

Section 555 - Zoning: performance standards

555.01. Noise. Subdivision 1. General rule. All uses shall be so operated as to control the emission of noise within the following maximum standards.

Subd. 2. Definitions.

- a) decibel means a unit of sound pressure level dB;
- b) L10 means the noise level, expressed in dB(A), which is exceeded 10% of the time for a one hour survey. The survey hour must be the noisiest hour during a representative daytime or nighttime.
- c) L50 means the noise level expressed in decibels dB(A) which is exceeded 50% of the time for a one hour survey. The survey hour must be the noisiest hour during a representative daytime or nighttime.
- d) Daytime hours are those from 6:00 A.M. to 9:00 P.M. Nighttime hours are those from 9:00 P.M. to 6:00 A.M.
- e) Impulsive noise means either a single sound pressure peak (with either a rise time less than 200 milliseconds or total duration less than 200 milliseconds) or multiple sound pressure peaks spaced at least by 200 millisecond pauses.

Subd. 3. Noise standards.

<u>Districts</u>	<u>Daytime</u>		<u>Nighttime</u>	
	L50	L10	L50	L10
Residential	60	65	50	55
Business	65	70	65	70
Industrial	75	80	75	80

555.03. Smoke and particulate matter. Uses shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort or general welfare of the public. For purposes of grading the density of smoke the Ringelmann Chart published and used by the United States Bureau of Mines shall be employed. The emission of smoke shall not be of a density greater than number 2 on the Ringelmann Chart.

555.05. Toxic or noxious matter. Any use established shall be so operated as to not permit the discharge onto the soil but shall be removed from the site according to a plan approved by the city.

555.07. Odors. Any use established, enlarged, or remodeled shall be so operated as to prevent the emission of odorous matter of such quantity as to be readily detectable at any point beyond the lot line of the site on which such use is located.

555.09. Vibration. Any use creating periodic earth-shaking vibrations, such as may be created from a drop forge shall be prohibited if such vibrations are perceptible beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.

555.11. Glare or heat. Any use requiring an operation producing an intense heat or direct light transmission shall be performed with the necessary shielding to prevent such heat or direct light from being detectable at the lot line of the site on which the use is located.

555.13. Explosives. Any use requiring the storage, utilization, or manufacturing of products which could decompose by detonation shall be located not less than 400 feet from the R district line.

555.15. Screening. Any use abutting an R district or a public street shall effectively screen any open storage from eye level vision by providing and maintaining a wall, fence or 30 foot wide planting strip to screen and reduce the noise, dust and vision between the two uses. Such wall or fence shall be six feet in height and at least 50% closed.

555.16. Open Storage. Subdivision 1. All open storage areas as herein defined that do not meet the requirements of Ordinance 540.03 (m) shall erect a six- to ten-foot screened fence no later than July 1, 1997. The screened fence must provide screening for at least two-thirds of the open storage to be screened. The maximum height of the open storage shall be 15 feet. Such fencing shall provide screening of that part of such storage area visible to residential areas and street rights-of-way as defined in Section 515.07. The screened fence abutting a residential district must be at least 90 percent opaque. The screened fence abutting all other zoning districts must be at least 50 percent opaque.

Subd. 2. Compliance. On or before November 1, 1995, the City Planning Director shall be provided with a plan from the property owner or party using and occupying said property verifying compliance with the above fencing requirements. The nature of the screening may include landscaping in order to provide adequate screening of the open storage in substitution of or in combination with fencing.

Subd. 3. Waiver. Discontinuance of open storage areas within one year of July 1, 1997, shall be exempt from this subdivision upon submission of a written Purchase Agreement or disclosure of a new use submitted to the City prior to the effective date of Subdivision 1. Continuance of such open storage beyond one year from the effective date of Subdivision 1 shall subject the property to the requirements herein contained. (Added Ord. 95-758)

555.17. Trash container screening. All conditional use permits under section 525.13 subd. 2c are required to screen the trash container with an opaque material. (Added Ord. 94-747)

555.18. Waste material. Waste material resulting from or used in industrial or commercial manufacturing, fabricating, servicing, processing or trimming shall not be washed into the public storm sewer system nor the sanitary sewer system, but shall be disposed of in a manner approved by the city engineer. The engineer may establish appropriate regulations and standards therefore.

