limited in door size to no more than five (5) feet in width to preclude storage of vehicles normally requiring driveway access. (Ord. No. 00-1836, amended 03-16-00; Ord. No. 98-1705, amended 3-19-1998)

~~(n) Parking—Two (2) garage spaces plus two (2) off-street spaces.~~

- (n) [~~(e)~~] For a single family dwelling, the minimum finished floor area at or above grade of the various kinds of dwellings shall be as follows:

- (1) ~~One story dwelling~~ With basement—One thousand five hundred (1,500) square feet; ~~one thousand seven hundred (1,700) square feet without basement.~~

- (2) Without basement—One thousand seven hundred (1,700) square feet.

- ~~(2) Two story dwelling—One thousand five hundred (1,500) square feet of which a minimum of one thousand (1,000) square feet must be constructed on first floor.~~

- ~~(3) Multi-level dwelling—One thousand five hundred (1,500) square feet of which a minimum of seven hundred fifty (750) square feet must be constructed on first floor.~~

- (o) [~~(f)~~] No residential structure shall have a width of less than twenty-six (26) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.

- (p) [~~(g)~~] All single family dwellings and additions to single family dwellings, other than earth sheltered homes and rear yard pre-engineered patio enclosures, shall have at least a three-twelfths ( 3/12 ) roof pitch and shall have a shingled roof. Pre-engineered patio enclosures shall be limited to not more than three hundred twenty (320) square feet of floor area and shall not have any dimension greater than twenty (20) feet. All pre-engineered patio enclosure plans need to be approved by the building department with issuance of a building permit. (Ord. No. 98-1743, amended 9-17-1998)

- (q) [~~(h)~~] All residential dwellings must be built in conformance with the Minnesota State Building Residential Code. (Ord. No. 90-1193, amended 3-15-1990)

- (r) [(s)] Residential dwellings shall have roof overhangs which extend a minimum of two (2) foot from the exterior wall of the structure or approved alternative. (Ord. No. 89-1167, amended 11-16-1989)
- (s) [(t)] Any single family house constructed in this zoning district shall use the following exterior materials:
- Front elevation: Use of wood, stone, stucco, cementitious siding, or brick. Metal or vinyl siding is also permitted on the front exterior when used in combination with wood, stone, stucco, or brick. The minimum gauge of the siding shall be .024 for metal and .042 for vinyl. The maximum coverage of metal and vinyl siding shall be seventy-five percent (75%) of front exterior exclusive of window and door openings.
  - Side/rear elevations: Use of wood, stone, stucco, brick, wood paneling, metal, cementitious siding product, or vinyl. (Ord. No. 90-1217, amended 8-2-1990)
- (t) [(u)] Driveways shall not be constructed closer than five (5) feet to the property line. All driveways and approaches shall be hard surfaced using concrete, blacktop, or equivalent paving approved by the City Engineer.
- (u) [(v)] It shall be required that all front yards, side yards, and rear yards of a new single family dwelling be sodded over a minimum of four (4) inches of black dirt. Each lot shall also contain two front yard overstory deciduous trees of two and one half caliper. One of the required trees may be replaced by a six foot conifer or two ornamental trees of two caliper inches. One additional overstory tree shall be planted in side corner yards on corner lots.  
~~one (1) boulevard deciduous over story tree and one (1) front yard deciduous over story tree and two and one half inch caliper, or six foot coniferous tree. In addition, all corner lots will contain an additional boulevard tree along the corner side yard.~~ All trees shall meet the City's residential tree planting requirements. All landscaping work to be completed at the time of request for a Certificate of Occupancy if issued between May 15th and October 15th, unless dates have been modified by the Zoning Administrator to accommodate unseasonable weather. A Certificate of Occupancy requested after October 15th and before May 15th may be issued with a cash deposit submitted by the builder in an amount required by the Zoning Administrator to guarantee installation of landscaping. Any undisturbed area beyond the first one hundred twenty (120) feet of lot depth may be left in its natural vegetative state. (Ord. No. 99-1823, amended 11-18-1999; Ord. No. 99-1771, amended 3-4-1999; Ord. No. 01-1903, amended 3-4-1999)
- (v) [(w)] The lowest floor elevation shall be no lower than the Regulatory Flood Protection elevation or four (4) feet above the high ground water level established by a registered professional engineer, whichever is greater. (Ord. No. 90-1195, amended 3-15-1990)
- ~~(x) All developments within an R-1A zoning district shall construct an entry way monument sign designating the name of the development. All signage shall be approved by the Community Development Department.~~
- ~~(y) In addition to the total yard being sodded, all single family lots shall contain a boulevard tree (within the public right-of-way); and a minimum of two (2) front yard trees of a minimum of two and one half inch caliper. Existing trees within the front yard can be substituted upon approval of the Community Development Department.~~
- ~~(z) All developments within an R-1A zoning district shall develop and implement an uniform mailbox plan subject to the approval of the Community Development Department.~~
- ~~(aa) All developments within an R-1A zoning district shall develop and implement an uniform and decorative street lighting plan subject to the approval of the Community Development Department.~~
- (w) [(bb)] All new homes constructed southeast or northeast of the Anoka County Airport, as subsequently described, and within five hundred (500) feet of any minor and principal roadways as defined by the City of Blaine Transportation Plan, shall meet the Noise Abatement Standards, Section 33.21 33.22. The southeast area is bounded by 85th Avenue, 35W, 95th Avenue and the Airport; the northeast area is bounded by 101st Avenue, Naples Street, 109th Avenue, and Radisson Road. (Ord. No. 05-2053, amended 8-18-2005; Ord. No. 94-1543, added 2-14-1995)

(Ord. No. 87-1044, added 11-5-1987)

## **29.060 [29.400] - R-1B (SINGLE FAMILY)**

### **29.061 [29.401] - Intent.**

The purpose of this district is to allow low density single family units in developing portions of the City. This district shall encourage tree preservation, open space, and larger lot single family dwelling units utilizing City services of sanitary sewer, water, street, and storm drainage.

(Ord. No. 99-1770, added 2-19-1999)

**29.062 [29.402] - Permitted uses.**

(a) Single family detached dwellings.

~~(b) Public uses or utilities, except major buildings, substations, towers, or transmission lines.~~

(b) [(e)] Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

~~(c) State licensed residential care facilities or housing with services established registered under Minnesota Statute 144D serving six or fewer persons.~~

(Ord. No. 99-1770, added 2-19-1999)

**29.063 [29.403] - Accessory uses.**

(a) Attached private garages only. No detached garages or accessory buildings permitted except for chicken coops as regulated under Section 33.22.

(b) Private swimming pools.

(c) Private tennis courts and patios.

(d) Signs as regulated under [Section] 34.07(c).

(e) Keeping of not more than two (2) boarders and/or roomers per dwelling unit.

(f) Keeping of not more than six (6) hen chickens consistent with standards outlined in Section 33.22 ~~[33.23]~~. (Ord. No. 15-2320, amended 8-6-2015)

(Ord. No. 99-1770, added 2-19-1999)

**29.064 [29.404] - Conditional uses.**

(a) Boarding house or group homes of more than six (6) persons.

~~(b) Public buildings.~~

(b) [(e)] Home occupations as described in 33.10(d) regulated under [Section] 33.14

(c) [(d)] Recreation facilities such as golf courses and country clubs.

(Ord. No. 99-1770, added 2-19-1999)

**29.065 [29.405] - Standards.**

(a) Front yard setback—Twenty-five (25) feet minimum. ~~Setbacks greater than twenty-five (25) feet can be proposed on a lot by lot basis where it can be demonstrated that increasing the setback will enhance tree preservation. Plan to be approved by the Zoning Administrator.~~

(b) Side yard setback—Ten (10) feet.

(c) Corner side yard setback—Twenty-five (25) feet.

(d) Rear yard setback—Thirty-five (35) feet.

~~(e) Utilities must be located under driveway or immediately adjacent with Zoning Administrator approval.~~

(e) [(f)] Developments, structures, utilities, and all other site activities shall be designed, installed, and constructed so that the maximum number of trees are preserved on all lots or parcels. Flexibility of city standards shall be considered when possible to ensure the preservation of the maximum number of trees.

(f) [(g)] Parking/driveway for conditional uses shall have a minimum setback of twenty-five (25) feet.

(g) [(h)] Minimum lot size—Fifteen thousand (15,000) square feet (interior lot) with City sewer and water services. Sixteen thousand five hundred (16,500) square feet (corner lot) with City water and sewer services. Ten (10) acres without City sewer and water services.

(h) [(i)] Minimum lot width—One hundred (100) feet.  
Minimum corner lot width—One hundred ten (110) feet.

(i) [(j)] Minimum lot depth—One hundred thirty-five (135) feet.

(j) ~~[(k)]~~ Maximum building height—Two and one-half (2½) stories or thirty-five (35) feet.

(k) ~~[(l)]~~ It shall be required for all single family dwellings that there be a garage constructed of a minimum of five hundred twenty-eight (528) square feet (twenty-four (24) feet by twenty-two (22) feet). Total garage space shall not exceed twelve hundred (1,200) square feet of gross area. A minimum garage shall be located on the lot such to allow for future expansion of ten (10) feet in width.

The architectural style and color of a garage shall be compatible with the principal building. The facing material of the garage shall be compatible with the principle building. Garage doors shall not exceed ten (10) feet in height. (Ord. No. 94-1501, amended 4-21-1994)

~~(m) — Parking — Two (2) garage spaces plus two (2) off-street spaces.~~

~~(n) — There shall be at least three (3) livable rooms per dwelling unit.~~

~~(o) — No livable room, except a kitchen, shall have a floor area of less than seven (7) feet wide.~~

(l) ~~[(p)]~~ No ~~area more than six (6) feet below grade nor any~~ part of the garage shall be considered a livable area.

(m) ~~[(q)]~~ For a single family dwelling, the minimum finished floor area at or above grade of the various kinds of dwellings shall be as follows:

~~(1) Without basement—Two thousand (2,000) square feet~~

~~(2) With basement—One thousand eight hundred (1,800) square feet~~

~~(1) — One-story dwelling with basement—One thousand eight hundred (1,800) square feet; two thousand (2,000) square feet without basement. Minimum one thousand (1,000) square feet must be constructed on first floor.~~

~~(2) — Two-story dwelling—One thousand eight hundred (1,800) square feet of which a minimum of one thousand (1,000) square feet must be constructed on first floor.~~

~~(3) — Multi-level dwelling—One thousand eight hundred (1,800) square feet of which a minimum of seven hundred fifty (750) square feet must be constructed on first floor.~~

(n) ~~[(r)]~~ No residential structure shall have a width of less than twenty-eight (28) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.

(o) ~~[(s)]~~ All residential structures shall have permanent concrete or wood foundations, which comply with the Residential Uniform Building Code as adopted by the State of Minnesota and which is solid for the complete circumference of the house.

(p) ~~[(t)]~~ All single family dwellings, other than earth sheltered homes, shall have at least a five-twelfths ( 5/12 ) roof pitch and shall have a shingled roof, unless alternative is approved by the Zoning Administrator.

(q) ~~[(u)]~~ All residential dwellings must be built in conformance with the Uniform Building Residential Code as adopted in the State of Minnesota.

(r) ~~[(v)]~~ All residential dwellings shall have roof overhangs which extend a minimum of one (1) foot from the exterior wall of the structure.

(s) ~~[(w)]~~ Any single family house constructed in this zoning district shall use the following exterior materials:

\* Front elevation: Use of wood, cementitious composite plank, stone, stucco or brick. Steel, [or] aluminum, or .041 or better vinyl siding may be used in combination with these other materials. (Ord. No. 01-1922, amended 10-4-2001)

\* Side/rear elevations: Use of wood, cementitious composite plank, stone, stucco, brick, aluminum, [or] steel, or .041 or better vinyl siding. (Ord. No. 01-1922, amended 10-4-2001)

(t) ~~[(x)]~~ Driveways shall not be constructed closer than five (5) feet to the property line. All driveways and approaches shall be hard surfaced using concrete, blacktop, or equivalent paving approved by the City Engineer.

(u) ~~[(y)]~~ It shall be required that all front yards, side yards, and rear yards of a new single family dwelling be sodded over a minimum of four (4) inches of black dirt. Each lot shall contain a minimum of two front yard overstory deciduous trees of two and one half caliper. One of the required trees may be replaced by a six foot conifer or two ornamental trees of two caliper inches. One additional overstory tree shall be planted in side corner yards on corner lots ~~one (1) boulevard deciduous over story tree and one (1) front yard deciduous over story tree of a minimum of two and one-half inch caliper or six-foot coniferous tree. In addition, all corner lots will contain an additional boulevard tree~~

~~along the corner side yard.~~ All trees shall meet the City's residential tree planting requirements. Existing trees within the front yard can be substituted upon approval of the Community Development Department. All landscaping work to be completed at the time of request for a Certificate of Occupancy if issued between May 15th and October 15th. A Certificate of Occupancy requested after October 15th and before May 15th may be issued with a cash deposit submitted by the builder in an amount required by the Zoning Administrator to guarantee installation of landscaping. Natural areas left undisturbed can be excluded from this requirement with the approval of the Zoning Administrator. (Ord. No. 01-1903, amended 5-23-2001)

~~(z) Reserved.~~

(v) ~~[(aa)]~~ The lowest floor elevation shall be no lower than the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater.

~~(bb) All developments within an R-1B zoning district shall develop and implement a uniform mailbox plan subject to the approval of the Community Development Department.~~

~~(cc) All development within an R-1B zoning district shall develop and implement a uniform and decorative street lighting plan subject to the approval of the Community Development Department.~~

(Ord. No. 99-1770, added 2-19-1999)

## **29.070 [29.40] - TWO FAMILY (R-2)**

### **29.071 [29.41] - Intent.**

The purpose of this district is to allow single and two family dwelling units in developing portions of the city where sanitary sewer and water services are available. This district shall be located adjacent to collector or arterial streets. (Ord. No. 90-1222, amended 9-6-1990)

### **29.072 [29.42] - Permitted uses.**

(a) Two family detached dwellings.

(b) Single family detached dwelling meeting all requirements of [Section] 29.35.

~~(c) Public parks.~~

(c) ~~[(d)]~~ Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

~~(e) Fire stations. (Ord. No. 91-1264, amended 9-19-1991)~~

~~(d) State licensed residential care facilities or housing with services established registered under Minnesota Statute 144D serving six or fewer persons.~~

(Ord. No. 90-1222, amended 9-6-1990)

### **29.073 [29.43] - Accessory uses.**

(a) Private garages/accessory. (Ord. No. 94-1501, amended 4-21-1994)

(b) Private swimming pools.

(c) Signs as regulated in Section 34.07(c).

(d) One accessory building.

(e) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, amended 7-21-1994)

### **29.074 [29.44] - Conditional uses.**

(a) Boarding houses.

(b) Churches.

(c) Public buildings.

(d) Home occupations as described in 33.10(d).

(e) Golf courses.

(f) Zero lot line splits.

(g) More than two (2) garage/accessory buildings. (Ord. No. 94-1501, amended 4-21-1994)

~~(h) Manufactured home park meeting the standards of 29.120.~~

**29.075 [29.45] - Standards.**

(a) Front yard setback—Thirty-five (35) feet.

(b) Side yard setback—Ten (10) feet.  
Corner lots—Thirty-five (35) feet.

(c) Rear yard setback—Thirty (30) feet.

(d) Rear yard setback—Detached garages and accessory buildings—Five (5) feet.

(e) Minimum lot size—Fourteen thousand (14,000) square feet. Zero lot line split—Six thousand two hundred fifty (6,250) square feet/lot. (Ord. No. 89-1141, amended 5-18-1989)

(f) Average lot width—Ninety (90) feet. (Ord. No. 89-1141, amended 5-18-1989)

(g) Minimum frontage—Sixty (60) feet. (Ord. No. 86-948, amended 6-5-1986)

(h) Minimum depth—One hundred twenty-five (125) feet.

(i) Maximum building height shall not exceed two and one-half (2½) stories or thirty (30) feet, whichever is less.

(j) It shall be required for all two family dwellings that there be a garage constructed of a minimum of four hundred (400) square feet with no dimension less than twenty (20) feet for each individual dwelling unit. Total garage space per unit shall not exceed ten (10) percent of the lot area and in no case exceed one thousand (1,000) square feet of gross area. Garages shall have a side yard setback of not less than five (5) feet. (Ord. No. 84-856, amended 1-3-1985)

The architectural style and color of a garage shall be compatible with the principal building. The facing material of the garage shall be compatible with the principle building. Garage access doors shall not exceed ten (10) feet in height No Accessory building, other than the garage, shall be located within any yard other than the rear yard. (Ord. No. 94-1501, amended 4-21-1994)

(k) ~~All uses permitted by~~ Conditional use permits (except ~~a, b, c, and e zero lot line splits~~) shall have the following setbacks; front yard—Fifty (50) feet, side yard—Fifty (50) feet; rear yard—Fifty (50) feet.

~~(l) Parking—One (1) garage space plus two (2) off-street spaces per unit.~~

~~There shall be at least three (3) livable rooms per dwelling unit.~~

~~(m) No livable room, except a kitchen, shall have a floor area of less than seven (7) feet wide.~~

~~(l) [(n)] No area more than six (6) feet below grade nor any~~ part of the garage shall be considered a livable area.

~~(m) [(o)]~~ For two-family dwelling house, the minimum finished floor area for one- and two-bedroom units shall be eight hundred fifty (850) square feet per unit. Each additional bedroom beyond two shall require an additional one hundred twenty (120) square feet of finished floor area.

~~(n) [(p)]~~ No residential structure shall have a width of less than twenty-four (24) feet at its narrowest point. Width measurements shall not take into account overhangs or other projections beyond the principal exterior walls.

~~(o) [(q)]~~ All residential structures shall have permanent concrete or wood foundations, which comply with the Uniform Building Minnesota Residential Code as adopted by the State of Minnesota and which is solid for the complete circumference of the house.

~~(p) [(r)]~~ All two-family and single family dwellings and additions to two-family and single family dwellings, other than earth sheltered homes, shall have at least a three-twelfths ( 3/12 ) roof pitch and shall have a shingled roof. Pre-engineered patio enclosures shall be limited to not more than three hundred twenty (320) square feet of floor area and shall not have any dimension greater than twenty (20) feet. All pre-engineered patio enclosure plans need to be approved by the building department with issuance of a building permit. (Ord. No. 98-1743, amended 9-17-1998)

~~(q) [(s)]~~ All residential dwellings must be built in conformance with the Uniform Building Minnesota Residential Code as adopted in the State of Minnesota.

~~(r) [(t)]~~ All residential dwellings shall have roof overhangs which extend a minimum of one (1) foot from the exterior wall of the structure.

- (s) [(u)] Any metal siding upon residential structure shall have horizontal edges and overlapping sections no wider than twelve (12) inches. Sheet metal siding shall not be permitted in this residential district. (Ord. No. 84-856, amended 1-3-1985)
- (t) [(v)] Driveways shall not be constructed closer than five (5) feet to the property line except for common lot lines on zero lot line splits ~~without written authorization from the adjacent property owner and Zoning Administrator.~~
- (u) [(w)] It shall be required that all front yards, rear yards, and side yards be sodded over a minimum of four (4) inches of black dirt and that the work be completed at the time of request for a certificate of occupancy. Natural areas left undisturbed can be excluded from this requirement with the approval of the Zoning Administrator. Each lot shall contain two front yard overstory deciduous trees of two and one half caliper. One of the required trees may be replaced by a six foot conifer or two ornamental trees of two caliper inches. One additional overstory tree shall be planted in side corner yards on corner lots.  
(Ord. No. 84-839, amended 9-6-1984; Ord. No. 86-972, amended 8-21-1986; Ord. No. 97-1686, amended 11-20-1997)
- (v) [(x)] The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)
- (w) [(y)] Maintenance free exterior as approved by the Zoning Administrator. (Ord. No. 94-1538, amended 11-17-1994)

## **29.080 [29.50] - LOW DENSITY MULTI-FAMILY (R-3A)**

### **29.081 [29.51] - Intent.**

The district is intended to create low density areas, with a maximum density of five (5) dwelling units per acre. These districts shall be located on the fringe of established one and two-family residential neighborhoods.

### **29.082 [29.52] - Permitted uses.**

- (a) Townhouses.
- (b) Quads.
- ~~(c) Public parks.~~
- (c) [(d)] Group family day care. (Ord. No. 91-1248, amended 4-4-1991)
- ~~(e) Fire stations. (Ord. No. 91-1264, amended 9-19-1991)~~

### **29.083 [29.53] - Accessory uses.**

- (a) Private garages.
- (b) Signs as regulated in Section 34.07(c).
- (c) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, amended 7-21-1994)

### **29.084 [29.54] - Conditional uses.**

- (a) Schools.
- (b) Churches.
- ~~(c) Public buildings.~~
- (c) State licensed residential care facility or state licensed childcare facility serving up to 16 persons
- (d) Home occupations as described in 33.10(d).
- (e) Golf courses (public and private).
- (f) Private tennis courts.
- (g) Private swimming pools.
- (h) ~~Elderly/Retirement~~ Senior Housing complying with standards as set forth in Section ~~29.089 29.59~~. (Ord. No. 87-1017, added 4-2-1987)
- (i) Manufactured home park meeting the standards of 29.120.



**29.085 [29.55] - Standards—Quad, townhouse.**

- (a) Minimum area to be zoned R-3A—Ten (10) acres.
- (b) Minimum frontage—None.
- (c) Minimum depth—None.  
Minimum width—None.
- (d) Front yard—Thirty-five (35) feet.
- (e) Rear yard—Twenty (20) feet.
- (f) Side yard—Twenty (20) feet.
- ~~(g) Parking—Two (2) garage spaces plus two (2) off-street spaces per unit or as required by the Director of Community Development.~~
- (g) [(h)] Maximum density—Five (5) units per acre.
- (h) [(i)] Minimum dwelling size:
  - (1) Two-bedroom multi-level—Nine hundred sixty (960) square feet on first finished floor.
  - (2) More than two (2) bedrooms—One hundred twenty (120) square feet for each additional bedroom.
- (i) [(j)] Minimum distance between buildings—Forty (40) feet.
- (j) [(k)] Number of units permitted per building—Minimum of three (3), maximum of six (6) - (townhouses only).
- (k) [(l)] Maximum building height—Two and one-half (2½) stories or thirty (30) feet, whichever is less.
- (l) [(m)] Parking and driveways may be constructed to within the following minimum setbacks of property line: (Ord. No. 85-898, amended 8-15-1985)
  - (1) Front yard/corner side yard ..... 30 feet
  - (2) Side yard ..... 20 feet
  - (3) Rear yard ..... 20 feet
- (m) [(n)] The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)
- (n) [(o)] Garage access doors shall not exceed eight (8) feet in height. (Ord. No. 94-1501, amended 4-21-1994)
- (o) [(p)] Maintenance free exterior as approved by the Zoning Administrator. (Ord. No. 94-1538, amended 11-17-1994)

**29.086 [29.56] - Setback buffers.**

- (a) When higher density districts are located adjacent to lower density districts, the following setbacks shall apply for all buildings. (Ord. No. 85-898, amended 8-15-1985)
  - (1) R-3A adjacent to ~~single family R-1~~—Sixty (60) feet.
  - (2) R-3A adjacent to R-2—Fifty (50) feet.
  - (3) A reduction in the required setback buffer may be requested by following the requirements of Section 33.20 ~~33.24~~, Buffer Yard Flexibility. (Ord. No. 86-937, amended 4-3-1985)

**29.087 [29.57] - Landscaping.**

- (a) All open areas of any lot not occupied by building or parking shall be landscaped with trees, shrubs, and berms, in accordance with requirements of Section 33.07 ~~33.08~~.
- (b) Underground irrigation shall be required for all front yards and corner side yards. Such irrigation shall extend to include public boulevards and into landscaped parking islands, except natural areas to be preserved. (Ord. No. 89-1177, added 1-4-1990)

**29.088 [29.58] - Screening.**

- (a) At least seventy-five percent (75%) of the setback requirements shall be maintained as an opaque landscape buffer zone.

**29.089 [29.59] - Elderly/retirement Senior housing standards.**

- (a) Notwithstanding other provisions of this chapter, Elderly/Retirement Senior Housing projects shall meet the following requirements.
  - (1) *Minimum Floor Area:*
    - Efficiency ..... 440 square feet
    - One-bedroom ..... 520 square feet
    - Two-bedroom ..... 700 square feet (minimum 100 square feet per bedroom)
  - (2) *Minimum Lot Area:*
    - One (1) acre
  - (3) *Open Space.* Two hundred fifty (250) square feet per unit, plus on-site sidewalk system with sitting areas. This area shall not include setback area requirements for parking lots. Active open spaces (i.e., game areas, garden plots, etc.) shall be no less than fifty (50) feet in any direction, unless integrated with primary use areas of the site and having suitable access to residents.
  - (4) *Recreation.* Recreational areas for elderly, handicapped, and children shall be provided. ~~The location, size and equipment shall be approved by the City Planner as to the adequacy and ability to meet the needs of the residents.~~
  - (5) *Height. 30 feet*
    - ~~R-3A ..... 30 feet~~
    - ~~R-3B ..... 50 feet~~
    - ~~R-3C ..... 50 feet with greater heights permitted by CUP~~
  - ~~(6) *Transit.* Development must be within one-fourth mile of MTC or private bus line and construct a sidewalk to the nearest bus stop or provide a car/van pool for residence~~
  - ~~(7) *Parking.* One (1) per unit of which .6 shall be constructed as part of the development; .2 shall be held in reserve on site and constructed when eighty percent (80%) of all stalls are committed to residents and/or employees, and .2 shall be constructed as enclosed within two (2) years of development occupancy.~~
  - ~~(8) *Restriction to Elderly Occupancy.* Restrictions to permanently commit such development to elderly retirement persons, or until both parties agree to terminate the arrangement.~~
  - ~~(9) *Development Guarantee.* The property owner shall file with Anoka County, subject to review and approval of the City of Blaine, such restrictive covenants to permanently commit such development to elderly retirement persons, or until both parties agree to terminate such restrictive covenants.~~
- (6) ~~(10)~~ *Maintenance Free Exteriors.* Maintenance free exterior as approved by the Zoning Administrator. (Ord. No. 94-1538, amended 11-17-1994)

(Added 4-2-1987)

**29.090 [29.60] - MEDIUM DENSITY MULTI-FAMILY (R-3B)**

**29.091 [29.61] - Intent.**

The district is intended to allow the development of townhouses, quads, and other types of medium density multi-family units at ten (10) dwelling units per acre located adjacent to major collector streets and served by public services and facilities.

**29.092 [29.62] - Permitted uses.**

- (a) Townhouses.
- (b) Quads.
- (c) Multiple dwellings.
- ~~(d) Public parks.~~

~~(d) [(e)]~~ Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

~~(f) — Fire stations. (Ord. No. 91-1264, amended 9-19-1991)~~

**29.093 [29.63] - Accessory uses.**

(a) Private garages.

(b) Signs as regulated in Section 34.07(c).

(c) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, amended 7-21-1994)

**29.094 [29.64] - Conditional uses.**

(a) Schools.

(b) Churches.

~~(c) — Public buildings.~~

(c) State licensed residential care facility or state licensed childcare facility serving up to 16 persons

(d) Golf courses (public and private).

(e) Home occupations as regulated by 33.10(d).

(f) Private tennis courts.

(g) Private swimming pools.

(h) ~~Elderly/Retirement~~ Senior Housing complying with standards as set forth in Section ~~29.0993 29.693~~ (Ord. No. 87-1017, added 4-2-1987).

(i) Structure heights of greater than two and one-half (2½) stories or thirty (30) feet for non-~~senior elderly~~ multiple dwellings. (Ord. No. 88-1072, amended 3-17-1988)

(i) Manufactured home park meeting the standards of 29.120.

**29.095 [29.65] - Standards—Quad, townhouse.**

(a) Minimum area to be zoned R-3B—Ten (10) acres.

(b) Minimum frontage—None.

(c) Minimum depth—None.

(d) Front yard—Thirty-five (35) feet

(e) Rear yard—Twenty (20) feet.

(f) Side yard—Twenty (20) feet.

~~(g) — Parking—Two (2) garage spaces plus two (2) off-street spaces per unit or as required by the Director of Community Development.~~

~~(g) [(h)]~~ Maximum density—Ten (10) units per acre.

~~(h) [(i)]~~ Minimum dwelling size:

(1) Two-bedroom multi-level—Nine hundred sixty (960) square feet on first finished floor.

(2) More than two (2) bedrooms—One hundred twenty (120) square feet for each additional bedroom.

~~(i) [(j)]~~ Minimum distance between buildings—Forty (40) feet.

~~(j) [(k)]~~ Number of units permitted per building—Minimum of three (3), maximum of six (6) - (townhouses only).

~~(k) [(l)]~~ Maximum building height—Two and one-half (2½) stories or thirty (30) feet, whichever is less.

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

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

(2) Side yard ..... 20 feet

(3) Rear yard ..... 20 feet

~~(m)~~ [(n)] The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)

~~(n)~~ [(o)] Garage access doors shall not exceed eight (8) feet in height. (Ord. No. 94-1501, amended 4-21-1994)

~~(o)~~ [(p)] Maintenance free exterior as approved by the Zoning Administrator. (amended 11-17-1994)

**29.096 [29.66] - Standards—Multiple dwelling.**

(a) Minimum area to be zoned R-3B—Ten (10) acres.

(b) Minimum width—None.

(c) Minimum frontage—None.

(d) Minimum depth—None.

(e) Front yard setback—Forty-five (45) feet

(f) Rear yard setback—Thirty (30) feet.

(g) Side yard setback—Thirty (30) feet.

~~(h) —Parking—One-half (½) garage space plus two (2) off-street spaces per unit.~~

~~(h)~~ [(i)] Maximum density—Ten (10) units per acre.

~~(i)~~ [(j)] Minimum dwelling size: Six-hundred (600) square feet plus one hundred twenty (120) square feet for each additional bedroom over one (1).

~~(1) —One-bedroom—Six hundred (600) square feet.~~

~~(2) —Two-bedroom—Seven hundred twenty (720) square feet.~~

~~(3) —More than two (2) bedroom—One hundred twenty (120) additional square feet.~~

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

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

(2) Side yard ..... 20 feet

(3) Rear yard ..... 20 feet

When a R-3B, Multiple Family, is located adjacent to a R-1 or R-2 zoning district, the side yard and rear yard parking/driveway setback shall be a minimum of twenty-five (25) feet.

~~(k)~~ [(l)] The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)

~~(l)~~ [(m)] Maximum building height—Two and one-half (2½) stories or thirty (30) feet, whichever is less. Greater heights up to fifty (50) feet as permitted by Conditional Use Permit. (Ord. No. 88-1072, amended 3-17-1988)

~~(m)~~ [(n)] Maintenance free exterior as approved by the Zoning Administrator. (Ord. No. 94-1538, amended 11-17-1994)

**29.097 [29.67] - Setback buffers.**

(a) When higher density districts are located adjacent to lower density districts, the following setbacks shall apply for all buildings. (Ord. No. 85-898, amended 8-15-1985)

(1) R-3B adjacent to R-4 single family districts, other than RE—Eighty (80) feet.

(2) R-3B adjacent to R-2—Sixty (60) feet.

(3) R-3B adjacent to RE—Thirty (30) feet.

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

**29.098 [29.68] - Landscaping.**

- (a) All open areas of any lot not occupied by building or parking shall be landscaped with trees, shrubs, and berms, in accordance with requirements of Section ~~33.07~~ 33.08.
- (b) Underground irrigation shall be required for all front yards and corner side yards. Such irrigation shall extend to include public boulevards and into landscaped parking islands, except natural areas to be preserved. (Ord. No. 89-1177, added 4-1-1990)

**29.099 [29.69] - Screening.**

- (a) At least seventy-five percent (75%) of the setback requirements shall be maintained as an opaque landscape buffer zone.

**29.0991 [29.694] - Storage.**

- (a) For multiple dwellings, garbage receptacles must be in either the rear or side yards and screened from public view by a six-foot-high solid fence.

**29.0992 [29.692] - Parking.**

- (a) Parking is permitted in the front yards provided that the parking area is opaquely screened from public view by a combination of berms and plantings. (Ord. No. 85-898, amended 8-15-1985)

~~(b) Parking stall—Nine (9) feet by twenty (20) feet. All parking areas shall be striped.~~

~~(c) Driveways and aisles shall be twenty four (24) feet minimum.~~

~~(d) No parking is permitted within setback requirements.~~

~~(e) For additional requirements, refer to Section 33.14.~~

**29.0993 [29.693] - ~~Elderly/retirement~~ Senior housing standards.**

- (a) Notwithstanding other provisions of this chapter, Elderly/Retirement Housing projects shall meet the following requirements.

(1) *Minimum Floor Area:*

Efficiency ..... 440 square feet

One-bedroom ..... 520 square feet

Two-bedroom ..... 700 square feet (minimum one hundred (100) square feet per bedroom)

(2) *Minimum Lot Area:*

One (1) acre.

- (3) *Open Space.* Two hundred fifty (250) square feet per unit, plus on-site sidewalk system with sitting areas. This area shall not include setback area requirements for parking lots. Active open spaces (i.e., game areas, garden plots, etc.) shall be no less than fifty (50) feet in any direction, unless integrated with primary use areas of the site and having suitable access to residents.

- (4) *Recreation.* Recreational areas for elderly, handicapped, and children shall be provided. ~~The location, size and equipment shall be approved by the City Planner as to the adequacy and ability to meet the needs of the residents.~~

(5) *Height. Fifty (50) feet.*

~~R-3A ..... 30 feet~~

~~R-3B ..... 50 feet~~

~~R-3C ..... 50 feet with greater heights permitted by CUP~~

- ~~(6) Transit. Development must be within one-fourth mile of MTC or private bus line and construct a sidewalk to the nearest bus stop or provide a car/van pool for residence~~

- ~~(7) — *Parking.* One (1) per unit of which .6 shall be constructed as part of the development; .2 shall be held in reserve on site and constructed when eighty percent (80%) of all stalls are committed to residents and/or employees, and .2 shall be constructed as enclosed within two (2) years of development occupancy.~~
- ~~(8) — *Restriction to Elderly Occupancy.* Restrictions to permanently commit such development to elderly retirement persons, or until both parties agree to terminate the arrangement.~~
- ~~(9) — *Development Guarantee.* The property owner shall file with Anoka County, subject to review and approval of the City of Blaine, such restrictive covenants to permanently commit such development to elderly retirement persons, or until both parties agree to terminate such restrictive covenants.~~
- (6) [(40)] *Maintenance Free Exterior.* Maintenance free exterior as approved by the Zoning Administrator. (Ord. No. 94-1538, amended 11-17-1994)

(Added 4-2-1987)

## **29.100 [29.70] - HIGH DENSITY MULTI-FAMILY (R-3C)**

### **29.101 [29.71] - Intent.**

The district is intended to create, preserve, and enhance areas for multi-family use at higher densities up to twenty (20) units per acre for both permanent and more transient families. It is appropriate only in areas served by public utilities, with good accessibility to thoroughfares, public community centers, libraries, and shopping centers.

### **29.102 [29.72] - Permitted uses.**

- (a) Townhouses.
- (b) Quads.
- (c) Multiple dwellings.
- ~~(d) — *Public parks.*~~
- (d) [(e)] Group family day care. (Ord. No. 91-1248, amended 4-4-1991)
- ~~(f) — *Fire stations. (Ord. No. 91-1264, amended 9-19-1991)*~~

### **29.103 [29.73] - Accessory uses.**

- (a) Private garages.
- (b) Signs as regulated in Section 34.07 (c).
- (c) Commercial daycare accessory to a legal conforming church or school. (Ord. No. 94-1527, amended 7-21-1994)

### **29.104 [29.74] - Conditional uses.**

- (a) Schools.
- (b) Churches.
- ~~(c) — *Public buildings.*~~
- (c) State licensed residential care facility or state licensed childcare facility serving up to 16 persons
- (d) Home occupations as described in 33.10(d).
- (e) Golf courses (public and private).
- (f) Private swimming pools.
- (g) Private tennis courts.
- (h) ~~Elderly/Retirement~~ Senior Housing complying with standards as set forth in Section 29.1093 ~~29.793~~. (Ord. No. 87-1017, added 4-2-1987).
- (i) Structure height of greater than two and one-half (2½) stories or thirty (30) feet for non-~~senior elderly~~ multiple dwellings. (Ord. No. 88-1072, amended 3-17-1988)
- (j) Manufactured home park meeting the standards of 29.120.

**29.105 [29.75] - Standards—Quad, townhouse.**

- (a) Minimum area to be zoned R-3C—Ten (10) acres.
- (b) Minimum frontage—None.
- (c) Minimum depth—None.
- (d) Front yard—Fifty-five (55) feet.
- (e) Rear yard—Thirty (30) feet.
- (f) Side yard—Thirty (30) feet.
- ~~(g) Parking—Two (2) garage spaces plus two (2) off-street spaces per unit or as required by the Director of Community Development.~~
- (g) [(h)] Maximum density—Twenty (20) units per acre.
- (h) [(i)] Minimum dwelling size:
  - (1) Two-bedroom multi-level—Nine hundred sixty (960) square feet on first finished floor.
  - (2) More than two (2) bedrooms—One hundred twenty (120) square feet for each additional bedroom.
- (i) [(j)] Minimum distance between buildings—Forty (40) feet.
- (j) [(k)] Number of units permitted per building—Minimum of three (3), maximum of six (6) - (townhouses only).
- (k) [(l)] Maximum building height—Two and one-half (2½) stories or thirty (30) feet, whichever is less.
- (l) [(m)] Parking and driveways may be constructed to within the following minimum setbacks of property line: (Ord. No. 85-898, amended 8-15-1985)
  - (1) Front yard/corner side yard ..... 30 feet
  - (2) Side yard ..... 20 feet
  - (3) Rear yard ..... 20 feet
- (m) [(n)] The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)
- (n) [(o)] Garage access doors shall not exceed eight (8) feet in height. (Ord. No. 94-1501, amended 4-21-1994)
- (o) [(p)] Maintenance free exterior as approved by the Zoning Administrator. (Ord. No. 94-1538, amended 11-17-1994)

**29.106 [29.76] - Standards—Multiple dwelling.**

- (a) Minimum area to be zoned R-3C—Ten (10) acres.
- (b) Minimum frontage—None.
- (c) Minimum depth—None.
- (d) Front yard—Fifty-five (55) feet.
- (e) Rear yard—Twenty (20) feet.
- (f) Side yard—Twenty (20) feet.
- (g) Parking—One-half (½) garage space plus two (2) off-street spaces per unit.
- (h) Maximum density—Twenty (20) units per acre.
- (i) Minimum dwelling size: Six hundred square feet plus One hundred twenty (120) for each bedroom exceeding one.
  - ~~(1) One (1) bedroom—Six hundred (600) square feet on first finished floor.~~
  - ~~(2) Two (2) bedrooms—Seven hundred twenty (720) square feet for each additional bedroom.~~
  - ~~(3) More than two (2) bedrooms—One hundred twenty (120) additional square feet.~~
- (j) Minimum distance between buildings—Forty (40) feet.

- (k) Maximum building height—Two and one-half (2½) stories or thirty (30) feet, whichever is less. Greater heights permitted by Conditional Use Permit. (Ord. No. 88-1072, amended 3-17-1988)
- (l) Parking and driveways may be constructed to within the following minimum setbacks of property line: (Ord. No. 85-898, amended 8-15-1985)
  - (1) Front yard/corner side yard ..... 30 feet
  - (2) Side yard ..... 20 feet
  - (3) Rear yard ..... 20 feet

When a R-3C, Multiple Family, is located adjacent to a single or two family R-1 or R-2 zoning district, the side yard and rear yard parking/driveway setback shall be a minimum of twenty-five (25) feet.

- (m) The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)
- (n) Maintenance free exterior as approved by the Zoning Administrator. (Ord. No. 94-1538, amended 11-17-1994)

**29.107 [29.77] - Setback buffers.**

When higher density districts are located adjacent to lower density districts, the following setbacks shall apply for all yards and shall not be used for parking.

- (a) R-3C adjacent to single family zoning districts R-1—One hundred (100) feet.
- (b) R-3C adjacent to R-2—Seventy (70) feet.
- (c) R-3C adjacent to R-3A—Fifty (50) feet.
- (d) R-3C adjacent to R-3B—Thirty (30) feet.
- (e) A reduction in the required setback buffer may be requested by following the requirements of Section 33.21, Buffer Yard Flexibility. (Ord. No. 86-937, amended 4-3-1986).

**29.108 [29.78] - Parking.**

- (a) Parking is permitted in the side or front yards provided that the parking area is effectively screened from public view by a combination of fence, plantings, and berms. (Ord. No. 85-898, amended 8-15-1985)

~~(b) Parking areas in R-3C Districts shall be striped. Standard parking stalls shall be nine (9) feet by twenty (20) feet. Driveways and parking aisles to be twenty-four-foot minimum.~~

~~(c) No parking is permitted within setback requirements.~~

- (b) [(d)] For additional requirements, refer to Section 33.13 ~~33.14~~.

**29.109 [29.79] - Landscaping.**

- (a) All open areas of any lot not occupied by building or parking shall be landscaped with trees, shrubs, and berms, in accordance with regulations of Section 33.07 ~~33.08~~.
- (b) Underground irrigation shall be required for all front yards and corner side yards. Such irrigation shall extend to include public boulevards and into landscaped parking islands, except natural areas to be preserved. (Ord. No. 89-1177, added 1-4-1990)

**29.1091 [29.794] - Screening.**

- (a) At least seventy-five percent (75%) of the setback requirements between districts shall be maintained as a landscape buffer zone sufficient enough to provide an opaque screen. The buffer zone shall contain a combination of trees, shrubs, berms and fences.

**29.1092 [29.792] - Storage.**

- (a) For multiple dwellings, garbage receptacles must be in either the rear or side yards and screened from public view by a six-foot-high solid fence.

**29.1093 [29.793] - ~~Elderly/retirement~~ Senior housing standards.**

- (a) Notwithstanding other provisions of this chapter, Elderly/Retirement Housing projects shall meet the following requirements.



