

## **SECTION 19. GENERAL BUILDING AND PERFORMANCE REQUIREMENTS**

Subd. 1. Purpose. The purpose of this section of the Zoning Ordinance is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community.

Subd. 2. Dwelling Unit Restriction.

- A. No temporary structures shall at any time be used as living quarters temporarily or permanently.
- B. Accessory structures must not be used as dwelling units without an approved conditional use permit.
- C. Basements and cellars may be used as living quarters or rooms as a portion of the principal residential dwelling as long as all of the requirements of the Building Code are met.
- D. Tents, play houses or similar structures may be used for play or recreational purposes.

Subd. 3. Platted and Unplatted Property.

- A. Any person desiring to improve property shall submit to the City Clerk a survey of said premises and information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information which may be necessary to insure conformance to City Ordinances.
- B. All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City.
- C. Except in case of Planned Unit Developments, not more than one (1) principal building shall be located on a lot. The words "principal building" shall be given their common, ordinary meaning as defined in Section 2 of this Ordinance, in case of doubt or on any questions or interpretation the decision of the City Council shall be final. Shopping centers shall be interpreted as having more than one (1) principal building.
- D. Frontage. No building requiring a building permit shall hereafter be erected upon any parcel unless such parcel abuts upon a public street for a minimum of forty (40) continuous lineal feet. The said frontage shall not be used primarily for the purpose of a driveway or roadway for ingress and egress to the major portion of the parcel on which the building is to be erected.

- F. On a through lot (a lot fronting on two (2) parallel streets), both street lines shall be front lot lines for applying the yard and parking regulations of this Ordinance.

Subd. 4. Accessory Buildings.

- A. An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.
- B. Setback Requirements. No accessory buildings shall be erected or located in front of the front line of the building or within the front yard of a property. Accessory buildings shall be five (5) feet or more from all lot lines adjoining lots, shall be ten (10) feet or more from any other building or structure on the same lot and shall not be located within a utility easement.
- C. Maximum Building Size. No accessory building or garage per single family home shall occupy more than twenty-five (25) percent of a rear yard, nor exceed nine hundred (900) square feet of floor area. Garages which exceed the aforesaid maximum may be allowed with a Conditional Use Permit under the provisions of this Ordinance.
- D. Maximum Building Height. The maximum height of accessory structures shall be prescribed in the applicable district, provided that the height of an accessory structure shall not exceed the height of the principal structure.
- E. Maximum Number on a Lot. No more than two (2) accessory structures are permitted per parcel. This provision shall not apply to parcels in the Institutional district. However, no more than one of the two accessory structures permitted may be a detached private garage. Every single family dwelling unit hereafter erected shall be so located on the lot so that at least a two (2) car garage, either attached or detached, can be located on said lot.
- F. Permitted Building Materials. Accessory buildings in all residential districts shall have exterior building materials that are consistent with the exterior building materials used on the principal building. Accessory structures less than 120 s.f. are exempt from this requirement
- G. Accessory buildings constructed primarily of canvas, plastic, fabric or other similar non-permanent building materials are permitted for no more than 6 months of the calendar year.
- H. Building Permit Required. Accessory structures less than 120 sf do not require a building permit but do require an accessory structure zoning review from the City. All accessory structures larger than 120 sf require a building permit.

Subd. 5. Accessory Uses and Equipment.

- a. No accessory uses or equipment such as air conditioning cooling structures or condensers which generate noise may be located in a side yard except for side yards abutting streets where equipment is fully screened from view.
- b. Drive-through menu boards. Two menu boards per restaurant use are allowed with a permitted drive-through facility, subject to the following conditions:
  - i. The main menu board shall not exceed thirty-six square feet in surface area or eight feet in height from grade to top of the sign.
  - ii. A second smaller menu board is permitted to be located prior to the main menu board and adjacent to the drive-through aisle within view of drive-through customers. If a second menu board is used, the main menu boards shall be reduced to thirty-two square feet. The smaller menu board shall not exceed six square feet in surface area or four feet in height. This menu boards shall provide a selection of menu items and shall not be used primarily for graphics or advertising.
  - iii. The menu boards shall be of the same style and color, single-sided and oriented in such a manner so that the boards provide information to the patrons using the drive-through facility only.
  - iv. Product advertising shall not be attached to any menu board in excess of the maximum size allowed.
  - v. Menu boards must not be audible from any adjacent residential or residentially zoned properties and comply with all City noise regulations.

