904.033 Structural, Electrical and Mechanical Requirements.

All principal use buildings in the Multi-family Residential District shall conform to the following requirements:

(1) All mechanical and electrical systems shall be designed and certified by a registered engineer.

(2) Plans for any multiple-family dwelling of more than two floors shall have a structural system designed and certified by a registered structural engineer.

(3) Multiple-family buildings shall be of Type I or Type II construction as defined in the latest edition of the Minnesota State Building Code (full masonry and steel, fire Proof).

(4) All multiple dwellings shall be designed and constructed with windows that are easily opened from the inside for emergency exit.

(5) In new construction, no air conditioning unit shall protrude from any exterior wall unless it is designed to appear as an integral part of such wall.

(6) All living space shall be above the average grade of the structure.

(7) A minimum of 50 square feet of storage space shall be provided for each dwelling unit within any multiple-family building, exclusive of storage space normally provided within each dwelling unit. There shall be no exterior storage of debris or garbage and no open-air laundry drying shall be permitted.

(8) Storage of flammable materials shall not be allowed in any structure containing living quarters unless stored in a fire-proof room or container.

(9) In all buildings housing two or more dwelling units the following requirements relating to acoustical controls shall apply:

(a) All doors providing access to individual dwelling units shall be not less than one and three-quarter inch solid core and equipped with gaskets or closing plates.

(b) All plumbing serving each unit shall be separated from other units by a room, closet, corridor or sound barrier and shall be so constructed so as to have a loss in sound transmission of not less than 50 decibels.

(c) Party partitions and floor systems shall be of a type sufficient to accomplish a loss in sound transmission of not less than 50 decibels determined by averaging the loss of frequencies of 125, 250, 350, 500, 700, 1000, 2000,

and 4000 cycles. Corridor partitions shall be capable of accomplishing a loss in sound transmission of not less than 45 decibels similarly determined.

(10) All multiple-dwelling buildings shall be designed and constructed to have the equivalent of a front on each exterior surface. All accessory or ancillary buildings including garages shall be designed and constructed with facing materials of the same quality as those used in the principal use buildings.

904.034 Barbeque Grills and Fuel Storage on Balconies.

(1) In any type 3, 4 or 5 construction structure containing two or more vertically stacked residential units, no person shall kindle, maintain, or cause any fire or open flame on any wooden balcony above ground level, or on any ground floor patio immediately adjacent to or within 15 feet of any unit.

(2) In any structure containing two or more vertically stacked residential units, no person shall store any fuel, barbeque, torch or other similar heating or lighting chemicals or devices on any balcony above ground level, or on any ground floor patio immediately adjacent to or within 15 feet of any unit.

(3) Violation of this Ordinance shall be a petty misdemeanor.

904.04. Resident-Based Business. Subd. 1. Definitions

(1) Residence-Based Business. A "Residence-Based Business" is a business, vocation or profession conducted from a single-family home or a condominium, townhouse or apartment used also as a dwelling unit or located in a Single-Family Residence District or Multi-Family Residence District.

(2) Principal Structure. A "Principal Structure" is the entire area of single-family home, condominium, townhouse, or apartment, except garages and other related storage areas with outside entrances, seasonal porches, decks and breezeways.

(3) Premises. "Premises" shall mean the Principal Structure plus garages and other related storage areas with outside entrances, seasonal porches, decks and breezeways.

Subd. 2. General Prohibition. The conduct or operation of a Residence-Based Business in the City is prohibited in all use districts unless such Residence-Based Business is a Permitted Residence-Based Business in compliance with the provisions of this Ordinance.

Subd. 3. Permitted Residence-Based Businesses. The following criteria must be met for a Permitted Residence-Based Business:

(1) Customers do not visit on a regular basis the Premises on which the Residence-Based Business is being conducted or operated.