- (1) *Minimum Floor Area:*  
 Efficiency ..... 440 square feet  
 One-bedroom ..... 520 square feet  
 Two-bedroom ..... 700 square feet (minimum one hundred (100) square feet per bedroom)
- (2) *Minimum Lot Area:*  
 One (1) acre.
- (3) *Open Space.* Two hundred fifty (250) square feet per unit, plus on-site sidewalk system with sitting areas. This area shall not include setback area requirements for parking lots. Active open spaces (i.e., game areas, garden plots, etc.) shall be no less than fifty (50) feet in any direction, unless integrated with primary use areas of the site and having suitable access to residents.
- (4) *Recreation.* Recreational areas for elderly, handicapped, and children shall be provided. ~~The location, size and equipment shall be approved by the City Planner as to the adequacy and ability to meet the needs of the residents.~~
- (5) *Height.* Fifty (50) feet, with greater heights permitted by CUP.  
~~R-3A ..... 30 feet~~  
~~R-3B ..... 50 feet~~  
~~R-3C ..... 50 feet with greater heights permitted by CUP~~
- ~~(6) *Transit.* Development must be within one-fourth mile of MTC or private bus line and construct a sidewalk to the nearest bus stop or provide a car/van pool for residence~~
- ~~(7) *Parking.* One (1) per unit of which .6 shall be constructed as part of the development; .2 shall be held in reserve on-site and constructed when eighty percent (80%) of all stalls are committed to residents and/or employees, and .2 shall be constructed as enclosed within two (2) years of development occupancy.~~
- ~~(8) *Restriction to Elderly Occupancy.* Restrictions to permanently commit such development to elderly retirement persons, or until both parties agree to terminate the arrangement.~~
- ~~(9) *Development Guarantee.* The property owner shall file with Anoka County, subject to review and approval of the City of Blaine, such restrictive covenants to permanently commit such development to elderly retirement persons, or until both parties agree to terminate such restrictive covenants.~~
- (6) [(40)] *Maintenance Free Exteriors.* Maintenance free exterior as approved by the Zoning Administrator. (Amended 11-17-94. Ord. 94-1538)

(Added 4-2-1987)

## **29.110 [29.80] - DEVELOPMENT FLEX (DF)**

### **29.111 [29.81] - Intent.**

The Development Flex District (formerly known as the Residential Flex District) is intended to provide for greater flexibility in land use planning and maximize the choice of housing types and styles ~~at a more affordable price range~~ than is possible under the strict application of other sections of this ordinance. The Development Flex District also attempts to create a reasonable balance between the interests of the property owner in freely developing his property with greater flexibility in land uses, and at the same time protect the interest of surrounding properties in the following ways:

- (a) By encouraging a more creative approach in housing developments, that will result in quality living environments through innovative design and aesthetic controls:
- (b) By permitting a combination of housing types and style, including single, two-family, and multiple family dwellings, with the exception of mobile homes:
- (c) By allowing flexibility in design by permitting cluster developments and a variety of architectural styles and treatments;
- (d) By allowing for any type of ownership, private, condominium, or rental;

- (e) By allowing flexibility in setback and height restrictions;
- (f) By allowing non-residential uses, such as commercial or light industrial uses which will serve the inhabitants of such district, provided such non-residential uses will enhance the character, amenities, and convenience of those who live in the proposed development;
- (g) By providing an efficient use of land resulting in more cost efficient installation of utilities, streets, and other facilities.
- (h) By encouraging the preservation of common open space, recreational facilities, natural features, such as woodland and wetland areas;
- (i) By contributing to the tax base of the community without making undue demands on the community services; and
- (j) By providing the means for greater creativity and flexibility in environmental design than is provided under the strict application of the Blaine Zoning Ordinance and Subdivision Ordinance, while, at the same time, preserving the health, safety, order, convenience, prosperity, and general welfare of the City of Blaine and its inhabitants.

(Ord. No. 97-1658, amended 5-15-1997)

**29.112 [29.82] - Criteria.**

The Development Flex District is a zoning district which may be allowed in combination with any residential, commercial, or light industrial land use designation. Every proposal presented to the City Council for rezoning to the Development Flex District shall be accompanied by a ~~conditional use permit application and a site plan preliminary site plan as provided in Section 29.89 of this ordinance. A conditional use permit is required at the time of final plan approval to insure adherence to the preliminary site plan as approved at the time of rezoning of the site to Development Flex District.~~ The City Council shall consider the following criteria and objectives in processing the application for rezoning to Development Flex District and the application for the conditional use permit:

- (a) That the proposal shall provide for a wider range of housing types, price ranges and styles than could be accomplished under the existing zoning;
- (b) That the proposal shall provide amenities and facilities and open spaces greater than the minimum requirements under existing zoning;
- (c) That the proposed development is compatible with the purposes and intents of this ordinance and with the comprehensive plan;
- ~~(d) That the proposal shall exercise no substantial detrimental influence upon the market value of surrounding properties;~~
- ~~(e) That the proposal shall show a favorable economic impact on the community at large;~~
- (d) ~~(f)~~ That the proposal shall in no way be detrimental to the environment. Scenic aspects and natural features, such as streams, trees, topography, and geological features, shall be protected and preserved to the greatest extent possible;
- (e) ~~(g)~~ That the proposal shall not impose any undue burden upon the public services and facilities, such as fire and police protection, schools, streets, water systems, sanitary sewer systems, and storm sewer systems;
- (f) ~~(h)~~ That the proposed development is designed in such a manner to form a desirable and unified environment within its own boundaries, and also which will not be detrimental to future land uses in the surrounding areas; and
- (g) ~~(i)~~ That the proposal be consistent with all other applicable City and State regulations.

(Ord. No. 97-1658, amended 5-15-1997)

**29.113 [29.83] - Procedure.**

- (a) Prior to ~~the preparation and filing of a preliminary site plan and formal making an~~ application for the conditional use permit and ~~the~~ rezoning to the Development Flex District, the developers ~~or owners~~ shall meet with the Zoning Administrator ~~Director of Community Development~~ to review all applicable ordinances, regulations and plans that will affect the area to be rezoned.

- (b) The developer shall present a concept plat or site plan to the Zoning Administrator. The Zoning Administrator shall review the concept design and recommend changes to comply with the criteria listed in 29.82. The developers or owners of the property shall prepare a preliminary site plan in accordance with the regulations of Section 29.89 and shall submit the plan to the Office of Community Development forty-five (45) days prior to the public hearing.
- ~~(c) The preliminary site plan and the applications for a Development Flex District and conditional use permit shall be submitted to the Administrative Review Committee for review and comment, and to insure compliance with other City codes and regulations.~~
- (c) [(d)] Upon staff approval of concept plan ~~the preliminary site plan and the~~ a formal application may be made for a rezoning and application for conditional use permit. If applicable, an application for preliminary plat shall be made concurrently. ~~a public hearing shall be scheduled before the Planning Commission.~~
  - (1) The rezoning and conditional use permit shall be reviewed and considered as outlined under Sections 27.03 and 27.04 of this ordinance. The public hearing for the proposed rezoning shall be held concurrently with the conditional use permit and preliminary plat. A rezoning to Development Flex shall not be made without a conditional use permit.
  - (2) Prior to approval of building permits, the zoning administrator shall find that all standards listed in the conditional use permit have been satisfied in the site plan, building permit, and/or plat applications.
  - (3) Any changes to the standards or allowed uses within an area zoned DF shall require a conditional use permit amendment.
  - (4) If construction does not commence within two (2) years after issuance of the conditional use permit, the Council may initiate rezoning to remove the Development Flex District zoning and rezone the property to the zoning that was in effect at the time of the initial rezoning.
- ~~(e) The notice for public hearing shall be published in the official newspaper at least ten (10) days, but not more than thirty (30) days, prior to the public hearing, at which time the item will be heard. Notices will also be sent during this time period to property owners of record within three hundred fifty (350) feet of the exterior boundaries of subject property and within three hundred fifty (350) feet of all contiguous property under common ownership. (Ord. No. 88-1066, amended 2-4-1988)~~
- ~~(f) A written evaluation from the Office of the Community Development shall be forwarded to the Planning Commission and the applicant one (1) week prior to the public hearing.~~
- ~~(g) The Planning Commission shall simultaneously hold a public hearing on the preliminary site plan and proposed rezoning and conditional use permit requests. Following the public hearing, the Planning Commission shall submit in writing to the City Council its report, its findings, and its recommendation as to the appropriateness of the preliminary site plan, and shall recommend approval, modification, postponement, or disapproval, based upon the criteria set forth in Section 29.82 of this Ordinance.~~
- ~~(h) The preliminary site plan and the rezoning application shall be scheduled for a City Council meeting within thirty (30) days after the submittal of the Planning Commission report.~~
- ~~(i) The City Council shall consider the application for rezoning, pursuant to Section 29.82 and shall approve, postpone, or disapprove the application for the rezoning. If the application for the rezoning is approved, the City Council shall approve or modify and approve the preliminary site plan.~~
- ~~(j) The developer shall file final plans in accordance with the regulations of Section 29.891 in the office of Community Development at least thirty (30) days before a City Council meeting.~~
- ~~(k) The City Council, upon receipt of the final plans and the application for the conditional use permit, may approve the final plans and may grant a conditional use permit, if, in their determination, the proposed development is consistent with the preliminary site plan, as approved. A certified copy of the conditional use permit shall be recorded in the office of the Anoka County Recorder pursuant to Minnesota Statutes Section 462.3595, Subdivision 4.~~

#### **29.114 [29.84] - Plan Requirements**

(a) Submittal requirements for DF zoning when involving a new residential subdivision, including single family homes, duplexes, quads, and townhomes, the application shall include:

- (1) All materials required for a preliminary plat in section 74-74 of the Blaine Code of Ordinances
- (2) Floor plans and elevations for all proposed homes
- (3) Anticipated pricing for proposed homes

- (4) Tree preservation plan meeting the requirements of 33.09.
- (5) Landscape plan including plant materials proposed for common areas and for individual lots
- (6) Narrative explaining the proposed development and mix of housing types

(b) Submittal requirements for DF zoning when involving multifamily dwellings, commercial, industrial, or institutional uses shall include:

- (1) Certificate of survey including all existing structures
- (2) Grading plan existing and proposed grades at 2 foot contour intervals to a known datum, sufficient spot elevations on all proposed hard surfaces, location of proposed stormwater facilities, identification of areas within a flood hazard zone, finished floor elevations of all buildings.
- (3) Utility plan proposed location and size of all utility lines
- (4) Site plan including location of all proposed buildings and proposed uses, location of driveway and parking areas, building and parking setbacks, location of refuse areas, location of outdoor storage areas
- (5) Tree preservation plan meeting the requirements of 33.09.
- (6) Landscape plan meeting the requirements of 33.07.
- (7) Floor plan of proposed buildings including dimensions of proposed rooms, specification of uses
- (8) Elevations of the proposed building identifying exterior treatment, materials, and colors.
- (9) Calculation of necessary parking spaces
- (10) Narrative explaining the operation of the property

~~(Ord. No. 97-1658, amended 5-15-1997)~~

**~~[29.84 – Major changes.~~**

~~If the applicant proposes major changes in the final site plan that are inconsistent with the preliminary site plan, these changes can only be made by resubmission of a new preliminary site plan and rezoning application to the Office of Community Development, and rescheduling of a new public hearing before the Planning Commission and review again by the City Council.~~

~~The following constitute major changes:~~

- ~~(a) — Increase in density;~~
- ~~(b) — Change in architectural design or style~~
- ~~(c) — Change in type of ownership, private, condominium, or rental;~~
- ~~(d) — Change of more than ten percent (10%) in total floor area;~~
- ~~(e) — Increase in height of any building;~~
- ~~(f) — Major modification to the landscape plan;~~
- ~~(g) — Reduction in the proposed open space;~~
- ~~(h) — Change in the development schedule;~~
- ~~(i) — Change in the road location or standards; and~~
- ~~(j) — Any changes determined to be major by the City Council.~~

~~(Ord. No. 97-1658, amended 5-15-1997)~~

**~~[29.85 – Minor changes.]~~**

~~The City Council may, in its discretion, permit minor deviations from the preliminary site plan which do not change the concept or intent of the proposed development as previously approved.~~

~~(Ord. No. 97-1658, amended 5-15-1997)~~

**~~[29.86 – Denial.]~~**

~~The City Council shall deny any application for the conditional use permit if it finds the final plans do not substantially conform to the preliminary site plan as previously approved by the City Council. If the final plans are subsequently~~

~~modified to conform to the approved preliminary plan, the applicant may resubmit said final plans to the City Council for approval.~~

~~(Ord. No. 97-1658, amended 5-15-1997)~~

~~**[29.87 – Rezoning.]**~~

- ~~(a) If a conditional use permit is not granted within a two-year period from the time the City Council approves the rezoning and preliminary site plan, the Council may initiate a rezoning to remove the Development Flex District zoning and rezone the property to the zoning that was in effect at the time of the initial rezoning.~~
- ~~(b) If construction does not commence within two (2) years after issuance of the conditional use permit, the Council may initiate a rezoning to remove the Development Flex District zoning and rezone the property to the zoning that was in effect at the time of the initial rezoning.~~
- ~~(c) If construction is not proceeding in accordance with the approved development schedule, the Council may initiate a rezoning of all or part of the land to remove the Development Flex District zoning and rezone all or part of the property to the zoning that was in effect at the time of the initial rezoning.~~

~~(Ord. No. 97-1658, amended 5-15-1997)~~

~~**[29.88 – Development guarantee.]**~~

~~Prior to the granting of any building permit within a Development Flex District, a deposit shall be made to the City, in cash or letter of credit, approved by the City, equal to one hundred fifteen percent (115%) of the estimated cost of all landscaping improvements as required by the final plans.~~

~~(Ord. No. 97-1658, amended 5-15-1997)~~

~~**[29.89 – Preliminary plans required.]**~~

- ~~(a) *Preliminary site plan.* The preliminary site plan shall be drawn at a scale of one (1) inch equals fifty (50) feet, one hundred (100) feet, or two hundred (200) feet. The submission may be composed of one (1) or more sheets and drawings and shall include:
  - ~~(1) Location of all proposed buildings and their proposed uses;~~
  - ~~(2) Location of driveways and parking areas;~~
  - ~~(3) Indicate front, rear, and side yard setbacks proposed;~~
  - ~~(4) Indicate square footage and dimensions of all proposed lots; and~~
  - ~~(5) Location of all easements, width and purpose.~~~~
- ~~(b) *Landscape plan.* The landscape plan shall be prepared at a scale of one (1) inch equals fifty (50) feet and shall contain the following information:
  - ~~(1) Indicate areas for berming, and sodding;~~
  - ~~(2) Indicate the location of proposed plantings, identify plant materials as shade tree, flowering tree, coniferous tree, or shrubs;~~
  - ~~(3) Indicate any existing vegetation; and~~
  - ~~(4) Indicate any trees to be removed.~~~~
- ~~(c) *Grading and drainage plan.* The grading and drainage plan shall be drawn at a scale of one inch equals fifty (50) feet, one hundred (100) feet or two hundred (200) feet and shall contain the following information:
  - ~~(1) Existing and proposed grades with a minimum of two-foot contour intervals to a known sea level datum;~~
  - ~~(2) Sufficient spot elevations on all proposed hard surface areas;~~
  - ~~(3) Estimated runoff of the area based upon ten and one hundred year storm events;~~
  - ~~(4) Provisions to carry runoff to the nearest adequate outlet, such as a storm drain, natural drainage way, or street;~~
  - ~~(5) Location of any proposed ponding areas, indicating the size and depth of the pond and amount of acre feet of water to be stored;~~~~

- (6) — Finished floor elevations of all buildings;
  - (7) — Identify soils by type and location, including identification of the water table, and suitability of soil for the proposed development; and
  - (8) — Identify any areas located in a flood hazard zone as identified by the Department of Natural Resources.
- (d) — *Topographic map.* The topographic map shall be drawn at a scale of one (1) inch equals one hundred (100) feet and shall contain the following information:
- (1) — Two-foot contour intervals;
  - (2) — Indicate watercourses, rock outcroppings, and other significant land features;
  - (3) — Use USGS datum for mapping.
- (e) — *Floor plans and elevations.* All floor plans and elevations shall be drawn to a legible scale and include the following information:
- (1) — Floor plans indicating square footage and dimensions of all proposed rooms and areas within the structure, identifying bedrooms, kitchens, garage areas, utility rooms, closets, bathrooms, etc.; and
  - (2) — Elevations of the proposed building, identifying exterior treatment, such as materials to be used and the color of paint.
- (f) — *Preliminary plat.* If a subdivision is required, the preliminary plant shall be prepared in accordance with the Blaine Code of Ordinances, Chapter 18 – Subdivisions.

(Ord. No. 97-1658, amended 5-15-1997)

**[29.891 – Final plan required.]**

- (a) — *Final site plan.* The final site plan shall be prepared at a scale of one inch equals fifty (50) feet, one hundred (100) feet, or two hundred (200) feet, and shall contain the following information:
- (1) — Location of proposed units;
  - (2) — Location of proposed driveways and parking areas;
  - (3) — Indicate front, rear, and side yard setbacks; and
  - (4) — Indicate square footage of lots and dimensions of lots.
- (b) — *Final landscape plan.* The final landscape plan shall be drawn at a scale of one (1) inch equals fifty (50) feet and shall contain the following information:
- (1) — Plant types (botanical and common names), number, location, size, and method of installation;
  - (2) — Areas to be sodded;
  - (3) — Indicate existing vegetation; and
  - (4) — Indicate trees to be removed.
- (c) — *Final grading and drainage plan.* The grading and drainage plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or one hundred (100) feet or two hundred (200) feet and shall contain the following information:
- (1) — Existing and proposed grades with a minimum of two-foot contour intervals to a known sea level datum;
  - (2) — Sufficient spot elevations on all proposed hard surface areas;
  - (3) — Estimated runoff of the area based upon ten- and one-hundred-year storm events;
  - (4) — Provisions to carry runoff to the nearest adequate outlet, such as storm drain, natural drainage way, or street;
  - (5) — Location of any proposed ponding areas, indicating the size and depth of the pond and amount of acre feet of water to be stored;
  - (6) — Finish floor elevations of all buildings;
  - (7) — Identify soils by type and location, including identification of the water table, and suitability of soil for the proposed development; and

- ~~(8) Identify any areas located in a flood hazard zone as identified by the Office of Housing and Urban Development.~~
  - ~~(9) The lowest floor elevation shall be no lower than two (2) feet above the Regulatory Flood Protection elevation or four (4) feet above the high water level established by a registered professional engineer, whichever is greater. (Ord. No. 86-972, amended 8-21-1986)~~
  - ~~(d) Floor plans and elevations. All floor plans and elevations shall be drawn to a legible scale and include the following information:
 
    - ~~(1) Floor plans indicating square footage and dimensions of all proposed rooms and areas within the structure, identifying bedrooms, kitchens, garage areas, utility rooms, closets, bathrooms, etc.; and~~
    - ~~(2) Elevations of the proposed building, identifying exterior treatment, such as materials to be used and the color of paint.~~~~
  - ~~(e) Final plat. If a subdivision is required, the final plat shall be prepared in accordance with the Blaine Code of Ordinances.~~
  - ~~(f) [Development schedule.] With the final plans, the developer shall submit, for approval by the City, a development schedule for construction of all structures and open space and recreational facilities. ]~~
- ~~(Ord. No. 97-1658, amended 5-15-1997)~~

**29.115 [29.892] - Standards.**

~~[In order to provide maximum flexibility, no fixed standards shall apply to the Development Flex District. However, the City Council shall consider for any proposed use the regulations prescribed in other sections of the Zoning Code for the classification most closely resembling the proposed use. It is the intent that The Planning Commission shall consider and recommend to the City Council appropriate restrictions in connection with each individual application and site development plan for rezoning. ]~~

In order to provide maximum flexibility, no fixed standards shall apply to the Development Flex District. All standards for the development shall be established in a conditional use permit. In determining appropriate standards, the City Council shall consider for any proposed use the regulations prescribed in other sections of the zoning Code for the classification most closely resembling the proposed use. Unless specifically contradicted in the conditional use permit, all standards listed in Chapter 33 of this ordinance shall apply.

~~(Ord. No. 97-1658, amended 5-15-1997)~~

**[29.893 - Compliance.]**

~~No development shall occur nor shall any building permits be issued for any construction that is not in accord with the approved final plans.~~

~~(Ord. No. 97-1658, amended 5-15-1997)~~

**29.120 [29.90] – [MOBILE] MANUFACTURED HOMES (R-4)**

**29.121 [29.94] - Intent.**

The purpose of this district is to allow ~~mobile home and~~ manufactured home parks in appropriate areas of the City.

**29.122 [29.92] - Permitted uses.**

- ~~(a) Mobile Homes.~~
- ~~(a) [(b)]~~ Manufactured Homes.
- ~~(c) Mobile home sales lots in conformity with Chapter 12 of the Blaine Code of Ordinances.~~
- ~~(b) [(d)]~~ Group family day care. (Ord. No. 91-1248, amended 4-4-1991)

**29.123 [29.93] - Accessory uses.**

- (a) Within the community building: barber and beauty shops, laundromats, small grocery stores.

- (b) Carport or garage not to exceed six hundred twenty-four (624) square feet. (Ord. No. 94-1540, amended 11-17-1994)
- (c) Shed (accessory building) not to exceed two hundred (200) square feet. (Ord. No. 94-1540, amended 11-17-1994)

**29.124 [29.94] - Conditional uses.**

- (a) Home occupations, as described in 33.10 (d).
- (b) Mobile Manufactured home sales office. (Ord. No. 86-975, amended 9-18-1986)
- ~~(c) Mini-storage facility without outdoor storage of any kind, including vehicles. (Ord. No. 91-1246, amended 3-21-1991)~~
- ~~(d) Recreational vehicle sales lot without service and repair. For the purpose of this ordinance, recreational vehicle sales are defined to include only house trailers, motor homes, tent trailers, converted buses and vans. (Ord. No. 91-1246, amended 3-21-1991)~~
- (c) Manufactured home sales lots in conformity with 46-6 of the Blaine Code of Ordinances.

**29.125 [29.95] - Standards.**

- (a) Minimum acreage of mobile-manufactured home park—Twenty (20) acres.
- (b) Minimum lot size—Four thousand five hundred (4,500) square feet.
- (c) Minimum frontage—Sixty (60) feet. (Ord. No. 86-948, amended 6-5-1986)
- (d) Front yard setbacks—Ten (10) feet from the curb; five (5) feet from the sidewalk.
- (e) Where an alley is provided adjacent to the rear line, there shall be a minimum setback of five (5) feet.
- (f) Side yard setback—Five (5) feet.
- (g) Minimum distance between mobile homes—Twenty (20) feet.
- (h) Where a mobile manufactured home park abuts a residential district, there shall be a setback of at least one hundred (100) feet which shall be landscaped and maintained.
- (i) The parking of more than one (1) mobile home on any single lot is not permitted.
- ~~(j) No mobile home may be inhabited by a greater number of occupants than that for which it was designed.~~
- ~~(j) [(k)]~~ A patio shall be constructed on the ground beside each mobile home parking space. The patio shall not be less than two hundred (200) square feet in area, constructed of concrete, with four-inch thickness or its approved equivalent.
- ~~(k) [(l)]~~ Landscaping.
  - (1) At least one (1) overstory ~~[shade]~~ tree shall be placed and maintained on each lot.
  - (2) Except for the areas used for the mobile home, patios, sidewalks, and off-street parking areas, the entire lot shall be sodded and maintained with grass.
- ~~(l) [(m)]~~ Parking.
  - (1) An off-street parking area of at least four hundred forty (440) square feet shall be provided for each mobile home lot. The parking area surface shall be equal to street construction.
  - (2) A parking area equal to one (1) space for each ten (10) mobile home lots shall be provided adjacent to the community building.
- ~~(m) [(n)]~~ Streets, curbs and sidewalks.
  - (1) Each mobile home park lot shall abut on and have access to a public or private street. The street shall be constructed of a minimum of two (2) inches of bituminous surface material on a MnDOT Class 5 base of at least four-inch thickness.
  - (2) A concrete curb shall be constructed on each side of the street. The face of this curb shall be at least fifteen (15) feet from the center line of said street. The curb design shall be of a type approved by the City Engineer.
  - (3) A concrete sidewalk, not less than thirty-six (36) inches wide shall be constructed.
- ~~(n) [(o)]~~ Water and Sewer Facilities—Burial of utility lines.



- (1) Water facilities and sewage disposal shall be installed and maintained by the owner of the mobile home park and shall be constructed in accordance with the laws of the state, the recommendations of the State Health Department, and ordinances and requirements of the City.
- (2) All utility lines within the mobile home park shall be buried.
- (o) ~~[(p)]~~ Fire Hydrants.
  - (1) Fire hydrants shall be placed throughout the area in such a way to satisfy the State Department of Public Safety, Fire Marshall Division, that adequate fire protection is achieved.
- (p) ~~[(q)]~~ Lighting.
  - (1) Street lighting shall be installed and maintained by the owner of the mobile manufactured home park and shall be constructed in accordance with all applicable laws and ordinances.
  - ~~(2) A street light standard that extends twenty-five (25) feet above ground level shall be provided at each entrance to a mobile home park and at each intersection therein. Similar standards shall be provided at one hundred fifty (150) foot intervals on all streets. Such standards shall be equipped with one hundred seventy five (175) watt light provided with photo control and fifteen (15) amp fuse connector kit.~~
- (q) ~~[(r)]~~ Storage of Boats, Etc.
  - ~~(1) All boats, boat trailers, hauling trailers, and all other equipment not stored within the manufactured home or stored within the utility enclosure that may have been provided, shall be stored in a separate area provided by the park, and shall not be stored upon the lot occupied by manufactured homes, nor upon the streets within the manufactured home park.~~
  - ~~(2) The storage area provided by the park must be secured for the storage of boats, campers, and hauling trailers and must be fenced with a minimum of six-foot high fencing. The storage area shall include at least 200 square feet of area for each ten manufactured home lots.~~
- (r) ~~[(s)]~~ Park and Recreation.
  - (1) A minimum of ten percent (10%) of the total mobile home park shall be devoted to park and recreation and shall be furnished with playground equipment.
- (s) ~~[(t)]~~ Office and Community Building.
  - (1) In a mobile home park an adequate office and community building shall be provided with a minimum square footage of 3,000 square feet, adjacent to an area to be used for exterior clothes drying. ~~Such community building shall have a minimum square footage of three thousand (3,000) square feet. No exterior clothes drying shall be permitted within the lot or any other area of the mobile home park, except the area designated for exterior clothes drying.~~
- (t) ~~[(u)]~~ Storm shelter and Civil Defense.
  - (1) Storm shelters shall be provided in each mobile home park. Such shelters shall be constructed so as to provide safety for the occupants of the mobile home park in the event of a tornado. There shall be one (1) shelter for every thirty (30) mobile home lots and each shelter shall have a minimum area of eight hundred ten (810) square feet.
  - (2) An approved civil defense siren must be installed by the developer of the mobile home park as close to the center of the mobile home park as possible.
- (u) ~~[(v)]~~ Mobile Homes Building Code.
  - (1) All mobile homes occupied or stored in a mobile home park shall comply with the requirements of Mobile Homes Building Code.
  - ~~(2) Any mobile home placed in a mobile home park after September 1, 1974, shall have a support system and a ground anchoring system which comply with the rules and regulations promulgated by the State Commissioner of Administration.~~
  - ~~(3) All mobile homes placed in a mobile home park, which have been manufactured after July 1, 1972, shall bear a seal from the Commissioner of Administration, pursuant to Minnesota Statutes.~~
- ~~(w) Speed Limit.~~

~~(1) No person shall drive, operate, or be in physical control of a motor vehicle in excess of ten (10) miles per hour within the limits of a mobile home park. Such speed limits shall be clearly posted throughout the mobile home park or recreational camping area.~~

~~(x) Water System Flushing.~~

~~(1) All water systems within the mobile home park shall be flushed twice each year. The annual period shall commence on July 1, 1980. The owner of each mobile home park, or its representative, shall contact the Public Utility Department to schedule a time said park will be flushing the water system.~~

(v) ~~(y)~~ Driveways shall not be constructed closer than five (5) feet to the property line without written authorization from the adjacent property owner and Zoning Administrator.

(w) ~~(z)~~ Accessory Buildings (Garages, Carports, or Sheds). (Ord. No. 94-1540, added 11-17-1994)

- (1) Side and rear yard setbacks—Five (5) feet.
- (2) Front yard setbacks—Ten (10) feet from the curb; five (5) feet from the sidewalk.
- (3) Minimum distance between accessory buildings and mobile homes—Five (5) feet.
- (4) Color of accessory building shall be compatible with the principal building.
- (5) Accessory building total height shall not exceed twelve (12) feet.
- (6) Requests for building permits shall be submitted through park management. The management shall submit a survey of the lot showing the location of the garage or carport, mobile home, patio, off-street parking area, sidewalk, and landscaping prior to issuance of a building permit.

#### **29.126 [29.96] - Filing requirements.**

(a) *Survey and design information required.* The mobile home park plan shall be clearly and legibly drawn at a scale of one (1) inch equals fifty (50) feet, or one hundred (100) feet, or two hundred (200) feet and shall contain the following information:

(1) *Identification and description.*

- (a) The proposed name of the plan, which shall not duplicate or be similar in pronunciation to the name of any plan previously recorded in the county.
- (b) The location of the plan by section, township, and range or by other legal description.
- (c) The names and addresses of the owner(s), subdivider, surveyor and designer.
- (d) Graphic scale, north point, date of preparation.

(2) *Existing Conditions.*

- (a) A boundary line survey of the proposed plan, including measured distances and angles, which shall be tied into the nearest section of quarter section corner by traverse.
- (b) Existing zoning classifications for land within the plan and on abutting property within three hundred fifty (350) feet of the property within the mobile home park plan.
- (c) Total acreage.
- (d) Location, width, and name of every existing or previously platted street or other public way, showing type, width and condition of improvements, railroad and utility right-of-way, parks, and other public open spaces, permanent buildings and structures, easements, section lines and corporate lines within the proposed plan and within a distance of three hundred fifty (350) feet beyond the proposed plan.
- (e) If the proposed plan is a rearrangement or replat of any former plan, the lot and block arrangement of the original plan, along with its original name, shall be indicated by dotted or dash lines. Also, any revised or vacated roadways of the original plan shall be so indicated.
- (f) Location and size of existing sewers, watermains, culverts or other underground facilities within the tract and to a distance of one hundred (100) feet beyond the tract, including such data as grades, invert elevations, and locations of catch basins, manholes, and hydrants.
- (g) Boundary lines of unsubdivided lands within three hundred fifty (350) feet, identified by name and ownership.

- (3) *Plan design features* .
- (a) Layout of proposed streets showing right-of-way widths and proposed street names. If the proposed street is an extension of an existing named street, that name shall be used. In all other cases, the name of any street shall be consistent with the county and city street naming system.
  - (b) Locations and widths of alleys, pedestrian ways, and utility easements.
  - (c) Layout, numbers, and preliminary dimensions of lots and blocks.
  - (d) Areas intended to be dedicated or reserved for public use, including their size in acres.
  - (e) Areas intended for uses other than residential or public.
  - (f) Minimum front and side street building setback lines, as required by the zoning ordinance.
- (b) *Supplementary information required.* the following information shall be filed with the Mobile Home Park Plan:
- ~~(1) A complete topographic map at a scale of one (1) inch equals fifty (50) feet or one hundred (100) or two hundred (200) feet, with contour intervals not greater than two (2) feet, showing watercourses, marshes, rock outcrops and other significant features. At least one (1) print of the mobile home park plan shall be superimposed on a copy of the topographic map. U.S.G.S. datum shall be used for all topographic mapping.~~
  - ~~(1) (2)~~ Soil absorption tests where septic tanks are proposed, and any other subsoil information requested by the City Engineer, including soil borings to a depth of at least fifteen (15) feet.
  - ~~(2) (3)~~ Plans for water supply, sewage disposal, drainage system, and flood control, including the proposed location, size and gradient of proposed sewer lines and watermains, and such other supporting data, as may be required by the City Engineer or the Planning Commission.
  - ~~(3) (4)~~ Center line gradients of proposed streets.
  - ~~(4) (5)~~ Typical cross section of proposed street improvements.
  - ~~(5) (6)~~ If any zoning changes are necessary for property within the mobile home park plan, a rezoning application shall be filed and considered concurrently by the Council with the mobile home park plan.
  - ~~(6) (7)~~ Where the subdivider owns property adjacent to that which is being proposed for subdivision, the Planning Commission may require that the subdivider submit a mobile home park plan of the adjacent property so as to show the relationship of the proposed plan to the future development of the adjacent property.
  - ~~(7) (8)~~ Any additional information required by the Planning Commission and City Staff.
- (c) *Qualifications Governing Approval of a Mobile Home Park Plan.*
- (1) The approval of a mobile home park plan by the Council shall only constitute acceptance of the design as a basis for the preparation of the final mobile home park plan by the owners or subdividers. Subsequent approval by appropriate officials having jurisdiction will be required of the engineering proposals, pertaining to water supplies, storm drainage, sewer disposal, sidewalks, grading, gradients, and roadway widths, and the surfacing of streets prior to the approval of final mobile home park plan by the city. The subdivider shall also present evidence that the mobile home park plan has been reviewed by, and meets the requirements of, those responsible for the provision of gas, electric, and telephone service.
  - (2) No subdivision will be approved for a mobile home park plan which includes any area subject to periodic flooding or which contains poor drainage facilities which would make adequate drainage of the streets and lots impossible, unless the subdivider agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for occupancy and provide adequate street and lot drainage.

**29.127 [29.97] - Procedure.**

- (a) *Preapplication requirements.* Prior to the preparation of a mobile home park plan, the owners shall meet with the Director of Community Development, City Engineer, and other appropriate officials, to review all applicable ordinances, regulations and plans in the area to be subdivided. At this time, or at subsequent informal meetings, the subdivider shall submit a general sketch plan of the proposed subdivision and drainage plan. The sketch plan can be presented in a simple form, but should include any zoning changes which would be required, and should show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivision and development, and to the topography of the site. The subdivider is urged to avail such person of the advice and assistance of the Planning Commission at a Planning Commission meeting at this point, in order to save time and effort and facilitate the approval of the preliminary plan.

- (b) *Preliminary Plan.* After the preapplication meeting, the subdivider shall file, with the Director of Community Development, an application and ~~fifteen (15) copies of~~ the preliminary plan which has been prepared in accordance with regulations set forth in this chapter. At the time of submission of the preliminary plan, a cash fee ~~of ten dollars (\$10.00) per lot (one hundred dollars (\$100.00) minimum) and a cash fee of thirty dollars (\$30.00) per acre established by ordinance~~ shall be paid to the City of Blaine. This fee shall be used to defray costs incurred by the city in connection with consideration of the proposed subdivision.
- (1) The Administrative Review Committee shall undertake a comprehensive review of the preliminary plan in order to determine how the proposed development will affect traffic, utilities, drainage, community facilities, public safety, surrounding development, natural features, historic sites, open space, etc. The committee shall also consider the proposed development in terms of its conformity with the city's Comprehensive Land Use Plan.
  - ~~(2) The Chairperson of the Administrative Review Committee shall prepare a written report to be entitled the "Administrative Review Committee Report" and shall forward said report to the attention of the Planning Commission. A copy of the report shall also be sent to the subdivider.~~
  - ~~(3) The Administrator shall refer a copy of the preliminary plan to the Park Board. The Park Board shall make a written report to the Council and the Director of Community Development for forwarding to the Planning Commission, prior to the public hearing on the preliminary plan.~~
  - (2) (4) The Director of Community Development shall submit copies of the preliminary plan to ~~the Watershed District~~, the county highway department, the state highway department (where applicable). The written report from the above mentioned agencies shall be submitted to the Director of Community Development prior to referral to the Planning Commission.
  - (3) ~~(5)~~ The Director of Community Development shall refer copies of the preliminary plan to the Planning Commission. The Director of Community Development shall arrange for a public hearing to be held ~~within forty five (45) days of the approval of the application by the Director of Community Development~~. The required legal publication shall be made and notices shall be sent to all property owners of record within three hundred fifty (350) feet of all contiguous property under common ownership.
  - (4) ~~(6)~~ The subdivider or a duly authorized representative shall attend the Planning Commission meetings at which the proposal is scheduled for consideration.
  - (5) ~~(7)~~ At the public hearing all persons interested in the proposed subdivision shall be heard, and the Planning Commission shall, ~~within sixty (60) days of the hearing~~, approve, modify and approve, or disapprove the preliminary plan, and submit to the Council, the applicant, and the administrator, its findings and recommendations. The Council shall act upon the preliminary plan and send written notification of its action to the Planning Commission, Administrator, and the applicant. ~~Failure of the Council to act within sixty (60) days of the public hearing is deemed approval.~~ Should the subdivider desire to amend the preliminary plan as approved, such person shall submit the amended plan in accordance with the original procedure set forth above, with the exception of the public hearing and fees. If the Council determines that the scope of the revisions constitutes a new plan, then the public hearing and fees shall be required.
- (c) *Final Plan.*
- (1) The subdivider, within one hundred eighty (180) days after the approval of the preliminary plan, shall file with the Administrator, ~~ten (10) copies~~ of the final plan prepared by a land surveyor duly registered in the state. Failure of the subdivider to submit the final plan within one hundred eighty (180) days, unless a written request for extension has been submitted and for good cause granted by the Council, shall cause the preliminary plan to become null and void.
  - (2) The subdivider shall also submit to the Director of Community Development, at the same time, a currently certified abstract of title or registered property certificate and such other evidence as the City Attorney may require showing the subdividers title or ownership in the land to be subdivided.
  - (3) The subdivider shall have incorporated all changes and modifications in the final plan required by the Council. In all other respects, the final plan shall conform to the preliminary plan.
  - (4) A development plan for the necessary improvements shall be submitted by the subdivider to the Director of Community Development, and then forwarded to the City Engineer for a review of a cost estimate.
  - (5) The Director of Community Development, upon receipt of the final plan, shall retain one (1) copy of the final plan for such officer's records and shall:

- (a) Refer copies of the final plan to the Administrative Review Committee, which shall review the final plan with respect to its conformance with the approved preliminary plan and the Committee shall report its findings to the Director of Community Development within fifteen (15) days of its receipt by the Committee.
  - (b) Refer one (1) copy each to applicable public and private utility companies.
  - (c) Refer the abstract of title or registered property certificate to the City Attorney for examination and report on any restrictive covenants. The City Attorney's written report shall be submitted to the Director of Community Development within fifteen (15) days of its receipt by the City Attorney. The costs incurred by the City in this regard shall be the responsibility of the subdivider and shall be paid by the subdivider to the City prior to release of the executed final plan.
  - (d) Obtain a written report or statement from the City of Blaine certifying the payment by the subdivider of all fees due the City pursuant to this Chapter.
  - (e) Place the consideration of the final plan on the agenda of the next regularly scheduled Council meeting, and notify the subdivider, in writing, of the date, place, and time of the meeting.
  - (f) Submit all of the above reports to the Council for its consideration.
- (6) The subdivider or a duly authorized representative shall attend the meeting before the Council at which the final plan is scheduled for consideration.
  - (7) The Council may, if all reports indicate full compliance with the provisions of this chapter, approve the final plan as submitted and authorize the Mayor and City Manager to sign the final plan.
  - (8) The Council may, if the report from the Administrative Review Committee indicates substantial deviation in the final plan from the approved preliminary plan, determine if the submission shall represent a new plan. If the submission does represent a new plan, the Council shall deny the final plan and direct the subdivider to resubmit such subdividers proposal following preliminary plan requirements.
  - (9) The Council may, if any of the other reports indicate a lack of compliance with the provisions of this chapter, require full compliance by the subdivider within the one-hundred-eighty-day period from the date of approval of the preliminary plan. Failure of the subdivider to comply shall nullify and void the preliminary and final plans.
  - (10) The ~~City Engineer~~ subdivider shall, if the final plan is approved by the Council and signed by the Mayor and City Manager, record the final plan with the County Register of Deeds within thirty (30) days of the date of approval and signing of the final plan. Any final plan not so recorded shall become null and void, unless the Council has granted an extension, which shall not exceed ninety (90) additional days.
  - (11) The ~~City Engineer~~ subdivider shall furnish the Director of Community Development a tracing and three (3) copies of the final plan showing evidence of the recording. The subdivider shall be responsible for any costs incurred pertaining to the verification of the final plan materials. The subdivider shall also furnish one (1) reduced tracing of the final ~~plan with a scale of one (1) inch equals two hundred (200) feet~~. Failure to furnish such copies shall be grounds for refusal to issue building permits for lots within the final plan.
  - (12) No changes, erasures, modifications or revisions shall be made in any final plan after approval has been given by the Council, unless said plan is resubmitted to the City and the Council approves any modifications. In the event that any such final plan is recorded without complying with this requirement, the same shall be considered null and void, no building permits shall be issued for lots within the final plan, and the Council shall institute proceedings to have the plan stricken from the records of the City and County.

## Chapter 30 - COMMERCIAL DISTRICTS

### 30.00 - NEIGHBORHOOD BUSINESS (B-1)

#### 30.01 - Intent.

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

(Ord. No. 87-1016, added 4-2-1987)

**30.02 - Permitted uses.**

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

**30.03 - Accessory uses.**

- (a) Signs as regulated in Section 34.07(b).

**30.04 - Conditional uses.**

~~(a) Gas pumps. Location must be a minimum of one thousand (1,000) feet from public school buildings that serve students primarily in grades 6th through 12th and a minimum of four hundred (400) feet from public school buildings that serve students primarily in grades kindergarten through 5th grade. (Ord. No. 09-2189, amended 8-20-2009; Ord. No. 89-1136, amended 4-20-1989)~~

(a) Gasoline station without auto repair.

- (b) Specialty shops.
- (c) Day care centers—Commercial. (Ord. No. 89-1140, amended 5-18-1989)

**30.05 - Standards.**

- (a) Minimum lot area—One (1) acre.
- (b) Minimum frontage—One hundred fifty (150) feet.
- (c) Minimum depth—One hundred fifty (150) feet.
- (d) Front yard setback—Forty (40) feet.
- (e) Side yard setback—Ten (10) feet, corner lot—Forty (40) feet.
- (f) Rear yard setback—Thirty (30) feet.
- (g) Maximum building height shall not exceed two (2) stories or thirty (30) feet, whichever is less.

~~(h) Maximum lot coverage by building shall not exceed forty percent (40%).~~

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

~~For additional parking requirements, refer to Section 33.14.~~ When a B-1 zoning district is located adjacent to any residentially zoned property, the side yard and rear yard parking/driveway setback shall be a minimum of twenty-five (25) feet.

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

**30.06 - Landscaping.**

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

- (d) ~~(e)~~ All lots in this district shall provide a landscaped yard. This yard shall be kept clear of all structures, storage and off-street parking. Except for driveways, the yard shall extend along the entire boundaries of the site. This yard shall have a minimum width of not less than ten (10) feet.
- (e) ~~(f)~~ For additional landscaping requirements, refer to Section ~~33.07~~ 33.08.
- (f) ~~(g)~~ Underground irrigation shall be required for all ~~front yards and corner side~~ yards. Such irrigation shall extend to include public boulevards and into landscaped parking islands, except natural areas to be preserved. (Ord. No. 89-1177, added 1-4-1990)

(Ord. No. 88-1075, amended 3-17-1988)

### **30.07 - Screening.**

- (a) On a lot adjacent to a lot in a residential district, ~~there shall be an opaque screen made up of trees and/or berms and a six foot high solid fence constructed of maintenance free materials~~there shall be a minimum of a twenty-foot landscape strip, consisting of one (1) or more of the following:
  - ~~(1) Shrubs;~~
  - ~~(2) Berms;~~
  - ~~(3) Trees.~~

~~The screen shall be opaque.~~
- ~~(b) On a lot adjacent to a lot in a residential district, there shall be a six foot high solid fence abutting the residential property. In addition, the fence shall be located in such a way that the entire fence shall be on the property of the owner. Posts and frame work shall be placed within the property lines of the owner and the actual fencing material shall be placed on the side of the fence which faces the street or adjacent property. For additional fencing requirements, refer to Section 33.09.~~
- (b) ~~(e)~~ All screening within thirty (30) feet of any driveway or street intersection shall not be over thirty-six (36) inches in height above the curb or center line of the street.

