CITY OF HANOVER
PLANNING COMMISSION MEETING
OCTOBER 28, 2019
AGENDA

CHAIR
STAN KOLASA

COUNCIL LIAISON
DOUG HAMMERSENG

BOARD MEMBERS
JIM SCHENDEL
MICHAEL CHRISTENSON
MICHELLE ARMSTRONG
DEAN KUITUNEN

1. **Call to Order and Pledge of Allegiance: 7:00 p.m.**

2. **Approval of Agenda**

3. **Approval of Minutes from September 30, 2019, Regular Meeting**

4. **Citizen's Forum**

5. **Public Hearing**
    a. **An Interim Use Permit (IUP) for the Expansion of the Mahler Aggregate Mine**

6. **Unfinished Business**

7. **New Business**
    a. **Review of Amendments to the Zoning Ordinance**

8. **Reports and Announcements**
    a. **Planning Commission Reports**
    b. **Liaison Report**
    c. **Staff Reports**

9. **Adjournment**

CITY OF HANOVER
PLANNING COMMISSION MEETING
SEPTEMBER 30, 2019
DRAFT MINUTES

Call to Order/Pledge of Allegiance
Stan Kolasa called the September 30, 2019, Planning Commission Meeting to order at 7:00 pm. Members present were Stan Kolasa, Jim Schendel, Dean Kuitunen, and Mike Christenson. Also present City Planner Cindy Nash, Council Member Ken Warpula and Administrative Assistant Amy Biren. Absent: Michelle Armstrong and Council Liaison Doug Hammerseng. Guests were present.

Approval of Agenda
MOTION by Schendel to approve the amended agenda, seconded by Kuitunen.
Motion carried unanimously.

Approval of Minutes from the August 26, 2019, Regular Meeting
MOTION by Schendel to approve the August 26, 2019, minutes, seconded by Kuitunen.
Motion carried unanimously.

Citizen's Forum
None

Public Hearing
Amendment to a Planned Unit Development in the Bridges at Hanover

Kolasa closed the Planning Commission meeting and opened the Public Hearing at 7:03 pm.

Nash explained that JP Brooks has purchased townhome lots in the Bridges at Hanover. The amendment is to the Planned Unit Development (PUD): the townhome architecture is very similar with offering different options of floor plans. The Townhome Association has met with the builder and approves of the options being presented.

Josh Pomerleau, JP Brooks: Most of the items are staying the same such as the four-season porch and the deck. Other than the floor plan options, the difference is in square footage. There is one option that is slightly larger and one slightly smaller. He believes that this will appeal to different buyers and allow the lots to sell more quickly.

Christenson asked about the size difference. Pomerleau explained that the Redfield plan is the same as what is currently being built. The Roosevelt is about 150 square feet larger and is a three bedroom home. The Riverwood is about 130 square feet smaller and a two bedroom. Each of the double cluster lots would be the same plan. The empty parcel of six would be built last and the attached townhome would be built later. Christenson also asked if the new plans would fit within the parcel boundaries. Pomerleau confirmed that they would fit.

Roy Wasche, 10721 Settlers Lane: He is a member of the townhome association and they have no complaints with the new plans. He is concerned that in case ownership of the lots change that these options would stay in place. Nash replied that if such an event occurred, the architecture may be slightly different. Pomerleau also responded that he intends to complete the project and would like to complete it in three years.

Kolasa closed the Public Hearing and re-opened the Planning Commission meeting at 7:15 pm.

MOTION by Kuitunen to recommend sending the amendment to the Planned Unit Development in the Bridges at Hanover forward to Council for approval with the recommendations, seconded by Schendel. **Motion carried unanimously.**

Unfinished Business

None

New Business

Zoning Review of Shoreland Section

Nash explained that no action will be taken tonight by the Planning Commission, rather the section will be reviewed and action will be taken when a Public Hearing is held.

Nash reviewed the following items:

All of the graphics will be new to the ordinance.

Where language from the State can be inserted, it will be inserted and where State language simplifies current Hanover language, the simpler language will replace existing language.

New definitions will be added since there were several missing definitions in the current ordinance.

The State limits impervious surface to 25 percent, so that will be updated.

There are some missing sections that now will be included such as one dealing with special land use provisions where the goal is not to be able to see anything from the river.