Subd. 6. Accessory Dwelling Units. Accessory dwelling units are permitted within single family zoning districts through an approved conditional use permit which meets the following criteria:

- i. No more than one accessory dwelling unit is permitted per single family lot;
- ii. The principal structure and accessory unit must be located on one undivided lot.
- iii. The accessory dwelling unit will not be owned independently of the principal structure and will not have a separate address. The accessory dwelling unit will not be rented to individuals unrelated to the occupant of the principal dwelling unit.
- iv. The lot containing the principal structure and accessory dwelling unit must be at least twice the minimum lot area required for the zoning district. The accessory dwelling unit will meet the minimum setbacks required for a principal structure within the zoning district. The height may meet the height permitted in the zoning district as long as it does not exceed the height of the principal structure.
- v. The accessory dwelling unit is limited to a maximum of 900 s.f. Accessory structures exceeding this maximum require a separate conditional use permit.
- vi. A minimum of two parking spaces must be provided for each accessory dwelling unit.
- vii. The accessory dwelling unit must be connected to municipal utilities.

Subd. 7. Structural Encroachments.

- A. All Districts. Eave encroachments may extend three feet into the required front, side and rear setbacks but in no case shall the setback to these encroachments be less than seven feet. No other encroachments are permitted within residential districts.
- B. Special Regulations for Properties Within the Village Boundary Area. Eaves, canopies and signage may encroach into the sidewalk by up to 2/3rds of its width, only supported by the structure and located at least 8' in height on the structure. No other encroachments will be permitted.

Subd. 8. Drainage Plans. In the case of all apartment, business and industrial developments, the drainage plans shall be submitted to the City Council for their review, and the final drainage plan shall be subject to their approval.

Subd. 9. Fences.

- A. Permit Required. No person, firm or corporation shall hereafter construct or cause to be constructed or erected within the City of Long Lake, any fence without first making an application for and securing a building permit.
- B. Application Procedures. Each application for a permit under this Section shall be submitted on forms provided by the City. Each such application shall include a certificate of survey showing the location of house (s), garages (s), and other improvement on the lot and the location of the fencing to be erected, altered or relocated. A survey may not be required if the corner property stakes are located on the property or a survey exists in the property file.
- C. Standards for Residential District Fences. Fences of chain-link construction shall only be permitted in rear yards. Except as otherwise provided herein, no fence shall be erected or maintained more than six (6) feet in height. The following standards shall also apply:
  - 1. All fences shall be approximately 1' from the property line, located entirely upon the private property of the person, firm or corporation constructing or causing the construction of such fence. No fences shall be placed on or extend into public rights-of-way, or be located on public easements.
  - 2. That side of any fence considered to be its "face" (i.e., the finished side having no structural supports) shall face abutting property or street right-of-way.
  - 3. Every fence shall be constructed in a substantial, workman-like manner and of substantial material reasonably suited for the purpose for which the fence is proposed 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 of disrepair or danger, or constitute a public or private nuisance. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the City shall commence proceedings for the abatement thereof. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top. Electric and barbed wire fences shall not be permitted.

4. Fences on all corner lots erected within thirty (30) feet of the intersecting property line shall be subject to Section 19, Subd. 8 of this Ordinance.
5. Fences in the required front yard shall not exceed 3 and 1/2 feet in height.
6. Fences used for the enclosure of tennis courts shall not exceed ten (10) feet in height and shall be located in a rear yard only and at least five (5) feet from any property line.