### **30.08 - Storage.**

- (a) ~~Garbage receptacles, except individual containers for public use, refuse areas, or incinerators must be in the rear or side yards, and must be screened from public view by a six-foot-high solid fence. (Ord. No. 02-1948, amended 6-20-2002)~~ Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principle structure. Such facilities shall have solid gates.
- (b) No outdoor storage of any materials is permitted except as provided for in Section ~~30.09~~ 30.084. (Ord. No. 02-1948, amended 6-20-2002)

### **30.09 [30.084] - Outside display.**

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

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

(Ord. No. 02-1948, added 6-20-2002)

**[30.09 - Lighting.]**

~~(a) Any lighting used to illuminate an off-street parking area, sign or structure, shall be arranged so as to deflect light away from any adjoining residential zone or from public streets.~~

**30.091 - Architectural control.**

~~All buildings within this district shall be of masonry construction, its equivalent or better. Front walls of such buildings facing on streets must be finished with face brick, stone, modern metal paneling, glass, wood or their aesthetic equivalent as determined by the Zoning Administrator. Other walls shall be faced with a common brick or its equivalent. Any building wall facing a residential district shall not be finished with exposed plain-faced poured concrete or concrete block.~~

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

- (1) Brick
- (2) Natural or cultured stone
- (3) Glass
- (4) Stucco or EIFS
- (5) Cementitious siding
- (6) Architectural metal
- (7) Integrally colored rock faced block

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

(c) Buildings may be constructed of primarily one of the materials listed in subsection (a) if the design meets or exceeds the intent of the ordinance.

(d) All buildings to incorporate four sided design

(e) Gasoline canopies support columns shall be constructed of masonry materials consistent with the principle building to a minimum height of 5 feet.



### 30.10 - COMMUNITY COMMERCIAL (B-2)

#### 30.11 - Intent.

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

#### 30.12 - Permitted uses.

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

~~(a) —Retail sales of goods and services including:~~

- ~~Antique shops~~
- ~~Automotive accessory stores~~
- ~~Bakeries~~
- ~~Banks and financial institutions~~
- ~~Barber shops~~
- ~~Beauty shops~~
- ~~Bicycle sales~~
- ~~Book/stationary stores~~
- ~~Camera and photographic supply stores~~
- ~~Catering services~~
- ~~Clothing and apparel stores~~
- ~~Computer and computer accessory stores~~
- ~~Candy and ice cream stores~~
- ~~Carpeting stores~~
- ~~China and glassware stores~~
- ~~Coin stores~~
- ~~Custom dress making~~
- ~~Drug stores~~
- ~~Dry cleaning and laundry~~
- ~~Electrical and houseware appliance stores~~

~~Flower shops~~

~~Furniture and home furnishings stores~~

~~Garden supply stores (Ord. No. 86-947, amended 6-5-1986)~~

~~Grocery stores~~

~~Hobby shops~~

~~Jewelry stores~~

~~Leather goods and luggage stores~~

~~Locksmiths~~

~~Meat markets~~

~~Musical instrument stores~~

~~Nurseries (plants) (Ord. No. 86-947, amended 6-5-1986)~~

~~Office supply stores~~

~~Optical goods stores~~

~~Paint and wallpaper stores~~

~~Photo studios~~

~~Picture frame shops~~

~~Pet grooming shops~~

~~Pet stores~~

~~Post offices~~

~~Public libraries~~

~~Restaurants (Class I and II), provided they do not offer live entertainment~~

~~Schools for music and dance~~

~~Sewing machine shops~~

~~Shoe stores~~

~~Sporting goods stores~~

~~Tailor shops~~

~~Tobacco shops~~

~~Travel bureaus~~

~~(b) — Repair services including:~~

~~Bicycles~~

~~Calculators~~

~~Cameras~~

~~Clock~~

~~Computers~~

~~Electrical and service shops~~

~~Electrical supplies~~

~~Heating and plumbing equipment~~

~~Household appliances~~

~~Jewelry~~

~~Radios~~

~~Reupholstery~~

~~Shoes~~

~~Stereos~~

~~Television~~

~~Watches~~

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

~~(d) Business and professional offices as permitted in Section 30.32(a). (Ord. No. 84-850, amended 11-15-1984)~~

### **30.13 - Accessory uses.**

(a) Signs as regulated in Section 34.07(c).

~~(b) Dwelling for nursery operator and/or night watchman. (Ord. No. 86-947, amended 6-5-1986)~~

### **30.14 - Conditional uses.**

(a) Animal hospitals.

(b) Amusement and recreation.

(c) Fitness center.

~~(d) Gasoline station Automobile service station and minor auto repair. Gasoline sales must be a minimum of one thousand (1,000) feet from public school buildings that serve students primarily in grades 6th through 12th and a minimum of four hundred (400) feet from public school buildings that serve students primarily in grades Kindergarten through 5th Grade. (Ord. No. 89-1136, amended 4-4-1989; Ord. No. 89-1162, amended 9-21-1989; Ord. No. 09-2189, amended 8-20-2009)~~

(e) Minor auto repair.

(f) ~~(d)~~ Car wash.

(g) ~~(e)~~ Construction and contractor's offices.

(h) ~~(f)~~ Day care centers—Commercial. (Ord. No. 89-1140, amended 5-18-1989)

(i) ~~(g)~~ Educational uses not meeting the requirements of 30.12 (i). (j)

(j) ~~(h)~~ Small equipment rental; moving van rental and minor repair. Moving vans are limited to single rear axle vans and trucks up to thirty-three (33) feet in total overall length. Repair activities are limited to moving vans owned or leased by the equipment rental facility. (Ord. No. 95-1575, amended 9-21-1995)

(k) ~~(i)~~ Meeting/assembly halls.

(l) ~~(j)~~ Motels/hotels.

(m) ~~(k)~~ Open sales lot.

- (n) ~~(t)~~ Private clubs.
- (o) ~~(m)~~ Restaurants with live entertainment or outdoor dining. (Ord. No. 95-1573, amended 9-21-1995)
- (p) ~~(n)~~ Theaters.
- (q) ~~(e)~~ Vocation, technical, and trade schools.
- (r) ~~(p)~~ Zero lot line splits with shared parking and/or access.
- (s) ~~(q)~~ Off-Sale Liquor Stores. (Ord 86-928, amended 2-20-1986)
- ~~(r) Mini-storage without outdoor storage of any kind, including vehicles. (Ord. No. 86-971, amended 8-7-1986)~~
- (t) ~~(s)~~ Two (2) or more buildings on same lot. (Ord. No. 88-1087, amended 6-16-1988)
- (u) ~~(t)~~ Churches. (Ord. No. 91-1266, amended 10-3-1991)
- (v) ~~(u)~~ Adult Uses-Principal. As defined and licensed under Article VI - Blaine Municipal Code. (Ord. No. 93-1320, amended 1-7-1993)
- (w) (v) Domestic animal indoor kennel and training facilities. (Ord. No. 93-1479, amended 11-18-1993)
- (x) ~~(w)~~ Major automobile repair for passenger vehicles. (Ord. No. 94-1534, amended 9-1-1994)
- (y) ~~(x)~~ Funeral Homes. (Ord. No. 03-1983, added 6-26-2003; Ord. No. 03-1990, Amended 8-21-2003)
- (z) ~~(y)~~ Vehicle Rental Agency with up to 15 vehicles on site. (Ord. No. 05-2063, added 10-20-2005; Ord No. [18-2407](#), amended 6-21-2018)
- (aa) ~~(z)~~ Pawn shop. (Ord. No. 09-2179, added 2-19-2009)
- (bb) ~~(aa)~~ Indoor vehicle sales associated with and on the same property as major automobile repair. (Ord. No. 14-2295, added 10-16-2014)
- ~~(bb) Medical cannabis distribution facility. (Ord. No. 15-2309, added 3-19-2015)~~

### 30.15 - Standards.

- (a) ~~Minimum area to be zoned B-2 Ten (10) acres, with minimum size of lot~~ Minimum lot size—One (1) acre.
- (b) Front yard setback—Fifty (50) feet. (Ord. No. 93-1491, amended 12-16-1993)
- (c) Side yard setback—Twenty (20) feet when adjacent to commercial or industrial districts; corner lot fifty (50) feet; when adjacent to residential districts—One hundred (100) feet. (Ord. No. 93-1491, amended 12-16-1993)
  - (1) A reduction in the required setback buffer may be requested by following the requirements of Section 33.20 ~~33.24~~, Buffer Yard Flexibility. (Ord. No. 86-937, amended 4-3-1986)
- (d) Rear yard setback—Twenty (20) feet when adjacent to commercial or industrial districts; when adjacent to residential districts—One hundred (100) feet.
- (e) In the event where front, side or rear setback requirements from a differing adjacent district fall within a public street or highway right-of-way, the minimum setback shall be twenty (20) feet from the property line but not less than the required setback from the adjacent differing district boundary.
- (f) Maximum building height shall not exceed ~~two and one-half (2½)~~ three (3) stories, or ~~thirty-six (36)~~ fifty (50) feet in height, whichever is less.
- ~~(g) Maximum lot coverage by building shall not exceed forty percent (40%).~~
- (h) Parking and driveways may be constructed to within the following minimum setbacks of property line: (Ord 85-898, amended 8-15-1985)
  - (1) Front yard/corner side yard ..... 30 feet
  - (2) Side yard ..... 10 feet
  - (3) Rear yard  
(Ord. No. 95-1553, amended 4-20-1995) ..... 10 feet

~~For additional parking requirements—Refer to Section 33.14.~~

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

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

**30.16 - Landscaping.**

- (a) All open areas of any lot not used for parking, driveways, or storage, shall be landscaped with trees, shrubs, berms, and planted ground covers.
- ~~(b) All trees shall be staked and guyed.~~
- ~~(b)(c)~~ It shall be the owners responsibility to see that the landscaping is maintained in an attractive and well maintained condition. The owner shall also replace any dead or damaged trees or shrubs with a similar species. Any dead or damaged sod shall also be replaced.
- ~~(c)(d)~~ All vacant lots or portions of lots shall be maintained in an orderly manner, free of litter and junk.
- ~~(d)(e)~~ All lots in this district shall provide a landscaped yard. This yard shall be kept clear of all structures, storage and off-street parking. Except for driveways, the yard shall extend along the entire boundaries of the site. This yard shall have a minimum width of not less than ten (10) feet.
- ~~(e)(f)~~ For additional landscaping requirements, refer to Section ~~33.07~~ 33.08.
- ~~(f)(g)~~ Underground irrigation shall be required for all ~~front yards and corner side~~ yards. Such irrigation shall extend to include public boulevards and into landscaped parking islands, except natural areas to be preserved. (Ord. No. 89-1177, added 1-4-1990)

(Ord. No. 88-1075, amended 3-17-1988)

**30.17 - Screening.**

- (a) On a lot adjacent to a lot in a residential district, there shall be an opaque screen made up of trees and/or berms and a six foot high solid fence made of maintenance free materials. ~~there shall be a minimum of a twenty-five-foot landscape strip, consisting of one (1) or more of the following:~~ (Ord. No. 85-898, amended 8-15-1985)
  - ~~(1) Shrubs;~~
  - ~~(2) Berms;~~
  - ~~(3) Trees.~~

~~The screen shall be opaque.~~
- ~~(b) On a lot adjacent to a lot in a residential district, there shall be a six-foot-high solid fence abutting the residential property. In addition, the fence shall be located in such a way that the entire fence shall be on the property of the owner. Posts and frame work shall be placed within the property lines of the owner and the actual fencing material shall be placed on the side of the fence which faces the street or adjacent property. For additional fencing requirements, refer to Section 33.09.~~
- ~~(c) All screening within thirty (30) feet of any driveway or street intersection shall not be over thirty-six (36) inches in height above the curb or center line of the street.~~

**30.18 - Storage.**

- (a) ~~Garbage receptacles, except individual containers for public use, refuse areas, or incinerators must be in the rear or side yards, and must be screened from public view by a six-foot-high solid fence. (Ord. No. 02-1948, amended 6-20-2002)~~ Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principle structure. Such facilities shall have solid gates.
- (b) No outdoor storage of any materials is permitted except as provided for in Section ~~30.19~~ 30.184. (Ord. No. 02-1948, amended 6-20-2002)

- (c) Employee service vehicles, associated with a commercial retail business that is specifically mentioned in this zoning district, may be parked outside under conditions as approved by the Zoning Administrator. (Ord. No. 91-1267, amended 10-3-1991)

### **30.19 [30.181] - Outside display.**

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

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

(Ord No. 02-1948, added 6-20-2002)

### **~~[30.19 - Lighting.]~~**

~~[(a) Any lighting used to illuminate an off-street parking area, sign or structure, shall be arranged so as to deflect light away from any adjoining residential zone or from public streets.]~~

### **30.191 - Architectural control.**

~~All buildings within this district shall be of masonry construction, its equivalent or better. Front walls of such buildings facing on streets must be finished with face brick, stone, modern metal paneling, glass, wood or their aesthetic equivalent as determined by the Zoning Administrator. Other walls shall be faced with a common brick or its equivalent. Any building wall facing a residential district shall not be finished with exposed plain faced poured concrete or concrete block.~~

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

- (e) Gasoline canopies support columns shall be constructed of masonry materials consistent with the principle building to a minimum height of 5 feet.

### **30.20 - REGIONAL COMMERCIAL (B-3)**

#### **30.21 - Intent.**

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

(Ord. No. 93-1491, amended 12-16-1993)

#### **30.22 - Permitted uses.**

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

#### ~~(a) Retail sale of goods and services including:~~

~~Antique shops~~

~~Automotive accessory stores~~

~~Bakeries~~

~~Banks and financial institutions~~

~~Barber shops~~

~~Beauty shops~~

~~Bicycle sales~~

~~Book/stationary stores~~

~~Camera and photographic supply stores~~

~~Catering services~~

~~Clothing and apparel stores~~

~~Computer and computer accessory stores~~

~~Candy and ice cream stores~~

~~Carpeting stores~~

~~China and glassware stores~~

~~Coin stores~~

~~Custom dressmaking~~

Drug stores  
Dry cleaning and laundry  
Electrical and houseware appliance stores  
Flower shops  
Furniture and home furnishings stores  
Garden supply stores  
Gift shops  
Grocery stores  
Hobby shops  
Jewelry stores  
Leather goods and luggage stores  
Locksmiths  
Major department stores  
Meat markets  
Musical instrument stores  
Nurseries (plants)  
Office supply stores  
Optical goods stores  
Orthopedic sales and supply stores  
Paint and wallpaper stores  
Photo studios  
Picture frame shops  
Pet grooming shops  
Pet stores  
Post offices  
Public libraries  
Restaurants (Class I and II), provided they do not offer live entertainment  
Schools for music and dance  
Sewing machine shops  
Shoe stores  
Sporting goods stores  
Tailor shops



~~Tobacco shops~~

~~Travel bureaus~~

~~(b) Repair services including:~~

~~Bicycles~~

~~Calculators~~

~~Cameras~~

~~Clock~~

~~Computers~~

~~Electrical and service shops~~

~~Electrical supplies~~

~~Heating and plumbing equipment~~

~~Household appliances~~

~~Jewelry~~

~~Radios~~

~~Reupholstery~~

~~Shoes~~

~~Stereos~~

~~Television~~

~~Watches~~

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

~~(d) Business and professional offices as permitted in Section 30.32(a).~~

(Ord. No. 84-850, amended 11-15-1984)

### **30.23 - Accessory uses.**

(a) Signs as regulated in Section 34.07(a).

~~(b) Dwelling for nursery operation and/or night watchman.~~

(Ord. No. 93-1491, amended 12-16-1993)

### **30.24 - Conditional uses.**

(a) Animal hospitals.

(b) Amusement and recreation.

(c) Fitness center.

(d) ~~(e)~~ Vehicle sales lot, for passenger vehicles only subject to the following standards

(1) Minimum lots size shall be four (4) acres

(2) Minimum building size shall be twenty five thousand (25,000) square feet

- (3) Site shall incorporate extensive berming along street frontages
- (4) Vehicle storage and display areas to have minimum twenty-five (25) foot setback from all interior property lines and forty (40) foot setback from any public right of way.
- ~~(d) Automobile service station and minor auto repair. Gasoline sales must be a minimum of one thousand (1,000) feet from public school buildings that serve students in grades 6th through 12th and a minimum of four hundred (400) feet from public school buildings that serve students in grades Kindergarten through 5th. (Ord. No. 09-2189, amended 8-20-2009; Ord. No. 09-2189, amended 8-20-2009)~~
- (e) Gasoline station
- (f) Minor auto repair.
- (g) Indoor vehicle sales.
- (h) ~~(e)~~ Boat sales and display areas.
- (i) ~~(f)~~ Bowling alleys.
- (j) ~~(g)~~ Car wash.
- (k) ~~(h)~~ Construction and contractor's offices.
- (l) ~~(i)~~ Dance Hall.
- (m) ~~(j)~~ Day care centers—Commercial. (Ord. No. 89-1140, amended 5-18-1989)
- (n) ~~(k)~~ Educational uses.
- (o) ~~(l)~~ Meeting/assembly halls.
- (p) ~~(m)~~ Mobile Manufactured home sales lots.
- (q) ~~(n)~~ Motel/hotels.
- ~~(r) Open sales lots.~~
- (r) ~~(p)~~ Private clubs.
- (s) ~~(q)~~ Recreational vehicle sales lots and showrooms.
- (t) ~~(r)~~ Restaurants with live entertainment or outdoor dining. (Ord. No. 95-1573, amended 9-21-1995)
- (u) ~~(s)~~ Skating rinks.
- (v) ~~(t)~~ Small equipment rental; moving van rental and minor repair. Moving vans are limited to single rear axle vans and trucks up to thirty-three (33) feet in total overall length. Repair activities are limited to moving vans owned or leased by the equipment rental facility. (Ord. No. 95-1575, amended 9-21-1995)
- (w) ~~(u)~~ Theaters.
- (x) ~~(v)~~ Vocational, technical, and trade schools.
- (y) ~~(w)~~ Zero lot line split with shared access and/or parking.
- (z) ~~(x)~~ Off-Sale Liquor Stores. (Ord No. 86-928, amended 2-20-1986)
- ~~(y) Mini-storage without outdoor storage of any kind, including vehicles. (Ord No. 86-935, amended 3-20-1986)~~
- (aa) ~~(z)~~ Two (2) or more buildings on same lot. (Ord. No. 88-1087, amended 6-16-1988)
- ~~(aa) Newspaper Distribution Center. (Ord. No. 90-1211, amended 5-21-1990)~~
- (bb) Churches. (Ord. No. 91-1266, amended 10-3-1991)
- (cc) Adult Uses—Principal. As defined and licensed under Article VI—Blaine Municipal Code. (Ord. No. 93-1320, amended 1-7-1993)
- (dd) Domestic animal indoor kennel and training facilities. (Ord. No. 93-1479, amended 11-18-1993)
- (ee) Major automobile repair for passenger vehicles. (Ord. No. 94-1534, amended 9-1-1994)
- (ff) Funeral homes. (Ord. No. 03-1983, added 6-26-2003; Ord. No. 03-1990, amended 8-21-2003)

- (gg) Vehicle Rental Agency with up to 15 vehicles on site. (Ord. No. 05-2063, added 10-20-2005; Ord. No. [18-2407](#), amended 6-21-2018)
- (hh) Pawn shop. (Ord. No. 09-2179, added 2-19-2009)
- ~~(ii) Medical cannabis distribution facility. (Ord. No. 15-2309, added 3-19-2015)~~

**30.25 - Standards.**

- ~~(a) Minimum area to be zoned B-3—Twenty-five (25) acres, with minimum size of lot Minnimum lot size—One (1) acre.~~
- (b) Front yard setback—Fifty (50) feet.
- (c) Side yard setback—Twenty (20) feet when adjacent to commercial or industrial districts.
- (d) Rear yard setback—Twenty (20) feet when adjacent to commercial or industrial districts.
- (e) In the event where front, side or rear setback requirements from a differing adjacent district fall within a public street or highway right-of-way, the minimum setback shall be twenty (20) feet from the property line but not less than the required setback from the adjacent differing district boundary.
- (f) Buildings exceeding three (3) stories or fifty (50) feet in height, whichever is less, must obtain a conditional use permit. (Ord. No. 90-1235, amended 10-18-1990)

~~(g) Maximum lot coverage by building shall not exceed forty percent (40%).~~

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

~~For additional parking requirements – refer to Section 33.14.~~ When a B-3 zoning district is located adjacent to any residentially zoned property, the side yard and rear yard parking/driveway setback shall be a minimum of twenty-five (25) feet.

- (h) ~~(i)~~ When a regional shopping center district is adjacent to any residential district, all building setbacks shall be one hundred (100) feet along any side adjacent to a residential district. (Ord. No. 85-898, amended 8-15-1985)
  - (1) A reduction in the required setback buffer may be requested by following the requirements of Section 33.20 ~~33.24~~, Buffer Yard Flexibility. (Ord. No. 86-937, amended 4-3-1986)
- ~~(i) (j)~~ Off-street loading—Refer to Section 33.14 ~~33.15~~
- (j) ~~(k)~~ Major Automobile Repair Standards: (Ord. No. 94-1534, amended 9-1-1994)
  - (1) No outside storage of vehicles that have exterior damage or are dismantled.
  - (2) No air quality or noise impact to adjacent properties shall be permitted.
  - (3) Additional screening as determined by the Zoning Administrator.
  - (4) A seventy-five-foot landscaped buffer between a major automobile repair facility and al residential zoning districts. (Ord. No. 94-1539, amended 11-17-1994)

**30.26 - Landscaping.**

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

~~(e) All lots in this district shall provide a landscaped yard. This yard shall be kept clear of all structures, storage and off-street parking. Except for driveways, the yard shall extend along the entire boundaries of the site. This yard shall have a minimum width of not less than fifteen (15) feet.~~

(d) ~~(f)~~ For additional landscaping requirements, refer to Section ~~33.07~~ 33.08.

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

(Ord. No. 88-1075, amended 3-17-1988)

### 30.27 - Screening.

(a) On a lot adjacent to a lot in a residential district, there shall be ~~an opaque screen made up of trees and/or berms and a six foot high solid fence constructed of maintenance free materials. a minimum of a twenty-five-foot landscape strip consisting of one (1) or more of the following:~~ (Ord. No 85-898, amended 8-15-1985)

~~(1) Shrubs.~~

~~(2) Berms.~~

~~(3) Trees.~~

~~The screen shall be opaque.~~

### 30.28 - Storage.

(a) ~~Garbage receptacles, except individual containers for public use, refuse areas, or incinerators must be in the rear or side yards, and must be screened from public view by a six-foot-high solid fence. (Ord. No. 02-1948, amended 6-20-2002) Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principle structure. Such facilities shall have solid gates.~~

(b) No outdoor storage of any materials is permitted except as provided for in Section ~~30.29~~ 30.284. (Ord. No. 02-1948, amended 6-20-2002)

(c) Employee service vehicles, associated with a commercial retail business that is specifically mentioned in this zoning district, may be parked outside under conditions as approved by the Zoning Administrator. (Ord. No. 91-1267, amended 10-3-1991)

### 30.29 ~~[30.284]~~ - Outside display.

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

(a) Outside display area is limited to a maximum of thirty percent (30%) of the width of a building frontage and is not to exceed a total of one hundred fifty (150) square feet of area ~~for buildings under 40,000 square feet and not to exceed 400 square feet for buildings over 40,000 square feet.~~ Building frontage is defined as the dimension or width of a store front occupied by the retailer establishing the outside display. For purposes of this ordinance a frontage must contain a public or customer entrance or exit and no space is allowed more than two (2) frontages.

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

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

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

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

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

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

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

(Ord. No. 02-1948, added 6-20-2002)

~~[30.29 - Lighting.]~~

~~(a) Any lighting used to illuminate an off-street parking area, sign or structure, shall be arranged so as to deflect light away from any adjoining residential zone or from public streets.~~

**30.291 - Architectural control.**

~~All buildings within this district shall be of masonry construction, its equivalent or better. Front walls of such buildings facing on streets must be finished with face brick, stone, modern metal paneling, glass, wood or their aesthetic equivalent as determined by the Zoning Administrator. Other walls shall be faced with a common brick or its equivalent. Any building wall facing a residential district shall not be finished with exposed plain faced poured concrete or concrete block.~~

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

- ~~(1) Brick~~
- ~~(2) Natural or cultured stone~~
- ~~(3) Glass~~
- ~~(4) Stucco or EIFS~~
- ~~(5) Cementious siding~~
- ~~(6) Architectural metal~~
- ~~(7) Integrally colored rock faced block~~

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

~~(c) Buildings may be constructed of primarily one of the materials listed in subsection (a) if the design meets or exceeds the intent of the ordinance.~~

~~(d) All buildings to incorporate four sided design~~

~~(e) Gasoline canopies support columns shall be constructed of masonry materials consistent with the principle building to a minimum height of 5 feet.~~

**30.30 - OFFICE PARK (B-4)**

**30.31 - Intent.**

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

(Ord. No. 97-1680, amended 10-16-1997)

**30.32 - Permitted uses.**

~~(a) Business and professional offices, including medical offices~~

~~Offices, business and professional, including:~~

~~Accounting, auditing, bookkeeping offices~~

~~Advertising offices~~

~~Business associations~~

~~Business and management consultant offices~~

~~Chiropractic offices~~

~~Civic/social and fraternal association offices~~  
~~Consumer and mercantile credit reporting service offices~~  
~~Dental offices~~  
~~Detective and protecting agency offices~~  
~~Educational and scientific research offices~~  
~~Employment agency offices~~  
~~Engineering and architectural offices~~  
~~Finance offices~~  
~~Governmental offices~~  
~~Insurance offices~~  
~~Investment offices~~  
~~Labor unions~~  
~~Laboratories, medical/dental with accessory researching and testing~~  
~~Legal offices~~  
~~Library and art galleries~~  
~~Loan institutions~~  
~~Medical offices~~  
~~Medical/dental clinics~~  
~~Office—Business, professional or public~~  
~~Osteopathic offices~~  
~~Optometry offices~~  
~~Post office~~  
~~Professional membership organizations~~  
~~Real estate offices~~

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

(Ord. No. 97-1680, amended 10-16-1997)

**30.33 - Accessory uses.**

- (a) Signs as regulated in Section 34.07.

(Ord. No. 97-1680, amended 10-16-1997)

**30.34 - Conditional uses.**

- (a) Restaurants meeting standards of [Section] 30.355.  
(b) Zero lot line split, with shared access and/or shared parking.

- (c) Daycare—Commercial. (Ord. No. 91-1252, amended 6-20-1991)
- (d) Banks and financial institutions.
- (e) Churches.
- (f) General retail and service uses. (Ord. No. 98-1729, amended 6-25-1998)
- (g) Funeral homes. (Ord. No. 98-1729, amended 6-25-1998)
- (h) Animal clinics. (Ord. No. 98-1729, amended 6-25-1998)

(Ord. No. 97-1680, amended 10-16-1997)

**30.35 - Standards.**

- (a) Minimum ~~area to be zoned B-4—Ten (10) acres; minimum~~ lot size—One (1) acre.
- (b) Front yard setback—Fifty (50) feet.
- (c) Side yard setback—Twenty (20) feet when adjacent to commercial or industrial districts; corner lot—One hundred (100) feet.
- (d) Rear yard setback—Twenty (20) feet when adjacent to commercial or industrial districts.
- (e) In the event where front, side or rear setback requirements from a differing adjacent district fall within a public street or highway right-of-way, the minimum setback shall be twenty (20) feet from the property line but not less than the required setback from the adjacent differing district boundary.
- (f) Maximum building height shall not exceed two and one-half (2½) stories, or thirty-six (36) feet in height, whichever is less. Buildings exceeding three (3) stories or fifty (50) feet in height, whichever is less, must obtain a conditional use permit. (Amended 11-1-90. Ord. No. 90-1235)

~~(g) Maximum lot coverage by building shall not exceed forty percent (40%).~~

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

For additional parking requirements—Refer to Section 33.14.

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

- (h) ~~(i)~~ When an office park district is adjacent to any residential district, all building setbacks shall be one hundred (100) feet along any side adjacent to a residential district. (Ord. No. 85-898, amended 8-15-1985)
  - (1) A reduction in the required setback buffer may be requested by following the requirements of Section 33.21, Buffer Yard Flexibility. (Ord. No. 86-937, amended 4-3-1986)

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

(Ord. No. 97-1680, amended 10-16-1997)

**30.355 - Standards for restaurants.**

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

(Ord. No. 98-1729, amended 6-25-1998)

### 30.36 - Landscaping.

(a) All open areas of any lot not used for parking, driveways, or storage shall be landscaped with trees, shrubs, berms, and planted ground covers.

~~(b) All trees shall be staked and guyed.~~

(b) ~~(e)~~ It shall be the owners responsibility to see that the landscaping is maintained in an attractive and well maintained condition. The owner shall also replace any dead or damaged trees or shrubs with a similar species. Any dead or damaged sod shall also be replaced.

(c) ~~(d)~~ All vacant lots or portions of lots shall be maintained in an orderly manner, free of litter and junk.

~~(e) All lots in this district shall provide a landscaped yard. This yard shall be kept clear of all structures, storage and off-street parking. Except for driveways, the yard shall extend along the entire boundaries of the site.~~

(d) ~~(f)~~ For additional landscaping requirements, refer to Section ~~33.07~~ 33.08.

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

(Ord. No. 88-1075, amended 3-17-1988)

### 30.37 - Screening.

(a) On a lot adjacent to a lot in a residential district, there shall be an opaque screen made up of trees and/or berms and a six foot high solid fence constructed of maintenance free materials. a minimum of a twenty-five foot landscape strip, consisting of one (1) or more of the following: (Ord. No. 85-898, amended 8-15-1985)

~~(1) Shrubs.~~

~~(2) Berms.~~

~~(3) Trees.~~

~~The screen shall be opaque.~~

### 30.38 - Storage.

(a) ~~Garbage receptacles, refuse areas, or incinerators must be in the rear or side yards, and must be screened from public view by a six-foot-high solid enclosure. Enclosure must be gated and constructed with exterior materials to match the principal building(s). Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principle structure. Such facilities shall have solid gates.~~

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

### ~~[30.39 - Lighting.]~~

~~(a) Any lighting used to illuminate an off-street parking area, sign or structure shall utilize downlit style fixtures and shall be arranged so as to deflect light away from any adjoining residential zone or from public streets.~~

### 30.39 [30.391] - Architectural control.

(a) ~~(a) All buildings within this district shall be of masonry construction, its equivalent or better. All walls of such buildings must be finished with face brick, stone, modern metal paneling, glass, wood or their aesthetic equivalent as determined by the Zoning Administrator. At least fifty percent (50%) of all exterior wall finishes on any building shall be comprised of a combination of at least three (3) of the following materials with all materials present on each elevation.~~

~~(1) Brick~~

~~(2) Natural or cultured stone~~

~~(3) Glass~~

~~(4) Stucco or EIFS~~

~~(5) Cementitious siding~~



- (6) Architectural metal
- (7) Integrally colored rock faced block
- (b) The remaining portion of all exterior wall finishes shall be comprised of any combination of decorative, rock faced concrete block and textured concrete panels or other comparable or superior materials as approved by the zoning administrator. All materials subject to Zoning Administrator approval.
- (c) Buildings may be constructed of primarily one of the materials listed in subsection (a) if the design meets or exceeds the intent of the ordinance.
- (d) All buildings to incorporate four sided design
- (e) Gasoline canopies support columns shall be constructed of masonry materials consistent with the principle building to a minimum height of 5 feet.

### **30.40 - PLANNED COMMERCIAL (PC)**

#### ~~30.41— Intent.~~

~~The purpose of this district is to provide a planned commercial environment for a limited mixture of commercial and office related developments and related services. This planned commercial environment shall be developed utilizing an overall master development plan. This district shall encourage the development of subregional and/or metropolitan area clientele commercial uses requiring large lots accessible to major highways/minor arterials and utilizing City services of sanitary sewer, water, street, and storm drainage.~~

~~(Ord. No. 87-1016, added 4-2-1987)~~

#### ~~30.42— Master development plan.~~

~~Prior to any development of lands within a Planned Commercial district, the applicant(s) shall receive approval by the City Council of a master development plan encompassing the entire zoned area. The master development plan shall be kept on file for reference and implementation by the Community Development Department. Such a plan shall consist of maps and descriptive statements of objectives and shall contain the following components: land use, circulation, subdivision design, services and facilities, and construction order. Amendments to the master development plan can be proposed and implemented upon City Council approval.~~

- ~~(a) *Land Use Component:* A Land Use Component shall consist of a map or maps, setting forth the distribution, location and extent of the acres of land devoted to each category of land use proposed as part of the Master Development Plan. Such uses may include office facilities; service facilities, entertainment and financial facilities, general types of commercial facilities, recreation, open space, public and semi-public facilities. Said component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.~~
- ~~(b) *Circulation Component:* A Circulation Component shall consist of a map or maps, setting forth the general location and extent of all transportation facilities proposed as part of the Master Development Plan. Such facilities may include major and local thoroughfares, transportation routes; and the delineation of such systems on the land; one-way street systems; grade separations, divided roads; left-turn lanes; pedestrian and bicycle paths and such other matters as may be related to the provision for the circulation of traffic. Said component shall include a designation of proposed street widths. Said component shall also contain a description statement of objectives, principles and standards used for its formulation.~~
- ~~(c) *Subdivision Design Component:* A Subdivision Design Component shall contain a descriptive statement of the principles governing the proposed subdivision of land including lot design for various proposed land uses. This component shall be in sufficient detail so that it can serve as the basis for determining the conformity of any site plan to the Master Development Plan.~~
- ~~(d) *Services and Facilities Component:* A Services and Facilities Component shall contain a map or maps setting forth the general location and extent of any and all existing and proposed City systems for sanitary sewer, water, refuse disposal, storm drainage, local utilities and rights-of-way, easements, facilities and appurtenances necessary therefor. Said component shall contain a statement describing the proposed ownership, method of operation, and maintenance of each such service and facility if not controlled and/or owned by the City.~~

- ~~(e) — Construction Order Component: A Construction Order Component shall contain a map or maps setting forth the proposed chronological order of construction (phasing) relating each proposed use and structure to the construction of the various services and facilities as may be required herein or as part of the Master Development Plan.~~
- ~~(f) — Additional Components: The Master Development Plan may include any additional components including, but not limited to, an economic feasibility study if such is considered necessary by the applicant or required by the City Council for the physical development of the project or to aid in evaluating the impact and effect on other existing or proposed facilities and services of the City; a Recreation Component; and any others required, depending upon the nature of the particular proposed development.~~

~~(Ord. No. 87-1016, added 4-2-1987)~~

~~30.43 — Permitted uses.~~

- ~~(a) — Cinema and theaters.~~
- ~~(b) — Financial institutions.~~
- ~~(c) — Hotels/motels.~~
- ~~(d) — Medical and dental clinics.~~
- ~~(e) — Exhibition and showroom centers.~~
- ~~(f) — Restaurants with live entertainment.~~
- ~~(g) — Trade and convention centers.~~
- ~~(h) — Research and development facilities.~~
- ~~(i) — Offices — Business and professional.~~

~~(Ord. No. 87-1016, added 4-2-1987)~~

~~30.4 — Accessory uses.~~

- ~~(a) — Car rental accessory to a hotel/motel use, provided the cars are stored in the hotel/motel off-street parking area, without occupying space otherwise required for hotel/motel parking, and provided there are no exterior signs.~~
- ~~(b) — Within a building containing one (1) or more permitted uses, provided the permitted use meets the minimum floor area requirement of Section 30.46(j), and provided that each individual accessory use does not exceed twenty percent (20%) of the total floor area of the permitted use(s) and provided the total of all accessory uses does not exceed forty percent (40%) of the total floor area of the permitted use(s):~~
  - ~~(1) — Apparel shops.~~
  - ~~(2) — Barber and beauty shops.~~
  - ~~(3) — Boutiques.~~
  - ~~(4) — Branch post office.~~
  - ~~(5) — Camera and optical goods shops.~~
  - ~~(6) — Day care facilities which have been approved by the City in buildings primarily occupied by business and professional offices, provided there are no exterior signs for such day care facilities.~~
  - ~~(7) — Floral shops.~~
  - ~~(8) — Jewelry shops.~~
  - ~~(9) — Blue printing, duplicating, Photostatting, mailing, and graphic arts services.~~
  - ~~(10) — Shops which include and are limited to the sale of tobacco, candy, books, magazines, newspapers, gift cards, stationary, and office supplies.~~
  - ~~(11) — Travel agencies.~~
  - ~~(12) — Utility collection.~~

~~(13) — Coffee shop, cafeteria, or restaurant, not to exceed twenty-five percent (25%) of the total floor area of the permitted use(s).~~

~~(Ord. No. 87-1016, added 4-2-1987)~~

~~30.45 — Conditional uses.~~

- ~~(a) — Athletic clubs.~~
- ~~(b) — Indoor/outdoor commercial recreation of regional clientele.~~
- ~~(c) — Multi-use building(s) consisting of two (2) or more permitted and/or conditional uses.~~
- ~~(d) — Two (2) or more buildings on the same lot.~~
- ~~(e) — Stadiums.~~

~~(Ord. No. 87-1016, added 4-2-1987; Ord. No. 90-1228, amended 9-20-1990)~~

~~30.46 — Standards.~~

- ~~(a) — Minimum lot size — Three (3) acres.~~
- ~~(b) — Minimum lot width — Three hundred (300) feet.~~
- ~~(c) — Minimum lot depth — Three hundred (300) feet.~~
- ~~(d) — Front yard building setback — Seventy-five (75) feet.~~
- ~~(e) — Corner side yard building setback — Seventy-five (75) feet.~~
- ~~(f) — Side yard building setback — Fifty (50) feet.~~
- ~~(g) — Rear yard building setback — Fifty (50) feet.~~
- ~~(h) — Building height — There shall be no height limitations provided all buildings are sprinkled and contain other fire and life safety standards denoted in N.F.P.A. 101 and subject to Metropolitan Airport Commission regulations.~~
- ~~(i) — Minimum building size — Thirty thousand (30,000) gross square feet and seven thousand (7,000) gross square feet for restaurants.~~
- ~~(j) — Parking and driveways may be constructed to within the following minimum setbacks of property line:
  - ~~(1) — Front yard/corner side yard ..... 50 feet~~
  - ~~(2) — Side yard ..... 30 feet.~~
  - ~~(3) — Rear yard ..... 30 feet.~~~~

~~If rear yard parking setback is adjacent to I-35W, or any collector/arterial street as designated in the City's Transportation Plan, the rear yard parking setback shall be fifty (50) feet.~~

~~(Ord. No. 87-1016, added 4-2-1987)~~

~~30.47 — Landscaping.~~

- ~~(a) — Notwithstanding the provisions of Section 33.08, the following requirements shall be met:
  - ~~(1) — Landscaping minimums set forth under Section 33.08 shall be increased by ten percent (10%).~~
  - ~~(2) — Each site development shall introduce a flowering plant "theme" as part of the overall landscape plan and shall be implemented to compliment the building and site plan.~~
  - ~~(3) — Underground irrigation shall be required for all front yards, corner side yards, and rear yards if adjacent to I-35W, or adjacent to any collector/arterial street as designated in the City's Transportation Plan. Such irrigation shall extend to include the public boulevard except along I-35W and into general parking islands, except natural areas to be preserved.~~~~

- ~~(4) Traffic safety islands and/or general parking islands where deemed appropriate shall be landscaped.~~
- ~~(5) There shall be a landscaped yard adjacent to the building which shall represent a minimum of fifty percent (50%) of the building footprint.
 
  - ~~(i) Such landscape yard shall be a minimum of thirty (30) feet in depth when adjacent to building front and side yards.~~
  - ~~(ii) A landscape yard credit of up to twenty-five percent (25%) shall be given to a site plan which contains exterior sculptures, fountains, decorative walks, additional ponds beyond those required for storm drainage purposes, courtyards, decorative accent lighting for the building, and on-site arboretum. Such credit shall be approved by the Community Development Department on a case-by-case basis, depending upon the nature and scope of such a facility proposed for credit.~~~~
- ~~(6) Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within twelve (12) months after planting.~~
- ~~(7) In the event the landscape plan as submitted does not adequately address the total landscape needs of the site plan, even if planting minimums are met as reviewed by the Community Development Department, the Community Development Department shall have the recourse to review the landscape plan in front of the Architectural Review Board for further action.~~

~~For this occurrence, the Architectural Review Board shall retain an independent landscape architect as a voting member to hear both the Community Development Department staff concerns and counter agreements, if any, from the site developer. The Architectural Review Board, plus the independent landscape architect must render a four-fifths (4/5) vote to require additional landscaping above the minimums set forth in Sections 33.08 and 31.27.~~

~~(Ord. No. 87-1016, added 4-2-1987)~~

#### ~~30.48 – Loading facilities.~~

- ~~(a) Loading facilities—All facilities must be screened (one hundred percent (100%) opaqueness) when adjacent to and/or visible from any public street. Such screening shall be achieved by a combination of berms, shrubs, trees, and/or architectural design to minimize the impact onto the public street.~~
  - ~~(b) Loading facilities in the side yard and/or rear yard and visible only to another lot shall be screened (one hundred percent (100%) opaqueness), using a combination of berms, shrubs, trees, fencing, and/or architectural design.~~
- ~~For additional information and requirements, refer to Section 33.15.~~

~~(Ord. No. 87-1016, added 4-2-1987)~~

#### ~~30.49 – Storage/refuse facilities.~~

- ~~(a) There shall be no outdoor storage of any kind within this district.~~
- ~~(b) Refuse facilities shall be located only in the side yards or rear yards except when such yard is adjacent to I-35W, or any collector/arterial street as designated in the City's Transportation Plan. Such facilities must be constructed of coarse concrete block and contain exterior surfacing as constructed on the principal building(s). If refuse facility entrance is visible from public view such as from parking lots or street, such facilities shall have gates constructed of wood, utilizing two (2) by four (4) construction and one (1) by four (4) board-on-board slats as a minimum.~~

~~(Ord. No. 87-1016, added 4-2-1987)~~

#### ~~30.491 – Lighting.~~

- ~~(a) Lighting shall not be directed onto another lot or obscure driver's vision on public streets.~~
- ~~(b) No lighting fixture shall create more than two (2) foot-candles of light density at the property line.~~
- ~~(c) No freestanding light fixture shall be higher than forty (40) feet.~~
- ~~(d) Off-street parking areas shall be illuminated to an average of one (1) foot-candle at eye level over the entire surface of the parking area during operating hours.~~

~~(Ord. No. 87-1016, added 4-2-1987)~~

~~30.492—Mechanical/electrical equipment.~~

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

~~(Ord. No. 87-1016, added 4-2-1987)~~

~~30.493—Architectural control.~~

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

~~Use of metal materials of any kind shall be considered and limited to building trim only. Use of such materials must receive at least 4-1 vote from the Architectural Review Board.~~

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

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

- ~~(e)—All building design and exterior wall surface materials shall be reviewed and approved by the architectural Review Board upon a three-fifths (3/5) vote.~~

~~All building design shall be submitted to the Board. The submittal shall consist of a colored site plan, examples of exterior surface materials, and colored building perspectives.~~

~~The Architectural Review Board shall consist of the following persons: One (1) member of the City Council, one (1) building owner representative in the Planned Commercial development, one (1) architect who resides in the community, the City Community Development Director, and the City Planner. The Council member shall be appointed annually, and the building owner representative and architect shall be appointed by the full City Council and his/her term shall be for three (3) years.~~

- ~~(f)—Site plan approval shall be obtained from the Community Development Department as required under Section 33.07. In addition, the following items for plan preparation should be prepared by the following individuals:~~

- ~~(1)—Building design—Architect/engineer.~~
- ~~(2)—Lot survey—Land surveyor.~~
- ~~(3)—Site plan—Site planner/landscape architect.~~
- ~~(4)—Landscape plan—Landscape architect.~~
- ~~(5)—Irrigation plan—Landscape architect/product company.~~
- ~~(6)—Lighting plan—Engineer/product company.~~

~~(Ord. No. 87-1016, added 4-2-1987)~~

~~30.494—Interim provisions.~~

- ~~(a)—The provisions of this section notwithstanding, any residential or commercial/industrial use in existence on the effective date of this section shall be deemed to be a conforming use for a period of ten (10) years from such effective date or until such time as that phased portion of such Planned Commercial development is activated by the City, whichever occurs first. During the effective term of this subsection, such residential and commercial/industrial uses shall be governed by the respective sections of the Zoning Ordinance as amended.~~

~~(Ord. No. 87-1016, added 4-2-1987)~~

### **30.40 [30.50] - REGIONAL RECREATION (RR)**

#### **30.41 [30.51] - Intent.**

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

#### **30.42 [30.52] - Conditional uses.**

- (a) Indoor/outdoor public recreation of regional clientele.
- (b) ~~Amusement and recreation.~~ Fitness center.
- (c) Public assembly, exhibition and conference center.
- (d) Sports medicine clinic.
- (e) ~~Elementary school~~ Educational Uses. ( [Ord. No. 17-2376](#) , added 4-6-2017)
- (f) Building taller than 50 feet in total height. ( [Ord. No. 18-2414](#) , added 10-18-2018)
- (g) Sports dome with membrane supported roof not meeting architectural standards of Zoning Section 30.57. ( [Ord. No. 18-2414](#) , added 10-18-2018)
- (h) Restaurant.
- (i) Dormitory.