The current ordinance didn't allow some things such as a twin home in the shoreland, but the State does allow it, so the State language will be adopted.

The State does not allow any building in a residential district to be over 25 feet tall. Current ordinance allows a home to be 35 feet tall.

Nash went on to explain that she needs to see how the changes will impact any industrial or commercial properties.

She went on to explain that she will meet with the DNR hydrologist to discuss the changes as well as determining the water level in the shoreland and the subsequent required distance (shoreland setbacks).

Christenson asked what bodies of water qualify as shoreland in Hanover. Nash responded it would be the Crow River, the unnamed wetland located between the area west of the school and between Hanover Hills, and a couple of lakes that are located in St. Michael.

Warpula asked if one could build in the shoreland. Nash replied yes, but build less.

Nash asked if there was anything the Board felt strongly about. The Board did not have anything.

Schendel wanted verification that the City could be more restrictive than the State law. Nash confirmed this and said that the City could not be less restrictive than the State. The State is the minimum.

Nash said that the Crow River is currently classified as general development under the Lake classification and not as a River classification. Nash will do some investigating to see if the Crow River can be termed as an Urban River, otherwise it will likely stay as classified.

She went on to say that the property most impacted will be the Anderson property since how the shoreland is measured currently may not be the most accurate measurement.

Reports and Announcements

Schendel asked if the curb by River Inn could be painted yellow and that signs be installed between the two driveways. He also said a light in the city-owned downtown parking lot would be appreciated.

Kolasa also asked if the signs on Crow River Drive could be switched out to No Parking this side of street instead of the ones saying No Parking between driveways.

Nash said that the information for the Mahler Pit Expansion will be on the website by the end of the week and the Public Hearing Notice will be mailed this week. This will be scheduled for the October 28th meeting.

Adjournment

MOTION by Schendel to adjourn, seconded by Christenson.
Motion carried unanimously.
Meeting adjourned at 7:59 pm.

ATTEST:

_____

Amy L. Biren
Administrative Assistant

Collaborative Planning, LLC

MEMORANDUM

TO:	Planning Commission
FROM:	Cindy Nash, AICP, City Planner
DATE:	October 22, 2019
SUBJECT:	**Mahler Aggregate Mine Expansion** for (1) Interim Use
APPLICANT:	Fehn Companies
LOCATION:	Generally located east of River Road
COMP PLAN:	Multi-Family Residential
DEADLINE:	November 26, 2019 (can be extended 60 days)

Description of Request

Fehn Companies has submitted an application for an Interim Use Permit to permit aggregate mining. The mining operations consists of approximately 155 acres and is located east of River Road.

Documents Reviewed

The following documents were reviewed in preparation of this staff memo:

Mahler Aggregate EAW (available on City website)
IUP Narrative
Site plans prepared by Civil Engineering Site Design dated 9/25/19
Dust Control Plan
Concept Lot Plan
Wetland Notice of Decision
Soil Borings
Water Table Data

Item 1: Interim Use Permit

Public Hearing: October 28, 2019 Planning Commission

Request

The Developer is requesting an Interim Use Permit to allow mineral extraction on property zoned R-1. Mineral Extraction may be permitted as an interim use in all zoning districts, and is regulated under Section 10.72 of the Zoning Ordinance.

Property owners within ¼ mile were notified of the public hearing as required by ordinance.

Analysis

The proposed plans were reviewed by the City Engineer and City Planner for compliance with the City ordinances. If the plans are revised to address the comments in the memos prepared by the Engineer and the Planner, the plans would be substantially compliant with City ordinances. The possible exception to this is that while the Reclamation Plan can result in grades that are more conducive to future redevelopment, it is anticipated to be likely that lift stations will be needed if the site is mined (and may possibly be needed for eastern portions of the site even if this IUP is not approved). That said, there are enough comments at this time that the plans are not recommended to be approved until they are revised.

There are several items that should be discussed by the Planning Commission and/or City Council however, while the plans are being revised:

1. 15th Street – Fehn companies has proposed within their narrative that the City utilize funding that was previously received by or will be received in the future from Fehn Companies related to fees for the use of roads. The existing Interim Use Permit Agreement contains the following language:

   > J. Property Owner shall pay a Haul Fee of $.08 ($.03 collected through Wright County and $.05 paid directly to the City) per yard of material that is hauled by truck over City streets. Repairs to 15th Street NE shall be funded by said Haul Fee and shall be conducted by the City upon completion of the mining operation or earlier based on the recommendation of the City Engineer. Said Haul Fee shall be used for any and all necessary repair to streets caused by or resulting from the mining operation and for any other lawful purpose as determined by the City.