D. Standards for Business and Industrial District Fences. Property line fences in all Business Districts shall be six (6) feet in height and Industrial Districts shall be (8) feet in height, except as otherwise provided herein. The following standards shall also apply:

1. All fences shall be approximately 1' from the property line, located entirely upon the private property of the person, firm or corporation constructing or causing the construction of such fence, unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. No fences shall be placed on or extend into public rights-of-way, or be located on public easements.
2. That side of any fence considered to be its "face" (i.e., the finished side having no structural supports) shall face abutting property or street right-of-way.
3. Every fence shall be constructed in a substantial, workman-like manner and of substantial material reasonably suited for the purpose for which the fence is proposed 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 of disrepair or danger, or constitute a public or private nuisance. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the City shall commence proceedings for the abatement thereof. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top. Electric and barbed wire fences shall not be permitted.
4. Fences on all corner lots erected within thirty (30) feet of the intersecting property line shall be subject to Section 19, Subd. 8 of this Ordinance.

5. Fences exceeding the maximum height requirement may be permitted as a conditional use permit if findings are made that the fence is necessary to protect, buffer or improve the premises for which the fence is intended and the application meets the requirements of Section 28..

E. Non-conforming Fences. It is the intent of this Ordinance to allow the continuation of such non-conforming fences until they are discontinued as provided herein. However, it is not the intent of this Chapter to encourage the survival of non-conforming fences and such fences are declared to be incompatible with permitted fences within the City. Such fences shall be regulated by the following provisions:

1. No existing fence not permitted by this Ordinance in the district within which it is located, except when required to do so be law or ordinance, shall be enlarged, extended, reconstructed, or structurally altered unless such fence is changed to one permitted in that district. Maintenance of a non-conforming fence will be allowed, however, when this includes necessary repairs and incidental alternations which do not expand or intensify the non-conforming fence.

Subd. 10. Required Screening. The fencing and landscaping required by this Ordinance shall be subject to Section 19, Subd. 6 and shall consist of either a fence or a green belt planting strip.

A. Locations Requiring Screening.

1. Swimming Pools. All swimming pools shall be fenced and secure so as to prevent unauthorized persons from entering. Fences shall not be less than six (6) feet in height.
2. Commercial and Industrial Screening. Any commercial or industrial use which abuts residential or residentially zoned property shall be fenced or landscaped in accordance with the provisions in Section 19, Subd. 7.
3. Parking Lots. All open, non-residential, off-street parking areas of five or more spaces abutting residential or residentially zoned property shall be screened.
4. Loading Areas. All loading areas abutting residential or residentially zoned property shall be screened.
5. Drive-Through Service Areas. All elements of the drive-through service area, including but not limited to menu boards, teller windows, and vehicle lights from stacking lanes shall be screened for adjacent residential or residentially zoned properties.

A. Landscaping Requirements.

1. A green belt planting strip shall consist of evergreen ground cover and shall be of sufficient width and density to provide an effective screen. Such

planting strips shall not be less than eight (8) feet in height. Earth mounding or berms may be used but shall not be used to achieve more than three (3) feet of the required screen.

2. All grass, plantings, and vegetative ground cover must be irrigated with an automatic sprinkler system.

Subd.11. Traffic Visibility. On corner lots in all districts, no structure or planting in excess of thirty (30) inches above the street center line grade shall be permitted within a triangular area defined as follows: beginning at the intersection of the projected property lines of two intersecting streets, thence thirty (30) feet along one property line, thence diagonally to a point thirty (30) feet from the point of beginning on the other property line, thence to the point of beginning.

Subd. 12. Glare. Any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the center line of said street. Any light or combination of lights which cast light on residential property shall not exceed four (4) foot candles (meter reading) as measured from said property.

Subd. 13. Smoke. The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.

Subd. 14. Dust and Other Particulate Matter. The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.

Subd. 15. Odors. The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.

Subd. 16. Noise. Noises emanating from any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NPC, as amended.