#### **30.43 [30.53] - Standards.**

- (a) Minimum area to be zoned RR—Eighty (80) acres.
- (b) Minimum lot size—Five (5) acres with City water and sewer services.
- (c) Minimum lot width—Two hundred (200) feet.
- (d) Minimum building size—Five thousand (5,000) square feet.
- (e) Front yard building setback—Forty (40) feet.
- (f) Corner side yard building setback—Forty (40) feet.
- (g) Side yard building setback—Fifteen (15) feet.
- (h) Rear yard building setback—Twenty (20) feet.
- (i) All buildings shall be sprinkled and contain other fire and life safety standards denoted in N.F.P.A. 101 and subject to Metropolitan Airport Commission regulations. ( [Ord. No. 18-2414](#) , amended 10-18-2018)
- (j) Parking and driveways may be constructed to within the following minimum setbacks of property line:
  - (1) Front yard/corner side yard ..... 25 feet
  - (2) Side yard ..... 10 feet
  - (3) Rear yard ..... 10 feet

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

#### **30.44 [30.54] - Landscaping.**

- (a) All landscaping requirements shall meet the provisions of Section ~~33.07~~ ~~33.08~~, including the following:
  - (1) Underground irrigation shall be required for all front yards and corner side yards. Such irrigation shall extend to include public boulevard and into general parking islands, except natural areas to be preserved.
  - (2) Traffic safety islands and/or general parking islands where deemed appropriate shall be landscaped.
  - (3) Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within twelve (12) months after planting.

#### **30.45 [30.55] - Storage/refuse facilities.**

- (a) ~~Refuse facilities shall be located only in the side yards or rear yards. Such facilities must be constructed of coarse concrete block and contain exterior surfacing as constructed on the principal building(s). If refuse facility entrance is~~

~~visible from public view such as from parking lots or street, such facilities shall have gates constructed of wood, utilizing two (2) by four (4) construction and one (1) by four (4) board-on-board slats as a minimum.~~

~~Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principle structure. Such facilities shall have solid gates.~~

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

~~**[30.56 - Lighting.]**~~

~~[(a) Lighting shall meet the requirements of Section 33.02.]~~

**30.46 [30.57] - Architectural control.**

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

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

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

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

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

~~**[30.58 - Site plan.]**~~

~~[(a) Site plan approval shall be obtained from the Community Development Department as required under Section 33.07.]~~

~~[(b) For curbing requirements, refer to Section 33.20(a).]~~

**30.50 [31.30] - PLANNED BUSINESS DISTRICT (PBD)**

**30.51 [31.31] - Intent.**

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

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

### **~~[31.32 – Definitions.]~~**

~~[In this District, the following definitions shall apply:~~

~~*Master Development Plan:* A concept plan of an area adopted by the City Council, which includes single and/or multiple ownerships of parcel(s) that relate through common objectives and design elements. The boundaries of the Master Development Plan shall be an area generally delineated by principle/intermediate/minor arterial/collector streets within the PBD Zone. Such a plan shall reflect the provisions of Section 31.34(a) of this District.~~

~~A Master Development Plan may be amended by the City Council from time to time under the procedures provided in Section 31.34(a).~~

~~The Master Development Plan shall not create a contract or be considered as absolutely binding upon the City or adjacent owners as to future development of adjacent land, (unless so specified in a separate development contract), but shall be used as a guide to landowners, developer and the City. The Planning Commission and the City Council shall consider the Master Development Plan when a request is made for a Conditional Use Permit in the area covered by the Master Development Plan, along with the other criteria set forth in Section 27.04 of this Ordinance.~~

~~*Project Development Package:* An application package and information needed to initiate the review process of specific site(s) within a Master Development Plan area. Such information shall reflect the provisions of Section 31.34(b) of this District.~~

~~*Multi-floor Residential:* A multi-family residential dwelling consisting of three (3) or more stories in height.]~~

### **30.52 ~~[31.33]~~ - Land uses.**

Uses Allowed By Conditional Use Permit (CUP). Land Uses may include industrial, office, commercial, and multi-floor residential developments as specifically indicated below. All land uses not specified below are prohibited. All land uses shall be reviewed and approved pursuant to the Conditional Use Permit procedures in Section 27.04 of this Ordinance. ~~The Master Development Plan shall reflect the conceptually proposed land uses for the area, such land uses to be consistent with the Comprehensive Plan.~~

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

#### (a) General retail,

- (a) Retail except when specifically listed elsewhere in the ordinance
- (b) Personal services, including massage, hair salons, and similar businesses
- (c) Dry cleaning and laundry
- (d) Repair services, excluding repair of vehicles and small engines
- (e) Business and professional offices, excluding medical offices
- (f) Non-classroom personalized instructional services
- (g) Portrait or art studio
- (h) Medical cannabis dispensary

#### (b) Restaurants, with or without live entertainment or outdoor dining

- (c) Brew Pubs
- (d) Medical offices
- (e) Bank
- (f) Hotel
- (g) Trade and convention center
- (h) Fitness center
- (i) Gasoline station, with or without passenger vehicle auto lube/oil change service or automated car wash
- (j) Manufacturing
- (k) Multifamily residential
- (l) Research and development laboratories
- (m) Churches
- (n) Commercial childcare
- (o) Theaters



- (p) Indoor amusement and recreation
- (q) Corporate office/distribution/warehouse (requires a combination of office space or manufacturing space consisting of not less than twenty-five percent (25%) of gross building area either attached to or as part of a larger office manufacturing campus, operated by the same facility). (Ord. No. 03-1994, added 9-18-2003)
- (r) Post secondary education
- (s) Brewer tap room as defined by Section 6-33 [of the Blaine Code] associated with and on the same site as a licensed brewery. (Ord. No. 15-2334, added 12-17-2015)
- (t) Motorcycle sales and maintenance
- (u) Zero lot line splits with shared access and/or shared parking
- (v) Ground mounted solar as an accessory use.

- ~~1.—Offices—Business and professional.~~
- ~~2.—Research and development laboratories.~~
- ~~3.—Hotels and motels.~~
- ~~4.—Financial institutions.~~
- ~~5.—Restaurants with live entertainment (Class I and II).~~
- ~~6.—Trade and convention centers.~~
- ~~7.—Athletic clubs.~~
- ~~8.—Automobile service station and related convenience store.~~
- ~~9.—Manufacturing. (Ord. No. 03-1994, amended 9-18-2003)~~
- ~~10.—Multi-floor residential.~~
- ~~11.—Retail sale of goods and services including: (Ord. No. 02-1955, amended 9-5-2002)~~
  - ~~Art gallery~~
  - ~~Automotive accessory stores excluding vehicle repair~~
  - ~~Bakeries~~
  - ~~Barber shops~~
  - ~~Beauty shops~~
  - ~~Bicycle sales~~
  - ~~Book/stationary stores~~
  - ~~Camera and photographic supply stores~~
  - ~~Catering services~~
  - ~~Clothing and apparel stores~~
  - ~~Computer and computer accessory stores~~
  - ~~Candy and ice cream stores~~
  - ~~Carpeting stores~~
  - ~~Catalog showroom~~
  - ~~China and glassware stores~~
  - ~~Coffee shop~~

Coin stores  
Diet centers  
Domestics  
Drug stores  
Dry cleaning and laundry  
Electrical and houseware appliance stores  
Fabrics  
Flower shops  
Furniture and home furnishings stores  
Gift shops  
Grocery stores  
Hardware  
Health and fitness  
Hobby shops  
Home improvement store  
Jewelry stores  
Leather goods and luggage stores  
Liquor store  
Locksmiths  
Lumber sales—Indoor or partially enclosed  
Major department stores  
Meat markets  
Musical instrument stores  
Nurseries (plants)  
Office supply stores  
Optical goods stores  
Orthopedic sales and supply stores  
Packaging  
Photo studios  
Picture frame shops  
Pet grooming shops  
Pet stores

Post offices

Printing

Public libraries

Restaurants (Class I and II)

Sporting goods stores

Tailor shops

Toy shop

Tobacco shops

Travel bureaus

Video and DVD

~~12.—Zero lot line and multi-building developments.~~

~~13.—Commercial based day care.~~

~~14.—Theaters.~~

~~15.—Indoor amusement and recreation. (Ord. No. 00-1883, added 12-21-2000)~~

~~16.—Automated car wash incorporated with automotive service station and convenience store. (Ord. No. 02-1955, added 9-5-2002)~~

~~17.—Corporate office/distribution/warehouse (requires a combination of office space or manufacturing space consisting of not less than twenty five percent (25%) of gross building area either attached to or as part of a larger office manufacturing campus, operated by the same facility). (Ord. No. 03-1994, added 9-18-2003)~~

~~18.—Post-secondary education. (Ord. No. 06-2084, added 4-20-2006)~~

~~19.—Passenger auto-lube/oil change service incorporated with automotive service station and convenience store. (Ord. No. 08-2163, amended 8-7-2008).~~

~~20.—Churches. (Ord. No. 09-2194, added 10-1-2009)~~

~~21.—Medical cannabis distribution facility. (Ord. No. 15-2309, added 3-19-2015)~~

~~22.—Brewer taproom as defined by Section 6-33 [of the Blaine Code] associated with and on the same site as a licensed brewery. (Ord. No. 15-2334, added 12-17-2015)~~

~~23.—Motorcycle sales and maintenance. ( Ord. No. 17-2370, added 2-2-2017)~~

~~24.—Ground mounted solar as an accessory use. (Ord. No. 19-2432, added 8-19-2019)~~

**30.53 [31.34] - Development procedure.**

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

e) The conditional use permit shall outline all allowed uses within the development, including square footages allotted to each use. A conditional use permit amendment shall be required for any deviation.

~~(a) *Master Development Plan.* A landowner within the Zoning District, or developer with written consent of a landowner, or the City may initiate consideration of a Master Development Plan.~~

~~Prior to proceeding with any specific development proposal(s) within a PBD District, a proposed Master Development Plan and all subsequent amendments must be reviewed and recommended to the Planning Commission by the Zoning Administrator. It shall then be reviewed at a public hearing by the Planning Commission and approved by the City Council, who shall have sole authority to determine appropriateness of land uses and adequacy of addressing traffic and environmental issues.~~

~~Notice of the purpose, time and place of the public hearing shall be published in the official newspaper of the City at least ten (10) days but not more than thirty (30) days prior to the day of the hearing, and a similar notice shall be mailed to property owner(s) as shown on Anoka County Auditor records in the district and within three hundred fifty (350) feet of the boundary of said district, at least ten (10) days before the day of the hearing.~~

~~Based on the information contained in the Master Development Plan, prior to approval, the City Council must make the following findings:~~

~~• That the proposed Master Development Plan is consistent with the Comprehensive Plan, and can be coordinated with existing and planned development of the surrounding areas.~~

~~• That the proposed or existing internal and adjacent streets are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby.~~

~~• That the proposed Master Development Plan adequately addresses identified environmental concerns and that the proposed storm drainage plan is adequate and does not impact adjacent areas.~~

~~A Master Development Plan application shall include a mailing label list of property owners within three hundred fifty (350) feet of the PBD district and shall consist of maps and drawings scaled at one (1) inch equals fifty (50), one hundred (100) or two hundred (200) feet and descriptive statements containing the following information:~~

~~(1) A Land Use Component shall set forth the description, location, and acreage of land devoted to each land use activity.~~

~~(2) A Circulation Component shall set forth the general location of proposed internal and external street networks.~~

~~(3) A Subdivision Design Component shall set forth the proposed layout of all lots and related land uses, streets, and topography.~~

~~(4) A Services and Facilities Component shall set forth the general location and size of any and all existing and proposed City systems for sanitary sewer, water, storm drainage, utilities, right-of-ways, and any other public and private easements.~~

~~(5) A Phasing Component shall set forth the proposed chronological schedule of construction for all private development and public improvements.~~

~~(6) The Environmental Component shall consist of a map or maps depicting soils, water table, flood plain, vegetative, and wetland conditions. Corps of Engineers permits for wetland fill shall accompany the map(s), so as to ascertain where and how development will be allowed on a specific site.~~

~~(7) A Design Continuity Component shall describe by drawings and text, a theme to be established by using consistent design elements including, but not limited to landscaping, signage, lighting, and architectural compatibility.~~

~~(b) *Project Development Package.* A landowner within the Zoning District, or developer with written consent of a landowner, may initiate consideration of a Project Development Package.~~

~~A Project Development Package and all subsequent amendments shall be reviewed and recommended to the Planning Commission and City Council by the Zoning Administrator, prior to the issuance of any building permit(s).~~

~~A Project Development Package shall incorporate the following:~~

~~(1) A Site Plan Application containing all information as required in Section 33.07 of the Ordinance.~~

- ~~(2) The Conditional Use Permit (CUP) application meeting requirements pursuant to Section 27.04 of the Ordinance.~~
- ~~(3) A Subdivision Application meeting the requirements as stated in Section 18 of the Blaine Subdivision Regulations.~~
- ~~(4) All Required Local, State, and Federal Agency Permits specific design plans and environmental mitigation measures shall be clearly shown on maps and/or descriptive statements.~~

**31.54 [31.35] - Standards.**

- (a) *Building Setbacks (minimum).*
- (1) Front Yard—Fifty (50) feet, or one-half (½) the total building height whichever is greater.
  - (2) Side Yard—Fifteen (15) feet, or one-half (½) the total building height, whichever is greater.
  - (3) Rear Yard—Twenty (20) feet, or one-half (½) the total building height, whichever is greater.
  - (4) All setbacks shall be determined from the planned Right-of-Way (ROW), as designated in the City, County or State Transportation Plan, and normally defined in the subdivision regulations.
- (b) *Parking Lot Setbacks (minimum).*
- (1) Front Yard—Thirty (30) feet. (Ord No. 02-1955, amended 9-5-2002)
  - (2) Side Yard—Fifteen(15) feet. (Ord. No. 04-2005, amended 1-22-2004)
  - (3) Rear Yard—Twenty (20) feet.
  - (4) All setbacks shall be determined from the planned Right-of-Way (ROW), as designated in the City, County or State Transportation Plan, and normally defined in the subdivision regulations.
- (c) *Building Sizes (minimum).*
- (1) Industrial—Twelve thousand (12,000) square feet.
  - (2) Freestanding Commercial—Five thousand (5,000) square feet with the exception of freestanding restaurants which shall have a minimum building size of four thousand (4,000) square feet. (Ord. No. 01-1896, Amended 3-15-2001; Ord. No. 02-1955, amended 9-5-2002)
- (d) *Building Height.* There shall be no height limitations, provided all buildings are in compliance with Metropolitan Airport Commission regulations.
- (e) *Building Exteriors.* ~~Major exterior surfaces of all walls shall be face brick, stone, glass, stucco, architecturally treated concrete cast in place or pre-cast panels, decorative block, wood, or architectural metal, or approved equivalent, as determined by the Zoning Administrator. Wood and metal may be used, provided that they are appropriately integrated into the overall building design and not placed in areas which will be subject to damage associated with heavy use.~~
- (1) At least fifty percent (50%) of all exterior wall finishes on any building shall be comprised of a combination of at least three (3) of the following materials with all materials present on each elevation.
    - (aa) Brick
    - (bb) Natural or cultured stone
    - (cc) Glass
    - (dd) Stucco or EIFS
    - (ee) Cementitious siding
    - (ff) Architectural metal
    - (gg) Integrally colored rock faced block
  - (2) The remaining portion of all exterior wall finishes shall be comprised of any combination of decorative, rock faced concrete block and textured concrete panels or other comparable or superior materials as approved by the zoning administrator. All materials subject to Zoning Administrator approval.
  - (3) Buildings may be constructed of primarily one of the materials listed in subsection (a) if the design meets or exceeds the intent of the ordinance.

(4) All buildings to incorporate four sided design

(5) Gasoline canopies support columns shall be constructed of masonry materials consistent with the principle building to a minimum height of 5 feet.

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

(f) *Landscaping.* In addition to the provisions of Section ~~33.07~~ 33.08 of the Ordinance, the following requirements shall be met:

- (1) Underground irrigation shall be required ~~for all yards facing a public right-of-way.~~
- (2) Traffic safety islands and/or general parking islands, were deemed appropriate by the Zoning Administrator, shall be landscaped and irrigated. At least five percent (5%) of the surface area of land within a parking area shall be landscaped.
- (3) On any given site there shall be at least three (3) different shrub species.

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

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

- (1) Loading spaces and overhead doors should be designed to be compatible with the principle building. Architectural techniques should be employed to reduce visual impacts from adjacent properties and roadways.
- (2) Loading spaces and overhead doors should be designed to be compatible with the principle building. Architectural techniques should be employed to reduce visual impacts from adjacent properties and roadways.
- (3) Overhead doors limited to not more than one door ~~per six-thousand (6,000) square feet of floor area, per ten thousand (10,000) square feet of building area with the exception that all buildings are allowed a minimum of three (3) overhead doors and all City approved multi-tenant spaces are allowed a minimum of two (2) overhead doors. (Ord. No. 03-1994, added 9-18-2003)~~
- (4) Outside storage of trucks or semi trailers is limited to not more than the number of dock or overhead doors. (Ord. No. 03-1994, added 9-18-2003)

(i) *Refuse Enclosures.* ~~Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principle structure. Such facilities shall have solid gates.~~

~~Refuse enclosures should be primarily located in designated rear or side yards and shall be constructed of similar materials as the principle building.~~

~~(j) *Roof Top Equipment.* All roof top facilities shall either be:~~

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

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

### **30.60 [31.50] - PLANNED BUSINESS DISTRICT—AIRPORT (PBD-A)**

#### **30.61 [31.54] - Land uses.**

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

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

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

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

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

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

**30.62 [31.52] - Standards.**

(a) *Building Setbacks (minimum).*

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

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

- (1) Front Yard—Thirty (30) feet.
- (2) Side Yard—Fifteen (15) feet.
- (3) Rear Yard—Twenty (20) feet.
- (4) Minimum parking and driveway setback from existing residential districts is fifty (50) feet. Additional setback from residential may be required in the CUP review process,
- (5) All setbacks shall be determined from the planned Right-of-Way (ROW), as designated in the City, County or State Transportation Plan, and normally defined in the subdivision regulations.

(c) *Building Sizes (minimum).*

- (1) Industrial—Twelve thousand (12,000) square feet.
- (2) Freestanding Commercial—Five thousand (5,000) square feet with the exception of freestanding restaurants which shall have a minimum building size of four thousand (4,000) square feet.

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

(e) *Building Exteriors.*

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

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

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

- (f) *Landscaping.* In addition to the provisions of Section 33.07 ~~33.08~~ of the Ordinance, the following requirements shall be met:
  - (1) Underground irrigation shall be required for all yards.
  - (2) Traffic safety islands and/or general parking islands, were deemed appropriate by the Zoning Administrator, shall be landscaped and irrigated. At least five percent (5%) of the surface area of land within a parking area shall be landscaped.
  - (3) On any given site there shall be at least three (3) different shrub species.
- (g) *Open Space.* The minimum area of permeable surface shall be thirty percent (30%) of the total project area. The Zoning Administrator may approve a modification to the requirement provided additional architectural or landscape enhancements are provided.
- (h) *Loading Spaces/Overhead Doors.* Loading spaces/overhead doors shall be located primarily in designated rear yards and secondarily in designated side yards. Overhead doors will be permitted in front yards under unusual circumstances, as approved by the Zoning Administrator.
  - (1) Loading spaces and overhead doors should be designed to be compatible with the principle building. Architectural techniques should be employed to reduce visual impacts from adjacent properties and roadways.
  - (2) Loading spaces and overhead doors should be designed to be compatible with the principle building. Architectural techniques should be employed to reduce visual impacts from adjacent properties and roadways.
  - (3) Overhead doors limited to not more than one door per six thousand (6,000) square feet of floor area. ~~ten thousand (10,000) square feet of building area with the exception that all buildings are allowed a minimum of three (3) overhead doors and all City approved multi-tenant spaces are allowed a minimum of two (2) overhead doors.~~
  - (4) Outside storage of trucks or semi trailers is limited to not more than the number of dock or overhead doors.



(i) ~~Refuse Enclosures. Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principle structure. Such facilities shall have solid gates.~~

~~Refuse enclosures should be primarily located in designated rear or side yards and shall be constructed of similar materials as the principle building.~~

~~(j) Roof Top Equipment. All roof top facilities shall either be:~~

~~(1) Screened from the eye level view of adjoining properties by use of exterior wall(s); or~~

~~(2) Painted to match or complement the building structure; or~~

~~(3) Incorporated into an architectural design, as approved by the Zoning Administrator.~~

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

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

(Ord. No. 15-2322, added 9-17-2015)

### **30.70 [31.40] - PLANNED OFFICE DISTRICT (POD)**

#### **30.71 [31.41] - Intent.**

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

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

(Ord. No. 07-2133, added 6-21-2007)

#### **[31.42 - Definitions.]**

~~In this District, the following definitions shall apply:~~

~~*Master Development Plan:* A concept plan of an area adopted by the City Council, which includes single and/or multiple ownerships of parcel(s) that relate through common objectives and design elements. The boundaries of the Master Development Plan shall be an area generally delineated by principle/intermediate/minor arterial/collector streets within the POD Zone. Such a plan shall reflect the provisions of Section 31.44(a) of this District.~~

~~A Master Development Plan may be amended by the City Council from time to time under the procedures provided in Section 31.44(a).~~

~~The Master Development Plan shall not create a contract or be considered as absolutely binding upon the City or adjacent owners as to future development of adjacent land, (unless so specified in a separate development contract), but shall be used as a guide to landowners, developer and the City. The Planning Commission and the City Council shall consider the Master Development Plan when a request is made for a Conditional Use Permit in the area covered by the Master Development Plan, along with the other criteria set forth in Section 27.04 of this Ordinance.~~

~~Project Development Package: An application package and information needed to initiate the review process of specific site(s) within a Master Development Plan area. Such information shall reflect the provisions of Section 31.44(b) of this District.~~

(Ord. No. 07-2133, added 6-21-2007)

### **30.72 [31.43] - Land uses.**

*Uses Allowed By Conditional Use Permit (CUP).* Land Uses may include office, manufacturing and specific service use developments as specifically indicated below. All land uses not specified below are prohibited. All land uses shall be reviewed and approved pursuant to the Conditional Use Permit procedures in Section 27.04 of this Ordinance. ~~The Master Development Plan shall reflect the conceptually proposed land uses for the area, such land uses must be consistent with the Comprehensive Plan.~~ The POD zoning classification is intended to be a companion to the PI (Planned Industrial) Land Use designation.

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

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

~~(l) Post-secondary education.~~

(Ord. No. 07-2133, added 6-21-2007)

### **30.73 [31.44] - Development procedure.**

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

~~(a) — Master Development Plan. A landowner within the Zoning District, or developer with written consent of a landowner, or the City may initiate consideration of a Master Development Plan.~~

~~Prior to proceeding with any specific development proposal(s) within a POD District, a proposed Master Development Plan and all subsequent amendments must be reviewed and recommended to the Planning Commission by the Zoning Administrator. It shall then be reviewed at a public hearing by the Planning Commission and approved by the City Council, who shall have sole authority to determine appropriateness of land uses and adequacy of addressing traffic and environmental issues.~~

~~Notice of the purpose, time and place of the public hearing shall be published in the official newspaper of the City at least ten (10) days but not more than thirty (30) days prior to the day of the hearing, and a similar notice shall be mailed to property owner(s) as shown on Anoka County Auditor records in the district and within three hundred fifty (350) feet of the boundary of said district, at least ten (10) days before the day of the hearing.~~

~~Based on the information contained in the Master Development Plan, prior to approval, the City Council must make the following findings:~~

- ~~• That the proposed Master Development Plan is consistent with the Comprehensive Plan, and can be coordinated with existing and planned development of the surrounding areas.~~
- ~~• That the proposed or existing internal and adjacent streets are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby.~~
- ~~• That the proposed Master Development Plan adequately addresses identified environmental concerns and that the proposed storm drainage plan is adequate and does not impact adjacent areas.~~

~~A Master Development Plan application shall consist of maps and drawings scaled at one (1) inch equals fifty (50), one hundred (100), or two hundred (200) feet and descriptive statements containing the following information:~~

- ~~(1) — A Land Use Component shall set forth the description, location, and acreage of land devoted to each land use activity.~~
- ~~(2) — A Transportation Component shall set forth the general location of proposed internal and external street networks, pedestrian access facilities as well as provide general traffic volume and destination estimates.~~
- ~~(3) — A Subdivision Design Component shall set forth the proposed layout of all lots and related land uses, streets, and topography.~~
- ~~(4) — A Services and Facilities Component shall set forth the general location and size of any and all existing and proposed City systems for sanitary sewer, water, storm drainage, utilities, rights-of-way, and any other public and private easements.~~
- ~~(5) — A Phasing Component shall set forth the proposed chronological schedule of construction for all private development and public improvements.~~
- ~~(6) — The Environmental Component shall consist of a map or maps depicting soils, water table, flood plain, vegetative, and wetland conditions. Necessary permits for wetland fill shall accompany the map(s), so as to ascertain where and how development will be allowed on a specific site.~~
- ~~(7) — A Design Continuity Component shall describe by drawings and text, a theme to be established by using consistent design elements including, but not limited to landscaping, signage, lighting, and architectural compatibility.~~

~~(b) — Project Development Package. A landowner within the Zoning District, or developer with written consent of a landowner, may initiate consideration of a Project Development Package.~~

~~A Project Development Package and all subsequent amendments shall be reviewed and recommended to the Planning Commission and City Council by the Zoning Administrator, prior to the issuance of any building permit(s).~~

~~A Project Development Package shall incorporate the following:~~

- ~~(1) — A Site Plan Application containing all information as required in Section 33.07 of the Ordinance.~~
- ~~(2) — The Conditional Use Permit (CUP) application meeting requirements pursuant to Section 27.04 of the Ordinance.~~

~~(3) A Subdivision Application meeting the requirements as stated in Section 18 of the Blaine Subdivision Regulations.~~

~~(4) All Required Local, State, and Federal Agency Permits. Specific design plans and environmental mitigation measures shall be clearly shown on maps and/or descriptive statements.~~

~~(Ord. No. 07-2133, added 6-21-2007)~~

**30.74 [31.45] - Standards.**

(a) *Building Setbacks (minimum).*

- (1) Front Yard—Forty (40) feet.
- (2) Side Yard—Fifteen (15) feet.
- (3) Rear Yard—Twenty (20) feet.
- (4) The minimum setback from a County Road or arterial roadway shall be fifty (50) feet.
- (5) All setbacks shall be determined from the planned Right-of-Way (ROW), as designated in the City, County or State Transportation Plan, and normally defined in the subdivision regulations.

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

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

(c) *Building Sizes (minimum).*

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

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

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

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

(f) *Landscaping.* In addition to the provisions of Section ~~33.07~~ 33.08 of the Ordinance, the following requirements shall be met:

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

~~(4) For multi-tenant buildings and lots exceeding five (5) acres, a planting bed(s) consisting of perennial and/or annual flowers shall be established and maintained. The size of the planting bed(s) shall total at least two (2) square feet for every foot of frontage along a public street.~~

(g) *Loading Spaces/Overhead Doors:*

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

(h) *Refuse Enclosures.* Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principle structure. Such facilities shall have solid gates.

~~Refuse enclosures should be primarily located in designated rear or side yards and shall be constructed of similar materials as the principle building.~~

~~(i) *Roof Top Equipment.* All roof top facilities shall either be:~~

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

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

## Chapter 31 - INDUSTRIAL DISTRICTS

### 31.00 - LIGHT INDUSTRIAL (I-1)

#### 31.01 - Intent.

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

(Ord. No. 87-1046, amended 11-5-1987)

#### 31.02 - Permitted uses.

- (a) Manufacturing uses: manufacturing, compounding, processing, packaging, storage, treatment, or assembly of products and materials within a structure, except for rendering/slaughtering/refining facilities.
- (b) Warehousing.
- (c) Wholesale businesses.
- (d) Offices—Business and professional, not including medical.
- (e) Engraving shops.
- (f) Machine shops.
- (g) Printing and publishing.
- (h) Repair services, except for businesses related to passenger vehicles and trucks.
- (i) Service uses of blue-printing, duplicating, mailing, and graphic arts.
- (j) Research and design laboratories.

~~(k) Fire stations. (Ord. No. 91-1264, amended 9-19-1991)~~

(k) ~~(f)~~ Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto as determined by the Zoning Administrator, provided these uses are not explicitly mentioned as permitted or conditional uses elsewhere in the ordinance. (Ord. No. 91-1264, amended 9-19-1991)

### 31.03 - Accessory uses.

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

### 31.04 - Conditional uses.

- (a) Commercial nurseries/greenhouses.
- (b) ~~Radio, television, and cable broadcasting.~~ Online purchase pick-up location
- ~~(c) Public and semi-public uses such as, but not limited to, post offices, telephone or microwave towers, substations, and public buildings.~~
- (c) ~~(d)~~ Heliports
- (d) ~~(e)~~ Passenger vehicle service, major repair, including painting, body work and dismantling, exclusive of auto reduction yards. Storage of vehicles shall be screened with one hundred percent (100%) opaqueness.
- (e) ~~(f)~~ Outdoor storage of passenger vehicles or vans, provided such storage shall be screened with one hundred percent (100%) opaqueness. Such outdoor storage shall be related specifically to a permitted or approved conditional use.

~~(g) Condominium conversion of building(s) subject to Section 31.05(m).~~

(f) ~~(h)~~ Two (2) or more buildings on same lot provided such buildings relate to one (1) permitted or conditional use.

~~(i) Mini-storage facility.~~

(g) ~~(j)~~ Building over fifty (50) feet from ground level.

(h) ~~(k)~~ Indoor vehicles sales showroom.

(i) ~~(l)~~ Zero lot line, with shared access and/or parking. (Ord. No. 89-1118, amended 3-16-1989; Ord. No. 98-1754, amended 11-19-1998)

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

(k) ~~(n)~~ Indoor commercial dog kennel with dwelling for night watchman. (Ord. No. 97-1676, amended 9-18-1997)

(l) ~~(o)~~ Personal care, health care, recreation, fitness, or education related commercial services. Sites must be able to demonstrate adequate on-site parking. Uses must be destination based and not generate traffic volumes measurably above the range normally expected by the other allowed I-1 uses. With the exception noted in Section 31.03(c), general retail sales is not permitted under this section. (Ord. No. 04-2007, added 03-18-2004)

(m) ~~(p)~~ Brewer taproom as ~~defined by Section 6-33 [of the Blaine Code]~~ associated with and on the same site as a licensed brewery. (Ord. No. 15-2334, added 12-17-2015)

(Ord. No. 87-1046, amended 11-5-1987)

### 31.05 - Standards.

(a) Minimum lot size:

—One (1) acre ~~with City water and sewer services.~~

~~—Ten (10) acres without City water and sewer services.~~

- (b) Minimum lot width—One hundred fifty (150) feet.
- (c) Minimum lot depth—One hundred fifty (150) feet.
- (d) Front yard building setback—Forty (40) feet.
- (e) Corner side yard building setback—Forty (40) feet.
- (f) Side yard building setback—Fifteen (15) feet.
- (g) Rear yard building setback—Twenty (20) feet.
- (h) Building height—Fifty (50) feet from ground level without a conditional use permit and subject to FAA regulations. ~~All buildings shall be sprinkled and contain other fire and life safety standards denoted in N.F.P.A. 101 and subject to Metropolitan Airport Commission regulations.~~
- (i) Minimum building size—Five thousand (5,000) square feet.
- (j) Parking and driveways may be constructed to within the following minimum setbacks of property line:
  - (1) Front yard/corner side yard ..... 25 feet
  - (2) Side yard ..... 10 feet
  - (3) Rear yard ..... 10 feet

If rear yard or side yard parking setback is adjacent ~~to I-35W or any collector/arterial street as designated in the City's Transportation Plan or a~~ residential district, the parking setback shall be twenty-five (25) feet. Such setback shall be ~~fifty percent (50%)~~ opaquely screened with berms, shrubs, trees, fence, or a combination thereof.

- (k) When a light industrial district is adjacent to any residential district, building setbacks shall be one hundred (100) feet along any side adjacent to a residential district.
  - (1) A reduction in the required building setback buffer may be requested by following the requirements in Section 33.20 ~~33-24~~, Buffer Yard Flexibility.
- ~~(l) Notwithstanding performance standards in Section 33.00, all activities within this district must comply with all Minnesota Pollution Control Agency regulations. In addition, no vibration shall be permitted which is discernible beyond the property line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour, and any vibration producing an acceleration of more than 0.1g, or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U.S. Bureau of Mines, Bulletin "Quarry Blasting" on any structure.~~
- ~~(m) Common areas for condominiums. The developer may provide parking, common walls, driveways and waiting areas in an area common to all units of the building. Common areas shall be deeded to and held in the name of an owner's association created by the developer and including all owners of property in the project. Declarations, in form and substance acceptable to the City Attorney, governing the usage and maintenance of such common areas shall be adopted and filed by the developer.~~

### **31.06 - Landscaping.**

- (a) All landscaping requirements shall meet the provisions of Section 33.07 ~~33-08~~, including the following:
  - (1) Underground irrigation shall be required for all front yards and corner side yards. Such irrigation shall extend to include public boulevard except along I-35W and into general parking islands, except natural areas to be preserved.
  - (2) Traffic safety islands and/or general parking islands where deemed appropriate shall be landscaped.
  - ~~(3) Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within twelve (12) months after planting.~~

### **31.07 - Loading facilities.**

- (a) Loading facilities shall be in the side or rear yards and shall be screened. ~~When adjacent to and/or visible from any public street, such facilities must be screened with one hundred percent (100%) opaqueness. When visible only to another lot, such facilities must be screened with fifty percent (50%) opaqueness.~~ Screening can be accomplished using berms, shrubs, trees, fencing, architectural design or a combination thereof. For additional information and requirements, refer to Section 33.14 ~~33-15~~.

### 31.08 - Storage/refuse facilities.

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

~~Refuse facilities shall be located only in the side yards or rear yards except when such yard is adjacent to I-35W, or any collector/arterial street as designated in the City's Transportation Plan. Such facilities must be constructed of coarse concrete block and contain exterior surfacing as constructed on the principal building(s). If refuse facility entrance is visible from public view such as from parking lots or street, such facilities shall have gates constructed of wood, utilizing two (2) by four (4) construction and one (1) by four (4) board-on-board slats as a minimum.~~

- (c) There shall be no detached silos, storage tanks, storage bin containers or similar detached structures within this district.
- (d) All attached silos, storage tanks, storage bin containers or similar attached structures shall have screening approved by the ~~Zoning Administrator~~ Community Development Director. ~~Such screening shall be a minimum of a six-foot-high wall constructed of similar exterior materials of the building and such structures shall be painted similar to the building. Attached structures include structures immediately adjacent to the building, subject to Zoning Administrator approval.~~

### ~~31.09 - Lighting.~~

- ~~(a) — Lighting shall meet the requirements of Section 33.02.~~

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

### 31.09 - Mechanical/electrical equipment.

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

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

### ~~31.092 - Zero lot line developments.~~

- ~~(a) — Notwithstanding the provisions of this Chapter to the contrary, industrial lots may be platted or subdivided in such a manner that common property lines will have a zero lot line building setback; provided, however, that each such lot meets the following requirements:~~
- ~~(1) — *Building Design.* The developer shall submit complete final plans for the entire construction design. The exterior walls of the building shall be constructed in compliance with the Zoning Ordinance. A zero lot line development must be constructed at one (1) time and no phasing will be allowed. Any future building additions beyond the minimum building square footage as required must be architecturally compatible with the originally constructed building. All accessory buildings must be architecturally compatible with the principal building.~~
- ~~(2) — *Development standards.* Standards, in accordance with Sections 31.05 through 31.091, shall be complied with for each parcel being subdivided or platted, except the following:~~
- ~~(i) — Minimum lot size after subdividing — Twenty-one thousand seven hundred eighty (21,780) square feet.~~
- ~~(ii) — Side yard setback along common property line — Zero (0) feet, provided a maintenance easement is granted over the abutting property for access to maintain zero lot line walls.~~



~~(iii) Each lot shall have, as a minimum, the front yard and one (1) side yard unencumbered by a common property line as permitted.~~

~~(3) Party Wall Agreements. Agreements to ensure maintenance of party walls shall be approved by the City Attorney.~~

~~(4) Shared driveways. A zero lot line development shall be allowed shared driveway designs provided a driveway agreement shall be maintained and approved by the City Attorney.~~

~~(5) Lot split approval. A zero lot line development shall require a waiver of platting (lot split approval) by the City.~~

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

### **31.091 - Architectural control.**

(a) All buildings erected shall be a type of construction as defined in the Uniform Minnesota Building Code. (Ord. No. 00-1835, amended 3-16-2000; Ord. No. 00-1876, amended 10-19-2000)

(b) Any building shall be constructed so that all exterior sides shall be surfaced equivalent to the front building elevation as determined by the Zoning Administrator.

(c) Exterior wall surfaces of all buildings shall be primarily faced with brick, stone, precast panel, cast-in-place panel, architectural concrete with other permitted materials, or glass.

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

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

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

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

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

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

### **~~[31.094 - Site plan.]~~**

~~(a) Site plan approval shall be obtained from the Community Development Department as required under Section 33.07.~~

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

## **31.10 [31.005] - LIGHT INDUSTRIAL (I-1A)**

### **31.11 [31.015] - Intent.**

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

(Ord. No. 97-1687, added 11-20-1997)

### **31.12 [31.025] - Permitted uses.**

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

(b) Warehousing.

(c) Wholesale businesses.

- (d) Offices—Business and professional.
- (e) Engraving shops.
- (f) Machine shops.
- (g) Printing and publishing.
- (h) Repair services, except for businesses related to passenger vehicles and trucks.
- (i) Service uses of blue-printing, duplicating, mailing, and graphic arts.
- (j) Research and design laboratories.

~~(k) Fire stations.~~

- (k) ~~(l)~~ Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto as determined by the Zoning Administrator, provided these uses are not explicitly mentioned as permitted or conditional uses elsewhere in the ordinance.

**31.13 [31.035] - Accessory uses.**

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

**31.14 [31.045] - Conditional uses.**

- (a) Commercial nurseries/greenhouses.
- (b) ~~Radio, television, and cable broadcasting.~~ Online purchase pickup location.
- ~~(c) Public and semi-public uses such as, but not limited to, post offices, telephone or microwave towers, substations, and public buildings.~~
- (c) ~~(d)~~ Heliports.
- (d) ~~(e)~~ Passenger vehicle service, major repair, including painting, body work and dismantling, exclusive of auto reduction yards. Storage of vehicles shall be screened with one hundred percent (100%) opaqueness.
- (e) ~~(f)~~ Outdoor storage of passenger vehicles or vans, provided such storage shall be screened with one hundred percent (100%) opaqueness. Such outdoor storage shall be related specifically to a permitted or approved conditional use.

~~(g) Condominium conversion of building(s) subject to Section 31.05(m).~~

- (f) ~~(h)~~ Two (2) or more buildings on same lot provided such buildings relate to one (1) permitted or conditional use.

~~(i) Mini-storage facility.~~

- (g) ~~(j)~~ Building over fifty (50) feet from ground level.
- (h) ~~(k)~~ Indoor vehicles sales showroom.
- (i) ~~(l)~~ Zero lot line with shared access and/or parking. (Ord. No. 98-1754, amended 11-19-1998)
- (j) ~~(m)~~ Adult Uses-Principal. As defined and licensed under Article VI - Blaine Municipal Code.
- (k) ~~(n)~~ Limited outside storage of materials or small equipment meeting standards of 31.15 (l) ~~31.055(e).~~
- (l) ~~(o)~~ Contractor yard meeting standards of 31.15 (l) ~~31.055(e).~~

**31.15 [31.055] - Standards.**

- (a) Minimum lot size—One (1) acre ~~with City water and sewer services.~~  
~~—Ten (10) acres without City water and sewer services.~~

- (b) Minimum lot width—One hundred fifty (150) feet.
- (c) Minimum lot depth—One hundred fifty (150) feet.
- (d) Front yard building setback—Forty (40) feet.
- (e) Corner side yard building setback—Forty (40) feet.
- (f) Side yard building setback—Fifteen (15) feet.
- (g) Rear yard building setback—Twenty (20) feet.
- (h) Building height—Fifty (50) feet from ground level without a conditional use permit and subject to FAA regulations. All buildings shall be sprinkled and contain other fire and life safety standards denoted in N.F.P.A. 101 and subject to Metropolitan Airport Commission regulations.
- (i) Minimum building size—Five thousand (5,000) square feet.
- (j) Parking and driveways may be constructed to within the following minimum setbacks of property line:
  - (1) Front yard/corner side yard twenty-five (25) feet.
  - (2) Side yard ten (10) feet.
  - (3) Rear yard ten (10) feet.