(2) Not more than 25 percent of the square footage of the Principal Structure, as measured by using the horizontal perimeter of the Principal Structure, shall be used for a Residence-Based Business. Not more than 25 percent of the square footage of an attached or detached garage, as measured by using the horizontal perimeter of the garage, shall be used for a Residence-Based Business. No part of the area used for the Residence-Based Business shall displace the original purpose of the garage, that is, the parking of vehicles. No part of any other accessory structure, whether attached or detached from the Principal Structure or garage, shall be used for a Residence-Based Business.

(3) Only articles made or originating on the Premises to be used for the Residence-Based Business shall be sold on the Premises, unless such articles are incidental to a permitted commercial service.

(4) Articles for sale shall not be displayed so as to be visible from any street.

(5) Only a person residing on the Premises in which the Residence-Based Business is located shall conduct, operate or be employed by the Residence-Based Business.

(6) The Residence-Based Business shall not cause any increase in the noise level immediately outside of the Principal Structure or Premises in which it is being conducted or operated nor cause any significant increase in traffic parked within walking distance of or moving to or from the Premises in which the Residence-Based Business is located.

(7) Signs pertaining to a Residence-Based Business shall not be allowed on the outside of the Premises or Principal Structure or at any other location within the zoning district of the Premises.

(8) The Residence-Based Business shall at all times be in compliance with all other applicable ordinances, laws, rules and regulations.

(9) No part of the Residence-Based Business or its operation shall be visible from outside the Premises in which it is located.

(10) Motorized vehicle repair; salvage yards; animal kennels and animal hospitals shall not be permitted.

(11) Motor vehicles connected with or serving a Residence-Based Business may not be parked illegally, and may be parked legally other than on the Premises of the Residence-Based Business for no more than one (1) hour at a time.

(12) The City Council may require any person conducting a Residence-Based Business to provide proof of meeting the aforementioned requirements of this Subdivision 3.

Subd. 4. Permits Required.

(1) No Residence-Based Business shall be operated or conducted without a permit obtained from the City Council and continuously in effect. The permit shall be issued only after submission to the City Council of an Application for Permit which contains the name of the person or persons who will conduct the Residence-Based Business, a detailed description of the proposed business and a certification that all requirements of this Ordinance have been and will continue to be met. The initial permit fee shall be $150.00. Thereafter, an annual fee of $25.00 shall be payable in January of each year to maintain the permit on an annual calendar year basis. Failure to pay such permit fees shall result in the automatic revocation of the permit. The permit may be revoked by the City Council at any time or not renewed for failure to comply with any provisions of this Ordinance.

(2) If the active conduct of a Residence-Based Business is discontinued or abandoned for six consecutive months, the permit for such business shall automatically terminate and any resumption of the Residence-Based Business without a new permit is prohibited.

(3) Residence-Based Business permits shall not run with the land and shall not be transferable, voluntarily or by operation of law.

(4) If the Principal Structure in which the Residence-Based Business is located is destroyed to an extent of more than 50 percent of the replacement cost at the time of destruction, and if the business is proposed to be continued upon reconstruction, a new permit must be obtained.

904.05 B-l -- General Business District

Subd. 1. Purpose. This district is established to accommodate a viable

business/commercial area within the City by allowing retail, service, office and entertainment facilities as well as public and semi-public uses.

Subd. 2. Permitted Uses. Within the B-l General Business District no structure or land shall be used exempt for one or more of the following uses, or uses deemed by the City Council as substantially similar to the uses listed herein.