   The city currently has approximately $95,000 in this fund. This discussion is more appropriate for the City Council as it has already been determined that 15th Street must be at a 10-ton standard to be a haul route for this project.

2. Screening/Berming – Full review of the adequacy of the screening/berming will be completed when revised plans are submitted that contain the information on stockpile heights as well as viewshed analysis. A landscape plan should also be submitted for review. This item can be preliminarily discussed now, but will require additional information before a full review can occur.

3. Phasing – The phasing of the plan is also subject to review by the City. There are pros and cons to any phasing schedule. If the phases that are currently closest to neighborhoods were completed earlier, it would allow for quicker redevelopment of those portions of the property to residential use, and existing residents would be impacted sooner but then mining would move away from them. It would also likely result in the need for some interim stormwater infrastructure but could allow the property to be replaced to a productive use sooner. Leaving the phasing as it is would mean that the berms wouldn't need to be moved over time, but also means that existing residents will always be experiencing the mining operations creeping closer to them over time.

4. Concept and End Use Plan – This plan is meant to be purely conceptual, and is not necessarily how the site will redevelop in the future. However, by comparing this to the reclamation grades one can make some preliminary assumptions about how feasible redevelopment of the site will be. The City Engineer's memo outlines staff concerns with the potential for redevelopment of the site based on the Concept and End Use plans.

Recommendation

The items contained in the comment memos from the City Engineer and City Planner can be addressed by the applicant. However, the plans as they are today are not recommended to be approved without addressing those comments.

The Planning Commission has the following options:
1. Recommend approval with conditions.
2. Table to a future meeting.
3. Recommend denial.

Staff is recommending this project be tabled until revised plans are submitted addressing the City Engineer and City Planner's comments.

Conditions on an Interim Use Permit can mitigate for many of the impacts that a development may have on the community. A draft list of potential conditions for preliminary review and discussion are as follows:

Draft Potential Condition List – Mahler IUP
First Draft 10.23.19

I. GENERAL CONDITIONS

A. Legal Compliance:

1. Prior to the start of any activities and initial work at the Subject Property and prior to the start of each year's operations, Fehn Companies, Inc. and _____ hereinafter "Operator," "Permittee," or "Permit Holder" shall obtain any required Federal, State, County, City and other local permits for each operation and/or construction activity, including, but not limited to, from the Minnesota Pollution Control Agency ("MPCA"), Minnesota Department of Natural Resources ("DNR"), Minnesota Department of Health ("MDH"), City, and any other applicable government agency, as applicable to each operation and/or construction activity. Operator shall submit evidence of having obtained all required permits to the City for its review and approval, prior to any Mining Operations (as hereinafter defined).

   Further, prior to the start of each year's operations, the City shall review Mining Operations to determine continued compliance with specific IUP requirements. If the City reasonably determines that work on the Subject Property does not comply with specific IUP requirements, the City shall provide written notice to the Permit Holder specifying any asserted non-compliance and the Permit Holder shall have twenty-one days from the date of such notice to cure any asserted non-compliance. In the event the City reasonably determines that Permit Holder has not remedied the specified non-compliance upon expiration of such cure period, then the City may, at its option, refuse to allow continued Mining Operations under this IUP until the Permit Holder so complies and/or take any other action allowed by law. Upon the City's demand, the Permit Holder shall cease all work until there is compliance as reasonably determined by the City. All costs of the City associated with any permit review and submission of monitoring reports to the City shall be the sole responsibility of the Permit Holder.

2. Permit Holder shall comply with all applicable Federal, State, and City ordinances, statutes, rules, regulations and permits including, but not limited to, those of the U.S. Army Corps of Engineers ("Corps"), Environmental Protection Agency ("EPA"), MPCA, MDH, DNR, and other regulations and standards applicable to the mining operation ("Regulatory Authorities").