If rear yard or side yard parking setback is adjacent to ~~1-35W or any collector/arterial street as designated in the City's Transportation Plan or a~~ residential district, the parking setback shall be twenty-five (25) feet. Such setback shall be ~~fifty percent (50%)~~ opaquely screened with berms, shrubs, trees, fence, or a combination thereof.

- (k) When a light industrial district is adjacent to any residential district, building setbacks shall be one hundred (100) feet along any side adjacent to a residential district.
  - (1) A reduction in the required building setback buffer may be requested by following the requirements in Section ~~33.20~~ ~~33.21~~ Buffer Yard Flexibility.

~~(l) Notwithstanding performance standards in Section 33.00, all activities within this district must comply with all Minnesota Pollution Control Agency regulations. In addition, no vibration shall be permitted which is discernible beyond the property line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour, and any vibration producing an acceleration of more than 0.1g, or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U.S. Bureau of Mines, Bulletin "Quarry Blasting" on any structure.~~

~~(n) Common areas for condominiums. The developer may provide parking, common walls, driveways and waiting areas in an area common to all units of the building. Common areas shall be deeded to and held in the name of an owner's association created by the developer and including all owners of property in the project. Declarations, in form and substance acceptable to the City Attorney, governing the usage and maintenance of such common areas shall be adopted and filed by the developer.~~

- (l) ~~(e)~~ Limited outside storage:
  - (1) ~~Limited e~~ Outside storage area limited to a maximum of fifty percent (50%) of total building footprint.
  - (2) Sites considered for limited outside storage shall be capable of providing full screening so that outside storage is not visible from any public right-of-way.
  - (3) Screening to be achieved through a combination of masonry walls, fencing, berming, landscaping, additional setbacks, etc.
  - (4) Limited outside storage limited to a maximum height of twelve (12) feet.
  - (5) A Conditional Use Permit for limited outside storage shall not permit the outside storage of semi-trucks, semi-trailers, or heavy construction equipment.
  - (6) All limited outside storage areas are to be hard surfaced and bound at the perimeter by either B-6-12 concrete curb and gutter or fencing as determined by the Zoning Administrator.
  - (7) Additional screening may be required to effectively screen outside storage from the view of adjacent properties.

**31.16 [31.065] - Landscaping.**

- (a) All landscaping requirements shall meet the provisions of Section ~~33.07~~ ~~33.08~~, including the following:
  - (1) Underground irrigation shall be required for all front yards and corner side yards.

(2) Traffic safety islands and/or general parking islands where deemed appropriate shall be landscaped.

~~(3) Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within twelve (12) months after planting.~~

### **31.17 [31.075] - Loading facilities.**

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

For additional information and requirements, refer to Section 33.15.

### **31.18 [31.085] - Storage/refuse facilities.**

(a) There shall be no outdoor storage of any kind within this district except as authorized by a conditional use permit. For purposes of this zoning district, car, vans and pickup trucks parked outside and used by employees and/or visitors in the normal course of the business operation will not be construed to be outdoor storage. Further, outside parked trucks, ~~and semi-trailers~~ and any other vehicles larger than 10,000 GVW used in the normal business' commerce will not be construed to be outdoor storage provided a) total number of vehicles over 10,000 GVW, including but not limited to box trucks, semi cab, and semi-trailers ~~trucks and semi-trailers~~ does not exceed the number of docks and/or bay doors; and b) such use is not construed as an operation listed as a conditional use in any industrial zone.

(b) ~~Refuse facilities shall be located only in the side yards or rear yards except when such yard is adjacent to I-35W, or any collector/arterial street as designated in the City's Transportation Plan. Such facilities must be constructed of coarse concrete block and contain exterior surfacing as constructed on the principal building(s). If refuse facility entrance is visible from public view such as from parking lots or street, such facilities shall have gates constructed of wood, utilizing two (2) by four (4) construction and one (1) by four (4) board on board slats as a minimum. Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principle structure. Such facilities shall have solid gates.~~

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

(d) All attached silos, storage tanks, storage bin containers or similar attached structures shall have screening approved by the ~~Zoning Administrator~~ Community Development Director. Such screening shall be a minimum of a six-foot high wall constructed of similar exterior materials of the building and such structures shall be painted similar to the building. Attached structures include structures immediately adjacent to the building, subject to Zoning Administrator approval.

### **[31.095 - Lighting.]**

~~(a) Lighting shall meet the requirements of Section 33.02.~~

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

### **31.19 [31.096] - Mechanical/electrical equipment.**

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

### **[31.097 - Zero lot line developments.]**

~~(a) Notwithstanding the provisions of this Chapter to the contrary, industrial lots may be platted or subdivided in such a manner that common property lines will have a zero lot line building setback; provided, however, that each such lot meets the following requirements:~~

~~(1) *Building Design.* The developer shall submit complete final plans for the entire construction design. The exterior walls of the building shall be constructed in compliance with the Zoning Ordinance. A zero lot line development must be constructed at one (1) time and no phasing will be allowed. Any future building additions beyond the minimum building square footage as required must be architecturally compatible with the originally constructed building. All accessory buildings must be architecturally compatible with the principal building.~~

- ~~(2) — *Development standards.* Standards, in accordance with Sections 31.05 through 31.091, shall be complied with for each parcel being subdivided or platted, except the following:~~
- ~~(i) — *Minimum lot size after subdividing*—Twenty-one thousand seven hundred eighty (21,780) square feet.~~
  - ~~(ii) — *Side yard setback along common property line*—Zero (0) feet, provided a maintenance easement is granted over the abutting property for access to maintain zero lot line walls.~~
  - ~~(iii) — *Each lot shall have, as a minimum, the front yard and one (1) side yard unencumbered by a common property line as permitted.*~~
- ~~(3) — *Party Wall Agreements.* Agreements to ensure maintenance of party walls shall be approved by the City Attorney.~~
- ~~(4) — *Shared driveways.* A zero lot line development shall be allowed shared driveway designs provided a driveway agreement shall be maintained and approved by the City Attorney.~~
- ~~(5) — *Lot split approval.* A zero lot line development shall require a waiver of platting (lot split approval) by the City.~~

### **31.191 [31.098] - Architectural control.**

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

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

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

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

- (e) All building design and exterior wall surface materials shall be reviewed and approved by the Zoning Administrator.
- (f) All buildings shall contain a concrete floor. (Ord. No. 00-1876, amended 10-19-2000)

### **~~[31.099 – Site plan.]~~**

~~[(a) — Site plan approval shall be obtained from the Community Development Department as required under Section 33.07.]~~

### **31.20 [31.10] - HEAVY INDUSTRIAL (I-2)**

#### **31.21 [31.11] - Intent.**

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

(Ord. No. 87-1024, amended 6-4-1987)

#### **31.22 [31.12] - Permitted uses.**

- (a) Manufacturing uses: manufacturing, compounding, processing, packaging, storage, treatment, or assembly of products and materials within a structure, except for rendering/slaughtering/refining facilities.
- (b) Warehousing with outside parking of trucks, ~~or~~ semitrailers, [or other vehicles greater than 10,000 GVW other than buses](#) not exceeding the number of docks and/or bay doors. (Ord. No. 95-1586, amended 12-21-1995)
- (c) Wholesale businesses.
- (d) Offices—Business and professional.

- (e) Engraving shops.
- (f) Machine shops.
- (g) Printing and publishing.
- (h) Repair services, except for businesses related to passenger vehicles and trucks.
- (i) Service uses of blue-printing, duplicating, mailing, and graphic arts.
- (j) Passenger vehicle service, major repair, including painting, body work and dismantling, exclusive of auto reduction yards. Storage of vehicles shall be screened with one hundred percent (100%) opaqueness. Towing may be included as an incidental use for vehicles that are towed to the site for repair.
- ~~(k) Fires stations. (Ord. No. 91-1264, amended 9-19-1991)~~
- (k) ~~(j)~~ Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto as determined by the Zoning Administrator, provided these uses are not explicitly mentioned as permitted or conditional uses elsewhere in this ordinance. (Ord. No. 91-1264, amended 9-19-1991)

**31.23 [31.13] - Accessory uses.**

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

**31.24 [31.14] - Conditional uses.**

- (a) Commercial nurseries/greenhouses.
- (b) ~~Radio, television, and cable broadcasting~~ Waste transfer facility.
- (c) ~~Public and semi-public uses such as, but not limited to, post offices, telephone or microwave towers, substations, and public buildings.~~ Automotive towing business with outdoor tow yard or impound lot.
- (d) Heliports.
- (e) Outdoor storage of materials or equipment other than passenger vehicles. All outside storage areas greater than one (1) acre require additional building standards outlined in [Section] 31.15(i). (Ord. No. 16-2342, amended 2-18-2016)
- (f) Condominium conversion of building(s) subject to [Section] 31.15(m).
- (g) Two (2) or more buildings on same lot provided such buildings relate to one (1) permitted or conditional use.
- (h) Contractor yards. (Ord. No. 89-1147, amended 6-15-1989)

~~(i) Mini-storage facility.~~

- (i) ~~(j)~~ Commercial kennels.
- (j) ~~(k)~~ Public transportation terminal-~~public or~~ privately owned.
- (k) ~~(l)~~ Trap and skeet ranges.
- (l) ~~(m)~~ Tractor, trailer, farm implement, or marine assembly, manufacturing, or repair without outside storage of trucks or trailers exceeding the number of dock and/or bay doors on the building. (Ord. No. 94-1498, amended 2-3-1994)
- (m) ~~(n)~~ Equipment rental.

- (n) ~~(o)~~ Building over fifty (50) feet from ground level.
  - (o) ~~(p)~~ Automobile reduction/automobile reduction yards. (Ord. 88-1104, amended 11-17-1988)
  - (p) ~~(q)~~ Zero lot line with shared access and/or parking. (Ord. No. 89-1118, amended 3-16-1989)
  - (q) ~~(r)~~ ~~Transient sales, meeting standards outlined in [Section] 31.195. (Ord. No. 89-1168, amended 3-1-1990)~~ Online purchase pick-up location
  - ~~(s) Golf driving range. Requires minimum lot size of fifteen (15) acres. (Ord. No. 90-1241, amended 12-20-1990)~~
  - (r) ~~(t)~~ Adult Uses—Principal. As defined and licensed under Article VI - Blaine Municipal Code. (Ord. No. 93-1320, amended 1-7-1993)
  - ~~(u) Crushing of concrete demolition materials meeting standards of [Section] 31.196 (Ord. No. 93-1327, amended 4-15-1993)~~
  - (s) ~~(v)~~ Yard waste drop-off facility. (Ord. No. 95-1564, amended 7-6-1995)
  - (t) ~~(w)~~ Retail sales facility for CNG (Compressed Natural Gas) or other alternative automotive fuels. Retail sales must be accessory to an onsite fleeting fueling operation. (Ord. No. 11-2224, added 6-16-2011)
  - (u) ~~(x)~~ Personal care, health care, recreation, fitness, or education related commercial services. Sites must be able to demonstrate adequate on-site parking. Uses must be destination based and not generate traffic volumes measurably above the range normally expected by the other allowed I-2 uses. With the exception noted in Section 31.23 (c) 31.13(e), general retail sales is not permitted under this section. (Ord. No. 13-2266, added 5-16-2013)
  - (v) ~~(y)~~ Indoor vehicle sales showroom. (Ord. No. 14-2295, added 10-16-2014)
  - (w) ~~(z)~~ Brewer taproom as defined by Section 6-33 [of the Blaine Code] associated with and on the same site as a licensed brewery. (Ord. No. 15-2334, added 12-17-2015)
- (Ord. No. 98-1722, amended 5-21-1998)

### **31.25– Interim Uses.**

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

### **31.26 [31.15] - Standards.**

- (a) Minimum lot size—One (1) acre ~~with City water and sewer services~~ ~~—Ten (10) acres without City water and sewer services.~~
- (b) Minimum lot width—One hundred fifty (150) feet.
- (c) Minimum lot depth—One hundred fifty (150) feet.
- (d) Front yard building setback—Forty (40) feet.
- (e) Corner side yard building setback—Forty (40) feet.
- (f) Side yard building setback—Fifteen (15) feet.
- (g) Rear yard building setback—Twenty (20) feet.
- (h) Building height—Fifty (50) feet from ground level unless authorized by a conditional use permit and subject to FAA regulations. All buildings shall be sprinkled and contain other fire and life safety standards denoted in N.F.P.A. 101 and subject to Metropolitan Airport Commission regulations.
- (i) Minimum building size—Five thousand (5,000) square feet. A site with an outside storage area greater than one (1) acre in size requires a minimum building size of twenty thousand (20,000) square feet. ~~A golf driving range under [Section] 31.14(s) is excluded from the building size requirement. (Ord. No. 90-1241, amended 12-20-1990; Ord. No. 16-2342, amended 2-18-2016)~~
- (j) Parking and driveways may be constructed to within the following minimum setbacks of property line:
  - (1) Front yard/corner side yard—Twenty-five (25) feet.
  - (2) Side yard—Ten (10) feet.

(3) Rear yard—Ten (10) feet.

If rear yard or side yard parking setback is adjacent to ~~I-35W or any collector/arterial street as designated in the City's Transportation Plan~~ or a residential district, the parking setback shall be twenty-five (25) feet. Such setback shall be ~~fifty percent (50%)~~ opaquely screened with berms, shrubs, trees, fence or a combination thereof.

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

(1) A reduction in the required building setback buffer may be requested by following the requirements in Section ~~33.20~~ 33.21 Buffer Yard Flexibility.

~~(l) Notwithstanding performance standards in Section 33.00, all activities within this district must comply with all Minnesota Pollution Control Agency regulations. In addition, no vibration shall be permitted which is discernible beyond the property line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour, and any vibration producing an acceleration of more than 0.1g, or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U.S. Bureau of Mines, Bulletin "Quarry Blasting" on any structure.~~

~~(m) Common areas for condominiums. The developer may provide parking, common walls, driveways and waiting areas in an area common to all units of the building. Common areas shall be deeded to and held in the name of an owner's association created by the developer and including all owners of property in the project. Declarations, in form and substance acceptable to the City Attorney, governing the usage and maintenance of such common areas shall be adopted and filed by the developer.~~

### **31.27 [31.16] - Landscaping.**

(a) All landscaping requirements shall meet the provisions of Section ~~33.07~~ 33.08, including the following:

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

(2) Traffic safety islands and/or general parking islands where deemed appropriate shall be landscaped.

~~(3) Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within twelve (12) months after planting.~~

### **31.28 [31.17] - Loading facilities.**

(a) Loading facilities shall be in the side or rear yards. When adjacent to and/or visible from any public street, such facilities must be screened with one hundred percent (100%) opaqueness. When visible only to another lot, such facilities must be screened with fifty percent (50%) opaqueness. Screening can be accomplished using berms, shrubs, trees, fencing, architectural design or a combination thereof. For additional information and requirements, refer to Section ~~33.14~~ 33.15.

### **31.29 [31.18] - Storage/refuse facilities.**

(a) Outdoor storage shall be allowed within this district meeting all conditions imposed under a conditional use permit. All outdoor storage shall be located in the rear yard.

~~(b) Refuse facilities shall be located only in the side yards or rear yards except when such yard is adjacent to I-35W, or any collector/arterial street as designated in the City's Transportation Plan. Such facilities must be constructed of coarse concrete block and contain exterior surfacing as constructed on the principal building(s). If refuse facility entrance is visible from public view such as from parking lots or street such facilities shall have gates constructed of wood, utilizing two (2) by four (4) construction and one (1) by four (4) board-on-board slats as a minimum. Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principle structure. Such facilities shall have solid gates.~~

(c) There shall be no detached silos, storage tanks, storage bin containers or similar detached structures within this district. Above ground fuel tanks are exempt from this requirement with Zoning Administrator approval of placement, screening and issuance of Building and Fire Department permits. (Ord. No. 95-1564, amended 7-6-1995)

(d) All attached silos, storage tanks, storage bin containers or similar attached structures shall have screening approved by the (Community Development Director) Zoning Administrator. ~~Such screening shall be a minimum of a six-foot high wall constructed of similar exterior materials of the building and such structures shall be painted similar to the~~



~~building—Attached structures include structures immediately adjacent to the building, subject to Zoning Administrator approval.~~

~~**[31.19 - Lighting.]**~~

~~{(a) — Lighting shall meet the requirements of Section 33.02.~~

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

**31.291 [31.191] - Mechanical/electrical equipment.**

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

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

~~**[31.192 - Zero lot line developments.]**~~

~~{(a) — Notwithstanding the provisions of this Chapter to the contrary, industrial lots may be platted or subdivided in such a manner that common property lines will have a zero lot line building setback; provided, however, that each such lot meets the following requirements:~~

~~(1) — *Building Design.* The developer shall submit complete final plans for the entire construction design. The exterior walls of the building shall be constructed in compliance with the zoning ordinance. A zero lot line development must be constructed at one (1) time and no phasing will be allowed. Any future building additions beyond the minimum building square footage as required must be architecturally compatible with the originally constructed building. All accessory buildings must be architecturally compatible with the principal building.~~

~~(2) — *Development standards.* Standards, in accordance with Section 31.15 through 31.191, shall be complied with for each parcel being subdivided or platted, except the following:~~

~~(i) — *Minimum lot size after subdividing* — Twenty one thousand seven hundred eighty (21,780) square feet.~~

~~(ii) — *Side yard setback along common property line* — Zero (0) feet, provided a maintenance easement is granted over the abutting property for access to maintain zero lot line walls.~~

~~(iii) — Each lot shall have, as a minimum, the front yard and one (1) side yard unencumbered by a common property line as permitted.~~

~~(3) — *Party Wall Agreements.* Agreements to ensure maintenance of party walls shall be approved by the City Attorney.~~

~~(4) — *Shared driveways.* A zero lot line development shall be allowed shared driveway designs provided a driveway agreement shall be maintained and approved by the City Attorney.~~

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

**31.292 [31.193] - Architectural control.**

(a) All buildings erected shall be a type of construction as defined in the [Uniform Minnesota Building Code](#). (Ord. No. 00-1876, amended 10-19-2000; Ord. No. 00-1835, amended 3-16-2000)

(b) Any building shall be constructed so that all exterior sides shall be surfaced equivalent to the front building elevation as determined by the Zoning Administrator.

(c) Exterior wall surfaces of all buildings shall be primarily faced with brick, stone, pre-cast panel, cast-in-place panel, architectural concrete in combination with glass or other permitted materials.

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

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

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

- (e) All building design and exterior wall surface materials shall be reviewed and approved by the Zoning Administrator.
- (f) All buildings shall contain a concrete floor. (Ord. No. 00-1876, amended 10-19-2000)

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

~~**[31.194 - Site plan.]**~~

~~[(a) Site plan approval shall be obtained from the Community Development Department as required under Section 33.07.]~~

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

**31.293 [31.195] - Standards for transient sales.**

- (a) Location of the sale shall have a minimum one-hundred-fifty-foot setback from any intersection.
- (b) No sales shall be located within or upon any public right-of-way, landscaped area, required front and side yard setbacks when the side yard abuts a street, fire lane, or designated drive aisle.
- (c) The space used for transient sales, including off-street parking in connection with the transient sales, shall not exceed the space needed for any existing business at the site.
- (d) Merchandise offered for sale shall not occupy more than one hundred (100) square feet.
- (e) Adequate off-street parking must be available to serve both the principal use of the property and the use of the property for transient sales.
- (f) Use of the property for transient sales shall not exceed eight (8) days within a maximum period of six (6) months.
- (g) Transient sales shall not take place between the hours of 6:00 p.m. and 10:00 a.m.
- (h) No overnight storage of transient merchant equipment or merchandise shall be allowed. Transient merchant equipment or merchandise shall be permitted on the premises only between the hours of 8:00 a.m. and 8:00 p.m. on a day transient sales are to take place.
- (i) Signs shall be subject to the requirements of Chapter 34 of the Blaine Zoning Ordinance.
- (j) The use of any horn, bell, or any loud or unusual noise to call attention to a transient sale is prohibited.
- (k) A license shall be issued pursuant to Sections ~~22-271 through 22-330~~ 45-20 through 45-22 of the Blaine Code.
- (l) The license required by Minnesota Statutes Section 329.11 shall be filed with the City Clerk and shall be conspicuously posted in the transient merchant's place of business.
- (m) Written permission to occupy the property shall be filed with the City Clerk and shall be conspicuously posted in the transient merchant's place of business.

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

**31.294 [31.196] - Standards for crushing of concrete demolition materials.**

- (a) Minimum lot size of ten (10) acres.
- (b) Crushing and storage located in rear yard only.
- (c) Storage of demolition materials to meet the following setbacks:
  - 1. Ten (10) feet against I-2 zoned uses.
  - 2. Fifty (50) feet against I-1 zoned uses.
  - 3. One hundred (100) feet against all other zoning districts.
- (d) Recycling (crushing) of concrete demolition materials to meet the following setbacks:
  - 1. Fifty (50) feet against I-2 zoned uses.
  - 2. One hundred (100) feet against all other zoning districts.

- (e) Storage bunkered on three (3) sides.
- (f) Maximum storage height of fifteen (15) feet.
- (g) Maximum storage volume of twenty thousand (20,000) cubic yards.
- (h) Crushing activity limited to no more than forty-five (45) days in [a] twenty-four-month period.
- (i) ~~Conditional-Interim~~ use permits issued under Section 31.25 (b) ~~(Section 31.14(u))~~ automatically expire after three (3) years. The holder of such a permit must submit a written request to the City Council if they wish to have the permit renewed for an additional three-year period. The City Council reserves the right to modify conditions of the permit if conditions warrant. All concrete demolition storage must be removed within sixty (60) days after a conditional use permit expires. (Ord. No. 06-2079, amended 3-16-2006)

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

### **31.30 [31.198] - HEAVY INDUSTRIAL (I-2A)**

#### **31.31 [31.1981] - Intent.**

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

(Ord. No. 98-1720, added 5-21-1998)

#### **31.32 [31.1982] - Permitted uses.**

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

(Ord. No. 98-1720, added 5-21-1998)

#### **31.33 [31.1983] - Accessory uses.**

- (a) Dwelling for watchman (not to exceed five hundred (500) square feet) and limited to one (1) person.
- (b) Signs as regulated in Section 34.07.

- (c) Retail sales, incidental to manufacturing, of products manufactured, assembled, or warehoused on the premises, provided no more than ten percent (10%) of the building is used for retail space.
- (d) Coffee shops/cafeteria for employees.
- (e) Recreational facilities for employees.
- (f) Day care related to employees.
- (g) Short term lodging facilities for truck and transportation terminals ([Section] 31.1984(i)). Limited to a maximum of sixteen (16) beds.

(Ord. No. 98-1720, added 5-21-1998)

**31.34 [31.1984] - Conditional uses.**

- (a) Commercial nurseries/greenhouses.
- (b) ~~Radio, television, and cable broadcasting.~~ Waste transfer facility.
- (c) ~~Public and semi-public uses such as, but not limited to, post offices, telephone or microwave towers, substations, and public buildings.~~ Automotive towing businesses with outdoor tow yard.
- (d) Heliports.
- (e) Outdoor storage of materials or equipment other than vehicles. All outside storage areas greater than one (1) acre require additional building standards outlined in Section 31.36(i)~~[Section] 31.1985(f)~~. (Ord. No. 16-2342, amended 2-18-2016)
- (f) Condominium conversion of building(s) ~~subject to [Section] 31.15(m)~~.
- (g) Two (2) or more buildings on same lot provided such buildings relate to one (1) permitted or conditional use.
- (h) Contractor yards.
- (i) Truck or transportation terminal or outside parking of trucks or semitrailers exceeding the number of docks and/or bay doors. The minimum building size for a truck terminal, transportation terminal, or cross dock shipping facility shall be fifty thousand (50,000) square feet. (Ord. No. 16-2342, amended 2-18-2016)
- (j) ~~Mini-storage facility.~~ Self storage facility, indoor.
- (k) Commercial kennels.
- (l) Public transportation terminal-public or privately owned.
- (m) Tractor, trailer, farm implement, or marine assembly, manufacturing, sales, repair, or rental with or without a number of trucks or trailers stored outside exceeding the number of dock and/or bay doors.
- (n) Equipment rental.
- (o) Building over fifty (50) feet from ground level.
- (p) Automobile reduction/automobile reduction yards.
- (q) Zero lot line with shared access and/or shared parking.
- (r) ~~Transient sales, meeting standards outlined in [Section] 31.195.~~ Online purchase pickup location
- (s) Adult Uses-Principal. As defined and licensed under Article VI - Blaine Municipal Code.
- ~~(t) Crushing of concrete demolition materials meeting standards of [Section] 31.1995.~~
- (t) ~~(u)~~ Yard waste drop-off facility.
- ~~(v) Asphalt processing and recycling facility meeting standards of [Section] 31.1996. (Ord. No. 98-1760, amended 12-17-1998)~~

**31.35 – Interim Uses.**

- (a) Transient sales, meeting standards outlined in Section 31.393.
- (b) Crushing of concrete demolition materials meeting standards of Section 31.394.

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

(Ord. No. 98-1720, added 5-21-1998)

**31.36 [31.1985] - Standards.**

- (a) Minimum lot size—One (1) acre ~~with City water and sewer services~~  
~~—Ten (10) acres without City water and sewer services~~
  - (b) Minimum lot width—One hundred fifty (150) feet.
  - (c) Minimum lot depth—One hundred fifty (150) feet.
  - (d) Front yard building setback—Forty (40) feet.
  - (e) Corner side yard building setback—Forty (40) feet.
  - (f) Side yard building setback—Fifteen (15) feet.
  - (g) Rear yard building setback—Twenty (20) feet.
  - (h) Building height—Fifty (50) feet from ground level unless authorized by a conditional use permit and subject to FAA regulations. All buildings shall be sprinkled and contain other fire and life safety standards denoted in N.F.P.A. 101 and subject to Metropolitan Airport Commission regulations.
  - (i) Minimum building size—Five thousand (5,000) square feet. A site with an outside storage area greater than one (1) acre in size requires a minimum building size of twenty thousand (20,000) square feet. (Ord. No. 16-2342, amended 2-18-2016)
  - (j) Parking and driveways may be constructed to within the following minimum setbacks of property line:
    - (1) Front yard/corner side yard—Twenty-five (25) feet.
    - (2) Side yard—Ten (10) feet.
    - (3) Rear yard—Ten (10) feet.
- If rear yard or side yard parking setback is adjacent ~~to I-35W or any collector/arterial street as designated in the City's Transportation Plan or a~~ residential district, the parking setback shall be twenty-five (25) feet. Such setback shall be ~~fifty percent (50%)~~ opaquely screened with berms, shrubs, trees, fence or a combination thereof.
- (k) When a heavy industrial district is adjacent to any residential district, building setbacks shall be one hundred (100) feet along any side adjacent to a residential district.
    - (1) A reduction in the required building setback buffer may be requested by following the requirements in Section 33.20 ~~33.24~~ Buffer Yard Flexibility.
  - (l) Notwithstanding performance standards in Section 33.00, all activities within this district must comply with all Minnesota Pollution Control Agency regulations. In addition, no vibration shall be permitted which is discernible beyond the property line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour, and any vibration producing an acceleration of more than 0.1g, or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U.S. Bureau of Mines, Bulletin "Quarry Blasting" on any structure.
  - (m) Common areas for condominiums. The developer may provide parking, common walls, driveways and waiting areas in an area common to all units of the building. Common areas shall be deeded to and held in the name of an owner's association created by the developer and including all owners of property in the project. Declarations, in form and substance acceptable to the City Attorney, governing the usage and maintenance of such common areas shall be adopted and filed by the developer.

(Ord. No. 98-1720, added 5-21-1998)

**31.37 [31.1986] - Landscaping.**

- (a) All landscaping requirements shall meet the provisions of Section 33.07 ~~33.08~~, including the following:
  - (1) Underground irrigation shall be required for all front yards and corner side yards. Such irrigation shall extend to include public boulevard except along I-35W and into general parking islands, except natural areas to be preserved.

(2) Traffic safety islands and/or general parking islands where deemed appropriate shall be landscaped.

~~(3) Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within twelve (12) months after planting.~~

(Ord. No. 98-1720, added 5-21-1998)

**31.38 [31.1987] - Loading facilities.**

(a) Loading facilities shall be in the side or rear yards. When adjacent to and/or visible from any public street, such facilities must be screened with one hundred percent (100%) opaqueness. When visible only to another lot, such facilities must be screened with fifty percent (50%) opaqueness. Screening can be accomplished using berms, shrubs, trees, fencing, architectural design or a combination thereof. For additional information and requirements, refer to Section 33.14 33.15.

(Ord. No. 98-1720, added 5-21-1998)

**31.39 [31.1988] - Storage/refuse facilities.**

(a) Outdoor storage shall be allowed within this district meeting all conditions imposed under a conditional use permit. All outdoor storage shall be located in the rear yard.

~~(a) Refuse facilities shall be located only in the side yards or rear yards except when such yard is adjacent to I-35W, or any collector/arterial street as designated in the City's Transportation Plan. Such facilities must be constructed of coarse concrete block and contain exterior surfacing as constructed on the principal building(s). If refuse facility entrance is visible from public view such as from parking lots or street such facilities shall have gates constructed of wood, utilizing two (2) by four (4) construction and one (1) by four (4) board on-board slats as a minimum. Refuse facilities, except for individual containers for public use, shall be located only in the side yards or rear yards. Such facilities shall be constructed of masonry materials such as brick or textured block in colors compatible with the principle structure. Such facilities shall have solid gates.~~

(c) There shall be no detached silos, storage tanks, storage bin containers or similar detached structures within this district. Above ground fuel tanks are exempt from this requirement with Zoning Administrator approval of placement, screening and issuance of Building and Fire Department permits.

(d) All attached silos, storage tanks, storage bin containers or similar attached structures shall have screening approved by the (Community Development Director) Zoning Administrator. ~~Such screening shall be a minimum of a six-foot high wall constructed of similar exterior materials of the building and such structures shall be painted similar to the building. Attached structures include structures immediately adjacent to the building, subject to Zoning Administrator approval.~~

(Ord. No. 98-1720, added 5-21-1998)

**~~[31.1989 - Lighting.]~~**

~~[(a) Lighting shall meet the requirements of Section 33.02.~~

~~(Ord. No. 98-1720, added 5-21-1998; Ord. No. 98-1732, amended 7-9-1998.)~~

**31.391 [31.1990] - Mechanical/electrical equipment.**

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

(Ord. No. 98-1720, added 5-21-1998)

**~~[31.1991 – Zero lot line developments.]~~**

~~[(a) Notwithstanding the provisions of this Chapter to the contrary, industrial lots may be platted or subdivided in such a manner that common property lines will have a zero lot line building setback; provided, however, that each such lot meets the following requirements:~~

- ~~(1) Building Design. The developer shall submit complete final plans for the entire construction design. The exterior walls of the building shall be constructed in compliance with the Zoning Ordinance. A zero lot line development must be constructed at one (1) time and no phasing will be allowed. Any future building additions beyond the minimum building square footage as required must be architecturally compatible with the originally constructed building. All accessory buildings must be architecturally compatible with the principal building.~~
- ~~(2) Development standards. Standards, in accordance with Section 31.1985 through 31.1990, shall be complied with for each parcel being subdivided or platted, except the following:
  - ~~(i) Minimum lot size after subdividing—Twenty-one thousand seven hundred eighty (21,780) square feet.~~
  - ~~(ii) Side yard setback along common property line—Zero (0) feet, provided a maintenance easement is granted over the abutting property for access to maintain zero lot line walls.~~
  - ~~(iii) Each lot shall have, as a minimum, the front yard and one (1) side yard unencumbered by a common property line as permitted.~~~~
- ~~(3) Party Wall Agreements. Agreements to ensure maintenance of party walls shall be approved by the City Attorney.~~
- ~~(4) Shared driveways. A zero lot line development shall be allowed shared driveway designs provided a driveway agreement shall be maintained and approved by the City Attorney.~~

~~(Ord. No. 98-1720, added 5-21-1998)]~~

**~~31.392 [31.1992] - Architectural control.~~**

- ~~(a) All buildings erected shall be a type of construction as defined in the Uniform Building Code. (Ord. No. 00-1876, amended 10-19-2000; Ord. No. 00-1835, amended 3-16-2000)~~
- ~~(b) Any building shall be constructed so that all exterior sides shall be surfaced equivalent to the front building elevation as determined by the Zoning Administrator.~~
- ~~(c) Exterior wall surfaces of all buildings shall be primarily faced with brick, stone, pre-cast panel, cast-in-place panel, architectural concrete in combination with glass or other permitted materials. Based on building size, height, location and/or special use, the Zoning Administrator may approve the use of modern metal paneling materials or its equivalent for exterior wall surfaces provided such materials are used in conjunction with other materials listed above. Use of modern metal paneling materials or its equivalent shall not exceed seventy percent (70%) of the cumulative area of all building walls. Modern metal paneling shall be used primarily on the rear wall and secondarily on the side and/or front wall.~~
- ~~(d) The building design should exhibit architectural control which seeks to be creative and maximize building lines, shades, and angles to maximize architectural uniqueness.~~

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

- ~~(e) All building design and exterior wall surface materials shall be reviewed and approved by the Zoning Administrator.~~
- ~~(f) All buildings shall contain a concrete floor. (Ord. No. 00-1876, amended 10-19-2000)~~

~~(Ord. No. 98-1720, added 5-21-1998)~~

**~~[31.1993 – Site plan.]~~**

~~[(a) Site plan approval shall be obtained from the Community Development Department as required under Section 33.07.]~~

~~(Ord. No. 98-1720, added 5-21-1998)~~

**31.393 [31.1994] - Standards for transient sales.**

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

(Ord. No. 98-1720, added 5-21-1998)

**31.394 [31.1995] - Standards for crushing of concrete demolition materials.**

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

(Ord. No. 98-1720, added 5-21-1998)



**31.395 [31.1996] - Standards for asphalt processing and recycling facility.**

- (a) Minimum lot size of twenty (20) acres.
- (b) Recycling and outside storage of materials in rear yard only.
- (c) Outside storage of asphalt materials or asphalt processing facility to meet the following setbacks:
  - (1) Fifty (50) feet against I-2 (Heavy Industrial) and I-2A (Heavy Industrial) zoned uses.
  - (2) Fifty (50) feet against I-1 (Light Industrial) uses or airport property.
  - (3) One hundred (100) feet against all other zoning districts or public right-of-way.
- (d) Maximum outside storage height of thirty (30) feet.
- (e) Maximum outside storage volume of one hundred fifty thousand (150,000) cubic yards.
- (f) Facility must prepare for City approval a Pollution Prevention Plan which would identify the type of wastes generated, procedures for spill containment, and disposal methods.
- (g) The facility must be operated in such a manner as to minimize the potential for spills or discharge of any pollution.
- (h) The applicant to obtain and adhere to all other required agency (MPCA, Anoka County) permits and standards.
- (i) Facility to conduct and provide written report to the City of annual soil and water quality tests through an independent and recognized testing company.
- (j) Applicant to prepare for City approval a facility closure plan that provides a financial guarantee in an amount to be determined by the City to ensure that site remediation and abatement measures can be successfully implemented.
- (k) Other standards as recommended and required by the City Council through the issuance of a Conditional Interim Use Permit.

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

**~~[31.20 - PLANNED INDUSTRIAL BUSINESS PARK (PI)]~~**

~~31.21 - Intent.~~

~~The purpose of this district is to provide a planned industrial environment for large scale industry and office related developments and related services. This planned industrial environment shall be developed utilizing an overall master development plan. This district shall encourage the development of clean and quiet industrial uses requiring large lots accessible to major highways and utilizing City services of sanitary sewer, water, street, and storm drainage.~~

~~(Ord. No. 86-956, amended 7-10-1986)~~

~~31.22 - Master development plan.~~

~~Prior to any development of lands within a Planned Industrial Business Park district, the applicant(s) shall receive approval by the City Council of a master development plan encompassing the entire zoned area. The master development plan shall be kept on file for reference and implementation by the Community Development Department. Such a plan shall consist of maps and descriptive statements of objectives and shall contain the following components: land use, circulation, subdivision design, services and facilities, and construction order. Amendments to the master development plan can be proposed and implemented upon City Council approval.~~

~~(a) - Land Use Component: A Land Use Component shall consist of a map or maps, setting forth the distribution, location and extent of the acres of land devoted to each category of land use proposed as part of the Master Development Plan. Such uses may include office facilities; service facilities, wholesale or goods distribution facilities, general types of industrial facilities, recreation, open space, public and semi-public facilities. Said component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.~~

~~(b) - Circulation Component: A Circulation Component shall consist of a map or maps, setting forth the general location and extent of all transportation facilities proposed as part of the Master Development Plan. Such facilities may include major and local thoroughfares, transportation routes, terminals, heliports; and the delineation of such systems on the land; one-way street systems; grade separations, divided roads; left-turn lanes; pedestrian and bicycle paths and such other matters as may be related to the provision for the circulation~~

~~of traffic. Said component shall include a designation of proposed street widths. Said component shall also contain a description statement of objectives, principles and standards used for its formulation.~~

- ~~(c) *Subdivision Design Component:* A Subdivision Design Component shall contain a descriptive statement of the principles governing the proposed subdivision of land including lot design for various proposed land uses. This component shall be in sufficient detail so that it can serve as the basis for determining the conformity of any site plan to the Master Development Plan.~~
- ~~(d) *Services and Facilities Component:* A Services and Facilities Component shall contain a map or maps setting forth the general location and extent of any and all existing and proposed City systems for sanitary sewer, water, refuse disposal, storm drainage, local utilities and rights-of-way, easements, facilities and appurtenances necessary therefor. Said component shall contain a statement describing the proposed ownership, method of operation, and maintenance of each such service and facility if not controlled and/or owned by the City.~~
- ~~(e) *Construction Order Component:* A Construction Order Component shall contain a map or maps setting forth the proposed chronological order of construction (phasing) relating each proposed use and structure to the construction of the various services and facilities as may be required herein or as part of the Master Development Plan.~~
- ~~(f) *Additional Components:* The Master Development Plan may include any additional components including, but not limited to, an economic feasibility study if such is considered necessary by the applicant or required by the City Council for the physical development of the project or to aid in evaluating the impact and effect on other existing or proposed facilities and services of the City; a Recreation Component; and any others required, depending upon the nature of the particular proposed development.~~

~~(Ord. No. 86-956, amended 7-10-1986)~~

#### ~~31.23 – Permitted uses.~~

- ~~(a) *Manufacturing uses:* manufacturing, compounding, processing, packaging, storage, treatment or assembly of products and materials within a structure that do not require exterior storage.~~
- ~~(b) *Offices – Business and professional.*~~
- ~~(c) *Warehousing.*~~
- ~~(d) *Wholesale businesses.*~~
- ~~(e) *Research and design laboratories.*~~
- ~~(f) *Exhibition and showroom centers.*~~

~~(Ord. No. 86-956, amended 7-10-1986)~~

#### ~~31.24 – Accessory uses.~~

- ~~(a) *Class I and Class II restaurants and employee cafeterias.* (Ord. No. 92-1278, amended 2-20-1992)~~
- ~~(b) *Recreational facilities related to employees.*~~
- ~~(c) *Branch post office.*~~
- ~~(d) *Daycare center – commercial.* (Ord. No. 93-1493, amended 12-16-1993)~~
- ~~(e) *Shops which include and are limited to the sale of tobacco, candy, books, magazines, newspapers, gifts, cards, stationery, and office supplies. These shops shall not exceed five percent (5%) of gross floor area and shall be located within the principal building(s).*~~
- ~~(f) *Retail sales, incidental to manufacturing, of products manufactured on the premises, shall not exceed five percent (5%) of gross floor area. Such retail sales shall be located within the principal building(s).*~~
- ~~(g) *Credit unions related to employees.*~~

~~(Ord. No. 86-956, amended 7-10-1986)~~

#### ~~31.25 – Conditional uses.~~

- ~~(a) Communications.~~
- ~~(b) Helicopter pad.~~
- ~~(c) Multi-use building(s) consisting of two (2) or more permitted and/or conditional uses.~~
- ~~(d) Two (2) or more buildings on the same lot.~~

~~(Ord. No. 86-956, amended 7-10-1986)~~

#### ~~31.26 Standards.~~

- ~~(a) Minimum lot size Seven (7) acres.~~
- ~~(b) Minimum lot width Four hundred (400) feet.~~
- ~~(c) Minimum lot depth Four hundred (400) feet.~~
- ~~(d) Front yard building setback One hundred (100) feet.~~
- ~~(e) Corner side yard building setback One hundred (100) feet.~~
- ~~(f) Side yard building setback Fifty (50) feet.~~
- ~~(g) Rear yard building setback One hundred (100) feet.~~
- ~~(h) Building height There shall be no height limitations provided all buildings are sprinkled and contain other fire and life safety standards denoted in N.F.P.A. 101 and subject to Metropolitan Airport Commission regulations.~~
- ~~(i) Minimum building size Twelve thousand (12,000) gross square feet unless physically connected by, but not limited to, an enclosed walkway or skyway and subject to approval by the Zoning Administrator. (Ord. No. 93-1483, amended 10-21-1993)~~
- ~~(j) Parking and driveways may be constructed to within the following minimum setbacks of property line:
  - ~~(1) Front yard/corner side yard ..... 50 feet.~~
  - ~~(2) Side yard ..... 30 feet.~~
  - ~~(3) Rear yard ..... 30 feet.~~~~

~~If rear yard parking setback is adjacent to I-35W, or any collector/arterial street as designated in the City's Transportation Plan, the parking setback shall be fifty (50) feet.~~

~~(Ord. No. 86-956, amended 7-10-1986)~~

#### ~~31.27 Landscaping.~~

- ~~(a) Notwithstanding the provisions of Section 33.08, the following requirements shall be met:
  - ~~(1) Landscaping minimums set forth under Section 33.08 shall be increased by ten percent (10%).~~
  - ~~(2) Each site development shall introduce a flowering plant "theme" as part of the overall landscape plan and shall be implemented to compliment the building and site plan.~~
  - ~~(3) Underground irrigation shall be required for all front yards, corner side yards, and rear yards if adjacent to I-35W, or any collector/arterial street as designated in the City's Transportation Plan. Such irrigation shall extend to include the public boulevard except along I-35W and into general parking islands, except natural areas to be preserved.~~
  - ~~(4) Traffic safety islands and/or general parking islands where deemed appropriate shall be landscaped.~~
  - ~~(5) There shall be a landscaped yard adjacent to the building which shall represent a minimum of fifty percent (50%) of the building footprint.
    - ~~(i) Such landscape yard shall be a minimum of thirty (30) feet in depth when adjacent to building front and side yards.~~
    - ~~(ii) A landscape yard credit of up to twenty five percent (25%) shall be given to a site plan which contains exterior sculptures, fountains, decorative walks, additional ponds beyond those required for storm drainage~~~~~~

~~purposes, courtyards, decorative accent lighting for the building, and on-site arboratum. Such credit shall be approved by the Community Development Department on a case-by-case basis, depending upon the nature and scope of such a facility proposed for credit.~~

~~(6) Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within twelve (12) months after planting.~~

~~(7) In the event the landscape plan as submitted does not adequately address the total landscape needs of the site plan, even if planting minimums are met as reviewed by the Community Development Department, the Community Development Department shall have the recourse to review the landscape plan in front of the Architectural Review Board for further action.~~

~~For this occurrence, the Architectural Review Board shall retain an independent landscape architect as a voting member to hear both the Community Development Department staff concerns and counter agreements, if any, from the site developer. The Architectural Review Board, plus the independent landscape architect must render a four-fifths vote to require additional landscaping above the minimums set forth in Sections 33.08 and 31.27.~~

~~(Ord. No. 86-956, amended 7-10-1986)~~

#### ~~31.28 – Loading facilities.~~

~~(a) Loading facilities. All facilities must be screened (one hundred percent (100%) opaqueness) when adjacent to and/or visible from any public street. Such screening shall be achieved by a combination of berms, shrubs, trees, and/or architectural design to minimize the impact onto the public street.~~

~~(b) Loading facilities in the side yard and/or rear yard and visible only to another lot shall be screened (fifty percent (50%) opaqueness), using a combination of berms, shrubs, trees, fencing, and/or architectural design.~~

~~For additional information and requirements, refer to Section 33.15.~~

~~(Ord. No. 86-956, amended 7-10-1986)~~

#### ~~31.29 – Storage/refuse facilities.~~

~~(a) There shall be no outdoor storage of any kind within this district.~~

~~(b) Refuse facilities shall be located only in the side yards or rear yards except when such yard is adjacent to I-35W, or any collector/arterial street as designated in the City's Transportation Plan. Such facilities must be constructed of coarse concrete block and contain exterior surfacing as constructed on the principal building(s). Such facilities shall have gates constructed of wood, utilizing two (2) by four (4) construction and one (1) by four (4) board on board slats as a minimum.~~

~~(Ord. No. 86-956, amended 7-10-1986)~~

#### ~~31.291 – Lighting.~~

~~(a) Lighting shall not be directed onto another lot or obscure driver's vision on public streets.~~

~~(b) No lighting fixture shall create more than two (2) foot-candles of light density at the property line.~~

~~(c) No freestanding light fixture shall be higher than twenty-five (25) feet. Such fixtures shall be approved by the Community Development Department to assure design compatibility with principal building(s) and the planned industrial business park.~~

~~(d) Off street parking areas shall be illuminated to a minimum of one (1) foot-candle at eye level over the entire surface of the parking area during operating hours.~~

~~(Ord. No. 86-956, amended 7-10-1986)~~

#### ~~31.292 – Mechanical/electrical equipment.~~

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

~~(Ord. No. 86-956, amended 7-10-1986)~~

#### ~~31.293 – Architectural control.~~

- ~~(a) All buildings erected shall be a type of construction as defined in the Uniform Building Code, except Type V.~~
- ~~(b) Any building shall be constructed so that all exterior sides shall be surfaced equivalent to the front building elevation.~~
- ~~(c) Exterior wall surfaces of all buildings shall be faced with brick, stone, pre-cast panel, cast-in-place panel, architectural concrete in combination with other permitted materials, or glass. Use of metal materials of any kind shall be considered and limited to building trim only. Use of such materials must receive a unanimous vote from the Architectural Review Board.~~
- ~~(d) The building design should exhibit architectural control which seeks to be creative and maximize building lines, shades, and angles to maximize architectural uniqueness.~~

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

~~(e) All building design and exterior wall surface materials shall be reviewed and approved by the Architectural Review Board upon a three-fifths vote.~~

~~All building design shall be submitted to the Board. The submittal shall consist of a colored site plan, examples of exterior surface materials, and colored building elevations.~~

~~The Architectural Review Board shall consist of the following persons: One (1) member of the City Council, one (1) building owner representative in the Planned Industrial Business Park, one (1) architect who resides in the community, the City Community Development Director, and the City Planner. The Council member shall be appointed annually and the building owner representative and architect shall be appointed by the full City Council and his/her term shall be for three (3) years.~~

~~(f) Site plan approval shall be obtained from the Community Development Department as required under Section 33.07. In addition, the following items for plan preparation should be prepared by the following individuals:~~

- ~~(1) Building design ..... architect/engineer~~
- ~~(2) Lot survey ..... land surveyor~~
- ~~(3) Site plan site ..... planner/landscape architect~~
- ~~(4) Landscape plan ..... landscape architect~~
- ~~(5) Irrigation plan ..... landscape architect/product company~~
- ~~(6) Lighting plan ..... engineer/product company~~

~~(Ord. No. 86-956, amended 7-10-1986)~~

#### ~~31.294 – Interim provisions.~~

~~(a) The provisions of this section notwithstanding, any residential or commercial/industrial use in existence on the effective date of this section shall be deemed to be a conforming use for a period of ten (10) years from such effective date or until such time as that phased portion of such Planned Industrial Business Park is activated by the City, whichever occurs first. During the effective term of this subsection, such residential and commercial/industrial uses shall be governed by the respective sections of the Zoning Ordinance as amended.~~

~~(Ord. No. 86-956, amended 7-10-1986)~~

## **Chapter 32 - OVERLAY DISTRICTS**

### **32.00 - FLOODPLAIN OVERLAY DISTRICTS (FP)<sup>[2]</sup>**

Footnotes:

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**Editor's note**— Ord. No. 15-2327, adopted Oct. 15, 2015, repealed Ch. 32.00, §§ 32.01—32.13, and enacted a new Ch. 32.00 as set out herein. The former Ch. 32.00 pertained to similar subject matter.