(1) Auto Repair, when conducted entirely within a building
(2) Banking, Finance, Insurance, and Real Estate Services
(3) Barber Shop, Beauty Salon
(4) Boat, Marine and Snowmobile, Recreational ATV Sales and Service, when conducted
entirely within a building
(5) Cafes, Restaurants, and Banquet Facility, excluding liquor and driver-through facilities
(6) Garden Supply Store, provided it is conducted entirely within an enclosed structure
(7) Government Offices and Public Buildings
(8) Interior Design Studio
(9) Locksmith
(10) Lodging Services such as Hotels and Motels
(11) Medical and Dental Clinics
(12) Publishers
(13) Pet Shop, provided the operation shall not include the boarding of pets on the site, the maintaining of pens or cages outside the building or the operating so as to cause an offensive odor or noise
(14) Photographic Sales and processing of film and prints
(15) Physical Culture and Health Studio
(16) Picture Framing
(17) Printing Shop
(18) Professional and Business Offices
(19) Public Storage
(20) Radio and Television Repair and Sales
(21) Retail establishments such as groceries, bakery, department stores, hardware, drug, clothing, furniture stores, and flower shops. This does not include gun shops or adult entertainment use businesses.
(22) Rugs and Floor Covering Sales
(23) Seat Cover, Upholstery and Drapery Shop
(24) Video Leasjng
(25) Wholesale Office and Showroom

Subd. 3. Accessory Uses. Within the B-l General Business District, the following uses shall be permitted accessory uses.

(1) Private garages, off-street parking and loading spaces as regulated by this ordinance
(2) Signs as regulated by this ordinance
(3) Fences as regulated by this ordinance
(4) Decorative landscape features

Subd. 4. Conditional Uses. Within any B-l General Business District, no structure or land shall be used for the following uses except by conditional use permit. Once granted, a Conditional Use shall not become invalid by reason of a subsequent change in the boundaries of the Residential District.

(1) Animal Hospital
(2) Auto Service Stations
(3) Bowling Alleys, billiard and pool rooms, skating rinks, liquor stores, fraternal organizations and similar uses, provided the structure in which the use is conducted shall not be located within 100 feet of a property line in any Residential District
(4) Day Care Centers
(5) Electrical, heating, air conditioning, and plumbing contractors and dealers
(6) Outdoor Sports, recreation or entertainment facilities
(7) Outdoor Storage, outdoor operations of a permitted use, outdoor display and open sales/rental lots when accessory to a permitted use
(8) Radio and Television transmitting tower
(9) Restaurant with liquor service
(10) Restaurant with drive-through facility
(11) Buildings temporarily located for the purpose of construction on the premises for a period not to exceed time necessary to complete said construction
(12) Any incidental repair or processing necessary to conduct permitted principal uses shall not occupy more than 20 percent of the floor space of the principal building

Subd. 5. Lot Standards. All uses in the B-l General Business District shall adhere to the following minimum lot standards.

(1) Building Height: Two stories or 35 feet, whichever is less,
(2) Lot Area: 25,000 square feet
(3) Lot Width: 100 feet
(4) Floor-Area-Ratio: 0.5

Subd. 6. Setbacks. All uses in the B-l District shall adhere to the following minimum setbacks.
(1) Front Yard: 30 feet

(2) Front yard abutting Highway 13: 40 feet
(3) Side Yard, Adjacent to Street: 30 feet Interior: 30 feet Adjacent to Residential District: 75 feet
(4) Rear Yard: 30 feet
(5) Rear Yard adjacent to Residential District: 75 feet
(6) Setback to Parking: 15 feet

Subd. 7. Special Minimum Requirements and Performance Standards. All uses in the B-l District shall adhere to the following standards:

(1) Building materials that are selected shall be attractive in appearance, durable with a permanent finish and of a quality that is both compatible with adjacent structures and consistent with the City's standards for the District in which it is located.

(2) Major exterior surfaces on all walls shall be face brick or stone. Glass, stucco, architecturally treated concrete, cast in place or precast panels, or decorative block will be acceptable as the major exterior wall surface when they are incorporated into the overall design that is compatible with the standards for the district in which it is located. Wood and metal may be used as accent materials, provided that they are appropriately integrated into the overall building design and not situated in areas that will be subject to damages associated with heavy use.

(3) Under no circumstances shall sheet metal aluminum, corrugated aluminum, corrugated fiber glass, asbestos, iron, plain or painted concrete block be deemed acceptable as major exterior wall materials on buildings within the B-l District.