3. The IUP for aggregate mining and processing operations shall comply with the plans and mining narrative collectively referred to as the "Approved Plans" which are all incorporated herein by reference. The Operator shall have the right to request modifications, as appropriate, to the Approved Plans so long as such modifications continue to substantially comply with the Approved Plans. All modification requests must be made to the City in writing. City staff shall have the authority to determine whether changes requested by the Operator substantially comply with the Approved Plans. If the Approved Plans vary from the written terms of this IUP, the terms that are the most conservative and restrictive shall control unless otherwise agreed to in writing by City staff. The Approved Plans are as follows:

   {INSERT LIST OF APPROVED PLANS}

B. Permit Review:

1. This IUP shall be reviewed periodically, as provided by the City Zoning Ordinance and may be amended at any time as allowed by applicable laws, ordinances, and regulations in the event that the City Council, through the proper public hearing process as provided for in the Zoning Ordinance, reasonably determines that the actual operations of the mine on the Subject Property present a material adverse impact to health and/or human safety that relates specifically to the Mining Operations on the Subject Property and is not able to be addressed or mitigated through the Approved Plans identified above or the provisions of this IUP.

2. Prior to January 1 each year, Operator shall prepare an Annual Certificate of Permit Compliance for the mine on the Subject Property for submission to the City.

3. Any Operator proposed modifications to Approved Plans required in this IUP shall be included in the Annual Certificate of Permit Compliance and shall not take effect until such proposed modifications to the Approved Plans are approved in writing by the City

C. Incorporation of Environmental Assessment Worksheet & Environmental Impact Statement:

1. The Environmental Assessment Worksheet ("EAW") and comments related to the use of the Subject Property for Mining Operations and impacts on the Subject Property and surrounding areas received were reviewed by the City Council on

September 17, 2019. The City Council considered the comments and staff response to comments and the proposed Findings of Fact and Conclusions and determined that the EAW was adequate and approved a negative declaration on the need for an Environmental Impact Statement. The EAW, comments, staff responses to comments, and Finding of Fact and Conclusions presented to and adopted by the Board on September 17, 2019 are hereby incorporated by reference to be used as an evidentiary document that outlines potential traffic and environmental issues. The Operator will use these documents as a resource when working with the appropriate agencies in permit applications and in the event that any findings outlined in the documents become realized.

D. Costs:

All costs associated with permit review and testing and preparation for and submission of monitoring reports to the City and any other Regulatory Authority requesting monitoring reports shall be the sole responsibility of the Operator. All costs associated with remediation activities and development and operation of the site in compliance with the Approved Plans shall also be the sole responsibility of the Operator.

Operator shall reimburse the City for all administrative, legal, planning, engineering and other professional costs incurred in the creation, administration, execution and approval of this IUP prior to any Mining Activities commencing on the Subject Property. Further, Operator shall reimburse all reasonable engineering expenses incurred by the City in designing, approving, constructing, installing, and inspecting the road rights-of-way and other infrastructure improvements described in the Approved Plans.

All unpaid EAW or IUP escrows owed to the City, if any exist, shall be paid prior to any Mining Activities commencing on the Subject Property. The Operator shall maintain a $5,000 escrow to cover City staff time reviewing and responding to all monitoring reports and testing throughout the duration of this IUP.

Any invoice from the City shall be paid by the Operator within 30 days of invoice date.

E. General Conditions:

1. Operator shall identify in writing an officer within the company, together with his or her title and 24-hour contact information, for the City or for any Regulatory Authorities to contact regarding concerns regarding the operations of the mine, or this IUP. The assigned person shall respond to all non-emergency inquiries during

normal business hours, within 48 hours of being notified of the inquiry. Inquiries deemed to be an emergency by the City shall be responded to immediately.

2. This IUP is issued specifically to Fehn Companies, Inc and _____.

3. Mining, for the purposes of this IUP, will be limited to dirt moving, berm construction, pond construction, overburden removal, drilling, stripping, filling, digging, dredging, crushing, screening, processing of mined aggregate as defined in MS § 298.75, subd. (a) , processing and stockpiling of recycled concrete and asphalt, loading and on-site movement of materials, clearing, sodding, mobilization of equipment, and sale and removal of sand and aggregate material ("Mining Operations"). Any activity not included in the prior sentence shall require prior written approval of the City.

