CHAPTER 4 – SPECIAL DEVELOPMENT STANDARDS/FINISHING STANDARDS

4.1 PURPOSE

The performance standards established in this Chapter are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions that cause blight or are detrimental to the environment and to enhance the health, safety and general welfare of the city. All future development in all districts shall be required to meet these standards and the standards shall also apply to existing development where so stated.

1. These standards apply to all districts, unless otherwise noted.
2. Before any zoning permit is approved, the Clerk/Treasurer shall determine whether the proposed use will conform to the performance standards.
3. The developer or landowners shall supply data necessary to demonstrate such conformance. Such data may include a description of equipment to be used, hours of operation, method of refuse disposal, and type and location of exterior storage.

4.2 ARCHITECTURAL REQUIREMENTS

1. The following architectural requirements shall apply to all dwellings in all Residential Districts and the Open Space District.
    a. All dwellings shall be placed on a permanent concrete or treated wood foundation or a cement slab/base.
    b. Roof lines for primary structures must have at least a 4:1pitch; flat roofs are not permitted.

c. The minimum width of primary structures shall be 24 feet measured from the face of the exterior wall.
d. Any metal siding on a primary structure in a residential district shall have horizontal edges and overlap in sections no wider than 12 inches. Sheet metal siding is not permitted on the primary structure.

4.3 BED AND BREAKFAST ESTABLISHMENTS

1. Number of Rooms: The number of lodging rooms in any building shall not exceed five (5), unless, in the opinion of the City Council, conditions warrant additional rooms. Additional rooms will require a conditional use permit.

4.4 BUILDING RESTRICTIONS

1. Any person desiring to improve property shall submit to the City Clerk 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.
2. A registered land survey may be requested by the City Council or City Clerk for any property owner requesting a zoning permit, variance, conditional use permit, or rezoning action at the cost of the land owner.
3. Except in the case of Planned Unit Development, as provided for in this chapter, not more than one (1) principal building or use shall be located in a lot. The words "principal building" or "principal use" shall be given their common, ordinary meaning; in case of doubt or on any question or interpretation, the decision of the Clerk/Treasurer shall be final, subject to the right of appeal to the City Council.

4.5 DWELLING UNIT RESTRICTIONS

1. No cellar with dirt floors, primarily used for storage, garage, tent/camper/trailer or accessory building shall at any time be used as an independent residence or dwelling unit for a period of more than two (2) weeks in a calendar year and shall never be used as a permanent dwelling. The basement portion of a finished residential structure may be used as a permanent dwelling unit, provided it is properly water-proofed, has suitable emergency egress and fire protection, and is otherwise approved by the City Clerk.
2. Tents, play houses or similar structures may be used for play or recreational purposes.
3. Any new development that covers or replaces surface vegetation with an impervious surface of more than one (1) acre or more must specify controls to minimize off site stormwater runoff, maximize overland flow and flow distances over surfaces covered with vegetation, increase on site infiltration, minimize off site discharge of pollutants to ground and surface water, encourage filtration functions, and reduce mosquito breeding habitat. Sidewalks, paths, trails, and roads are exempt.

4.6 FENCING, SCREENING, AND LANDSCAPING

1. Unless otherwise provided in this chapter, no fence shall exceed four (4) feet in the front yard or six (6) feet in the rear and side yards in height. Fences in excess of six (6) feet shall require a conditional use permit.

2. All screening required by the provisions of this chapter shall consist of either:
    a. A green belt planting strip consisting of vegetative cover of sufficient width and density to provide an effective screen; or
    b. In all districts, a fence constructed of masonry, brick, wood, composite material or metal which is compatible with surrounding structures and buildings and where the "good" or most aesthetically appealing side of the fence faces the adjacent property where the fence is being constructed.
        i. Exceptions: Electric and barbed wire fences shall only be permitted for agricultural purposes or for special security requirements by conditional use permit. Business and industrial fences with barbed wire security arms a minimum of six (6) feet in height (measured without the security arm) may be allowed by conditional use permit. The security arm shall be angled in such a manner that it extends only over the property of the permit holder and does not endanger the public.
3. Location
    a. Fences and screenings shall be located entirely upon the private property of the persons constructing the fence and set back at least two (2) feet from the lot lines, or upon written mutual consent of the abutting property owner(s) may be placed along the lot line. The written mutual consent must be filed with the City Clerk. If abutting property owners cannot agree that such fence be placed on the property line, such fence must be placed a minimum of two (2) feet from the property line. The City may require the owner of the property erecting a fence to establish the boundary line of his or her property by a survey.
    b. Where any business or industrial use (structure, parking or storage) is adjacent to property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot or industry is across the street from a residential zone, but not on the side of a business or industry considered to be the front. The screening required in this section may consist of earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object.
4. Permits
    a. Zoning permits are not required to construct fences fewer than six feet (6) in height.
5. Pools and Hot Tubs
    a. Underground Pools: All underground pools are required to be surrounded by a fence compliant with this section.
    b. Hot Tubs: All hot tubs must be covered when not in use.