**32.01 - Statutory authorization and purpose.**

- (a) *Statutory Authorization.* The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Blaine, Minnesota, does ordain as follows.
- (b) *Purpose.*
  - (1) This ordinance regulates development in the flood hazard areas of Blaine, Minnesota. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
  - (2) National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59—78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
  - (3) This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

(Ord. No. [15-2327](#), 10-15-2015)

**32.02 - General provisions.**

- (a) This ordinance adopts the floodplain maps applicable to Blaine and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain.
  - (1) Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 32.04 or 32.05 will apply, depending on the location of a property.
  - (2) Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 32.04 apply unless the floodway boundary is determined, according to the process outlined in Section 32.06. Once the floodway boundary is determined, the Flood Fringe District standards in Section 32.05 may apply outside the floodway.
- (b) This ordinance applies to all lands within the jurisdiction of the City of Blaine shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.
  - (1) The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.
- (c) *Incorporation of Maps by Reference.* The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Anoka County, Minnesota, and Incorporated Areas and the Flood Insurance Rate Map panels enumerated below, all dated December 16, 2015 and Letters of Map Revision issued by the Federal Emergency Management Agency effective July 1, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file in the Office of the Blaine City Clerk and the City of Blaine Engineering Department.

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27003C0382E

- (d) *Regulatory Flood Protection Elevation.* The regulatory flood protection elevation (RFPE) is an elevation no lower than two feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway. In an AO Zone, the Regulatory Flood Protection Elevation shall be an elevation no lower than three feet above the highest adjacent grade of an existing structure and no lower than three feet above the highest adjacent grade for a proposed addition to an existing structure.
- (e) *Interpretation.* The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.
- (1) Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
- (2) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Board of Appeals and Adjustment and to submit technical evidence.
- (f) *Abrogation and Greater Restrictions.* It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- (g) *Warning and Disclaimer of Liability.* This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Blaine or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- (h) *Severability.* If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.
- (i) *Definitions.* Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application. See also Section 25.02 Definitions.
- (1) *Base Flood Elevation.* The elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance survey.
- (2) *Critical Facilities.* Facilities necessary to a community's public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

- (3) *Development*. Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- (4) *Flood Prone Area*. Any land susceptible to being inundated by water from any source (see "Flood").
- (5) *Lowest Floor*. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.
- (6) *One-Hundred-Year Floodplain*. Lands inundated by the "Regional Flood" (see definition).
- (7) *Reach*. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- (8) *Recreational Vehicle*. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."
- (9) *Repetitive Loss*. Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
- (10) *Special Flood Hazard Area*. A term used for flood insurance purposes synonymous with "One Hundred Year Floodplain."
- (11) *Substantial Damage*. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (12) *Substantial Improvement*. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
  - (aa) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
  - (bb) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is as defined in 44 Code of Federal Regulations, Part 59.1.
- (j) *Annexations*. The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above may include floodplain areas that lie outside of the corporate boundaries of the City of Blaine at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

(Ord. No. [15-2327](#), 10-15-2015; [Ord. No. 16-2361](#), 8-18-2016)

### **32.03 - Establishment of zoning districts.**

(a) *Districts:*

- (1) *Floodway District*. The Floodway District includes those areas designated as floodway on the Flood Insurance Rate Map adopted in Section 32.02(c). For lakes, wetlands and other basins, the Floodway District includes those areas designated as Zone A and Zone AE without a floodway on the Flood Insurance Rate Map that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
- (2) *Flood Fringe District*. The Flood Fringe District includes those areas designated as floodway fringe on the Flood Insurance Rate Map adopted in Section 32.02(c), as being within Zone AE and Zone AO but being located outside of the floodway. For lakes, wetlands and other basins (that do not have a floodway designated), the



Flood Fringe District includes those areas designated as Zone A or AE on the Flood Insurance Rate Map panels adopted in Section 32.02(c) that are below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

- (3) *General Floodplain District.* The General Floodplain District includes those areas designated as Zone A or Zone AE without a floodway on the Flood Insurance Rate Map adopted in Section 32.02(c), but not subject to the criteria in Sections 32.03(a)(1) and 32.03(a)(2) above.
- (b) *Compliance.* Within the floodplain districts established in this ordinance, the use of any land, the use, size, type and location of structures on lots, the installation and maintenance of transportation, utility, water supply and waste treatment facilities, and the subdivision of land must comply with the terms of this ordinance and other applicable regulations. All uses not listed as permitted uses or conditional uses in Sections 32.04, 32.05 and 32.06, respectively, are prohibited.

In addition, a caution is provided here that:

- (1) New and replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this ordinance and specifically Section 32.09.
- (2) Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this ordinance and specifically Section 32.11.
- (3) All structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) As-built elevations for elevated or floodproofed structures must be certified by ground surveys and flood-proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this ordinance and specifically as stated in Section 32.10 of this ordinance.
- (5) Critical facilities, as defined in Section 32.02(i)(2), are prohibited in all floodplain districts.

(Ord. No. [15-2327](#) , 10-15-2015)

#### **32.04 - Floodway District (FW).**

- (a) *Permitted Uses.* The following uses, subject to the standards set forth in Section 32.04(b), are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:
- (1) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
  - (2) Industrial-commercial loading areas, parking areas, and airport landing strips.
  - (3) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
  - (4) Residential lawns, gardens, parking areas, and play areas.
  - (5) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit, and that the standards in Sections 32.04(d)(1), 32.04(d)(3)(aa) and 32.04(d)(7) of this ordinance are met.
- (b) *Standards for Floodway Permitted Uses.*
- (1) The use must have a low flood damage potential.
  - (2) With the exception of the uses listed in Section 32.04(a)(5), the use must not obstruct flood flows or increase flood elevations and must not involve structures, fill, obstructions, excavations or storage of materials or equipment.
  - (3) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

- (c) *Conditional Uses.* The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 32.10(d) of this ordinance and further subject to the standards set forth in Section 32.04(d), if otherwise allowed in the underlying zoning district or any applicable overlay district.
- (1) Structures accessory to the uses listed in 32.04(a) above and the uses listed in 32.04(c)(2)—32.04(c)(7) below.
  - (2) Extraction and storage of sand, gravel, and other materials.
  - (3) Marinas, boat rentals, docks, piers, wharves, and water control structures.
  - (4) Storage yards for equipment, machinery, or materials.
  - (5) Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in Section 25.02, are permitted uses.
  - (6) Travel-ready recreational vehicles meeting the exception standards in Section 32.09.
  - (7) Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.
- (d) *Standards for Floodway Conditional Uses.*
- (1) All Uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.
  - (2) Fill; Storage of Materials and Equipment:
    - (aa) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
    - (bb) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
    - (cc) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the City Council has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.
  - (3) Accessory Structures:
    - (aa) Accessory structures must not be designed for human habitation.
    - (bb) Accessory structures, if permitted, must be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
      - Whenever possible, structures must be constructed with the longitudinal axis parallel to the direction of flood flow; and
      - So far as practicable, structures must be placed approximately on the same flood flow lines as those of adjoining structures.
- (cc) Accessory structures must be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the State Building Code. All floodproofed accessory structures must meet the following additional standards:
- The structure must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls; and
  - Any mechanical and utility equipment in the structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed.
- (4) As an alternative, an accessory structure may be internally/wet floodproofed to the FP-3 or FP-4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. A detached garage may only be used for parking of vehicles and limited storage. All structures must meet the following standards:

- (aa) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
- (bb) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
- (5) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.
- (6) A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.
- (7) Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

(Ord. No. [15-2327](#) , 10-15-2015)

### **32.05 - Flood Fringe District (FF).**

- (a) *Permitted Uses.* Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Sections 32.05(b). If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.
- (b) *Standards for Flood Fringe Permitted Uses.*
  - (1) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.
    - (aa) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
    - (bb) As an alternative to elevation on fill, an accessory structure that constitutes a minimal investment and that does not exceed 576 square feet in size may be internally floodproofed in accordance with Section 32.04(d)(3).
  - (2) The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 32.05(b)(1) of this ordinance, or if allowed as a conditional use under Section 32.05(c)(3) below.
  - (3) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.
  - (4) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
  - (5) Fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
  - (6) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City Council.
  - (7) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
  - (8) Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.
  - (9) Flood fringe developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

- (10) Manufactured homes and recreational vehicles must meet the standards of Section 32.09 of this ordinance.
- (c) *Conditional Uses.* The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 32.10(d) of this ordinance. Conditional uses must meet the standards in Sections 32.05(d) through 32.05(b)(4)—32.05(b)(10) and Section 5.4.
- (1) Any structure that is not elevated on fill or floodproofed in accordance with Section 32.05(b)(1) of this ordinance.
  - (2) Storage of any material or equipment below the regulatory flood protection elevation.
  - (3) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 32.05(b)(1) of this ordinance.
- (d) *Standards for Flood Fringe Conditional Uses.*
- (1) The standards listed in Sections 32.05(b)(4) through 32.05(b)(10) apply to all conditional uses.
  - (2) Basements, as defined by Section 25.02 of this ordinance, are subject to the following:
    - (aa) Residential basement construction is not allowed below the regulatory flood protection elevation.
    - (bb) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Section 32.05(d)(3) of this ordinance.
  - (3) All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP-1 or FP-2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures wet floodproofed to the FP-3 or FP-4 classification are not permitted.
  - (4) The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
    - (aa) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
    - (bb) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.
    - (cc) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
  - (5) Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.
  - (6) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards.
    - (aa) *Design and Certification.* The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
    - (bb) *Specific Standards for Above-grade, Enclosed Areas.* Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
      - The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no

higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

- That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

(7) 5.47 Standards for AO Zones

(aa) All new construction of residential structures and improvements to these structures shall have the lowest floor (including basement) elevated to at least the Regulatory Flood Protection Elevation.

(bb) All new construction of nonresidential structures and improvements to these structures shall have (1) the lowest floor (including basement) elevated to at least the Regulatory Flood Protection Elevation; or (2) together with all related utility and sanitary facilities be completely floodproofed to that level, meeting the standards specified in Section 32.05(d)(3).

(cc) All new construction and improvements to all structures shall include adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures or improvements.

(Ord. No. [15-2327](#), 10-15-2015)

**32.06 - General Floodplain District (GF).**

(a) *Permitted Uses.*

(1) The uses listed in Section 32.04(a) of this ordinance, Floodway District Permitted Uses, are permitted uses.

(2) All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 32.06(b) below. Section 32.04 applies if the proposed use is determined to be in the Floodway District. Section 32.05 applies if the proposed use is determined to be in the Flood Fringe District.

(b) *Procedures for Floodway and Flood Fringe Determinations.*

(1) Upon receipt of an application for a permit or other approval within the General Floodplain District, the Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.

(2) If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in 32.06(b)(3) below.

(3) The determination of floodway and flood fringe must include the following components, as applicable:

(aa) Estimate the peak discharge of the regional (1% chance) flood.

(bb) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

(cc) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.

(4) The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.

(5) Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Section 32.04 and 32.05 of this ordinance.

(Ord. No. [15-2327](#), 10-15-2015)

### **32.07 - Land Development Standards.**

- (a) *In General.* Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City of Blaine.
- (b) *Subdivisions.* No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.
- (1) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
  - (2) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
  - (3) For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
  - (4) In the General Floodplain District, applicants must provide the information required in Section 32.06(b) of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
  - (5) If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:
    - (aa) All such proposals are consistent with the need to minimize flood damage within the flood prone area,
    - (bb) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
    - (cc) Adequate drainage is provided to reduce exposure of flood hazard.
- (c) *Building Sites.* If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:
- (1) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - (2) Constructed with materials and utility equipment resistant to flood damage;
  - (3) Constructed by methods and practices that minimize flood damage; and
  - (4) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(Ord. No. [15-2327](#), 10-15-2015)

### **32.08 - Public utilities, railroads, roads, and bridges.**

- (a) *Public Utilities.* All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.
- (b) *Public Transportation Facilities.* Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 32.04 and 32.05 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

- (c) *On-site Water Supply and Sewage Treatment Systems.* Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they must not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems is considered to be in compliance with this Section.

(Ord. No. [15-2327](#), 10-15-2015)

**32.09 - Manufactured homes, manufactured home parts, and recreational vehicles.**

- (a) *Manufactured Homes.* New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:
- (1) Placement or replacement of manufactured home units is prohibited in the Floodway District.
  - (2) If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Section 5 of this ordinance and the following standards.
    - (aa) New and replacement manufactured homes must be elevated in compliance with Section 32.05 of this ordinance and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
    - (bb) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 32.07(b)(2).
- (b) *Recreational Vehicles.* New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.
- (1) Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 32.09(b)(2):
    - (aa) Individual lots or parcels of record.
    - (bb) Existing commercial recreational vehicle parks or campgrounds.
    - (cc) Existing condominium-type associations.
  - (2) Criteria for Exempt Recreational Vehicles:
    - (aa) The vehicle must have a current license required for highway use.
    - (bb) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
    - (cc) No permanent structural type additions may be attached to the vehicle.
    - (dd) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.
    - (ee) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Section 32.09(b)(2).
    - (ff) An accessory structure must constitute a minimal investment
  - (3) Recreational vehicles that are exempt in Section 32.09(b)(2) lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of Section 32.05 of this ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

**32.10 - Administration.**

- (a) *Zoning Administrator.* A Zoning Administrator or other official designated by the City Council must administer and enforce this ordinance.
- (b) *Permit Requirements.*
- (1) *Permit Required.* A permit must be obtained from the Zoning Administrator prior to conducting the following activities:
    - (aa) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.
    - (bb) The use or change of use of a building, structure, or land.
    - (cc) The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance.
    - (dd) The change or extension of a nonconforming use.
    - (ee) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
    - (ff) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
    - (gg) Relocation or alteration of a watercourse - including new or replacement culverts and bridges), unless a public waters work permit has been applied for.
    - (hh) Any other type of "development" as defined in Section 32.02 of this ordinance.
  - (2) *Application for Permit.* Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:
    - (aa) (aa) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
    - (bb) Location of fill or storage of materials in relation to the stream channel.
    - (cc) Copies of any required municipal, county, state or federal permits or approvals.
    - (dd) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
  - (3) *Certificate of Occupancy for a New, Altered, or Nonconforming Use.* No building, land or structure may be occupied or used in any manner until a certificate of occupancy has been issued by the Building Official stating that the use of the building or land conforms to the requirements of this ordinance.
  - (4) *Certification.* The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.
  - (5) *Record of First Floor Elevation.* The Building Official must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Building Official must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.
  - (6) *Notifications for Watercourse Alterations.* Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
  - (7) *Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations.* As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.



(c) *Variances.*

- (1) *Variance Applications.* An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section 27.05 of the Zoning Ordinance.
- (2) *Adherence to State Floodplain Management Standards.* A variance must not allow a use, that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
- (3) *Additional Variance Criteria.* The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
  - (aa) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
  - (bb) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (cc) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) *Flood Insurance Notice.* The Zoning Administrator must notify the applicant for a variance that:
  - (aa) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- (5) *General Considerations.* The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:
  - (aa) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
  - (bb) The danger that materials may be swept onto other lands or downstream to the injury of others;
  - (cc) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
  - (dd) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
  - (ee) The importance of the services to be provided by the proposed use to the community;
  - (ff) The requirements of the facility for a waterfront location;
  - (gg) The availability of viable alternative locations for the proposed use that are not subject to flooding;
  - (hh) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
  - (ii) The relationship of the proposed use to the Comprehensive Land Use Plan and floodplain management program for the area;
  - (jj) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (kk) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- (6) *Submission of Hearing Notices to the Department of Natural Resources (DNR).* The Zoning Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (7) *Submission of Final Decisions to the DNR.* A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

- (8) *Record-Keeping.* The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.
- (d) *Conditional Uses.*
- (1) *Administrative Review.* An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section 27.04 of the Zoning Ordinance.
- (2) *Factors Used in Decision-Making.* In passing upon conditional use applications, the City Council must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 32.10(c)(5) of this ordinance.
- (3) *Conditions Attached to Conditional Use Permits.* The City Council may attach such conditions to the granting of 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:
- (aa) Modification of waste treatment and water supply facilities.
  - (bb) Limitations on period of use, occupancy, and operation.
  - (cc) Imposition of operational controls, sureties, and deed restrictions.
  - (dd) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
  - (ee) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
- (4) *Submission of Hearing Notices to the Department of Natural Resources (DNR).* The Zoning Administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (5) *Submission of Final Decisions to the DNR.* A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(Ord. No. [15-2327](#), 10-15-2015)

### **32.11 - Nonconformities.**

- (a) *Continuance of Nonconformities.* A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in 44 Code of Federal Regulations, Part 59.1, are subject to the provisions of Sections 32.11(a)(1)—32.11(a)(6) of this ordinance.
- (1) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 32.11(a)(2) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
- (2) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 32.11(a)(3) and 32.11(a)(7) below.
- (3) If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, then the entire structure must meet the standards of Section 32.04 or 32.05 of this ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.

- (4) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.
- (5) If any nonconformity is substantially damaged, as defined in Section 32.02 of this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Sections 32.04 or 32.05 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
- (6) If any nonconforming use or structure experiences a repetitive loss, as defined in Section 26.06 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.
- (7) Any substantial improvement, as defined in Section 32.02 of this ordinance, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Section 32.04 or 32.05 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

(Ord. No. [15-2327](#), 10-15-2015)

### **32.12 - Penalties and enforcement.**

- (a) *Violation Constitutes a Misdemeanor.* Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.
- (b) *Other Lawful Action.* Nothing in this ordinance restricts the City from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.
- (c) *Enforcement.* In responding to a suspected ordinance violation, the Zoning Administrator and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
  - (1) When a violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as it is reasonably possible, this information will be submitted to the appropriate State Department of Natural Resources and Federal Emergency Management Agency regional office along with the city's plan of action to correct the violation to the degree possible.
  - (2) The Zoning Administrator shall notify the suspected party of the requirements of this chapter and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the city. If the construction or development is already completed, the Zoning Administrator may either: 1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or 2) notify the responsible party to apply for an after the fact permit/development approval within a specified period of time not to exceed 30 days.

(Ord. No. [15-2327](#), 10-15-2015)

### **32.13 - Amendments.**

- (a) *Floodplain Designation — Restrictions on Removal.* The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

- (b) *Amendments Require DNR Approval.* All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.
- (c) *Map Revisions Require Ordinance Amendments.* The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 32.03(c) of this ordinance.

(Ord. No. [15-2327](#), 10-15-2015)

### **32.50 - HIGHWAY 65 OVERLAY DISTRICT (HOD)**

#### **32.51 - Intent.**

The purpose of this overlay district is to establish minimum standards for exterior architecture, design, landscaping, and signage of buildings that contribute to a community image of quality, visual aesthetics, permanence, and stability which are in the best interest of the citizens of the City.

These standards are further intended to ensure coordinated design of building exteriors, additions and accessory structure exteriors in order to prevent visual disharmony; minimize adverse impacts on adjacent properties from buildings which are or may become unsightly, and buildings that detract from the character and appearance of the area. It is not the intent of this ordinance to unduly restrict design freedom when reviewing and approving project architecture in relationship to the proposed land use, site characteristics and interior building layout.

(Ord. No. 98-1746, added 10-15-1998)

#### **32.52 - Scope of application.**

- (a) This overlay district shall apply to all properties, ~~except as legally described below~~, which are zoned B-2 (Community Commercial), B-3 (Regional Commercial), B-4 (Office Park), PBD (Planned Business District), I-1 (Light Industrial), I-2 (Heavy Industrial) R-3B (Medium Density Multi-Family) and R-3C (High Density Multi-Family), which are located within seven hundred fifty (750) feet of the centerline of the right-of-way of Highway 65. Where only a portion of a parcel lies within seven hundred fifty (750) feet of the Highway 65 centerline, the ordinance shall apply to the entire parcel. ~~The following properties lying north of 99th Avenue, south of 101st Avenue and east of Highway 65, legally described as: Lots 1—8, Block 1, Blaine Industrial Square, are exempt from the provisions of the Highway 65 Overlay District ordinance. The following property, as legally described below, is also exempt from the provisions of the Highway 65 Overlay District ordinance: LOT 11, EXCEPT THE WEST 75 FEET THEREOF AND EXCEPT THE NORTH 205 FEET OF THE EAST 300 FEET OF LOT 11, CENTRAL AVENUE ACRES, ANOKA COUNTY, MINNESOTA. (Ord. No. 98-1759 amended 12-17-1998; Ord. No. 99-1769, amended 2-18-1999)~~
- ~~(b) All subsequent additions, exterior alteration and accessory building constructed after the erection of an original building or buildings after the date of adoption of this ordinance, shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and appearance and meet all other standards set forth in this ordinance.~~

(Ord. No. 98-1746, added 10-15-1998)

#### **32.53 - Prohibited Uses.**

The following uses are prohibited within the Highway 65 Overlay District:

- ~~• Open sales lot.~~
- Outside display area for boat sales or recreational vehicles.
- Small equipment rental yards.

~~The above described uses and buildings relating thereto, which lawfully exist within the City of Blaine as of the effective date of this ordinance, shall not be subject to the provisions of Section 26.06 of the Blaine Zoning Ordinance.~~

(Ord. No. 98-1746, added 10-15-1998; Ord. No. 07-2139, amended 8-2-2007)

#### **32.54 - Standards.**

For development of properties within the Highway 65 Overlay District, the following standards shall be applied ~~where such standards supersede requirements set forth in the B-2 (Community Commercial), B-3 (Regional Shopping Center),~~

~~B-4 (Office Park), and I-1 (Light Industrial) zoning districts. All other standards and requirements of the above-mentioned zoning districts shall continue to apply.~~

(a) *Construction materials.*

- (1) At least fifty percent (50%) of all exterior wall finishes on any building shall be comprised of a combination of at least three (3) of the following materials:
  - Brick.
  - Natural or cultured stone.
  - Glass.
  - Masonry stucco or EIFS.
  - Cementitious siding.
  - Architectural metal.
  - Integrally colored rock faced block.
  - Other comparable or superior material as approved by the Zoning Administrator.
- (2) The remaining fifty percent (50%) of all exterior wall finishes shall be comprised of any combination of decorative or rock face concrete block; and textured concrete panels; ~~metal or wood~~ or other comparable or superior materials as approved by the Zoning Administrator. All building materials subject to approval of the Zoning Administrator. (Ord. No. 99-1807, amended 8-19-1999)
- (3) Buildings may be constructed of primarily one (1) of the materials listed in subsection (1), if the design exceeds the intent of the ordinance.

(b) *Architectural design.*

- (1) Each building design will be reviewed for at least the following considerations:
  - Appropriate location of structures on the site with relationship to other site amenities, restrictions, adjacent land usage, etc.
  - General massing, roof treatments, proportion and quantity of exterior openings.
  - Use of exterior materials as they relate to adjacent structures, and their impact on the quality and character of the immediate area.
  - Screening of mechanical equipment, tanks, loading docks, refuse handling, ancillary equipment, etc., whether on the roof or on the site.

(c) *Landscaping.*

- (1) Applicable landscaping requirements set forth in Section 33.07 ~~33.08~~ shall be increased by 1.5 times, which shall include at least twenty-five percent (25%) of the number of ornamental, conifer and overstory trees exceeding minimum size requirements in the front yard adjacent to Highway 65 or the service drive adjacent to Highway 65.
- ~~(2) For multi-tenant buildings and lots exceeding five acres, in addition to subsection (c)(1), a planting bed(s) consisting of perennial and/or annual flowers shall be established and maintained. The size of the planting bed(s) shall total at least one (1) square foot for every foot of frontage along Highway 65 or the service drive.~~

(d) *Signage.*

- (1) All wall signs shall be comprised of individual letters.
- (2) All monument signs shall incorporate materials and architectural design consistent with the principal building.

~~(e) Exterior Site Lighting.~~

- ~~(1) A lighting plan shall be provided with the building plans and no freestanding lighting shall exceed thirty (30) feet in height.~~
- ~~(2) All lighting shall be downlit style to reduce overhead glare.~~

- (e) ~~(f)~~ *Truck Parking.* Truck parking shall not be permitted in any yard adjacent to Highway 65. Sites where it can be anticipated that there will be a need or occasion for parking of trucks shall provide space for semi-tractor/trailer parking. Such parking shall be located in a yard not adjacent to Highway 65 and shall be effectively screened from Highway 65 by principal or accessory buildings, landscaping, berming, etc.

(f) ~~(g)~~ *Gasoline Sales Standards.* Each Conditional Use Permit for gasoline sales will be reviewed in ~~conjunction with the following standards:~~

- ~~(1) — At least eighty percent (80%) of exterior wall finish (exclusive of surface glass) shall be comprised of brick. The remaining twenty percent (20%) to be comprised of natural stone, masonry, stucco, or other comparable or superior material as approved by the Zoning Administrator.~~
- ~~(2) — Principal building utilize pitched roof system.~~
- ~~(3) — All building materials and exterior colors to be approved by the Zoning Administrator.~~
- ~~(4) — Site to incorporate extensive berming along street frontages.~~
- ~~(5) — Decorative entrance plantings or decorative fencing to be incorporated into site landscape plans. (Ord. No. 11-2235, amended 11-3-2011)~~

~~(h) *Vehicle Sales Lot Standards.* Each Conditional Use Permit for a vehicle sales lot will be reviewed in conjunction with the following standards:~~

- ~~(1) — Minimum lot size shall be four (4) acres.~~
- ~~(2) — Minimum building size shall be twenty-five thousand (25,000) square feet.~~
- ~~(3) — Site to incorporate extensive berming along street frontages.~~
- ~~(4) — Vehicle storage and display areas to have minimum twenty-five foot setback from all interior property lines and forty-foot setback from any public right-of-way.~~

~~(Ord. No. 98-1746, added 10-15-1998)~~

### **~~[32.55 - Existing Structures.]~~**

~~(a) — All expansions to buildings existing at the adoption of this ordinance shall be exempt from the requirements of Section 32.54(a), (b).~~

~~(Ord. No. 98-1746, added 10-15-1998)~~

### **32.55 [32.56] - R-3B (Medium Density Multi-Family) and R-3C (High Density Multi-Family) Residential.**

- (a) Landscaping. Applicable landscaping requirements set forth in Section ~~33.07~~ 33.08 shall be increased by 1.5 times, which shall include at least twenty-five percent (25%) of the number of ornamental, conifer and overstory trees exceeding minimum size requirements in the front yard adjacent to Highway 65 or the service drive adjacent to Highway 65.
- (b) An opaque buffer screen along Highway 65 shall be established comprised of a combination of berming, fencing and landscaping as approved by the Zoning Administrator. Degree of opaqueness based on landscape plantings providing coverage four (4) years after planting.

(Ord. No. 98-1746, added 10-15-1998)

### **32.56 [32.57] - Standards for mini-storage facilities.**

Existing legal non-conforming Mini self-storage facilities shall be required to follow the standards of Section 32.54 for any portion of a building that lies within two hundred (200) feet of a public right-of-way. Those buildings beyond two hundred (200) feet may be constructed of decorative masonry block designed architecturally compatible with Section 32.54 as approved by the Zoning Administrator. All other sections of Section 32.50 shall apply to mini-storage facilities.

(Ord. 99-1807, added 8-19-1999)

## **Chapter 33 - PERFORMANCE STANDARDS**

### **33.01 - Intent.**

These performance standards are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. These standards are also designed to ~~eliminate blight~~ preserve the quality

~~of development and reduce negative impacts on surrounding properties.~~ All future development in all districts shall be required to meet these standards. These standards shall also apply to existing developments where stated.

### **33.02 - Lighting.**

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

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

### ~~**[33.03 - Storage of chemicals.]**~~

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

### **33.03 [33.04] - Nuisances.**

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

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

(d) *Toxic and noxious matter.*

- (1) No use shall discharge across the boundaries of the lot where it is located, toxic, odorous or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause appreciable injury or damage to property or business.

~~(e) — Storage of vehicles.~~

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

### **33.04 [33.05] - Land reclamation/earth removal.**

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

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

### **33.05 [33.06] - Lot provisions.**

- (a) Any lot of record existing upon the effective date of this ordinance in a residential district, which does meet the minimum requirements of this ordinance as to area or dimensions, may be utilized for residential dwelling purposes, provided the area and lot dimensions are within seventy-five percent (75%) of the requirements of this ordinance, but said lot of record shall not be more intensely developed unless combined with one (1) or more abutting lots or portions thereof, so as to create a lot meeting the requirements of this ordinance.
- (b) If in a group of contiguous existing lots under single ownership, any individual lot does not meet the minimum requirements of this ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots and/or parcels under the same ownership so that the combination of lots will equal one (1) or more parcels of land, meeting the minimum requirements of this ordinance. No building permit will be issued for a lot that does not comply with this paragraph.
- ~~(c) — Any lot, group of lots, or parcels of land of five (5) acres or less, or less than three hundred (300) feet in width, created by any means after the effective date of this ordinance, for the purpose of erecting a structure, must be approved by the City Council. The plan for such subdivision shall be reviewed by the Planning Commission, which shall submit a report to the City Council.~~
- (c) ~~(d)~~ Except in the case of Residential Flex Districts, Development Flex Districts or conditional Use Permits issued for multiple buildings or Planned Unit Developments, no more than one (1) principal building shall be located on a lot.
- (d) ~~(e)~~ On a corner lot, both street lines shall be front lines for applying the yard and parking requirements of this ordinance, except where specific standards are outlined for corner sideyards in single-family and two-family districts. (Ord. No. 97-1672, amended 9-4-1997)
- (e) ~~(f)~~ The required front yard of a corner lot shall not contain any wall, fence, or other structure, tree, shrub, or other growth, which may cause danger to traffic on a street or public road by obscuring the view. On corner lots, in any district, no structure or planting in excess of thirty (30) inches above the curb line shall be permitted within the intersection sight distance triangle.
- (f) ~~(g)~~ All specified setbacks within the specific zoning districts shall be measured from a minimum distance of sixty (60) feet from the centerline of rural section County roads and fifty (50) feet from the centerline of urban section County roads. Structures lawfully existing prior to the enactment of this section are exempt from these provisions. (Ord. No. 00-1840, added 4-20-2000)

### **33.06 [33.07] - Site plans.**

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



commercial, industrial, institutional, and multifamily properties. Building permits shall not be issued prior to approval of site plan by the Zoning Administrator or his or her designee. All applications shall be accompanied by the following materials:

- (1) Certificate of Survey. The survey shall be drawn to an established scale indicated on the survey and indicate all existing structures and site improvements
- (2) Site plan. The site plan shall include the location of all proposed buildings and their proposed uses; location of driveways and parking areas; front, side and rear setbacks; location, size, and purpose of all easements; location and size of existing buildings and structures on site and within the distance of 100 feet from the property; location of refuse areas; location of outdoor storage areas
- (3) Tree preservation plan. Plan shall include all requirements of 33.09
- (4) Landscape plan. Plan shall include all requirements of 33.07.
- (5) Grading and drainage plan. Grading and drainage plan shall contain existing and proposed grades with a minimum of two-foot contour intervals to a known datum. All proposed stormwater management facilities, roadway gradients, flood hazard zones, and spot elevations on parking lots and curb lines must also be shown on the grading plan. The grading and drainage plan must also comply with the requirements of Section 33.165(h), Submittal Components.
- (6) Utilities plan. Utilities plan shall indicate the location of existing and proposed water and sanitary sewer lateral and service locations and size of pipe. Other utilities information required as requested by the city engineer.
- (7) Lighting and photometric plan. The lighting plan shall include detail drawings for all proposed lighting fixtures and a photometric plan depicting the extent of lighting within and beyond the property lines.
- (8) Floor plans. Floor plans shall indicate the square footage and dimensions of all proposed rooms and areas identifying the proposed uses.
- (9) Elevations. Elevations shall include specification of colors and materials to be used. A material board including samples of the proposed materials shall be submitted upon request of the zoning administrator.

All plans to be drawn to an established engineering scale and prepared by a registered architect, engineer, landscape architect, or surveyor.

(b) Procedure

All building permits shall be issued by the Building Official following review and approval by the Zoning Administrator of the site plan for conformity with the city's present development code and Comprehensive Land Use Plan. The zoning administrator may submit the application to the Administrative Review Committee for review.

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

~~(b) Preliminary plans required.~~

- ~~(1) — *Certificate of survey.* The certificate of survey shall be drawn at a scale of one (1) inch equals fifty (50) feet, or one hundred (100) feet, or two hundred (200) feet. The certificate of survey shall indicate all existing structures and site improvements.~~
- ~~(2) — *Preliminary site plan.* The preliminary site plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or one hundred (100) feet, or two hundred (200) feet. The submission may be composed of one (1) or more sheets and drawings and shall include the location of all proposed buildings and their proposed uses; location of driveways and parking areas; indicate front, rear, and side yard setbacks proposed and approved by the Zoning Administrator; location of all easements, width and purposes; location and size of existing public improvements adjacent to the lot site, excluding sanitary sewer, watermain, and storm drainage; location and size of existing buildings and structures on site and within the distance of one hundred (100) feet of the site; existing zoning and land use; location of refuse areas; location of outdoor storage areas; locations and specifications of signs; location and type of lighting.~~
- ~~(3) — *Landscape Plan.* The landscape plan shall be prepared at a scale of one (1) inch equals fifty (50) feet and in accordance with the requirements of Section 33.08 landscaping requirements.~~
- ~~(4) — *Grading and drainage plan.* The grading and drainage plan shall be drawn at a scale of one (1) inch equals fifty (50) feet, or one hundred (100) feet, or two hundred (200) feet, and shall contain the following information: existing and proposed grades with a minimum of two-foot contour intervals to a known sea level datum; sufficient spot elevations on all proposed hard surface areas; estimated runoff of the area based upon 10- and 100-year storm events; provisions to carry runoff to the nearest adequate outlet, such as a storm drain, natural drainage way, or street; location of any proposed ponding areas, indicating the size and depth of the pond and amount of acre feet of water to be stored; finished floor elevations of all buildings; identification of soil conditions by type and location, including identification of the water table, and suitability of soil for proposed development; identification of any areas located within a flood hazard zone as identified by the City's floodplain maps. The grading and drainage plan must also comply with the requirements of [Section] 33.16(h), Submittal Components. (Ord. No. 10-2203, amended 5-20-2010)~~
- ~~(5) — *A topographic map.* The topographic map shall be drawn at a scale of one (1) inch equals one hundred (100) feet and shall contain the following information: two (2) foot contour intervals to a known sea level datum; identification of water courses, rock outcroppings, and other significant land features; use USGS datum for mapping.~~
- ~~(6) — *Floor plans and elevations.* All floor plans and elevations shall be drawn to a legible scale and include the following information: floor plans indicating square footage and dimensions of all proposed rooms and areas identifying the proposed uses; elevations of the proposed building, identifying exterior treatment, materials to be used, and color of paint.~~
- ~~(7) — *Tree Preservation Plan.* (Ord. No. 93-1337, amended 6-3-1993)~~
- ~~(c) — Preparation of plans.~~
- ~~(1) — Site plans shall be prepared by a registered architect, engineer, landscape architect or land surveyor.~~

### **33.07 [33.08] - Landscaping.**

- (a) All building construction in the R-3A, R-3B, R-3C, RF, DF, B-1, B-2, B-3, B-4, I-1, I-1A, I-2, I-2A, PBD, RR, and POD and PI zoning districts shall be accompanied by a complete landscape plan. The landscape plan should be developed in accordance with the site plan submitted for approval.
- (b) Detailed landscape plans shall include the following information:
- (1) General. Name and address of developer/owner, name and address of architect/designer, date of plan preparation, date and description of all revisions, name of project or development, scale of plan, north point indication.
  - (2) Site analysis. Boundary lines of property line with dimensions based upon certified survey, name and alignment of proposed and existing adjacent on-site streets, location of all proposed utility easements and right-of-way, location of existing and proposed buildings, topographic contours at two-foot contour intervals, location of parking areas, water bodies proposed sidewalks, and percent of site not covered by structures.
  - (3) Landscape data. A planting schedule table shall contain the following information including symbols, quantities, common names, botanical names, size of plant materials, root specifications, and special planting instructions.
  - (4) Typical sections and details of fences, ~~tywalls, planting boxes,~~ retaining walls, ~~tot-lots, picnic areas,~~ berms and other landscape improvements.

- (5) Typical sections of landscape islands and planter beds with identification of materials used.
- (6) Details of planting beds and foundation plantings.
- (7) Delineation of both sodded and seeded areas indicated in square footage.
- (8) Where landscape or manmade materials are used to provide required screening from adjacent and neighboring properties, a cross section shall be provided at a legible scale illustrating the prospective of the site from the neighboring property and property line elevation.

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

- (c) ~~(d)~~ Number of plant materials required. In order to achieve an appropriate and complete quality landscaping of a site, the following minimum number of plant materials shall be provided as indicated below:
- (1) One (1) overstory deciduous shade tree for every two thousand (2,000) square feet of total building floor area or one (1) tree for every one hundred (100) feet of site perimeter, whichever is greater.
  - (2) One (1) coniferous tree for every two thousand (2,000) square feet of building or one (1) coniferous tree for every two hundred (200) feet of site perimeter, whichever is greater.
  - (3) One (1) understory shrub for every three hundred (300) square feet of building or one (1) shrub for every thirty (30) feet of site perimeter, whichever is greater. (Ord. No. 86-956, amended 7-10-1986)
  - (4) One (1) ornamental tree for every two thousand (2,000) square feet of building or one (1) ornamental tree for every two hundred (200) feet of site perimeter, whichever is greater.
  - (5) The number of plant materials required in (d)(1)—(4) may be reduced by fifteen percent (15%) in each category in the Light Industrial (I-1 and I-1A) and Heavy Industrial (I-2 and I-2A) zoning districts. (Ord. No. 89-1177, added 12-21-1989)

(d) ~~(e)~~ Minimum size of plantings:

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

In the event a site plan layout does not have adequate open space to accommodate plant quantities as per Section 33.07(d) ~~[Section] 33.08(d)~~, such quantities per species can be combined into less quantities per species, provided total required height or caliper is maintained. (Ord. No. 86-956, amended 7-10-1986)

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

- (f) ~~(g)~~ Sodding and ground cover. All open areas of any site not occupied by building, parking, or storage, shall be sodded over four (4) inches of topsoil. Exceptions to this are as follows: (Ord. No. 86-972, amended 8-21-1986)
- (1) Seeding over four (4) inches of topsoil of future expansion areas ~~(areas to be built upon within eighteen (18) months)~~ as shown on approved plans. (Ord. No. 86-972, amended 8-21-1986)
  - (2) Undisturbed areas containing existing natural vegetation which can be maintained free of foreign and noxious materials.
  - (3) Areas designated as open space for future expansion area properly planted and maintained with grass.