4. All signage on the Subject Property shall conform to the City Zoning Ordinance.

5. The Subject Property shall be maintained in a neat and orderly manner.

6. All mobile equipment, vehicles and miscellaneous storage associated with the Mining Operations on the Subject Property shall be screened from view of surrounding properties . Only equipment used in the Mining Operations shall be allowed to be stored on the Subject Property.

7. The stockpiled topsoil, overburden, and strippings must be re-spread on the Subject Property and shall not be sold or removed. The Operator may not remove or allow to be removed any topsoil, overburden, or strippings from the Subject Property.

8. The Operator shall provide to the Wright County the appropriate quarterly reports and payments due for aggregate production tax "gravel tax" in accordance with MS §298.75. Any report and payment not received by Wright County, within fourteen days following the end of each quarter, shall be subject to penalties pursuant to MS § 298.75, subd. 5.

9. The Operator shall pay a Haul Fee of $.05 per cubic yard of material directly to the City. This fee shall be paid for all material exported from the site, and shall also be paid round-trip for material brought to the site for recycling and crushing. Repairs to 15th Street shall be funded by said Haul Fee and shall be conducted by the City following completion of the mining operation or earlier based on the recommendation of the City Engineer. Said Haul Fee shall be used for any and all necessary repair to streets caused by or resulting from the mining operation and for any other lawful purpose as determined by the City.

10. A hazardous waste license shall be obtained if required by Wright County. Best Management Practices shall be implemented limiting onsite maintenance of equipment.

11. Truck traffic shall comply with the haul route approved, which shall be 15th Street to CSAH 19. 15th Street shall meet a 10-ton standard as required by the Zoning Ordinance. Any improvements to 15th Street shall be constructed at the sole expense of the Operator. {Note: This would be in compliance with the ordinance but is not consistent with the narrative provided by the applicant. The City Council will need to determine how to proceed with this item if the IUP is approved by the City Council.} Such construction shall occur prior to commencing Mining Operations unless otherwise agreed to in writing by the City.

12. Perimeter fencing shall be installed prior to commencing Mining Operations in Phases 3 through 5 and maintained at all times. The location of perimeter fencing shall be approved by City staff prior to installation.

13. Prior to accepting fill material onto the Subject Property, the Operator will identify the source of imported material and assess the potential for contamination. This assessment will include contacting the source site owner/operator to ascertain whether any known contamination exists and reviewing available environmental documents (Phase I ESA, etc.). If the history of imported soil is not so documented, sampling and laboratory analysis of the soil will be required to demonstrate compliance with the Soil Reference Value (SRV) limits prior to the material being unloaded at the Subject Property. [SRVs are numerical values representing the amount of chemical in soil that is safe for people who use the site. These values are determined by the MPCA using calculations provided by the US EPA]. The reclamation fill cannot contain chemical constituents of concern that exceed the limits specified for the MPCA's Tier I SRV. Documentation of investigation and test results of imported fill will be provided to the City within ten days of the Operator receiving the environmental review documents or test results.

14. Excavated soils and imported soils to be used for site reclamation will be required to be stockpiled outside of the 100-year floodplain and protected from erosion to preclude sediment impacts on the Crow River.

15. All solid or hazardous waste generated on the Subject Property shall be properly disposed of per the requirements of Regulating Authorities. No dumping of solid or hazardous waste materials will be allowed at the Subject Property.

16. Prior to commencement of Mining Operations, Operator shall install screening, approved by the City, which includes vegetation and berms as shown on the Approved Plans where necessary to screen the Mining Operations from public view. Installation of screening shall be as set forth in the Approved Plans so as to screen Mining Operations from public view to the extent reasonably possible. The screening shall remain in place at all times until Mining Operations cease.

17. This IUP does not authorize the production of asphalt or concrete on the Subject Property.

18. Issuance of this IUP does not preclude the City from, in the future, adopting ordinances, rules and standards which are more stringent than those in place as of the issuance of this IUP and enforcing such ordinances, rules and standards.

19. If any provision(s) of this IUP is determined to be unenforceable by a court of competent jurisdiction, the remaining provisions shall remain valid and enforceable.

20. Issuance of this IUP does not release the Operator, its successors and assigns, from any applicable obligation, duty, liability, or penalty imposed by law, statute, ordinance, rule, or regulation, except the obligation to obtain this IUP.