(4) Subsequent additions and other buildings or structures constructed after the erection of the original building or structure shall be constructed of materials comparable in quality and appearance to those used in the original constructions and shall be designed in a manner conforming with the original architectural design and general appearance as long as such materials do not consist of materials listed in subparagraph (3) above.

(5) All trash and trash handling equipment shall be stored within the principal structure, within an attached structure accessible from within the principal structure, or totally screened from eye level view from public streets and adjacent residential properties. If accessory structures are proposed, they shall be constructed of the same building material as the principal structure and shall be enclosed by a roof and readily served through swinging doors.

(6) Design and maintenance of off-street parking areas shall be in accordance with Subdivisions 13 and 14 of this ordinance.

(7) Garages, accessory structures, screen wal|s and exposed areas of retaining walls shall be of a similar type, quality and appearance as the principal structure.

(8) The ground level view of all mechanical utilities shall be completely screened from contiguous properties and adjacent streets, or designed to be compatible with the architectural treatment of the principal structure.

(9) There shall be no outdoor storage of either materials or products, except through the issuance of a Conditional Use Permit.

(10) External loading and service areas must be completely screened from the ground level view from contiguous residential or commercial properties and adjacent streets, except at access points.

(11) Wherever the General Business District abuts, or is across the street from a Residential District, a fence or compact evergreen hedge, not less than 75 percent opaque, nor less than six feet in height, except adjacent to a street where it shall be not less than three feet or more than four feet in height shall be erected and maintained.

(12) All structures shall be architecturally and functionally compatible with other structures in the area.

(13) The light from vehicular headlights and similar sources shall be screened so that it will not be directed onto adjacent residential windows.

Subd. 8. Landscaping Requirements. Minimum landscape requirements include:

(1) At least 25 percent of the land area shall be landscaped with grass, approved ground cover, shrubbery or trees. At least five percent of the land areas within a parking area shall be landscaped.

(2) The following minimum sizes shall be required at the time of planting:

A. Overstory Deciduous Trees: 2-1/2 inches in diameter
B. Ornamental Trees: 1-1/2 inches in diameter
C. Coniferous Trees: 6 feet tall
D. Major shrub plantings: 5 gallons

(3) Existing trees shall be preserved wherever it is practicable to incorporate them into the site plan.

(4) All new overstory trees shall be balled and burlapped or moved from the growing site by tree spade.

(5) All site areas not covered by buildings, sidewalks, parking lots, driveways, patios, or similar hard surface materials shall be sodded except those areas to be preserved in a natural state, provided, however, that areas reserved for future building expansion may be seeded.

(6) Not more than 50 percent of the required number of trees shall be composed of one species.

No required tree shall be any of the following:

A. A species of the genus Ulmas;
B. Box Elder;
C. A species of the genus Populous (Poplar);
D. Female gingko.

(7) In order to provide for adequate maintenance of landscaped areas, an underground sprinkler system shall be provided as part of each new development except additions to existing structures that do not at least equal the floor area of the existing structure. A sprinkler system shall be provided for all landscaped areas except areas to be preserved in the natural state. All such sprinkler systems shall be constructed with water conservation devices.

(8) The owner, tenant and their respective agents shall be jointly and severally responsible for the maintenance of all landscaping in a condition presenting a healthy, neat and orderly appearance and free from refuse and debris. Plants and ground cover that are required by an approved site or landscape plan and which have died shall be replaced as soon as seasonal or weather conditions allow.

Subd. 9. Screening and Buffering. All commercial uses shall adhere to the following standards:

(1) Principal buildings and structures and any building or structural accessory thereto shall be buffered from lots used for any residential purposes.

(2) Off-street parking facilities containing six or more spaces shall be buffered from streets located within 50 feet, and from lots that are used for any residential purposes.

(3) Outside storage that is allowed by other provisions of this Ordinance shall be screened from all public views.

(4) External loading and service areas must be completely screened from the ground level view from contiguous properties and adjacent streets, except at access points.