(g) ~~(h)~~ Slopes and berms:

- (1) Final slope grade steeper than the ratio of 3:1 will not be permitted without special approval or treatment, such as terracing or retaining walls.
- (2) Berming used to provide required screening of parking lots and other open areas shall not have a slope to exceed 3:1.

(h) ~~(i)~~ Tree Preservation and Credit Policy: (Ord. No. 93-1337, amended 6-3-1993)

- (1) It is the policy of the City with respect to specific site development to retain, as far as practical, existing trees which should be incorporated into the site. Credit for retention of existing trees which are of the acceptable minimum size, species, and location, may be given to satisfy the minimum number of requirements. Replacement trees required by a tree preservation plan will be credited to the landscape requirements.
- (i) ~~(j)~~ Use of Landscaping for Screening:
- (1) Where natural materials, such as trees ~~or hedges~~ are approved in lieu of the required screening by means of walls or fences, density and species of planting shall be such to achieve ~~ninety percent (90%)~~ opacity year round.
- (j) ~~(k)~~ Maintenance Policy:
- (1) It is the responsibility of the property owner to insure that the landscaping is maintained in an attractive condition. The owner shall replace any damaged or dead trees, shrubs, ground covers, and sodding.
- (k) ~~(l)~~ Erosion Control:
- (1) All open disturbed areas of any site shall be seeded as an erosion control measure in accordance with the provisions of Section ~~33.15~~ ~~33.16~~.
- (l) ~~(m)~~ Preservation of Shoreland, Wetland, and Marsh Areas:
- ~~(1) Land and vegetation within one hundred (100) feet of any shoreland or marsh area shall be preserved and not altered in any way, shape, or form except seed or sod. A protective buffer strip of natural vegetation at least 15 feet (25 feet average width) shall surround all wetlands.~~
- (m) ~~(n)~~ Landscaping may be permitted in utility and drainage easements or road right-of-way with the approval of the Zoning Administrator. (Ord. No. 86-972, amended 8-21-1986)
- (n) ~~(o)~~ For the purpose of aesthetically enhancing a site the Zoning Administrator may approve exchanging up to fifty percent (50%) between categories of plant materials and sizes as set forth in Section 33.07 ~~[Section] 33.08(d)~~ and (e) or a landscape plan signed by a registered landscape architect which meets the intent of ~~[Section] 33.08~~ but varies quantities and sizes of plant materials. (Ord. No. 89-1177, added 12-21-1989).

### **33.08 [33.09] - Fences.**

- (a) Purpose. The purpose of this section is to promote a pleasant physical environment and to protect the public and private property within the City by regulating the location, height, type of construction, and maintenance of all fences.
- (b) Definitions. [The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]
- (1) *Fence*: A fence is defined, for the purpose of this ordinance, as any partition, structure, wall, or gate erected as a divider marker, barrier or enclosure and located along the boundary, or within the required yard. For the purpose of this section, a fence shall not include naturally growing shrubs, trees or other foliage.
- (2) *A Boundary Fence*: A boundary fence is any fence parallel to the property line.
- (3) *Privacy Fence*: A privacy fence is any fence used for screening of outdoor living areas and for enclosures where restricted visibility or protection is desired.
- ~~(4) *Farm Fence*: A fence located on a property zoned FR or AG and constructed to contain livestock and located a minimum of 300 feet from any residentially zoned property.~~
- (c) Permit Required:
- (1) No fence shall be erected or substantially altered without securing a permit from the Building Inspector. All such permits shall be issued upon a written application which shall set forth the type of fence to be constructed, the material to be used, height, and exact location of the fence. A fee shall be paid with each application. (Ord. No. 90-1184, amended 2-1-1990)
- (d) Location of Fences:
- (1) Fences, when constructed to enclose any lot or tract of land, shall be located in such a way that the entire fence shall be on the property of the owner. Posts and framework shall be placed within the property lines of the owner and the actual fencing material, such as wire, lumber, pickets, etc., shall be placed on the side of the fence which faces the street or the adjacent property.

- (2) No fences shall be allowed or constructed on street right-of-ways. Fences may, by permit, be placed on public utility easements so long as the structures do not interfere in any way with existing underground or over ground utilities. Further, the City or any utility company having authority to use such easements, shall not be liable for repair or replacement of such fences in the event they are moved, damaged or destroyed by virtue of the lawful use of said easement.
- (e) Construction and Maintenance:
- (1) Every fence shall be constructed in a workmanlike manner and of substantial material reasonably suited to the purpose for which the fence is to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition which would constitute a public nuisance or a dangerous condition. If such a fence is allowed to become and remain in such condition, the Building Inspector is authorized to notify the owner or owners of such fences of the condition and allow owner or owners ten (10) days in which to repair or demolish the fence.
  - (2) Link fences, wherever permitted, shall be constructed in such a manner that the barbed end is at the bottom of the fence.
  - (3) No barbed wire or barbed wire fences shall be allowed on private property in residential zones, except for farm fences as described in 33.08(j). No barbed wire or barbed wire fences shall be allowed on private property in business or industrial zones where the property lines of such property abut lots or parcels adjacent to residential districts.
  - (4) All fences shall be constructed in conformity with the wind, stress, foundation, structural and other requirements of the State Minnesota Building Code.
- (f) In all single and two-family residential districts, fences, except as allowed for Special Purpose Fences, shall have the following setbacks and height limitations: (Ord. No. 97-1672, amended 9-4-1997; Ord. No. 08-2164, amended 8-7-2008)
- (1) Front yard—Maximum height of four (4) feet above ground level in front of the front face of the residential structure.
  - (2) ~~Front corner~~ Corner sideyard:
    - (a) Maximum height of four (4) feet above ground level when placed at the property line.
    - (b) Maximum height of six (6) feet above ground level when placed with a minimum setback of one (1) foot. (Ord. No. 98-1725, amended 6-25-1998)
  - (3) Sideyard along interior lot line(s)—Maximum height of six (6) feet above ground level.
  - (4) Rear yard:
    - (a) Maximum height of six (6) feet above ground level for fences along rear yards not adjacent or fronting on public right-of-way.
    - (b) Fences adjacent or fronting on public right-of-way shall have a maximum height of four (4) feet above ground level when placed at the property line.
    - (c) Fences adjacent or fronting on public right-of-way that are placed with a minimum setback of one (1) foot shall have a maximum height of six (6) feet above ground level. (Ord. No. 98-1725, amended 6-25-1998)
  - (5) The required front yard of a corner lot shall not contain any fence which may cause danger to traffic on a street or public road, by obscuring the view. On corner lots, no fence shall be permitted within the intersection sight distance triangle.
- (g) Commercial and Industrial Fences:
- (1) In business and industrial zones, fences may not exceed seven (7) feet in height above the ground level, and the use of barbed wire is prohibited, except that the top one (1) foot of any fence along side or rear lot lines in these zones may be constructed of barbed wire. Barbed wire is also permitted for the top one (1) foot of fences in industrial zones when fronting a public street and placed no closer than the parking setback. Barbed wire shall not be permitted adjacent to any residential district. (Ord. No. 95-1572, amended 9-21-1995)
- (h) Special Purpose Fences:
- (1) Fences for special purpose and fences differing in construction, heights, or location, may be permitted in any commercial or industrial district in the city, only by issuance of a conditional use permit approved by the City

Council after a recommendation by the Planning Commission, and upon evidence that such special purpose fence is necessary to protect, buffer, or improve the premises for which such fence is intended.

- (2) Residential fences, higher than 6 (six) feet and up to 10 (ten) feet in height, built for screening and noise attenuation, that are placed on private property adjacent to county, state or federally designated roadways, shall be allowed in the rear and corner side yards, only by issuance of a conditional use permit. (Ord. No. 08-2164, added 8-7-2007)
  - (3) The approval of special purpose fences may include stipulations as to the material, height, construction detail, or location of such special purpose fences. (Ord. No. 08-2164, amended 8-7-2008)
- (i) Non-conforming fences:
- (1) All existing fences, at the time of the adoption of this section, which are not in violation of this section and are not located within a public right-of-way or easement, but which violate other sections of this code, may be continued to be maintained and to exist but may not be replaced, if destroyed or removed, to the extent that the violations be continued.
- (j) Farm Fences:
- (1) Fences which are constructed for the purpose of containing livestock in any Farm Residence or Agricultural District may be electrified with no more than twelve (12) volts DC. Such electrification shall be installed so as to not have current going through said fence except on an intermittent basis. Current shall not remain on longer than three (3) seconds.
  - (2) No fence shall be located closer than three hundred (300) feet from any residentially zoned property and shall be clearly designated as an electrified fence by the installation of one (1) by one (1) foot square sign stating "this fence is electrified".
  - (3) ~~Barb wire fences.~~ Farm fences with a maximum height of 4 feet may use barbed wire

### **33.09 [33.10] - Tree preservation.**

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

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

- (aa) A tree inventory indicating size, species, location and condition of all significant trees and clumps of non-significant trees within the limits of the proposed activity; also location of existing and proposed structures, improvements, utilities and existing and proposed contours.
  - (bb) Specific disease control, if applicable, and protection techniques that will be utilized to minimize disturbance to all trees remaining on site.
  - (cc) A reforestation plan indicating size, species, location, and planting specifications of all street and yard trees and all replacement trees.
    - (1) The reforestation plan shall utilize a variety of tree species with emphasis on native species when possible.
    - (2) Replacement trees shall be a minimum two and one-half (2½) inches in diameter if deciduous, or six (6) feet in height if coniferous.
  - (dd) Financial Guarantee. All installations of trees required by the tree preservation plan or as a penalty for failing to comply with the tree preservation ordinance or plan must be completed at the time of request for a Certificate of Occupancy if issued between May 15th and October 15th, unless dates have been modified by the Zoning Administrator to accommodate unseasonable weather. A Certificate of Occupancy requested after October 15th and before May 15th may be issued with a cash deposit submitted by the builder in an amount required by the Zoning Administrator to guarantee installation of landscaping. Property owners/contractors/developers required to install replacement trees because of unauthorized removal or disturbance of existing trees on undeveloped parcels must submit a cash deposit in an amount required by the Zoning Administrator to guarantee installation of landscaping. (Ord. No. 99-1771, amended 3-4-1999)
- (5) *[Approval.]* Tree preservation plans must receive approval of the Zoning Administrator.
- (6) *Inspection and Enforcement.* Prior to commencement of site grading or excavation, the site shall be staked and fenced for tree protection per the approved tree preservation plan. Construction activities shall cease until compliance with the tree preservation plan has been achieved. Violations of this ordinance and/or Tree Preservation or Forestry management plan are considered a misdemeanor. Each day is considered a separate offense.
- (b) *Tree Removal on Lots without Construction or Grading Permits.*
- (1) The number of trees removed from privately owned land shall be limited to two (2) significant trees per year, unless an approved Forest Management Plan has been obtained. Trees removed because they are an obstruction to traffic or power lines, or trees removed because they pose a hazard to structures or sewer systems, shall be excluded from these requirements.
  - (2) Forest Management Plan. An approved Forest Management Plan will be required if more than two (2) significant trees per year are removed. At a minimum, the plan must include the following information:
    - (aa) A scaled map designating all forested areas and existing and proposed uses of such areas.
    - (bb) Location of all existing structures, roads, utilities, and driveways on the site.
    - (cc) A written narrative describing specific activities and reasons for developing the plan, and how these actions and activities will affect the forest. Specific examples include, but are not limited to: better forest management (thinning or removal of dead or diseased trees), improved wildlife habitat, recreational use, outdoor education, and trails.
    - (dd) Tree Replacement may also be required as part of the Forest Management Plan. Tree replacement, as outlined in Section ~~33.09~~ ~~33.40~~ (a)(3), shall be required if trees are removed without obtaining an approved approval for a Forest Management Plan.
    - (ee) Forest Management Plans must be ~~prepared by a forester and~~ approved by the Zoning Administrator.

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

### **33.10 [33.14] - Home occupations.**

- (a) *Intent.* In order to provide peace, quiet, and domestic tranquility within all residential neighborhoods, within the City, and in order to guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible effects of commercial uses being conducted in residential areas.

(b) *Definitions.*

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

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

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

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

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

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

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

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



- ~~(ff) All directional and advertising signs shall be freestanding and removed after completion of the sale. (Ord. No. 87-1007, amended 2-19-1987)~~
- ~~(gg) All directional and advertising signs shall be placed on private property and shall have the owner's permission. (Ord. No. 87-1007, amended 2-19-1987)~~
- ~~(hh) No directional or advertising sign may be larger than two (2) feet by three (3) feet. (Ord. No. 87-1007, amended 2-19-1987)~~

(d) *Conditional Use Permits:*

- (1) All home occupations which do not conform to the standards contained in Section 33.11(c) shall only be conducted with a home occupation conditional use permit. Conditional Use Permit applications shall be made and considered in accordance with 27.04 of this code.
- (2) Conditional use permits, once granted, may be revoked by the City Council for cause after hearing before the City Council. Complaints seeking the revocation of such permit shall be filed with the Director of Community Development and may be initiated by the Planning Commission or any three (3) residents of the block (both sides where the home occupation is being conducted). All such revocation hearings shall be conducted in accordance with Section 27.07 of this ordinance. Publication and notice requirements shall be the same as for home occupation conditional use permit application hearings.

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

- ~~(2) Applications for home occupation conditional use permits shall be filed with the Director of Community Development together with a filing fee established by City Council in an annual fee resolution. The application shall be forwarded to the Planning Commission for a public hearing. All such hearings shall be at public meetings of the Planning Commission and shall be conducted as provided in Section 27.04 of this ordinance. Legal notice of all such hearings shall be given as required for petitions for rezonings, variances, and other conditional uses. At the conclusion of its hearing, the Planning Commission shall make findings of fact and recommendations to the City Council. (Ord. No. 86-939, amended 4-3-1986; Ord. No. 87-1007, amended 2-19-1987)~~
- ~~(3) A conditional use permit in zoning districts R-1, R-2, R-3, R-4, and RE will only be considered for those specific home occupations which do not meet the requirements of Section 33.11(c), (1), (3), (4), (5), and (12). (Ord. No. 87-1007, amended 2-19-1987)~~
- ~~(4) A conditional use permit in zoning districts AG and FR will be considered provided the home occupation conforms to the following standards: (Ord. No. 87-1007, amended 2-19-1987)~~
  - ~~(aa) A building containing a rural home occupation shall be located at least 100 feet from any property line and shall be located in the rear yard of the principal dwelling. (Ord. No. 87-1007, amended 2-19-1987)~~
  - ~~(bb) A rural home occupation shall be contained entirely within one building with a maximum floor area of one thousand five hundred (1,500) square feet (twenty-five percent (25%) of total floor area if operating from principal dwelling). No outside storage of materials, equipment or vehicles used in the home occupation is permitted. (Ord. No. 87-1007, amended 2-19-1987)~~
  - ~~(cc) One rural home occupation per parcel. (Ord. No. 87-1007, amended 2-19-1987)~~
  - ~~(dd) The operator of the rural home occupation must reside on the same parcel of land upon which the rural home occupation is located. (Ord. No. 87-1007, amended 2-19-1987)~~
  - ~~(ee) No more than three people who do not reside on the premises may be employed by the home occupation. (Ord. No. 87-1007, amended 2-19-1987)~~
  - ~~(ff) Off-street loading and off-street parking requirements of Sections 33.14 and 33.15 must be met. (Ord. No. 87-1007, amended 2-19-1987)~~
  - ~~(gg) Rural home occupations may have one (1) wall or freestanding sign per parcel which may not exceed 2.5 sq. feet. (Ord. No. 87-1007, amended 2-19-1987)~~
  - ~~(hh) Any rural home occupation or activity which produces noise or obnoxious odors, vibrations, glare, fumes, fire hazard or electric interference detectable to normal sensory perception beyond the property line is prohibited. (Ord. No. 87-1007, amended 2-19-1987)~~

~~(ii) All appropriate building and fire codes are applicable to this section. (Ord. No. 87-1007, amended 2-19-1987)~~

~~(5) Conditional use permits shall expire April 30 of each year and once granted may be renewed without additional hearing subject to the provisions of this section, by completing the renewal form described by the Director of Community Development and paying the annual permit fee. Failure to timely apply for renewal, and/or failure to pay the conditional use permit shall be grounds for revocation of a conditional use permit. (Ord. No. 87-1007, amended 2-19-1987)~~

~~(6) There may be one (1) annual inspection each year by the Director of Community Development or his designee of the property covered by a conditional use permit. In addition, the Director of Community Development, or his designee, shall have the right at any time, upon reasonable request, to enter and inspect the premises covered by said permit for safety and compliance purposes. (Ord. No. 87-1007, amended 2-19-1987)~~

~~(7) The annual fee for conditional use permits issued under this section shall be established by the City Council in an annual fee resolution and shall be payable no later than May 1 of each year. (Ord. No. 86-939, amended 4-3-1986; Ord. No. 87-1007, amended 2-19-1987)~~

~~(8) All home occupations conducted in violation of Section 33.11(c) and without a conditional use permit are illegal and punishable according to the terms of Section 27.06(d). (Ord. No. 87-1007, amended 2-19-1987)~~

~~(e) General Provisions:~~

~~(1) Should a conditional use permit holder die or move to a new location, the existing permit shall be automatically terminated, except that in the case of death, should a surviving spouse or child, residing at the same address, desire to continue the home occupation, written notice to that effect shall be given to the Director of Community development and the City Council may authorize continuation of that permit without further hearing. (Ord. No. 87-1007, amended 2-19-1987)~~

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

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

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

~~(3) Garage sales or sales of household items are permitted without special permit provided they meet the following standards: (Ord. No. 87-1007, amended 2-19-1987)~~

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

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

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

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

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

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

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

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

### **33.11 [33.12] - Permitted encroachments—Yards.**

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

- (a) Decks; patios; balconies; open terraces; marques; flues; sills; lintels; pilasters; cornices; gutters; open canopies; open porches not enclosed by walls, screens, windows, or doors; and awnings; are permitted to encroach by up to 25% of the required setbacks in the front, side, and rear yard. In any yard: overhanging roof eaves, open terraces, marquees, flues, sills, lintels, pilasters, cornices, gutters, open canopies, open porches not enclosed by walls, screens, windows, or doors and awnings attached to the principal building, not to exceed twenty-five percent (25%) of the depth of the front or rear yards or twenty-five percent (25%) of the width of the side yards. Chimneys, flag poles, ornamental features, sidewalks, fences, landscaping, posts, or other similar amenities. (Ord. No. 98-1694, amended 1-22-1998)
- (b) Yard lights and name plate signs in residential districts, provided such lights and signs are three (3) feet or more from all lot lines. Lights for illuminating parking and loading areas or yards for safety and security purposes may be provided where necessary, provided that the glare is not visible from public right-of-way or adjacent residential property.
- (c) In front yards, balconies may extend a distance of four (4) feet or less, provided they are seven (7) feet or more above the grade at the building line. Patios may extend a distance of eight (8) feet or less. Unenclosed gazebos, covered shelters, pools, and pool patios located in the rear yard are permitted with a minimum 10 foot setback from the side and rear lot lines.
- (d) In rear yards, balconies, breezeways, detached picnic shelters, or swimming pools, provided they are ten (10) feet from all property lines. Recreational equipment, uncovered porches, patios, picnic tables, open arbors, trellises, laundry drying equipment, satellite dishes exceeding twenty-four (24) inches in diameter, detached outdoor living room and outdoor eating facilities, provided they are not less than five (5) feet from any lot line. (Ord. No. 96-1600, amended 5-16-1996) Recreation equipment, picnic tables, arbors, trellises, pergolas, outdoor living rooms, outdoor eating facilities, and laundry drying equipment are permitted in the rear yard with a minimum 5 foot setback from the side and rear lot lines.
- (e) Chimneys, flag poles, sidewalks, fences, landscaping, posts and similar amenities are permitted encroachments in any location
- (f) Cantilevers may encroach by up to 2 feet of the required setback in the front, rear, and side yards.
- (g) Window wells are permitted encroachments with a minimum 2 foot setback from the side and rear property lines.
- (h) ~~(e)~~ Encroachments in any yard that abut a public or private street, shall be considered as permitted encroachments, as outlined above, except that no encroachment shall be permitted within present or proposed street right-of-way lines.
- (i) ~~(f)~~ On corner lots, in any district, encroachments are not permitted in excess of thirty (30) inches above the curb line in the intersection sight distance triangle.

### **33.12 [33.13] - Traffic control.**

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

- (a) Internal traffic shall be so regulated as to insure its safe and orderly flow. Traffic into and out of commercial and industrial areas shall, to the extent possible, be forward moving with no backing into streets. On corner lots, no structure or other materials shall be placed within the intersection sight distance triangle between the height of two and one-half (2½) and ten (10) feet above the center line grade of the intersecting street.
- (b) Access Drives and Access:
  - (1) Access drives may not be placed closer than five (5) feet to any side or rear lot line. A number and type of access drives onto arterial or collector streets may be controlled and limited in the interest of public safety and efficient traffic flow.
  - (2) Access drives onto county and state highways shall require a review by the county or state engineer who shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.

- (3) Access drives to principal structures which traverse wooded, steep, or open fields, shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles.
  - (4) All lots or parcels shall have an approved direct access for emergency service vehicles along the frontage of the lot or parcel from a publicly dedicated street. (Ord. No. 89-1173, amended 12-21-1989)
- (c) Vacated Streets.
- (1) Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the center line of said vacated area shall not be affected by such proceedings.

**33.13 [33.14] - Parking.**

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

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

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

- (b) Size. (Ord. No. 86-956, amended 7-10-1986; Ord. No. 07-2148, amended 9-6-2007)
  - (1) Stall and aisle dimensions shall be constructed to the following minimum specifications listed below. ~~In addition, there shall be no parallel parking permitted.~~ Parallel parking subject to Zoning Administrator Approval.

*Standard Vehicle*

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

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

Accessible parking spaces shall meet the dimensional requirements of the Minnesota Accessibility Code.

*Vehicles for Handicapped*

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

45-degrees	16 feet	27 feet	12 feet
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~~The stall length can be reduced by the amount of the curb overhang up to a maximum of two (2) feet.~~

*Compact Vehicles*

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

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

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

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

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

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

(2) ~~(3)~~ All off-street parking areas shall be striped between stalls. Directional arrows shall be used on one-way traffic lanes.

(3) ~~(4)~~ Painted or curbed traffic safety islands shall be installed at the ends of each parking tier. Additional traffic safety islands may be required to maintain a safe and orderly flow of traffic within the parking lot and/or driveways.

(c) Access.

(1) Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to parking spaces.

(2) All off-street parking facilities shall be provided with appropriate means of vehicular access to a street, alley, or a driveway, in a manner which will least interfere with traffic movements.

(3) All parking areas shall have vehicular access to it by a street or driveway, containing all-weather, hard-surfaced pavement. No driveway access across public property shall have a width exceeding twenty-four (24) feet for single family residential lots with less than seventy (70) feet of frontage, thirty (30) feet for lots with seventy (70) or more feet of frontage and multi-family developments, or thirty-six (36) feet for commercial/industrial, exclusive of curb returns. (Ord. No. 89-1163, amended 10-19-1989)

(d) Yards.

- (1) Off-street parking and driveways shall not be permitted within any front yard, corner side yard, side yard, or rear yard minimum setbacks established for parking and driveways. (Ord. No. 85-898, amended 8-15-1985)
  - (2) Parking spaces required for single or two family dwelling units shall be located on the same lot as the dwelling served.
- (e) Computation of Parking Spaces.
- (1) When determination of the number of parking spaces required by ordinance results in a requirement of a fractional space, any fraction of one-half  $\frac{1}{2}$  or less may be dropped, while a fraction in excess of one-half ( $\frac{1}{2}$ ) shall be counted as one (1) parking space.
- (f) Collective Parking Provisions for Non-residential Uses.
- (1) Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements of each use and if all regulations governing the location of accessory parking spaces in relation to the use served are observed. But no parking space, or portion thereof, shall serve as a required space for more than one (1) use unless otherwise authorized in this ordinance.
- (g) Repair and Service.
- (1) No motor vehicle repair work of any kind shall be permitted in parking lots.
  - (2) No merchandise shall be sold in conjunction with any parking facilities unless such facilities are located within a completely enclosed building.
- (h) Design, Maintenance, and Installation.
- (1) All open off-street parking areas or areas traveled by vehicles shall be of four-inch MnDOT Class 5 base and a minimum two-inch bituminous surface.
  - (2) All open automobile parking areas, in commercial and industrial districts, containing more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any residential property by a wall or fence that conforms with existing ordinances.
  - (3) Illumination of an off-street parking area shall be arranged so as not to project or reflect rays of light into adjacent and residential districts, and so as not to create a traffic hazard on adjacent streets.
- (i) Required Parking Spaces. Off-street parking spaces accessory to designated uses shall be provided as follows:
- (1) *Single family dwellings*: At least one (1) parking space for each dwelling, plus one (1) additional parking space for each two (2) roomers or lodgers accommodated, but no more than four (4) parking spaces for each single family dwelling.
  - (2) *Two family dwellings*: Two (2) for each dwelling unit.
  - ~~(3) *Multiple family dwellings*: No less than two (2) parking spaces per dwelling in addition to garage requirements. (Sections: 29.55, 29.65, 29.75)~~
  - (3) *Apartments*: 2 spaces per apartment unit, a minimum of one of which must be underground.
  - (4) *Townhouses*: Two garage spaces per unit plus 1 space for each three units for guest parking. Guest parking may include on street parking spaces on private roads.
  - ~~(5) (4) *Automobile Repair service stations*: At least one (1) parking space for each employee, plus two (2) for each service stall. Four (4) parking spaces, plus two (2) parking spaces per service bay.~~
  - ~~(6) (5) *Banks*: At least one (1) parking space for each four hundred (400) square feet of floor area.~~
  - ~~(7) (6) *Boarding and Rooming Houses*: At least two (2) parking spaces, plus one (1) parking space for each three (3) persons for whom living accommodations are provided.~~
  - ~~(8) (7) *Bowling alleys*: At least five (5) parking spaces for each alley, plus one (1) space for every four hundred (400) square feet of area not used as a bowling alley. (Ord. No. 06-2099, amended 6-1-2006)~~
  - ~~(9) (8) *Business and professional offices or public administration buildings*: At least one (1) parking space for each two hundred (200) square feet of floor area.~~
  - (10) *Childcare facility, not including group family daycare*: At least one (1) parking space for each three hundred (300) square feet of floor area.

- (11) ~~(9)~~ *Churches and synagogues*: At least one (1) parking space for each four (4) seats in accordance with design capacity of the main auditorium.
- (12) ~~(10)~~ *Establishments handling the sale and consumption of food and refreshment on the premises including event centers*: At least one (1) parking space for each one hundred (100) square feet of floor area, excluding bar area and kitchen area, one (1) parking space for each forty (40) square feet of bar area and one (1) parking space for each two hundred square feet of kitchen area.
- (13) *Fitness Centers*: 1 space for each three hundred (300) square feet of floor area
- (14) ~~(11)~~ *Furniture and appliance stores, motor vehicle sales, stores for repair of household equipment, or furniture*: At least one (1) parking space for each six hundred (600) square feet of floor area.
- (15) ~~(12)~~ *Hospitals*: At least one (1) parking space for each two (2) hospital beds, plus one (1) parking space for each four (4) employees, other than doctors, plus one (1) parking space for each two (2) doctors assigned to the staff. At least two (2) parking spaces per bed.
- (16) ~~(13)~~ *Hotels*: At least one (1) space for each guest room. three (3) separate rooms and at least one (1) space for each three (3) suites of more than one (1) room.
- (17) ~~(14)~~ *Libraries and museums*: At least one (1) parking space for each five hundred (500) square feet of floor area.
- (18) ~~(15)~~ *Manufacturing, fabricating, general industrial building, and processing plants not engaged in retail trade*: Six (6) off-street parking spaces plus one (1) for each five hundred (500) square feet of floor area. (Ord. No. 88-1071, amended 2-18-1988)
- (19) ~~(16)~~ *Medical and dental clinics*: At least one (1) space for each one hundred fifty (150) square feet of floor area. At least two (2) spaces for each examining or treatment room, plus one (1) for each doctor and employee in the building.
- (20) ~~(17)~~ *Motels*: At least one (1) parking space for each dwelling unit, plus one (1) space per employee.
- (21) ~~(18)~~ *Private clubs and lodge*: One (1) parking space for each sixteen (16) square feet of assembly area or one (1) parking space for every two and one-half (2½) seats, whichever is greater.
- ~~(19) *Public utility and public service uses*: At least one (1) parking space for each three (3) employees, plus spaces in adequate number as determined by the Zoning Administrator to serve the visiting public.~~
- (22) ~~(20)~~ *Recreational buildings or community centers*: Spaces in adequate number as determined by the Zoning Administrator.
- (23) ~~(21)~~ *Schools, elementary, junior high, public or private*: At least one (1) parking space for each faculty member and other full-time employees, plus adequate off-street parking for students who are permitted to drive. At least three (3) parking spaces per classroom, plus necessary spaces for student drop off. May be reduced at Zoning Administrator discretion.
- (24) *Schools, high school, public or private*: At least two (2) parking spaces per student, plus necessary spaces for student drop off. May be reduced at Zoning Administrator discretion.
- (25) *Self Storage Facility*: Minimum of five (5) spaces
- (26) ~~(22)~~ *Supermarkets, discount houses, mail order outlets, retail stores and other stores with high customer volume*: At least one (1) parking space for each two hundred (200) square feet of floor area.
- (27) ~~(23)~~ *Theaters*: At least one (1) parking space for each four (4) seats in the theater.
- (28) ~~(24)~~ *Undertaking establishments and funeral homes*: At least one (1) space for every twenty-eight (28) square feet of area devoted to funeral services or display area plus one (1) parking space per employee. (Ord. No. 03-1990, amended 8-21-2003)
- (29) ~~(25)~~ *Warehouse and storage establishments and freight terminals*: At least one (1) off-street parking space for each two thousand (2,000) square feet of floor area or one (1) parking space for every two (2) employees, whichever is greater.
- (30) ~~(26)~~ *Other uses*: Parking spaces on the same basis as required for the most similar use.
- ~~(j) *Credit for Required Parking Spaces*. (Ord No. 86-956, amended 7-10-1986)~~

~~(1) For industrial purposes only, a reduction shall be given to the number of required parking spaces provided the following conditions are met:~~

~~(i) Applicant must submit a transportation plan for his/her operation detailing how employees will be utilizing different modes of transportation to and from work.~~

~~(ii) Applicant must demonstrate a reasonable number of his/her employees will be utilizing MTC bus service, ride share, van pooling, or any combination thereof.~~

~~(iii) Applicant must submit a site plan which will maintain sufficient land available to reinstate all required parking if applicant's transportation plan should not be implemented.~~

~~The Community Development Department shall review such transportation plans on a "as-needed basis" and shall determine if the transportation plan is being properly implemented.~~

(j) ~~(k)~~ Residential (R-1, R-1A, R-1AA, R-1B, R-2, DF, RF) on-site parking requirements. (Ord. No. 91-1243, added 1-17-1991; Ord. No. 01-1889, amended 1-18-2001)

(1) Parking and storage shall be limited to operable vehicles registered and licensed to the occupants of the dwelling unit and their guests only.

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

(3) Provided area has an access drive, storage of vehicles shall be permitted in the side yard subject to required driveway setback.

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

~~(aa) Passenger vehicles parked on paved driveways extending to a detached garage located in the rear yard which serves as the sole garage for the residence~~

~~(bb) Recreational vehicles, boats, truck toppers, and trailers parked in the rear yard on paved or unpaved surfaces subject to the driveway setbacks~~

~~(cc) Collector vehicles parked on paved or unpaved surface for a maximum of two years bearing collector vehicles license plates appearing operable, and screened from all four sides by a six foot high solid fence installed with the required fence permit from the city. The two year time frame will commence as soon as a collector vehicle has been observed and documented and will not be extended even if the vehicle is removed from the rear yard for consecutive days or if the vehicle is replaced with another collector vehicle.~~

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

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



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

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

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

**Cross reference**— Blaine Code of Ordinances Part II - chapter 82 - Traffic and Vehicles.

**33.14 [33-15] - Overhead doors and loading spaces.**

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

*Commercial District/Industrial District.*

(1) *Location:*

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

(2) *Size:*

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

(3) *Screening/Buffer Standards:*

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

(4) *Access:*

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

(5) *Architecture:*

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

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

~~Commercial Districts/Industrial Districts:~~

(a) *Location:*

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

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

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

**33.15 [33.16] - Soil erosion and sedimentation control.**

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

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

- (b) *Purpose.* The purpose of this ordinance is to control and eliminate, to the greatest extent possible, stormwater pollution and soil erosion and sedimentation in order to protect and safeguard the general health, safety, and welfare of the public. It establishes standards and specifications for development and conservation practices and planning activities designed to:
- (1) Minimize increases in stormwater runoff from any new development or redevelopment in order to reduce flooding, siltation, streambank erosion and maintain the integrity of stream and ditch channels;
  - (2) Minimize increases in non-point source pollution caused by stormwater runoff from new development or redevelopment which would otherwise degrade local water quality;

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

No land shall be disturbed until the project is approved by the city, has received a watershed district permit, any other applicable permits, and conforms to the standards set forth herein. Chapter 34, Article V, Divisions 1 and 2, Sections 34.131 to 34.155 and Chapter 74, Article III, Section 74.81 of the Blaine City Code of Ordinances, Section 33.06 ~~Section 33.07~~ of the Blaine City Zoning Ordinance and other pertinent sections of Code shall also be applied.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Floodplain* [means] the channel or beds proper and the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the regional flood.

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

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

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

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

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

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

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

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

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

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

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

- (1) The ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;
- (2) For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and
- (3) For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Wetlands* means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three (3) attributes:

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

- (vi) Existing and proposed impervious surfaces.
  - (vii) Steep slopes of twelve percent (12%) or more existing over a distance for fifty (50) feet or more.
  - (viii) Location of all areas not to be disturbed during construction including trees, vegetation, and designated areas for infiltration.
  - (ix) Proposed grading or other land-disturbing activity; areas of soil or earth material storage; quantities of soil or earth material to be removed, placed, stored or otherwise moved on site, and delineated limits of disturbance.
  - (x) Locations of proposed runoff control, temporary and permanent erosion and sediment control, and temporary and permanent soil stabilization measures.
  - (xi) If more than ten (10) acres are disturbed and drained to a single point of discharge temporary sediment basins must be installed, however, if the site has special waters as defined by the NPDES Construction Permit requirements, then temporary sediment basins must be installed where five (5) or more acres are disturbed. When site restrictions do not allow for a temporary sediment basin, equivalent measures as approved by the City may be used.
  - (xii) Any mitigation measures required as a result of any review conducted for the project (e.g. wetland mitigation, etc.).
- (bb) A Stormwater Pollution Prevention Plan (SWPPP) specific to the conditions and requirements of the site. (See Chapter I)
- (i) *SWPPP Design Components.* All SWPPPs shall be reviewed by the city for effectiveness of erosion and sediment control measures in the context of the site topography and drainage, proposed design, suggested location and phased implementation of effective practicable stormwater pollution prevention measures.
- (1) *General Criteria.* Design, engineering and implementation of these measures shall use the following performance standards, BMPs, and design criteria:
    - (aa) Project Compliance. Statement of how the project will comply with all requirements of the NPDES Phase II regulations.
    - (bb) Description. Explanation of the project and associated construction activity.
    - (cc) Contact information for the on-site individual responsible for implementation of the SWPPP; and for the project manager and contractor.
    - (dd) Training. The applicant must identify a person knowledgeable and experienced in the application of erosion prevention and sediment control BMPs who will oversee the implementation of the SWPPP, and the installation, inspection and maintenance of the erosion prevention and sediment control BMPs before and during construction.
    - (ee) Runoff easements. If a stormwater management plan involves directing some or all runoff from the site, the applicant shall obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.
    - (ff) Scheduling site activities. The applicant shall schedule site activities to lessen their impact on erosion and sediment creation. A detailed schedule indicating dates and sequence of land alteration activities; implementation, maintenance and removal of erosion and sedimentation control measures; and permanent site stabilization measures shall be provided.
  - (2) *Best Management Practice Implementation.* All erosion and sediment control and water quality BMPs must be constructed and or installed prior to the commencement of land disturbing activities. These measures shall be coordinated with the different stages of development.
  - (3) *Monitoring and inspection.* The trained person identified in the SWPPP or their assigned designee must routinely inspect the entire construction site at least once every seven (7) days during active construction and within twenty-four (24) hours after a rainfall event greater than 0.5 inches in twenty-four (24) hours. Following an inspection which occurs within twenty-four (24) hours after a rainfall event, the next inspection must be conducted within seven (7) days after that. All inspections and maintenance conducted during construction must be recorded in writing and these records must be retained with the SWPPP in accordance with the NPDES Construction Site Permit.
  - (4) *Other information.* The city will require additional or modified information as warranted.

- (aa) The city may require soil borings or other site investigation to be conducted and may require submission of a soils engineering or geology report. The report shall include information as requested by the city.
  - (bb) The City may require a stormwater runoff volume and rate analysis report or other hydrologic, water quality and hydraulic computations to be submitted.
  - (cc) The SWPPP shall be modified when there is a change in design, operation, maintenance, weather or seasonal conditions that have a significant effect on discharge and/or inspections indicate that the plan is not effective and existing BMPs are not controlling pollutants and discharges from the site.
- (5) *Contractor/Owner inspections and maintenance.* The contractor or owner shall be responsible for inspections and maintenance on the site.
- (aa) Inspections and maintenance must be documented and readily available for review on-site. Inspections are required as follows:
    - (i) Once every seven (7) days on exposed soil areas.
    - (ii) Within twenty-four (24) hours after a one-half-inch rain event over twenty-four (24) hours.
    - (iii) Once every thirty (30) days on stabilized areas.
    - (iv) As soon as runoff occurs or prior to resuming construction on frozen ground.
  - (bb) Maintenance is required as follows:
    - (i) When sediment reaches one-third ( 1/3 ) the height of the BMP on perimeter control devices, sediment must be removed within twenty-four (24) hours.
    - (ii) If the perimeter control device is not functional it must be repaired or replaced within twenty-four (24) hours.
    - (iii) Temporary sediment basins shall be maintained when sediment reaches one-half (½) the outlet height or one-half (½) the basin storage volume. Basin must be drained or sediment removed within seventy-two (72) hours.
    - (iv) Sediment tracked from construction site vehicle entrance and exit locations must be removed from paved surfaces within twenty-four (24) hours of discovery.
    - (v) Inlet protection devices must be cleaned weekly or more frequently as necessary. Sediment and other debris captured in these devices must be deposited in appropriate locations or containers.
- (j) *SWPPP Implementation Components.*
- (1) *Minimize exposed soil.* Land shall be developed in increments of workable size such that adequate erosion and sedimentation control can be provided as construction progresses. At no time shall more than twenty (20) acres be exposed. Special consideration shall be given to the stabilization of steep slopes. Development shall be carefully reviewed to insure adequate measures have been taken to prevent erosion, sedimentation and structural damage.
  - (2) *Restabilization.* The area exposed shall be covered by an approved ground cover within fourteen (14) days after work is completed. When construction work is completed, a minimum depth of four (4) inches of topsoil meeting current MnDOT specifications shall be spread over the developed area and turf establishment started.
  - (3) *Reduce Compaction.* To reduce soil compaction and enhance vegetation establishment all compacted soil shall be tilled to a depth of at least six (6) inches before revegetation.
  - (4) *Perimeter sediment controls.* Perimeter sediment control measures shall be properly installed before construction activity begins. These control measures shall be designed to contain sediment on site and control the quality and quantity of stormwater leaving a site before, during, and after construction. Control measures may include sit fence, compost logs, berms, or other approved methods.
  - (5) *Channel protection.* Channels shall be diverted around disturbed areas if practical, or other channel protection measures will be required. The normal wetted perimeter of any temporary or permanent drainage channel must be stabilized within two hundred (200) lineal feet of the property edge, or from a point of discharge to any surface water. Stabilization must be completed within twenty-four (24) hours of connecting to surface water. Sediment control is required along channel edges to reduce sediment reaching the channel. Stabilization of all waterways and outlets shall conform with the stipulations of this ordinance.



- (6) *Outlet Protection.* Pipe outlets must have approved energy dissipation measures installed within twenty-four (24) hours of connection to a surface water.
- (7) *Slope Protection.* The following control measures shall be taken to control erosion during construction.
- (aa) No exposed slopes shall be steeper in grade than four (4) feet horizontal to one (1) foot vertical.
  - (bb) Exposed slopes steeper than ten (10) feet horizontal to one (1) foot vertical shall be stabilized to minimize erosion.
  - (cc) At the foot of exposed slopes or slopes with long runs a channel and berm may be required to be constructed to control erosion. The channeled water shall be diverted to the sedimentation basin (debris basin, sediment basin, or silt trap) before being allowed to enter the natural drainage system.
  - (dd) Along the top of exposed slopes or slopes with long runs a berm may be required to be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind said berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. These methods shall be approved by the City Engineering Department. At the base of the slope, an energy dissipater shall be installed to prevent erosion.
  - (ee) Exposed slopes shall be protected by whatever means will effectively prevent erosion considering the degree of slope, soils materials, and expected length of exposure. Slope protection shall consist of mulch, burlap, jute netting, sod blankets, fast growing seeds or temporary plantings or annual grasses. A mulch shall consist of hay, straw, or other approved protective materials. Mulch must be anchored to the slopes by an approved method to provide additional slope stability.
  - (ff) Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will effectively protect exposed slopes and are approved by the Engineering Department.
  - (gg) *Wind Erosion.* Snow fences or other wind reducing means shall be employed during construction on-site to reduce wind erosion of the soil. These measures shall be employed as soon as construction has started on-site and shall be extended as needed throughout the development.
  - (hh) All exposed soil areas with a continuous positive slope that are within two hundred (200) lineal feet of any surface water, or any conveyance (curb, gutter, storm sewer inlet, drainage ditch, etc.) to a surface water, must have temporary or permanent cover year round. The area shall be stabilized if it has not been worked for seven (7) days on slopes greater than three (3) feet horizontal to one (1) foot vertical (3:1), fourteen (14) days on slopes ranging from 3:1 to 10:1 and twenty-one (21) days for flatter slopes. On sensitive sites or sites with special waters, exposed soil areas with a greater than three (3) feet horizontal to one (1) foot vertical (3:1) must be stabilized within three (3) days and slopes flatter than 3:1 must be stabilized within seven (7) days. All exposed soil areas must have temporary erosion protection or permanent cover no later than November 1 regardless of the stabilization requirements listed above. All exposed soils from construction activities taking place after November 1 must provide temporary erosion protection or permanent cover by the end of the work day if conditions warrant.
  - (ii) If more than ten (10) acres are disturbed and drained to a single point of discharge temporary sediment basins must be installed. When site restrictions do not allow for a temporary sediment basin, equivalent measures such as smaller basins, check dams, and vegetated buffer strips can be included.
  - (jj) For disturbed areas less than ten (10) acres, temporary sedimentation basins are encouraged, but not required. The applicant shall install erosion and sediment controls at locations that result in maximum protection and sediment capture. Minimum requirements include silt fences, rock check dams, or other equivalent control measures along slopes. Silt fences, rock check dams, etc. must be regularly inspected and maintained.
- (8) *Silt fence.* Silt fence shall be properly installed by being trenched and buried at least six (6) inches into the soil. Generally, sufficient silt fence will be required to contain sheet flow runoff generated at an individual site. This method is used to prevent sediment damage to adjacent properties and sensitive environmental areas such as water bodies, plant communities, rare, threatened and/or endangered species habitat, wildlife corridors, greenways, wetlands, etc. Provide that all silt fences used for erosion and sedimentation control and all other temporary controls shall not be removed until the city and other permitting agencies have determined that the site has been permanently stabilized and shall be removed within thirty (30) days thereafter.