21. The issuance of this IUP does not create, and the City does not assume, any liability for damages to persons, property or the environment caused by the activities of the Operator, its successors and assigns, on the Subject Property, including any activities or operations undertaken pursuant to this IUP.

II. MINE OPERATIONS

A. Setbacks:

Mining Setbacks: For the Subject Property, Mining Operations, including removal of overburden, shall be setback a minimum distance as described below, except for where the City has approved a lesser distance on the northern border of the subject property to blend the Mining Operations into the existing Mining Operations in the City of St. Michael**.**

1. Material processing including recycled concrete and asphalt shall not be conducted within 250 feet from a property line nor within 500 feet to any residential structure.

2. Mining Operations shall not be conducted closer than two hundred (200) feet to any residence or residential zoning district boundary existing on the approval date of the Interim Use Permit.

3. Mining Operations shall not be conducted within one hundred (100) feet of any property line, or within one hundred (100) feet of the right-of-way line of any existing or proposed street. Side slopes of the Mining Operations shall be in conformance with the Approved Plans.

B. Hours of Operation:

1. All Mining Operations on the Subject Property and entry and exit of trucks hauling materials shall be permitted on Monday through Friday from 7:00 A.M. to 7:00 P.M. {Note this is in compliance with the ordinance but is different than requested by the applicant in their narrative.}

2. Mitigation measures necessary to control fugitive dust and other nuisances may be conducted at any time, including weekends and holidays and in accordance with the Approved Plans.

C. Noise:

3. The Operator shall obtain a noise analysis by a third-party qualified noise consultant approved by the City at the request of the City after Mining Operations begin and when processing equipment is less than five hundred (500) feet from a noise receptor to ensure that State noise standards are met. The City may require additional noise analysis at Operator's expense, but not more than twice annually. The noise analysis will be submitted to the MPCA and the City.

4. Use of all production equipment in the Mining Operations at the Subject Property will be designed to meet the Federal and MPCA noise standards at the nearest receptor. The Operator will be notified in the event City staff receives a complaint regarding noise generated by Mining Operations. The Operator shall address all noise violations within 24 hours and report back to the City.

5. Operator shall exercise its best efforts to control noise to minimum practical levels. Backup horns, bells, strobe lights, and other warning devices shall be

adjusted to the minimum level required by law. Further, Operator shall use broadband or white noise backup alarms on all of its mobile equipment.

D. Air Emissions Permit:

If required by the MPCA, a Total Facility Operating Permit for Mining Operations located on the Subject Property shall be secured before Mining Operations commence. Operator shall comply with all terms and conditions of such permit.

E. Inspections:

The Subject Property and Mining Operations shall be available for inspections by the City, within normal company working hours (7:00 A.M. to 7:00 P.M. Monday through Friday) upon eight-hour advance notice to the Operator. Any inspectors must identify themselves to an employee of the Operator before entering onto the Subject Property and must be escorted by an employee of the Operator at all times to ensure the safety of the inspectors. Inspectors shall receive hardhats, safety glasses and reflective vests from the Operator upon arrival. Inspectors will be required to provide all other safety equipment they may desire or that may be required in compliance with the applicable State and Federal laws and regulations.

III. SURFACE WATER QUALITY AND QUANTITY

A. Surface Water Quality:

1. Operator shall comply with all provisions of their National Pollutant Discharge Elimination System (NPDES) Permit (as amended, replaced or renewed by the MPCA) for the Subject Property and the Mining Operations thereon. A copy of the current construction storm water and/or industrial storm water/NPDES permit(s) shall be provided by Operator to the City to be kept on file for review by City officials or the public.

2. Storm water runoff from the Subject Property to surrounding properties shall not exceed predevelopment runoff rates based on 2, 10, and 100-year storm events. All areas used to convey storm water runoff shall be covered by permanent, dense vegetative cover or other permanent structural controls.

3. Operator shall implement, during all phases of the project, all applicable Best Storm Water Management Practices (BMPs), as may be necessary, to protect surface water quality. These BMPs include, but are not limited to, the following:

a. All berms shall be seeded with vegetation as defined in the approved RMP & NPDES permit in a timely manner after completion of berm construction.

b. Reclamation shall proceed in accordance with the Approved Plans in a continuous manner consistent with the phasing of Mining Operations on the Subject Property.

c. Stormwater ponds and infiltration areas shall be constructed within the mining area as identified in the RMP.