(5) Required screening or buffering may be achieved with fences, walls, earth berms, hedges, or other landscape materials. The screen shall provide a minimum opacity of 75 percent during all seasons. All walls and fences shall be architecturally harmonious with the principal building. Earth berms shall not exceed a slope of 3:1.

Subd. 10. Automotive Service Stations/Convenience Stores. Automotive Service Stations/Convenience Stores shall be subject to the following standards:

(1) The total height of any overhead canopy or weather protection shall not exceed 20 feet.

(2) Open storage of motor vehicles shall not be permitted for a period of more than 48-hours and then only if screened.

(3) No sales or rental of motor vehicles or trailers or campers shall be permitted.

(4) All goods for sale by an automotive service station/convenience store other than petroleum products shall be displayed within the principal automotive service station structure or by special permit by the City Council.

(5) Each automotive service station/convenience store shall be compatible with the area in which it is located with regards to architecture, lighting, noise, and traffic compatibility.

(6) A minimum 10 foot landscaped yard shall be planted and maintained behind the property line along all public streets. A landscaped yard not less than five feet wide shall be maintained along exterior property lines.

(7) Fuel pumps shall be located at least 30 feet from a property line. Car

washes shall provide four off-street stacking stalls per drive-through car wash. The bay inside the car wash shall not be considered a stacking space. Such car washes shall be designed so that no wash drippings are allowed on the public right-of-way when the temperature falls below 32° Fahrenheit.

Subd. 11. **Restaurant Standards.** All food service establishments shall adhere to the following conditions:

(1) A proposed restaurant shall be specifically identified as a fast food or standard restaurant.

(2) No restaurant shall be allowed on a parcel of less than 1-1/2 acres.

(3) A minimum of 30 percent of the site shall be developed and maintained as landscaped areas with appropriate species to provide year round interest.

(4) Where possible, all outside parking spaces shall be located to the side and/or rear of the restaurant.

(5) Restaurants with drive-through facilities or that provide liquor service must be located at least 100 feet from a Residential District.

(6) Restaurants with drive-through facilities must provide six stacking spaces per drive-through lane.

(7) Electronic speaker devices such as loudspeakers, drive-through car speakers and similar instruments must be baffled or located such that they do not transmit nuisance noise on adjacent residentially zoned or used areas.

Subd. 12. Animal Hospital Standards. Any conditional use permit for an Animal Hospital shall be subject to the following conditions:

(1) No noise from the operation of the facility shall be audible beyond the boundaries of the lot on which the use is conducted. To achieve noise control, the facility shall be of masonry construction with outside walls of at least 8 inches thick, and with a precast concrete roof.

(2) An animal hospital must have a ventilation system adequate to prevent odors or organisms from spreading between wards or to the outside air. All windows shall be double glazed with fixed sash.

(3) A satisfactory system shall be provided for temporary storage and

permanent disposal of dead animals off the premises.

(4) Facilities for indoor exercise of large dogs shall be provided. No outside pens shall be permitted.

(5) When abutting a residential district, an approved screening and landscaping plan shall be filed and developed along the property lines that abut the Residential District.

(6) Hours at which the facility will be open to the public for the receiving and pick-up of animals shall be approved by the City Council to insure compatibility with surrounding land uses.

Subd. 13. Commercial/Industrial Off-Street Parking Standards.

(1) Purpose. The purpose of regulation for off-street parking and loading spaces in this Zoning Ordinance is to alleviate or reduce congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking and loading and unloading from motor vehicles in commercial and industrial districts.

(2) Applications of Off-Street Parking Regulations. The regulations and requirements set forth in this section shall apply to the required and non-required off-street parking facilities in Commercial/Industrial Districts. Parking in Multi-Family Residential Districts shall adhere to the provisions found in 904.031 of this code.

All applications for an occupancy permit shall be accompanied by a site plan drawn to scale and dimension indicating the location of off-street parking as per this Ordinance.

(3) General Provisions.