- (9) *Soil stockpiling.* Temporary stockpiling of one hundred (100) cubic yards or more of excess soil on any lot or other vacant area will not be allowed without issuance of a permit for the earth moving activity in question. Stockpiles of soil or other materials subject to erosion by wind or water shall be covered, vegetated, enclosed, fenced on the down gradient side or otherwise effectively protected from erosion in accordance with the amount of time the material will be on site and the manner of its proposed use. No stockpiling is allowed in the street.
- (10) *Stockpile protections.* For soil stockpiles greater than ten (10) cubic yards the toe of the pile must be more than twenty-five (25) feet from a road, drainage channel or stormwater inlet. If left for more than seven (7) days, they must be stabilized with mulch, vegetation, tarps or other means. If left for less than seven (7) days, erosion from stockpiles must be controlled with perimeter control devices such as silt fence. If for any reason a soil stockpile is located closer than twenty-five (25) feet to a road, drainage channel or stormwater inlet, it must be covered with tarps or a more permanent protection and controlled with perimeter control devices immediately.
- (11) *Vehicle exits/entrances.* Vehicle tracking of sediment from the construction site must be minimized by BMPs such as stone pads, concrete or steel wash racks, or equivalent systems. Street sweeping must be used if such BMPs are not adequate to prevent sediment from being tracked onto the street. The exit must be at least fifty (50) feet long (fifteen-foot minimum on single family residential sites), and the exit must be graded so runoff does not enter the adjacent street. Place a geotextile fabric under a layer of aggregate at least six (6) inches thick. The aggregate size must be a minimum of one (1) to three (3) inches or an approved equal. Direction should be given to use the designated construction exits.
- (12) *Street cleaning.* Streets and outlying roads shall be cleaned and swept within twenty-four (24) hours whenever tracking of sediments occurs and before sites are left idle for weekends and holidays.
- (13) *Dewatering treatment required.* Sediment laden water that is being removed from the site by pumping or trenching shall be treated to remove a minimum of eighty percent (80%) of suspended solids before discharge. Water may not be discharged in a manner that causes erosion to receiving channels or flooding of the discharge site.
- (14) *Storm drain protection.* All storm drain inlets shall be protected during construction with control measures as approved by the city. These devices shall remain in place until final stabilization of the site. A regular inspection and maintenance plan shall be developed and implemented to assure these devices are operational at all times, providing protection of storm sewer infrastructure from sediment loading/plugging. Silt fence fabric under catch basin grates will not be considered appropriate protection. Protective devices shall be removed prior to freeze up and replaced when temperature permits.
- (15) *Waste Containment.* Appropriate on-site containment must be provided for all trash, solid waste, construction debris, floating debris, and hazardous materials. Disposal of collected sediment shall be deposited only in approved locations.
- (16) *Special Precautions.* Extra precautions must be taken to contain sediment when working in or crossing water bodies.
- (k) *Review.* The city shall complete a review of the SWPPP concurrent with other submittals. City approval is contingent on issuance of all other permits required by other agencies having jurisdiction on the project. There shall be no work on the site until the requirements are met and approval has been granted.
- (1) *Compliance.* A SWPPP will be considered compliant when the City determines that the SWPPP meets the requirements of this ordinance and all other requirements for project approval. Compliance assumes implementation and maintenance of the SWPPP components.
- (2) *Noncompliance.* If the City determines that the SWPPP does not meet the requirements of this ordinance the City shall not issue approval for the land disturbance activity. The SWPPP must be resubmitted for approval before the land disturbance activity begins.
- (3) *City inspections and enforcement.* Inspections are required before any land disturbing activity begins, at the completion of the project and prior to the release of financial securities. The City shall also conduct inspections on a regular basis during the course of construction to ensure that erosion and sediment control measures are properly installed and maintained. In all cases the inspectors will attempt to work with the applicant to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld or applicant fails to achieve compliance, enforcement proceedings will be applied as outlined in subsection (o)(4) below. An inspection must be conducted before any work is allowed to restart.
- (l) *Modification of Plan.* The applicant must amend the SWPPP as necessary to include additional requirements such as additional or modified BMPs designed to correct problems identified or address situations whenever:

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

- (bb) Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.
- (cc) Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site.
- (dd) Inspect the stormwater pollution control measures.
- (ee) Sample and monitor any items or activities pertaining to stormwater pollution control measures.

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

**33.16 [33.17] - Preservation of natural drainage ways.**

(a) *Waterways.*

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

(b) *Sediment Control of Waterways.*

- (1) To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment, control structures shall be incorporated throughout the contributing watershed.
- (2) Temporary pervious sediment traps shall be constructed according to standard details per plan requirements. Such structures would serve as temporary sediment control features during the construction stage of development. Development of housing and other structures shall be restricted from the area on either side of the waterway required to channel a 100-year storm. (Ord. No. 10-2203, amended 5-20-2010)
- (3) Permanent impervious sediment control structures consist of sediment basins (debris basins, desilting basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water or stream.

**33.17 [33.18] - Height limitations.**

- (a) Height Limitations, as set forth in this ordinance, shall not apply to church spires, flag poles, and municipal water towers and attachments, including antennae and flag poles. Any structure over fifty (50) feet in height from ground level shall require a conditional use permit. Communication antennae over fifty (50) in height shall also be regulated by the standards outlined in Section 33.17(b) 33.18(b). Any structure over one hundred fifty (150) feet in height from ground level shall not be permitted, unless specifically permitted in another section of the zoning ordinance. (Ord. No. 97-1673, amended 9-4-1997; Ord. No. 98-1761, amended 12-17-1998)

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

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

### **33.18 [33.49] - Building relocation.**

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

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

### **33.19 [33.20] - Curbing.**

- (a) All driving areas and parking areas which are accessory to multiple family, commercial, planned commercial, planned industrial business park, or high use institutional developments, shall be bounded by a B6-12 concrete curb and gutter. "High use institutional development" shall include hospitals, schools, public buildings, and similar uses. (Ord. No. 87-1016, amended 4-1-1987)
- (b) All driving areas and parking areas which are accessory to industrial or low use institutional developments shall contain a B6-12 concrete curb and gutter on the portions of such areas which front on a public right-of-way extending back to the building wall. Concrete curb and gutter or curb only may be required on the perimeter of any other driving

or parking areas where necessary for drainage or traffic control. "Low use institutional developments" shall include churches, parks, private clubs, and similar uses.

- (c) The City may exempt curbing:
  - (1) Where the parking lot directly abuts a sidewalk which is sufficiently higher than the grade of the parking lot to substitute for the curbing requirements; or
  - (2) Where the City has approved future expansion of the parking lot.
- (d) Curbing shall be required around islands in pavement.
- (e) Curb cuts and ramps for the handicapped shall be installed as required by State Law.
- (f) Construction shall be in accordance with curbing specifications on file in the office of the City Engineer.

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

**33.20 [33.21] - Buffer yard flexibility.**

If a reduction to the setback buffer is requested, the Director of Community Development may consider a reduction in five-foot increments down to ~~twenty-five (25) feet~~ ~~forty-five (45) feet~~, provided the applicant agrees to provide additional plant materials in the setback area using the following standards for each five-foot increment.

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

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

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

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

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

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

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

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

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

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

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

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

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

**33.21 [33.22] - Noise abatement standards.**

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

- (a) Use of two-inch by six-inch studs or better for all exterior wall cavity construction to be shown on building plans.
- (b) All exterior building elements shall meet the following minimum STC (Sound Transmission Class) values: Walls (40 STC), Roof (40 STC), Windows (30 STC), Doors (20 STC). Manufacturers STC Rating for each window, door, and skylight shall be attached to the building plans. Upon approval of the building official, typical two-inch by six-inch walls and truss roofs constructed in accordance with the ~~Uniform Building Code (UBC)~~ Minnesota Building Code and the Minnesota Model Energy Code shall be considered as conforming with this requirement.

- (c) All homes shall incorporate the following acoustical design features which shall be shown on the building plans.
- (1) A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh-air supply requirements as required in the Uniform Minnesota Building Code for the proposed occupancy without the need to open any exterior doors or windows.
  - (2) The perimeter of all exterior windows and door frames shall be sealed airtight to the exterior wall construction.
  - (3) Fireplaces shall be equipped with well-fitted chimney cap devices.
  - (4) All ventilation ducts, except range hoods, connecting interior space to outdoors shall be provided with a bend such that no direct line of sight exists from exterior to interior through the vent duct.
  - (5) Doors and windows shall be constructed so that they are close fitting. Weather stripping seals shall be incorporated to eliminate all edge gaps.
  - (6) All penetrations through exterior walls by pipes, ducts, conduits and the like shall be caulked airtight to the exterior construction.

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

**33.22 [33.23] - Standards for rear yard chickens.**

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

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

**33.23 – Roof top equipment.**

All roof top facilities shall either be:

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

**33.24 – Donation Drop-Off Boxes.**

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

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

## Chapter 34 - SIGNS

### 34.01 - Intent.

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

These regulations are intended to:

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

### 34.02 - Definitions.

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

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

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

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

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

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

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

~~*Marquee:* A canopy.~~

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



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

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

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

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

*Sign:* Any letters, words, symbols, poster, picture, device reading matter, or representation in the nature of a message, announcement, visual communication, or advertisement whether printed, painted, posted, affixed, constructed, or displayed for the purpose of information or communication. This definition includes sign structural supports, uprights, bracing and framework. The term sign shall specifically include architectural or graphic features which are intrinsically associated with a particular product, good, service, business, firm corporation, or profession. (Ord. No. 86-934, amended 6-5-1986)

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

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

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

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

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

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

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

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

*Sign, identification:* Any sign, the primary function of which is to identify an establishment located upon the premises where such is located, or to which such sign is affixed. ~~Signs identifying industrial establishments may secondarily call attention to the products, goods or materials which are produced, processed, assembled or stored upon the premises.~~

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

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

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

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

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

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

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

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

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

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

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

### 34.03 - Nonconforming signs.

- (a) The Zoning Administrator shall order the removal of any sign erected or maintained in violation of the law as it existed prior to the date of adoption of this ordinance, except as provided herein. Removal shall be in accordance with Section 34.12 34.14.
- (b) Whenever the use of a nonconforming sign or an abandoned sign has been discontinued for a period of ~~three (3)~~ twelve (12) months, such use shall not thereafter be resumed unless in conformance with this ordinance.
- (c) All nonconforming signs not otherwise prohibited by the provisions of this chapter shall be removed or shall be altered to conform to the provisions of this chapter (a) when the nature of the business conducted on the premises changes and the sign is changed or modified either in shape, size, or legend excluding the legend on changeable copy signs, or (b) when the name of the business changes or the sign is changed or modified either in shape, size, or legend, or (c) the sign is moved, enlarged or altered in a way which would increase its nonconformity, or (d) when the sign is damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at time of damage, unless a sign permit application has been applied for within one hundred eighty (180) days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this chapter.
- ~~(d) Notwithstanding Section 26.06, permanent signs which lawfully existed on or before June 5, 1986, and which do not meet the requirements of this chapter shall be allowed to continue in use until the 31st of October, 1998 upon which time all non-conforming signs must be removed or brought into compliance with current codes. Business owners with non-conforming signage, upon submittal of evidence of economic hardship or of pending site development issues, may request the Council to extend the date of compliance for a period up to one (1) year. The Council may grant, by resolution, such request after review of submitted evidence. (Ord. 94-1504, amended 3-17-1994; Ord. No. 97-1637, amended 2-6-1997; Ord. No. 98-1723, amended 5-21-1998)~~
- (e) Permanent signs which lawfully existed and which do not meet the monument sign requirements of this Chapter shall be allowed to continue in use unless required to be modified by site plan improvements or conditional use permit requirements. (Ord. No. 94-1502, amended 2-17-1994)

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

### 34.04 - Prohibited signs.

- (a) Signs that, by reason of position, shape or color, would interfere with the proper function of a traffic sign or signal.
- (b) Signs within a public right-of-way ~~or easement~~, except for signs installed by governmental subdivisions.
- (c) Signs within an easement, except for signs installed by governmental subdivisions or approved by the holder of the easement.
- ~~(d)~~ (e) Signs that resemble any official marker erected by a governmental agency or that displays such words as "Stop" or "Danger", which are not erected by legal authority.
- ~~(e)~~ (d) Flashing signs, including indoor signs, which are visible from the public streets.

- (f) ~~(e)~~ With the exception of search lights, which may be approved in conjunction with an administrative permit as provided in Section 34.13 of this ordinance, no rotating beam, beacon of flashing illumination shall be used in conjunction with any display.
- (g) ~~(f)~~ Sign or sign structures that obstruct any window, door, fire escape, stairway or opening intended to provide ingress or egress for any building structure. (Ord. No. 86-934, amended 6-5-1986)
- (h) ~~(g)~~ Banners, balloons, and stringers, unless approved in conjunction with an administrative permit, as provided in Section 34.13 of this ordinance. (Ord. No. 86-934, amended 6-5-1986)
- (i) ~~(h)~~ Sign posters, that are tacked or posted on trees, fences, utility posts, or other such supports.
- (j) ~~(i)~~ Portable signs, except as provided in Section 34.06, unless approved in conjunction with an administrative permit, as provided in Section 34.13 of this ordinance.
- (k) ~~(j)~~ Roof signs, except for individual channel letters, up to three (3) feet in height, on single story flat roofed buildings without visible supports. (Ord. No. 86-934, amended 6-5-1986)
- (l) ~~(k)~~ Billboards, except as provided in Section 34.08.
- (m) ~~(l)~~ All other signs not expressly permitted by this ordinance.
- (n) ~~(m)~~ Projecting signs. (Ord. No. 86-934, amended 6-5-1986)
- (o) ~~(n)~~ Abandoned signs. (Ord. No. 86-934, amended 6-5-1986)
- (p) ~~(o)~~ Signs with rotating or moving parts. (Ord. No. 86-934, amended 6-5-1986)
- (q) ~~(p)~~ Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. (Ord. No. 86-934, amended 6-5-1986)
- (r) ~~(q)~~ Signs which have become rotted, unsafe or unsightly. (Ord. No. 86-934, amended 6-5-1986)
- (s) ~~(r)~~ Signs for citywide community events, sponsored by government or non-profit organizations unless approved in conjunction with an administrative permit, as provided in Section 34.13 of this ordinance. (Ord. No. 90-1232, amended 10-18-1990)

**34.05 - General requirements and standards for permitted signs.**

- (a) Where a sign is illuminated, the beam of light shall not shine directly upon any part of a residence or into the street.
- (b) No part of any **permanent**-freestanding sign shall be closer than ten (10) feet from any lot line, or from the public right-of-way.
- ~~(c) Freestanding signs located within twenty five (25) feet of intersecting streets shall have a minimum vertical clearance of ten (10) feet above the center line grade of the intersecting streets.~~
- (c) ~~(d)~~ When electrical signs are installed, their installation shall be subject to inspection by the Department of Labor and Industry State Board of Electricity.
- (d) ~~(e)~~ It shall be the responsibility of the lessee, licensee, owner, or agent of the owner of the property to keep the ground under and adjacent to the sign free of weeds and litter.
- (e) ~~(f)~~ The construction of all permitted signs shall be in conformance with the provisions of the Minnesota Building Code. All monument signs taller than ten (10) feet require a building permit in addition to a sign permit. Uniform Sign Code published by the International Conference of Building Officials, which hereby is adopted by reference and made a part of this Chapter.
- (f) ~~(g)~~ A sign and/or its structural components shall not move as a result of wind pressure.
- ~~(h) Freestanding signs shall have a length to height ratio of not greater than four (4) to one (1).~~
- ~~(i) All structural steel used in the construction of, or to support, anchor or brace any sign or billboard, shall be of a minimum thickness of one-fourth inch when such steel is exposed to the weather.~~
- ~~(j) Where wood is used in the construction of any sign or billboard, such wood shall be given two (2) coats of exterior paint or preservative before, or at the time of erection, and shall be painted at least every two (2) years thereafter.~~
- (g) ~~(k)~~ The design and color of all signs shall be compatible with the design and color of the building.

(h) ~~(4)~~ The sign height shall be measured from the normal grade of the lot as approved by the Zoning Administrator. (Ord. No. 94-1502, amended 2-17-1994)

(i) ~~(m)~~ The owner of a freestanding sign, who intends to sell portions or otherwise condominiumize a freestanding sign, shall first notify the City of the owner's intent to do so and secondly, receive written verification from the City (Zoning Administrator) that the sign conforms to current sign standards prior to conveying or condominiumizing said sign. (Ord. No. 96-1609, amended 6-20-1996)

(j) All temporary signs must be maintained and shall be removed if material shows signs of wear, including but not limited to fraying, fading, chipping, or physical damage to the sign structure.

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

### **34.06 - Permitted signs—No permit required.**

(a) Identification signs for one- and two-family dwellings, provided that such signs are less than two (2) square feet in area, address numbers exempted. (Ord. No. 86-934, amended 6-5-1986)

(b) Pedestrian, vehicular-traffic, and parking directional signs in parking lots, provided such signs are less than eight (8) square feet in area and less than five (5) feet in height, unless located on the building, provided such sign does not constitute traffic hazard ~~and no more than twenty-five percent (25%) of the area of the sign is used for the business logo.~~ (Ord. No. 86-934, amended 6-5-1986)

(c) Traffic control signs, non-commercial governmental signs, local notices, railroad crossing signs, and temporary non-advertising safety or emergency signs.

(d) Signs denoting the architect, engineer, contractor, or owner when placed upon a work site, which do not exceed an aggregate of thirty-two (32) square feet in area. Such signs must be removed ten (10) days after completion of construction. (Ord. No. 86-934, amended 6-5-1986)

(e) Copy of message changing on permitted changeable copy signs including billboards. (Ord. No. 86-934, amended 6-5-1986)

(f) Non-commercial signs of any size and number may be posted on private property with the permission of the property owner beginning 46 days before the state primary in a state general election year until 10 days following the state general election. Political campaign signs. Signs designating candidates seeking public political office and other data pertinent thereto shall be permitted on private property only, provided that the property owner's permission has been obtained. Such signs are subject to the requirements contained in Section 2-10 of the Code of Ordinances. ~~(Ord. No. 86-934, amended 6-5-1986)~~

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

(g) Signs or posters painted on or attached to the inside of a display window occupying less than twenty-five (25%) of the display window area. This shall include illuminated signs, but not flashing signs. (Ord. No. 86-934, amended 6-5-1986)

(h) (1) ~~Flags, badges, or insignia of any governmental or governmental agency, or of any civic, religious, fraternal or similar organizations. Non-commercial flags.~~

(2) Corporate flags or other commercial flags carrying the corporate logo, business name or business image of any commercial, office or industrial use provided the flag meets the following criteria:

(aa) Flags must be mounted or flown from a ground or roof mounted pole and not affixed to the building wall surface.

(bb) Flagpoles must be located on the lot occupied by the business for which the flag identifies.

(cc) Flagpoles shall be placed with a minimum setback of fifteen (15) feet from any property line.

(dd) Flag heights shall not exceed forty (40) feet in height to the highest point of the flag.

(ee) Flags shall not exceed thirty-two (32) square feet in area ~~and shall display only the business name, corporate logo or business image of the business wishing to display the flag.~~

(ff) Multiple flagpoles may be located on a lot with each pole supporting one (1) corporate flag. The number of flagpoles allowed on each site is based on front footage of the lot (address side) divided by fifty (50) feet. (Ord. No. 00-1884, added 12-21-2000)

- (i) Temporary displays which are erected to celebrate, commemorate or observe a civil or religious holiday, provided such displays are removed within thirty (30) days after the event or holiday. (Ord. No. 86-934, amended 6-5-1986)
- (j) Wall graphics are allowed provided they are not used for advertising and provided the approval of the Zoning Administrator has been granted. (Ord. No. 86-934, amended 6-5-1986)
- (k) Real estate signs as follows:
  - (1) Temporary signs for the purpose of selling or leasing individual lots or buildings provided that such signs are less than ten (10) square feet for residential property and thirty-two (32) square feet for other property, have a maximum height of ten (10) feet, unless located on the building, and provided that only one (1) sign is permitted for each property. The signs must be removed within ten (10) days following the lease or sale. (Ord. No. 86-934, amended 6-5-1986)
  - (2) One (1) sign per building for the purpose of leasing dwelling units or office space in building containing two (2) or more units, provided such signs are limited to five (5) square feet in area. (Ord. No. 86-934, amended 6-5-1986)
  - (3) One (1) sign for the purpose of announcing or promoting a residential, commercial, or industrial development shall be allowed subject to the following conditions. Each residential project must contain at least six (6) dwellings or lots. The sign must be located at least one hundred thirty (130) feet from any pre-existing home. The sign must be removed within two (2) years of issuance of a first building permit in the development or when the particular development is ninety percent (90%) sold or rented, whichever is sooner. Each sign shall not exceed the following size limitations; project area under ten (10) acres - thirty-two (32) square feet; project area over ten (10) acres - one hundred forty (140) square feet. (Ord. No. 86-934, amended 6-5-1986)

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

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

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

~~(1) Wall Signs:~~

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

~~(2) Freestanding Signs:~~

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

~~(3) Gate Identification Signs:~~

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

~~(4) Area Directional Signs:~~

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

~~(5) Review Process:~~

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

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

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

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

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

**34.07 - Permitted signs—Permit required.**

- (a) Commercial (B-2, B-3, B-4, PBD, PBD-A, DF with commercial land uses) and Industrial (I-1, I-1A, I-2, I-2A, DF with industrial land uses) Districts. (Ord. No. 94-1502, amended 2-17-1994)
- (1) *Wall Signs*—Commercial (B-2, B-3, B-4, PBD, PBD-A, DF with commercial land uses) and Industrial (I-1, I-1A, I-2, I-2A, DF with industrial land uses) Districts.
- (aa) Single tenant buildings. There shall not be more than one (1) wall sign for each principal building except that where the building abuts two (2) or more streets, one (1) oriented to each abutting street, shall be permitted, provided that the design of which is approved by the Zoning Administrator. The gross surface area of a wall sign shall not exceed ten percent (10%) of the area of the building wall, including doors and windows, to which the sign is to be affixed or two hundred (200) square feet, whichever is smaller.
- (bb) Multi-tenant buildings shall have wall signs of similar design. Each tenant is allowed one (1) wall sign in accordance with 34.07(1)(aa), except that a tenant space which has its only entrance on a side of the building not abutting a public street shall be allowed one (1) sign meeting the size requirements of 34.07(1)(aa) and located on the same wall as the tenant's only entrance. No signage is permitted for tenant entrances immediately adjacent to ~~abutting~~ residentially-zoned property. Future wall sign permits on multi-tenant buildings, including shopping centers, shall be issued only after the building owners have submitted a comprehensive sign plan approved by the Zoning Administrator. The Comprehensive Sign Plan shall include similar design standards involving sign material, color, style, spacing, and size. (Ord. No. 98-1747, amended 10-15-1998)
- (cc) For those buildings that are allowed multiple wall signs, the Zoning Administrator has the authority to allow individual wall signs that are larger than two hundred (200) square feet in exchange for reducing or removing other wall signage normally allowed by Subsection (aa) and (bb). In no case shall any individual wall sign occupy more than ten percent (10%) of that particular building wall area. (Ord. No. 90-1180, added 1-18-1990)
- (dd) Wall signage elements that are proposed on building elevations that have been designed with significant and material architectural enhancements, above those typically required by the Zoning Ordinance as determined by the Zoning Administrator, can be measured as separate areas for calculating gross surface area of the sign. (Ord. No. 00-1870, added 9-21-2000)
- (2) *Freestanding signs*—Commercial (B-2, B-3, B-4, PBD, PBD-A, and DF with commercial land use). (Ord. No. 94-1502, amended 2-17-1994)
- (aa) Single tenant buildings and multi-tenant buildings may have one (1) monument sign up to a maximum of one hundred forty (140) square feet in surface area. Monument signs shall not exceed fourteen (14) feet in height.

- (bb) In the event that a multi-tenant building is not a major shopping center/commercial complex but has a lineal frontage of at least four hundred (400) feet and abuts a street which is at least an arterial street, one (1) additional monument sign is allowed providing that the area of the additional sign does not exceed one hundred forty (140) square feet and the height does not exceed fourteen (14) feet. If the second sign is to be located on the same street frontage as the primary sign, the two (2) signs shall be placed no less than one hundred fifty (150) feet apart. (Ord. No. 13-2271, amended 08-15-2013)
  - (cc) Major shopping centers/commercial complex are allowed a monument sign up to a maximum of one hundred eighty (180) square feet in area and a maximum height of twenty-five (25) feet. Major shopping center complexes are allowed one (1) additional monument sign per arterial street upon which they front. The width of the base may be reduced to fifty percent (50%) of the width of the sign with the Zoning Administrator's approval.
  - (dd) Businesses on adjoining commercial lots may, subject to the approval of the Zoning Administrator, request one (1) freestanding sign with multiple business identification in exchange for eliminating or relinquishing the rights, by restrictive covenant, to have individual free-standing sign(s) on their own separate lot(s). Collaborative signage constructed under this Section shall be monument style, with a maximum area of one hundred eighty (180) square feet and a maximum height of eighteen (18) feet. (Ord. No. 96-1594, amended 4-18-1996)
  - (ee) Multiple buildings on one parcel that have been granted a Conditional Use Permit may be allowed one (1) monument sign for each building constructed on an area which, if platted, would meet all the lot requirements of the Zoning Ordinance. One monument sign is allowed up to a maximum of one-hundred forty (140) square feet. All signs thereafter are allowed up to a maximum of ninety (90) square feet. Monument signs shall not exceed fourteen (14) feet in height. (Ord. No. 00-1865, added 8-17-2000)
  - (ff) Permitted freestanding signs under previous Sections (aa-ee), and located within the Highway 65/Main Street Interchange District as defined by this ordinance, shall be allowed to a height of not more than fifty (50) feet and an area of not greater than one-hundred eighty (180) square feet. Signs permitted under this section shall have a monument style base constructed of materials that are consistent with the principal building to a minimum height of six (6) feet. Monument base to be a minimum of 2/3 of the width of the sign. (Ord. No. 07-2119, added 5-17-2007)
  - (gg) Restaurants providing a drive through, take-out service may have ~~an~~ additional drive-thru signs adjacent to the drive-thru lanes 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.
  - (hh) Readerboards.
    - (i) Signs included within this section must meet all the requirements of this ordinance.
    - (ii) A minimum display time of four (4) seconds for each message within the frame of the sign is required.
    - (iii) All displays must include and utilize an automatic dimming mechanism that allows the display to adjust brightness to accommodate a brighter light intensity during daylight and dimmer light intensity after dusk. (Ord. No. 06-2095, amended 5-04-2006)
- (3) *Freestanding Signs—Industrial (I-1, I-1A, I-2, I-2A, DF with industrial land uses).*
- (aa) Individual structures and multi-tenant buildings are limited to one (1) monument sign up to a maximum of eighty (80) square feet in surface area and have a maximum height of ten (10) feet.
  - (bb) Readerboards. (Ord. No. 06-2095, amended 5-4-2006)
    - (i) Signs included within this section must meet all the requirements of this ordinance.
    - (ii) A minimum display time of four (4) seconds for each message within the frame of the sign is required.
    - (iii) All displays must include and utilize an automatic dimming mechanism that allows the display to adjust the brightness to accommodate a brighter light intensity during daylight and dimmer light intensity after dusk.
- (b) *Neighborhood Business District (B-1).* (Ord. No. 87-1045, amended 12-17-1987)

- (1) *Wall signs.* There shall not be more than one (1) wall sign for each principal building except that where the building abuts two (2) or more streets, one (1) oriented to each abutting street, shall be permitted, provided that the design of which is approved by the Zoning Administrator. The gross surface area of a wall sign shall not exceed ten percent (10%) of the area of the building wall, including doors and windows, to which the sign is to be affixed or sixty-four (64) square feet, whichever is smaller. (Ord. No. 97-1637, amended 2-6-1997)
  - (2) *Freestanding signs.* Each establishment may have one (1) monument sign with a maximum area of one-hundred forty (140) square feet. These signs shall not extend more than fourteen (14) feet above ground level. (Ord. No. 97-1637, amended 2-6-1997)
- (c) *Residential Districts*—(R-1, R-1B, R-1A, R-1AA, R-2, R-3, R-4, RF, AG, FR, RE, and DF properties with residential land uses). (Ord. No. 90-1212, amended 7-19-1990; Ord. No. 95-1574, amended 9-21-1995)
- (1) The following zoning districts are allowed one (1) sign per household for a home occupation:
    - (aa) R-1, R-1A, R-1AA, R-1B, R-E, R-4, R-2, RF and DF properties with residential land uses—One (1) wall sign not to exceed 2.5 square feet.
    - (bb) FR, AG—One (1) wall sign not to exceed 2.5 square feet or one (1) freestanding sign not exceeding 2.5 square feet in area nor exceeding four (4) feet in height.
  - (2) Churches, synagogues, temples and other public places, and residential subdivisions or multi-family complexes ~~involving three (3) or more buildings which have at least thirty-six (36) dwelling units~~ may have one (1) non-illuminated monument sign with a maximum area of thirty-six (36) square feet. Such signs shall not be located more than ten (10) feet above ground level.
  - (3) Churches, schools and similar public facilities in residential zoning districts may have an electronic readerboard provided the requirements of [Section] 34.07 ~~(a) (2) (2)(gg) and (c)(3)~~ have been met and a Conditional Use Permit has been obtained. Sign compatibility with the neighborhood will be required for approval of the Conditional Use Permit. (Ord. No. 91-1253, amended 6-20-1991)
  - (4) Churches, schools, fire stations, golf courses or other public buildings may have one (1) wall sign. Said sign shall consist of non-illuminated block letters with a maximum area of eighty (80) square feet. (Ord. No. 92-1281, amended 3-5-1992)
  - (5) Golf courses, golf driving ranges, commercial stables, nurseries, garden supply stores and general farming or garden operations in the FR (Farm Residential) zoning district may have one (1) monument style freestanding sign with a maximum area of thirty-six (36) square feet and a maximum height of ten (10) feet above ground level. (Ord. No. 95-1574, amended 9-21-1995; Ord. No. 98-1727, amended 6-25-1998)
- (d) *Area Identification Signs.*
- (1) Signs erected for the sole purpose of identifying the name of a recognized commercial or industrial area (not shopping center) shall be permitted in all commercial or industrial districts. Area identification signs are subject to the approval of the Zoning Administrator, provided that the monument sign does not exceed fifty (50) square feet in area and fourteen (14) feet in height. An accompanying landscape plan is required with this permit. A written statement must also be submitted indicating the party responsible for the maintenance of the sign.
- (e) *Planned Office District (POD).* (Ord. No. 92-1282, amended 3-5-1992; Ord. No. 08-2168, amended 11-6-2008)
- (1) *Monument Signs.* One (1) monument sign shall be permitted per lot.
    - (aa) Said sign shall be no greater than fifty (50) square feet in size and stand no higher than ten (10) feet nor longer than fourteen (14) feet.
    - (bb) Said sign shall be constructed of the same exterior material as the front of the building and be architecturally compatible with the building.
    - ~~(cc) Said sign shall not be located within twenty-five (25) feet of any property line.~~
    - (dd) Said sign may be illuminated internally or by ground lighting only.
    - (ee) Lots occupied and having at least four hundred (400) feet frontage on a second public street may be allowed an additional freestanding monument sign along its second public street frontage.
  - (2) *Wall Signs.* One (1) wall sign shall be permitted per building.
    - (aa) Said signs shall not be greater than fifty (50) square feet in size.



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

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

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

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

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

(1) *Wall signs.*

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

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

(cc) Sponsor boards which advertise products or businesses not connected with the site or building on which they are located shall be permitted on Regional Recreation (RR) zoned property. This signage shall meet the requirements of subsections (aa) and (bb).

(2) *Freestanding Signs.*

~~(aa) Regional Recreational facilities are allowed one (1) freestanding sign up to a maximum of three hundred seventy-five (375) square feet in area and a maximum height of thirty (30) feet.~~

~~(bb) Sponsor boards which advertise products or businesses not connected with the site or building on which they are located shall be permitted on Regional Recreation (RR) zoned property. This signage shall meet the requirements of subsection (aa).~~

~~(cc) Signage only permitted on parcels on which a building is constructed.~~

(aa) Each outdoor athletic field and each parking lot is allowed one freestanding sign with a maximum height of eight (8) feet and a maximum area of thirty-two (32) square feet.

(bb) Each entrance to a regional recreation complex from a public road is permitted one freestanding sign with a maximum height of eight (8) feet and a maximum area of eight (8) square feet.

(cc) Each intersection of two public roads is permitted one freestanding sign with a maximum height of eight (8) feet and a maximum area of forty (40) square feet.

(dd) Regional Recreation Complexes are allowed a monument sign up to a maximum of one hundred eighty (180) square feet in area and a maximum height of twenty-five (25) feet. Regional Recreational Facilities area allowed one (1) additional monument sign per arterial street upon which they front. The width of the base may be reduced to fifty (50) percent of the width of the sign with the Zoning Administrators approval.

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

### **34.08 - Billboards.**

(a) Outdoor advertising structures and billboards which advertise products or businesses not connected with the site or building on which they are located shall be permitted only on property which is zoned Light Industrial (I-1, ~~I-1A~~), Heavy Industrial, (I-2, ~~I-2A~~), Planned Business District (PBD), Community Commercial (B-2) or Regional Commercial (B-3). (Ord. No. 10-2204, amended 6-17-2010).

- (b) Billboards shall be restricted to property adjoining Interstate Highway 35W and U.S. Highway No. 10. (Ord. No. 85-877, amended 5-16-1985; Ord. No. 10-2204, amended 6-17-2010).
- (c) Size.
- (1) The maximum gross surface area of a billboard shall be seven hundred (700) square feet. Two (2) facings per structure shall be the maximum permitted, and double faced signs shall be attached back to back with the internal structure or framework concealed. Temporary extensions can extend from the top or sides of the sign to not more than twenty-five percent (25%) of the total area of the primary sign face. (Ord. No. 85-877, amended 5-16-1985; Ord. No. 86-934, amended 6-5-1986; Ord. No. 10-2204, amended 6-17-2010)
  - (2) The billboard shall have a maximum height of fifty (50) feet above the elevation grade of the road to be read to, except that a sign between fifty (50) feet and sixty-five (65) feet in height may be allowed by Conditional Use Permit, to enable the proposed sign to be fully seen over man made structures, such as MnDOT sound walls, bridges, etc. (Ord. No. 10-2204, amended 6-17-2010)
- (d) Location.
- (1) The minimum lineal distance between billboards on the same side of the highway shall be five hundred fifty (550) feet. (Ord. No. 85-877, amended 5-16-1985; Ord. No. 10-2204, amended 6-17-2010)
  - (2) The minimum setback from any property line shall be twenty (20) feet. (Ord. No. 85-877, amended 5-16-1985; Ord. No. 10-2204, amended 6-17-2010)
  - (3) The minimum setback at any intersection shall be one hundred (100) feet. (Ord. No. 85-877, amended 5-16-1985; Ord. No. 10-2204, amended 6-17-2010)
  - (4) No billboard or structure shall be located within one hundred (100) feet of a residential district. (Ord. No. 85-877, amended 5-16-1985; Ord. No. 10-2204, amended 6-17-2010)
- (e) Design Requirements—General.
- (1) All visible sign support columns shall be concealed with approved architectural embellishments.
  - (2) The materials used in the sign support embellishments shall be primarily natural stone, brick, approved masonry panels, stucco, or architectural metal. All sign materials and architectural design shall be consistent with the quality and appearance standards suggested by the City's Highway 65 Overlay.
  - (3) All sign structures shall incorporate the City of Blaine's logo near the top of the sign support in a design and style as approved by the City.
  - (4) ~~Design approval shall be required by the Architectural Review Committee, pursuant to Section 27.08 of the Zoning Code. An advertising sign~~ A billboard shall require the issuance of a sign permit, pursuant to Section 34.10 of the Zoning Code. (Ord. No. 85-877, amended 5-16-1985; Ord. No. 10-2204, amended 6-17-2010)
- (f) Design Requirement-Dynamic (Electronic) message Signs.
- (1) Changeable messages must be displayed with minimum time duration of eight (8) seconds. All messages must be complete and cannot carry over or lead into a subsequent message.
  - (2) Lighting must be set at the minimum level necessary to provide clear viewing from the right-of-way and must be shielded from side or top view to minimize glare.
  - (3) Messages cannot be animated, moving, flashing, scrolling or crawling.
  - (4) Dynamic signs must contain a "public service" agreement allowing the City the ability, if the City participates, at no cost to the City, to provide up to eight hundred (800), eight-second public service messages per month.
  - (5) Sign must be part of the State of Minnesota's Public Safety Alert System. (Ord. No. 10-2204, amended 6-17-2010)
- (g) Removal of signs. It shall be the responsibility of the billboard owner to send written notification to the Office of Community Development when a billboard has been removed from the City. (Ord. No. 85-877, amended 5-16-1985).
- (h) Other regulations. The Building Inspection Department shall order the removal of any billboard or advertising structure erected or maintained in violation of the law as it exists prior to the effective date of this ordinance, as provided in Section 34.14. Other advertising structures or billboards existing on the effective date of this ordinance and not conforming to the provisions of this ordinance, shall be regarded as non-conforming signs. (Ord. No. 10-2204, amended 6-17-1010)

### 34.09 – **Off-site Directional signs.**

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

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

### 34.10 - **Permits.**

- (a) *Sign Permits.* No sign shall hereafter be erected, re-erected or altered, including the replacement of the business message, except permitted changeable copy signs, unless a permit for each sign has been obtained, unless no permit is required pursuant to Section 34.06. In addition, electrical permits shall be obtained for all electric signs. Application for a sign permit shall be made in writing on forms furnished by the Community Development Department. Such application shall contain the location by street and number of the proposed sign structure, the erector, a scale drawing of the sign indicating material copy, and color location. ~~The Zoning Administrator may require filing of plans to be reviewed by the Administrative Review Committee or other pertinent information where such information is necessary to insure compliance with this ordinance and its intent.~~ Maintenance of signs including repainting without changing the wording, composition, size, or colors; or minor nonstructural repairs, (except electrical repairs) shall not require a permit.
- (b) *Sign Permit Fees.* Permit fees shall be in accordance with a fee schedule as adopted by City Council. A double fee shall be charged if a sign is erected without first obtaining a permit for such sign.
- ~~(c) *Biennial Inspection.* A Citywide inspection to determine compliance with the provisions of this Chapter shall be carried out every two (2) years by the Zoning Administrator.~~
- (c) ~~(d)~~ *Revocation of Permit.* The Community Development Department is hereby authorized to revoke a sign permit upon failure of the holder thereof to comply with any provision of this Chapter.
- (d) ~~(e)~~ *Expiration of Permit.*
  - (1) A permit shall expire if the sign is not erected within one hundred eighty (180) ninety (90) days after issuance and no permit fees or inspection fees for such sign shall be refunded.
  - (2) A permit shall expire if the use of a sign has been discontinued for a period of one hundred eighty (180) ninety (90) days.

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

### 34.11 - **Contractor's license.**

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

### 34.12 - **Removal.**

- (a) The Zoning Administrator shall remove any sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal

incurred by the City shall be assessed to the owner of the property on which such sign is located or may be collected in appropriate legal proceedings.

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

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

### **34.13 - Administrative permit.**

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

~~(c) Portable signs shall not exceed fifty (50) square feet in area.~~

- (c) ~~(d)~~ The Zoning Administrator shall be authorized to issue a temporary conditional administrative permit to alleviate hardships associated with public road construction projects. (Ord. No. 92-1279, amended 2-20-1992)

### **34.14 - Enforcement.**

- (a) It shall be the responsibility of the Zoning Administrator to administer and enforce the provisions of this section. (Ord. No. 86-934, amended 6-5-1986)
- (b) If any provision of this ordinance shall be adjudged void or of no effect, for any reason whatsoever, such decision shall not affect the validity of any of the other provisions of this ordinance.
- (c) It shall be unlawful for any person, firm, or corporation, to erect, alter, repair, move, equip, or maintain any sign or sign structure or cause or permit the same to be done in violation of any of the provisions of this ordinance.

### **34.15 - Notice of public hearing signs.**

- (a) Signs shall be posted on sites which are the subject of certain development proposals and/or zoning amendments to City land use regulations, in addition to other notification procedures in accordance with the following:
  - (1) Announcement signs shall be designed, acquired, maintained, installed, and removed by the City. Materials and procedures necessary to implement this Section shall be implemented under the Director of Community Development.
- ~~(b) An administrative fee shall be established in the City's fee schedule, and shall be charged to and paid for by the applicant at the time of application to cover the costs of installing and removing the signs. A new fee shall be charged each time a sign is required.~~
- (b) ~~(e)~~ The sign shall be installed on all sites involving the following: proposed amendment to the zoning classification and applications for preliminary plats.
- (c) ~~(d)~~ Signs required by this section shall be posted on the site to be visible by the general public at least ten (10) calendar days prior to the public hearing. The signs shall be removed following the public hearing.

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

### **34.16 - Substitution.**

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

ARTICLE X. - TEMPORARY NURSERY SALES

DIVISION 2. – LICENSE

Sec. 22-581. - Required.

- (a) No person shall operate a temporary nursery sales within the limits of the city ~~without a conditional use permit, pursuant to section 30.14(k) and 30.24(e) of the zoning code on property without legal nonconforming status as an open sales lot approved by a conditional use permit prior to August 20, 2020.~~
- (b) No person shall operate temporary nursery sales within the city without a temporary nursery sales license.
- (c) For the purposes of this license, the applicant shall be the operator of the temporary nursery sales.

(Code 1980, § 15-301; Ord. No. 98-1719, 5-21-1998)