4.7 HOME OCCUPATIONS

Home occupation uses may be allowed in any Residential District or the Open Space District, so long as it does not adversely affect the character of the uses permitted in the zoning district in which the property is located or violate any state statute or any other city ordinance or policy. Home occupations are subject to the following requirements.

1. Permitted Home Occupations: Permitted home occupations are where no customers visit the premises. The following criteria must be met for a permitted home occupation:
    a. Not more than fifty percent (50%) of the square footage of the structure shall be used for a home occupation.
    b. The home occupation must be incidental to and secondary to the use of the dwelling for dwelling purposed and shall not change the essential residential character of the principal use.
    c. The home occupation must be conducted entirely within a dwelling or accessory structure, except daycare facilities.
    d. The use must be conducted by a member of the family residing on the premises.
    e. The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisances outside the dwelling unit or accessory structure.
    f. No home occupation may generate more vehicle daily trips by customers, delivery persons, or employees in greater volumes than would normally be expected for the zoning district in which it is located.
    g. Not more than one (1) non illuminated wall or free standing sign measuring six (6) square feet in area is permitted on the lot in which the home occupation is being conducted.
    h. Other than members of the household residing on the premises, there shall be no more than two (2) other persons as employees of the home occupation.
    i. A person having a home occupation shall provide proof of meeting the aforementioned requirements of this section if complaints are received by the City Council.
2. Conditional Use Home Occupations: Conditional use home occupations are that of a business profession that would generate traffic or customers visiting the premises. Conditional use home occupation daycare facilities are subject to State regulations and are exempt from this provision. The following criteria must be met for a conditional use home occupation:
    a. Not more than fifty percent (50%) of the square footage of the structure shall be used for a home occupation.
    b. Other than members of the household residing on the premises, there shall be no more than two (2) other persons as employees of the home occupation.

c. The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisances outside the dwelling unit or accessory structure.
d. A person having a home occupation shall provide proof of meeting the aforementioned requirements of this section if complaints are received by the City Council.
e. A sign on the premises shall consist of not more than one single-faced, non-illuminated wall sign installed flush to the structure with a maximum area of six (6) square feet.

3. Conditional Use Permit: In acting upon an application for a conditional use permit for a home occupation, the City shall consider:
    a. The effect of the proposed use upon the health, safety and general welfare of the City and on surrounding properties including but not limited to the factors of noise, glare, odor, electrical interference, vibration, dust and other nuisances; fire and safety hazards; existing and anticipated traffic conditions; and parking facilities on adjacent streets and land.
    b. The impact on governmental facilities and services, including roads, sanitary sewer, water and police and fire.
    c. The conditional use permit is valid for one year from date of issuance unless otherwise specified in the resolution for approval and thereafter shall be automatically renewed each year unless objections or complaints are received from neighboring property owners, the City Council or City staff and a request for review is made.
    d. Prohibited Home Occupations: All home occupations that are not permitted or conditionally permitted, are prohibited. Examples of prohibited home occupations are motorized vehicle repair, salvage yards, animal kennels, animal hospitals, and small engine repair.
    e. Procedures and Permits:
        i. A conditional use permit will become void if the home occupation is discontinued or abandoned for a period of one year.
        ii. Home occupation permits shall not run with the land and shall not be transferable or handed down from generation to generation.
    f. When deemed appropriate, the City Clerk may bring the home occupation to the attention of the City Council at which time the City Council may hold such public hearings, request such information, or require such conditions as deemed necessary to bring the home occupation in compliance with the performance criteria.

4.8 JUNK YARDS

Junk yards, salvage yards or wrecking yards shall be permitted only within the Industrial Districts and in no case shall they be located so as to be plainly visible from a road or street. The junk yards shall be effectively screened on all sides as required in the city's junk yard ordinance.

4.9 LAND RECLAIMATION

To minimize land use conflicts and potential nuisance cause by the reclaiming of land by the depositing of materials, so as to elevate the grade, shall be controlled under the provisions of the Zoning Code and shall meet the following minimum standards.