A. Reduction of Existing Off-Street Parking Space. Off-street parking spaces and loading spaces existing upon the effective date of this Ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar new use.

B. Floor Area. The term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be the net usable floor area of the various floors, devoted to retail sales, services, office space, processing and

fabrication, exclusive of hallways, utility space, and storage areas other than warehousing.

C. Benches in Places of Public Assembly. In places of public assembly in which patrons or spectators occupy benches or other similar seating facilities, each 22 inches of such seating shall be counted as one seat for the purpose of determining required parking.

D. Parking Spaces. Each parking space shall be not less than nine feet wide and 20 feet in length exclusive of access drives, and such space shall be served by an access driveway.

E. Use of Parking Area. Required off-street parking space in all districts shall not be utilized for open storage of goods or for the storage of vehicles which arc inoperable, for lease, rent or sale.

F. Handicapped Parking. All commercial and industrial areas shall provide at least one stall designated as handicapped parking and shall provide one additional handicapped parking stall for every 50 parking stalls on the site. The size of all handicapped parking stalls shall adhere to federal ADA standards.

Subd. 14. Design and Maintenance of Off-Street Parking Areas.

(1) Access and Location, Parking areas shall be designed so as to provide an adequate means of access to a public alley or street. Driveway access shall be designed so as to provide an adequate means of access to a public alley or street. Driveway access shall not be more than 24 feet in width at the property line in residential districts and no more than 30 feet in width at the property line in all other districts, and shall be so located as to cause the least interference with traffic movement.

(2) Calculating Space. If the formula for determining the number of required off-street parking spaces results in a fraction, each fraction of *lA ox* more shall constitute another space.

(3) Signs. Signs located in any parking area necessary for orderly operation of traffic movement shall not be included as a part of the permitted advertising space.

(4) Surfacing. All of the area intended to be utilized for parking space and driveways shall be surfaced with a hard all-weather durable material and shall be subject to the approval of the City Council except for parking areas of less than 3 vehicles.

(5) Lighting. The lighting shall be accomplished in such a manner as to have no direct source of light visible from the public right-of-way or adjacent land in an Residential District.

(6) Curbing and Landscaping. All open off-street parking areas designed to have head-in parking along the interior property line shall provide a bumper curb or guard of normal bumper height to insure that no part of any car will project beyond the required setbacks as established in this Ordinance. When such area is for 6 spaces or more and not located to the rear of a building, a curb or fence not over 3 feet in height shall be created at the required parking setback line and grass or planting shall occupy the space between the property line and said curb or fence.

(7) Parking Space Abutting Residential Districts. When a required off-street parking space for 6 or more vehicles is located abutting a Residential District, a fence as determined by the City Council to be of adequate design, not over 6 feet in height nor less than 3/4 feet shall be erected along the required parking setback line except such fence shall not be located within the required front yard. Said fence shall be not less than 75 percent opaque.

(8) Maintenance of Off-Street Parking Space. The operator of the principal use, uses or structures shall maintain in a neat and adequate manner the parking space, access ways, landscaping and required curbs and fences.

(9) Number of Required Off-Street Parking Spaces. The minimum number of required off-street parking spaces shall be as follows:

A. Automotive Service Stations and Automotive Service Station/ Convenience Stores - A minimum of four outside parking spaces plus three additional outside parking spaces for each enclosed service stall shall be provided. One additional outside parking space shall be provided for each 150 square feet of floor space devoted to retail sales in a automotive service station/convenience store.

B. Bowling Alley - Five for each alley.

C. Auto Repair, Boat and Marine Sales, Shop for Trade employing six People or less.

Garden Supply Stores - Eight off-street parking spaces, plus one additional space for each 800 square feet of floor area over 1,000 square feet.

D. Community Center, Post Office, Physical Culture Studio. Pool Halls, Libraries -10 spaces plus one for each 300 square feet of floor area in excess of 2,000 square feet of floor area in the principal structure.

E. Day Care Centers - Four plus one for each 500 square feet in excess of 1,000 square feet of floor space in the principal structure.