Subd. 17. Refuse. Passenger automobiles, station wagons, trailers and trucks not currently licensed by the State, insured and found roadworthy by the Minnesota Department of Transportation requirements or which are because of mechanical deficiency incapable of movement under their own power, parked or stored outside for a period in excess of thirty (30) days, and all materials stored outside in violation of the City Ordinance are considered

refuse or junk and shall be disposed of. The piling of junk in yards in all residential and industrial districts shall be considered to be a non-conforming use and shall be removed within a period of three (3) months after the effective date of this ordinance.

Subd. 18. Exterior Storage. All materials and equipment except as provided for in Sections 7 through 16 of this Ordinance shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following:

- A. Clothes line pole and wires.
- B. Not more than two (2) recreational vehicles and equipment.
- C. Construction and landscaping material currently being used on the premises.
- D. Off-street parking of passenger vehicles and trucks not exceeding a gross weight of 12,000 pounds in residential areas.

Subd. 19. 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 Minnesota State Fire Marshall and the Pollution Control Agency.

Subd. 20. Bulk Storage (Liquid). All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical flammable and similar liquids shall comply with requirements of the Minnesota State Fire Marshal and Minnesota Department of Agriculture Offices and have documents from those offices stating the use is in compliance.

Subd. 21. Radiation Emission. All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control

Subd. 22. Electrical Emission. All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.

Subd. 23. 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.

Subd. 24. Toxic or Noxious Matter. Any use established shall be so operated as not to discharge across the boundaries of the lot or through percolation into the subsoil beyond the boundaries of the lot wherein such use is located, toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or business.

Subd. 25. Erosion and Sediment Control for Land Disturbance Activities

- A. Manner of Work.

1. General Requirements. All land disturbing or land filling activities or soil storage shall be undertaken in a manner designed to minimize surface runoff, erosion and sedimentation. Whenever the issuing authority determines that any land disturbing activity on any private property has become a hazard to life and limb, or endangers the property of another, or adversely affects the safety, use, slope, or soil stability of a public way, publicly controlled wetland, or watercourse, then the owner of the property upon which the land disturbing activity is located, or other person or agent in control of said property, upon receipt of notice in writing from the issuing authority, shall within the period specified therein repair or eliminate such conditions.
  2. Erosion control provisions for all permits. All permits issued by the City of Long Lake involving any excavation, fill or grading, including all building permits shall contain an attached page of special provisions that specifies at a minimum:
    - a. That the permittee is responsible for the cleanup and any damages resulting from soil eroded from the building site onto public streets, storm sewer systems, any adjoining private property, or any public waters, shoreland or wetland;
    - b. That the permittee shall install and maintain either silt fencing along the lot boundaries where runoff is possible to public streets, storm sewer systems, any adjoining private property, or any public waters, shoreland or wetland; or maintain a temporary mulch on all exposed soil at a rate specified by the City Engineer; and
    - c. a general diagram of a typical lot development that shows the direction of drainage on the lot, the locations of silt fence, areas that are to receive a temporary mulch, a rock and gravel pad for parking construction vehicles and a schedule for permanent seeding or sodding.
- B. Erosion and sediment control performance standards. The design, testing, installation, and maintenance of erosion and sediment control operations and facilities shall adhere to the standards and specifications contained in the Minnesota Pollution Control Agencies handbook of best management practices entitled "Protecting Water Quality in Urban Areas," dated October 1989, as amended.

Permit required. Except as otherwise provided in the Uniform Building Code, as adopted by the City of Long Lake, no person may grade, fill, excavate, store, stockpile or dispose of earth materials or perform any other land disturbing or land filling activity without first obtaining a building permit from the Building Inspector. Annual maintenance permits are available for maintenance projects greater than five hundred (500) square feet. No fill or excavation in a wetland overlay district may occur unless the Minnehaha Creek Watershed District has approved a replacement plan, issued a no-loss determination, or determined that the activity is exempt from the Wetland Conservation Act Rules, Chapter 8420. Questions relating to wetland type, location, area, functions and values must be referred to the technical advisory panel established by Minnesota Statutes Section 103G.2242 as amended.