555.19. Landscaping. Subdivision 1. General rule. In all zoning districts the lot area which is not devoted to off-street loading, sidewalks, driveways, building site, or other requirements, shall be planted and maintained with grass, shrubs, or other acceptable vegetation or treatment generally used in landscaping. In addition to the above landscaping requirements all applications for a conditional use permit pursuant to 525.13 Subd 2 (c) shall include the following minimum requirements, except applications for a conditional use permit which are additions to an existing building, then only the addition is subject to the minimum requirements.(Amended Ord.No: 87-601)

Subd. 2. Conditional use. In addition to the above landscaping requirements all applications for conditional use permit shall include the following minimum requirements:

a) Parking area that accommodates more than 20 cars shall be landscaped and planted throughout the lot to the extent of at least 3% (excluding landscaping abutting the parking area and any public right-of-way) of the actual surfaced area.

b) The minimum number of coniferous trees or deciduous overstory trees on any given site shall be as indicated below (these are in addition to other understory trees, shrubs, flowers and ground cover). Credit for the retention of existing trees which are of acceptable species, size and location may be given to satisfy the minimum number requirements set forth in this subsection and in the city code.

1. For all R, B, or I zoned sites except those located within a B-2 district and those residential uses in an R district the greater of (a) or (b). (Amended Ord.No: 87-601)

(a) one tree per 1000 square feet of gross building floor area or

(b) one tree per 50 lineal feet of site perimeter.

2. Multi-residential site four units and under: one tree per dwelling unit.

3. Multiple dwelling: one tree per 2000 square feet of open space. Required trees shall be a minimum plant size as follows:

(a) Deciduous trees 2.5 inches in diameter as measured six inches above ground.

(b) Evergreen trees six feet in height.

(c) Shrubs used for screening - 24 inches in height.

A waiver may be granted to any of the above requirements under a) and b) where such enforcement restricts compliance with off-street parking requirements.

c) Where natural materials such as trees or hedge are approved in lieu of required screening by means of wall or fences, the density and species of such plantings shall be such to achieve 50 percent opacity year around.

d) Construction plans will attempt to preserve the site in its natural state, insofar as practicable, by minimizing tree and soil removal, and designing any grade changes so as to be in keeping with the general appearance of neighboring developed or developing areas.

e) Landscaping. The owner, tenant and their respective agents shall be jointly and severally responsible for the maintenance of all orderly appearances and free from refuse and debris. Plants and ground cover which are required by an approved site or landscape plan and which have died shall be replaced within three months of notification by the city. However, the time for compliance may be extended up to nine months by the zoning administrator in order to allow for seasonal or weather conditions. (Amended Ord.No: 87-601)

Subd. 3. Performance Bond. When screening, landscaping or other similar improvements to property are required by this ordinance a performance bond shall be supplied by the owner in an amount equal to at least one and one-half times the value of such screening, landscaping, or other improvements. The bond, with security satisfactory to the city, shall be conditioned upon reimbursement of all expenses incurred by the city for engineering, legal or other fees in connection with making or completing such improvements. The bond shall be provided prior to the issuance of any building permit and shall be valid for a period of time equal to two growing seasons after the date of installation of the landscaping. The city may accept a letter of credit, cash escrow of equivalent in lieu of a bond in an amount and under such conditions as the city may determine to be appropriate. In the event construction of the project is not completed within the time prescribed by building permits and other approvals, the city may, at its option, complete the work required at the expense of the owner and the surety. (Added Ord.No: 87-601)

555.20 Waste Facilities. Waste facilities shall be prohibited uses in all zoning districts. (Added Ord. No. 86 - 565)

555.21 Screening and Buffering. The following uses shall be screened or buffered in accordance with the requirements of this subdivision:

Subd. 1. Principal buildings, structures and any accessory building or structure thereto located in any business, industrial or planned unit development district containing non-residential uses shall be buffered from lots used for any residential purpose.

Subd. 2. Principal buildings and structures and any buildings or structure accessory thereto located in any R-3, R-4, R-5, R-6 or planned unit development district containing residential development at densities exceeding four units per acre shall be buffered from lots located in any R-1 or R-2 district.

Subd. 3. Required screening or buffering may be achieved with fences, walls, earth berms, hedges or other landscape materials. All walls and fences shall be architecturally harmonious with the principal building. Earth berms shall not exceed a slope of 3:1. The screen shall be designed to employ materials that provide an effective visual barrier during all seasons. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition.

Subd. 4. All required screening or buffering shall be located on the lot occupied by the use, building, facility or structure to be screened. No screening or buffering shall be located on any public right-of-way or within eight feet of the traveled portion of any street or highway.

Subd. 5. Screening or buffering required by this section shall be submitted for approval as a part of the application for conditional use permit and installed as a part of the initial construction.

Subd. 6. If required, plans for screening and buffering shall be submitted for approval as a part of the application for conditional use permit and installed as a part of the initial construction.

Subd. 7. Height of plantings required under this section shall be measured at the time of installation.

(Added Ord. 99-823)