F. Drive-in and Fast Food Restaurant - One space for each employee per shift in addition to one parking space for each 50 square feet of gross floor area in the building.

G. Furniture Store, Appliance Store - At least one parking space for each 500 square feet in excess of 500 square feet of floor area in the principal structure.

H. Manufacturing, Fabricating or Processing of a Product or Material - Four off-street parking spaces plus one additional space for each 800 square feet of building. One additional off-street parking space shall be provided for each 2,500 square feet or fraction thereof of land devoted to outside storage.

I. Mixed Uses - Any mixed use development shall have a number of parking spaces equal to the number of spaces each individual use would be required separately.

J. Motel, Motor Hotel, Motor Court, or Hotels - One parking space for each guest room provided in the design of the building.

K. Office Building & Professional Offices. Office Buildings and Professional Offices having less than 6,000 square feet of floor area, three parking spaces plus one additional space for each 200 square feet of floor area. Office Building and Professional Offices having more than 6,000 square feet of floor area, one parking space for each 200 hundred square feet of floor area.

L. Restaurants, Cafes, Bars, Taverns, Night Clubs - One space per 2.5 seats, plus one space per each 20 square feet of the combined area of the bar, lounge, and public space, excluding the first 250 square feet; in addition, one space per each 50 square feet of banquet dining area; and in addition, one space per each five seats of outdoor dining area.

M. Retail Sales and Services Establishments - Five off-street parking spaces for each 1,000 square feet of gross floor area.

N. Warehouse and Bulk Storage. One parking space for each 2,000 square feet of floor area.

O. Uses Not Specifically Noted - To be determined by the City Council following review by the Planning Commission.

904.06 Limited Industrial District.

Limited Industrial District permitted uses are:

(1) Aggregate, concrete, general commodity distribution;

(2) Equipment, repair, maintenance and storage;

(3) Service and support activities relating to (1) and (2) above.

904.07 Planned Unit District.

Subd. 1. Purpose. This Planned Unite District (P.U.D.) provision is applicable to all uses and districts and is optional except where specifically required by this ordinance. Its purpose is to allow variation from the ordinance provisions in order to:

(1) Encourage more creative design in the development of land.

(2) Promote variety in the physical development pattern of the City.

(3) Create larger expanses of usable open space and preserve unique natural features.

(4) Preserve and provide a more desirable environment than would be possible under strict ordinance requirements.

(5) Establish a confidence between the developer, the City, and the residents of Lilydale that is impossible with traditional zoning procedures.

Subd. 2. Procedure. The following procedural and informational requirements shall be followed for Planned Unit District requirements:

(1) Planning Commission and Staff Review. Applicant shall meet with the Planning Commission prior to the preparation of plans to relate his intent. The Planning Commission will evaluate the consistency of his intent with the Comprehensive Plan. Thereafter the Planning Commission may refer the applicant to the City Planning Consultant to review materials to be presented and to discuss the plan proposal. The Consultant shall suggest alterations as necessary and authorize preparation of Concept Plan and supportive information. Applicant shall provide 20 copies of complete set of materials in booklet form.

(2) Concept Plan and Supportive Information. Applicant shall prepare graphic and written material as follows in booklet form:

(a) Property description and acreage, identification of owner and developer.

(b) Existing conditions, metro relationships, surrounding property owner ship, existing land use, transportation, zoning, utilities, etc.

(c) Natural features, water, topography, soils, vegetation, etc., and their implications, if any, for development.

(d) Concept Plan showing land use areas, land use intensities, acreages, numbers of units, proposed circulation, open space, recreation and development staging.

(e) Written information describing proposed land use and land use objectives, the type and character of buildings, methods of providing utilities, etc.

(3) Review. Applicant shall allow a minimum of 2 weeks for staff review and the staff shall take no more than 4 weeks to review the Concept Plan and supportive information prior to submission to the Planning Commission. The Planning Commission shall review the information and recommend approval of the Concept Plan, revision or reapplication, or denial of the Concept Plan.