1. A conditional use permit shall be required for all land reclamation. Said permit shall be valid for a one-year period; after which a permit renewal shall be required. The City Council may also require a performance bond from the landowner.
2. The following information shall be provided to the city by the person requesting the permit:
    a. Name and address of person requesting the permit.
    b. The exact legal description of the property and acreage of area to be reclaimed.
    c. The following maps of the entire site and to include all areas within five-hundred (500) feet of the site. All maps shall be drawn at a scale of one (1) inch to one-hundred (100) feet (1" = 100'), unless otherwise stated below:
    d. Map A – Existing Conditions, to include:
        i. Contour lines at two (2) foot intervals.
        ii. Existing Vegetation.
        iii. Existing drainage and permanent water areas.
        iv. Existing Structures
    e. Map B – Finished Grade Plan, to include:
        i. Contour lines at two (2) foot intervals.
        ii. Type and amount of fill to be used
3. A soil erosion and sediment control plan.
4. A plan for dust, noise and rodent control.
5. A full and adequate description of all phases of the proposed operation to include an estimate of duration of the reclamation operation.
6. Any other information requested by the City Council, including a land rehabilitation plan.

4.10 LIGHTING

Exterior lighting may be provided as is necessary for security, safety and traffic circulation. Any lighting used to illuminate an off street parking area, sign, or structure shall be arranged as to deflect light away from any adjoining residential properties or uses from the public streets.

4.11 MINING AND GRAVEL EXTRACTION

To minimize land use conflicts and potential nuisance cause by mining operations, a conditional use permit shall be required for all commercial mining and gravel extraction operations. Said permit shall be valid for a one-year period; after which a permit renewal shall be required.

The following information shall be provided to the City by the person requesting the permit:

1. Name and address of person requesting the mining permit.
2. The legal description of the property and area to be mined.
3. If requested by the City Engineer or City Council, a plat and topographical map of the proposed area to be graded.
4. Copies of any agreements contemplated or entered into between the owner of said property and any other person charged with performance of such grading.
5. A bond or certified check in the amount of one-thousand (1,000) dollars, payable to the City conditioned upon compliance with the terms and provisions of this Chapter.
6. A permit fee is required in accordance with the City fee schedule. In the event said application for permit is denied, the fee shall be returned to the applicant.
7. Any other information requested by the City Council.

The following conditions also apply:

1. In all cases, each application for permits for the above must be approved by the City Engineer before the permit is granted.
1. In all cases of the above, the City Engineer has the right to review procedures, processes and results in view of the operations to determine whether they are in accordance with general public welfare and safety through regular on-site inspections.
3. The City Engineer, upon determining the permittee's operation creates a serious and immediate safety hazard, may order the operation ceased for a period of seventy two (72) hours.
4. Upon so ordering the City Engineer shall immediately notify the Mayor and the permittee in writing of the hazard and the Mayor shall call a special meeting of the Council. The permittee shall be requested to attend this meeting.
5. If the Council determines that an immediate safety hazard exists, the permit shall be withdrawn until the permittee complies with Council directives to eliminate the hazard.

All mining sites shall be rehabilitated immediately after mining operations cease. Rehabilitation shall be completed within one calendar year after operation ceases. The following standards shall apply:

1. Within a period of one year after the termination of a mining operation, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants.
2. The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed eighteen percent (18%) in grade.

3. Reclaimed areas shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least three inches (3").
4. Such required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted but not as a substitute for legumes and grasses. Such planting shall adequately retard soil erosion unless it is tillable farmland.

4.12 PROPERTY PERFORMANCE STANDARDS

All uses shall comply with all federal, state, and local pollution and nuisance laws and regulations, including but not limited to glare, smoke, dust, odors, and noise. The burden of proof for compliance of appropriate performance standards shall lie with the applicant.

The owner of any premises shall comply with the following requirements:

1. Sanitation: All exterior property areas shall be maintained free from any accumulation of garbage, animal feces or refuse.
2. Grading and Drainage: All premises shall be graded and maintained so as to minimize the accumulation of water on said premises, except when required by the City for water retention.
3. Ground Cover: All sites shall be maintained in a condition to control erosions, dust and mud by suitable landscaping with grass, trees, shrubs, or other planted ground cover or by paving with asphalt, or concrete or by other suitable means as approved by the Clerk/Treasurer.
4. Insect and Rodent Infestation: It shall be the responsibility of the owner to exterminate any infestation of insects, rodents, vermin or other pests in all exterior areas and accessory structures on the premises.
5. Condition of Structures: All structures including, but not limited to, primary structures, detached garages, sheds, and fences shall be maintained structurally sound and in good repair. All exterior wood surfaces, other than decay-resistant woods shall be protected from the elements and decay by paint or by other protective covering or treatment.
6. Nuisance Characteristics: No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety nor will damage public waste transmission or disposal facilities.