(4) Findings. In approving the Concept Plan, the Planning Commission must find as follows and forward its findings to the City Council:

(a) The plan provides sufficient usable open space and evidences a substantial preservation of natural features

to warrant the granting of variances through Planned Unit District.

(b) The proposed development will not be detrimental to surrounding properties.

(e) The plan is more creative and will provide a better living, working, or shopping environment than is possible under strict ordinance requirements.

(5) Public Hearing - Concept Plan. The City Council shall conduct a public hearing and may, after having reviewed the Concept Plan and heard public comment, reject the Concept Plan request revision or reapplication, approve the Concept Plan and incorporate the booklet along with the conditions of approval into the zoning ordinance as an amendment thereto, said Concept Plan becoming the regulation for the site thereafter.

(6) Final Development Plan - Rezoning. Applicant shall prepare a Final Development Plan for that part of the site to be rezoned and shall prepare graphic and written material as follows in booklet form (20 copies):

(a) Legal descriptions of all parcels to be rezoned.

(b) Zoning classifications requested.

(c) Detailed site plan showing all dimensions, structures, parking and streets, utilities, common open spaces and grading.

(d) Covenants and restrictions, if any, applying to each tract and to open spaces and including the responsibility for the maintenance and operation of common areas and facilities.

(e) Density and gross building computations.

(f) Preliminary architectural drawings for each different building type, except single-family dwellings, showing building elevations, schematic floor plans, unit relationships, activity areas, building materials, etc.

(g) Landscape plan and schedule showing types, quantity, sizes, and location of plant materials.

(h) Construction-occupancy schedule.

(i) A description of the nature and character of non-residential

developments including a description of waste emissions, activities conducted on the premises, etc.

(7) Formal Application - Rezoning. Applicant shall file a rezoning petition, pay fees and submit graphic information for review by the staff and Planning Commission.

(8) Review. Planning Commission and staff shall review the Final Development Plan to determine if it conforms with the approved Concept Plan and shall recommend approval of the Final Development Plan, revision or reapplication, or denial of the Plan. In conducting its review, the Planning Commission shall apply the guidelines listed in Lilydale Code Section 904.07, Subd. 2(3), if possible.

(9) Public Hearing - Final Development Plan. Council shall conduct a public hearing and may reject the plan, request revision or reapplication, approve the Final Development Plan and incorporate the booklet into the zoning ordinance as an amendment thereto, said plan to be placed permanently on record in the City Clerk's Office to serve as the zoning regulations for the site thereafter. Requested changes in the final development plan after approval has been granted will require a public hearing and the submission of an amended plan document unless the changes are minor enough to be authorized by administrative directive.

Subd. 3. P.U.D. District No. 1.

The following described property located in the City of Lilydale is hereby zoned Planned Unit Development District No. 1, subject to (1) that certain Development Agreement between the City of Lilydale, Bisanz Southview Estates, a Minnesota general partnership dated July 23, 1987, (2) the Final Development Plan booklet, (3) all plans and specifications submitted to the Council and (4) all documentation constituting or being part of the Final Development Plan, all of which are hereby incorporated into and made a part of this ordinance by reference.

That part of Lot G, Auditor's Subdivision No. 2, Mendota, Dakota County, Minnesota described as follows:

Beginning at the intersection of the northeasterly line of Tract A, Registered Land Survey No. 6, according to the record plat thereof, and the northwesterly line of State Trunk Highway No. 13 (a/k/a: Mendota Road); thence northwesterly 721.09 Feet to the southeasterly line of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence northeasterly 821.11 feet along said southeasterly line of the Railroad; thence southeasterly 841.95 feet to a point on said northwesterly line of State Trunk Highway No. 13 distant 748.28 feet northeasterly from the point of beginning, as measured along said northwesterly line; thence southwesterly 7 48.28 feet along said northwesterly line of State Trunk Highway No. 13 to

the point of beginning.