4.13 PUBLIC WATER ALTERATION /PRIVATE WATER SUPPLY AND SEWER TREATMENT

Any alteration which will change or diminish the course, current or cross section of a public water shall be approved by the Commissioner of the Minnesota Department of Natural Resources, in accordance with the procedures of M.S. § 105.42, as amended from time to time. This alteration includes construction of channels and ditches; lagooning; dredging of lake or stream bottoms for removal of muck, silt or weeds; and filling in the lake or stream bed.

1. Water Supply: Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota department of health and the Minnesota pollution control agency. Private wells must be located, constructed, maintained and sealed in accordance

with or in a more thorough manner than the water well construction code of the Minnesota department of health. Publicly owned water systems must be used if available.

2. Sewage Treatment: Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:
    a. Publicly owned sewer systems must be used if available.
    b. All private sewage treatment systems must meet or exceed the Minnesota pollution control agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards", chapter 7080, a copy of which is hereby adopted by reference and declared to be a part of this title.
    c. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in the Swift County shoreland management district.
    d. All proposed sites for individual sewage treatment systems shall be evaluated in accordance of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.
3. Evaluation Criteria:
    a. Depth to the highest known or calculated ground water table or bedrock;
    b. Soil conditions, properties, and permeability;
    c. Slope;
    d. The existence of lowlands, local surface depressions, and rock outcrops.
4. Nonconforming Sewage Treatment Systems: A sewage treatment system not meeting the Minnesota Pollution Control Agency requirements must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property.

4.14 RELOCATING STRUCTURES

1. Every licensed house mover shall obtain a certificate of zoning from the Clerk/Treasurer before moving any building into or within the City.
2. An application for such permit shall designate the lot on which the house is to be located, the dimensions of the lot and the proposed location of the structure on the lot along with setback distance.
3. No permit to move a building shall be issued unless and until the following conditions are fully complied with and approved by the Clerk/Treasurer:
    a. The building to be moved must comply in all respects with this Title.
    b. The lot on which the building is to be located must meet all the minimum dimensional requirements of the zoning district in which it is located.
    c. The building must be placed on the lot so as to meet all the front, side, and rear yard requirements as set forth in this Title.

4.15 SITE PLAN REVIEW

1. Required Information: Except for single-family and twin home residential structures, all requests for a building permit for new construction, additions and building renovations altering the use or occupancy of a building shall be accompanied by a site plan indicating:

a. Building locations, dimensions and elevations, sign structures, entry areas, storage sites and other structural site improvements.
b. Circulation plans for both pedestrian and vehicular traffic.
c. Fences and screening devices.
d. Trash and waste disposal facilities.
e. Storm drainage plans.
f. Firefighting and other public safety facilities and provisions such as hydrant locations and fire lanes.
g. Elevation drawings or illustrations indicating exterior wall materials and design information.
h. A two foot (2') contour topographical map of the existing site.
i. A grading plan illustrating the proposed grade changes, from the original topographical map. All site area, when fully developed, shall be completely graded so as to adequately drain and dispose of all surface water, storm water and ground water in such a manner as to preclude large scale erosion, unwanted ponding and surface chemical runoff.
j. Landscape Plan: The site, when fully developed, shall be landscaped according to a plan approved by the City Council. The landscaping plan shall specify the size, type and location of all trees and shrubbery and the location of all seeded and sodded areas.
k. A soil erosion control plan for the construction period.
l. General floor plan of each structure.
m. Location and size of all parking spaces.
n. Location, size and system of loading/unloading areas.
o. A survey shall be required if the premises are unplatted and the site plan indicates the use of minimum setbacks or in such other situations as the Clerk/Treasurer may request. The survey requirement may be waived at the discretion of the Clerk/Treasurer.
p. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
q. Such other information as the Clerk/Treasurer or City Council may reasonably request.

2. Submission: The site plan shall be submitted to the Clerk/Treasurer for presentation to the City Council. The City Council shall review the plan and make its recommendations on approval or disapproval of the plan to the City Council, which shall approve or disapprove the same.

4.16 SOLAR ENERGY AND SOLAR STRUCTURES

1. Permitted: Solar energy systems and solar structures shall be a permitted use in all districts provided the system is in compliance with minimum lot requirements and setbacks.
2. Exemptions: Solar energy systems and solar structures may be exempted from setback, height, and lot coverage restrictions in any district by a variance request.

4.17 STORAGE

1. Waste, Refuse and Garbage: All waste, refuse and garbage must be kept in a building or properly contained in a closed container.
2. Non-operating Vehicles, Equipment: All non-operating vehicles or equipment must be kept within a fully enclosed building.
3. Front Yard: No exterior storage is allowed in the front yard, except parking of licensed and operable vehicles on a driveway.

4. Accumulation Prohibited: It shall be unlawful to accumulate and store building materials, lumber, boxes, cartons, or other containers, machinery, scrap metal, junk, raw material, fabricated goods and other items in such manner as to constitute a nuisance or rodent harborage.
5. Recreational Vehicles, Equipment: All recreation vehicles, equipment, and motor vehicles parked or stored outside must be in a safe, operable condition and exhibit current license or registration plates or tags if the vehicle is one for which a license or registration plate is required by law for its operation.

4.18 TRAFFIC AND ACCESS CONTROL

The traffic generated by any use shall be channeled and controlled in a manner that will avoid: a) congestion on the public streets; b) traffic hazards; and c) excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business areas shall, to the extent possible, be forward moving with no backing into streets. On corner lots (including rural areas), nothing shall be placed or allowed to grow which may cause danger to traffic on a street or public road by obscuring the view. Notwithstanding any part of this chapter or any permit or variance granted, no structure, vehicle, vegetation, fence, sign, building, or any obstacle, or any portion thereof shall be placed or retained in such a manner to constitute a traffic hazard or obstruct the vision clearance of corners, or curb cuts.

Access shall be controlled to ensure safety and movement of the transportation system.

1. Curb Cut/Accesses: The location and number of curb cut/accesses onto any public street or right of way shall be approved by the city engineer.
2. Access Drives: Access drives may be placed adjacent to property lines except that drives consisting of crushed rock or other non-finished surfacing shall be no closer than three feet (3') to any side or rear lot line. The number and types of access drives onto major streets may be controlled and limited in the interests of public safety and efficient traffic flow.
3. County Roads: Access drives onto county roads shall require a review by the county engineer. The county engineer 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.
4. Wooded, Steep, Open Field Areas: Access drives to principal structures which traverse wooded, steep, or open field areas shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. The Clerk/Treasurer shall review all access drives (driveways) for compliance with accepted community access drive standards. All driveways shall have a minimum width of ten feet (10') with road strength capable of supporting emergency and fire vehicles.
5. Emergency Vehicles: All lots or parcels shall have direct access for emergency vehicles along the frontage of the lot or parcel from either an existing dedicated public roadway, or an existing private roadway approved by the city council.
6. State Highways: Access drives on to state highways shall require a review by the city engineer and be subject to both city and state requirements. The city engineer shall determine the appropriate location, size, design and number of such access drives, taking into account the interest of public safety, long range planning and efficient traffic flow.

4.19 YARD ENCROACHMENTS

The following shall be considered as permitted encroachments on setback and height requirements except as provided in this title:

1. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like provided they do not project more than two feet (2') into a yard.
2. Terraces, steps, uncovered porches, stoops, decks or similar features provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than two feet (2') from any side or rear lot line.
3. In rear yard, recreational and laundry drying equipment, arbors and trellises, balconies, breezeways, open porches, decks, gazebos, satellite dishes and antennas, detached garages, and air conditioning or heating equipment.
4. Unenclosed architectural projections including steps, landings, uncovered porches, stoops, and/or decks may extend not more than six feet (6') into the front yard as measured from the principal structure provided they do not extend above the height of the ground floor level of the principal structure. Temporary and permanent handicap ramps are exempt from this provision.
5. Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings and the ordinary projections of sills, cornices and ornamental features projecting no more than forty inches (40"); except that in business areas a permanent awning and its accessory columns or struts may project no more than five feet (5') into a required front or side yard.
6. Open or enclosed fire escapes may project into a required yard not more than five feet (5') and into a required court not more than three and one-half feet ($3^1/_2$'), provided they be so located as not to obstruct light or ventilation.
7. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, communication towers, and necessary mechanical appurtenances shall not exceed the height limitation in the district they are located in by more than fifty percent (50%) without a conditional use permit.