IV. WATER QUALITY AND QUANTITY

1. Dewatering of the mine is not allowed.

2. Mining Operations shall not be closer than ten feet to the water table except for construction of stormwater ponding as shown on the Approved Plans.

3. Operator shall provide a copy of the Annual Report required in the NPDES permit to the City by February 1 of each year.

8. Petroleum or chemical storage tanks and equipment.

a. No diesel or petrochemical powered dredging equipment shall be located in the flood plain to prevent contamination from diesel leaks, spills, and exhaust.

b. No petroleum based or chemical products shall be stored in the 100-year flood plain including petroleum fuel tanks on mobile equipment.

c. Fueling stations, vehicle maintenance stations, petroleum and chemical storage shall be located on an impervious or paved surface.

d. Above ground petroleum tanks shall be equipped with secondary containment structures or double-walled tanks as approved by the MPCA. An impervious surface shall be provided for parking of any mobile refueling trucks or trailers. All spills must be reported to the City, Wright County and the MPCA.

e. Below ground petroleum or chemical storage tanks shall be prohibited.

9. All waste oil products shall be properly recycled.

10. All minimum setbacks, as prescribed by the MPCA and the MDH shall be observed between water wells and petroleum or chemical storage tanks or other potential contaminant sources.

V. RECLAMATION

A. Reclamation Plan:

1. Reclamation shall be in substantial conformance with the Approved Plans.

2. When mining is complete or Mining Operations have ceased for 180 consecutive days in any phase, a registered civil engineer, retained at Operator's expense, shall certify to the City that the Subject Property has been restored in accordance with the Reclamation Plan included within the Approved Plans.

3. Operator shall be ultimately responsible for all means and methods utilized in the implementation of all mining, processing and reclamation plans. Reclamation fill within areas designated as building pads and roadways will be compacted in lifts to at least 95 percent of Standard Proctor maximum dry density.

4. At the conclusion or interruption of the Mining Operations for more than 180 consecutive days, all processing facilities and equipment shall be removed from the Subject Property. Security for reclamation, as increased over time to reflect inflation or decreased over time to reflect completed reclamation activities, shall remain in place until all processing facilities and equipment are removed.

B. Reclamation Standards:

1. Reclamation shall be conducted in the general sequence and manner as described in the Approved Plans

2. Reclamation shall be on-going with back filling of areas and establishment of vegetation proceeding as soon as practical after a mining area has been completed.

3. Operator shall report all reclamation activities in the Annual Certificate of Permit Compliance. Reclamation security will be reviewed annually and can be amended based on inflation or reclamation activities.

4. Operator shall, at its expense, engage a geotechnical engineer to design and periodically observe the reclamation backfilling and monitoring processes for future

building sites. The geotechnical engineer shall provide reports on such activities to the Operator and City.

5. At the conclusion of the reclamation process the Operator's geotechnical engineer must perform a post reclamation evaluation and certify to the City that the reclaimed areas are suitable for the future end use, as defined in the Reclamation Plan included in the Approved Plans for the Subject Property. In the case of future building sites and roadways, the geotechnical engineer must provide certification to the Operator and City that settlements shall not exceed 95 percent of Standard Proctor maximum dry density.

VI. FINANCIAL SECURITIES

The Operator shall provide security for site reclamation in an amount initially established as $_____. The City shall require this security as a Letter of Credit in a form and content reasonably acceptable to the City in its determination. The amount of the security shall be reviewed annually and can be amended based on inflation or reclamation activities as determined by the City.

VII. PERMIT EXPIRATION

A. IUP Expiration:

This IUP shall expire at the earliest event listed below:

1. This IUP is issued to a specific operator/owner. If the operator/owner changes from Fehn Companies, Inc. and _____, this IUP shall become void.

2. This IUP shall expire one (1) year from the date of issuance if the permit is not utilized.

3. This IUP shall expire upon the termination of Mining Operations and all reclamation conditions listed in Condition _____ have been completed to the satisfaction of the City.

4. This IUP shall expire if the NPDES Permit expires, or is revoked or terminated for cause by the MPCA.

5. This IUP shall expire if the IUP is revoked by the City for violations of the IUP's terms and conditions.

6. This IUP shall expire at the conclusion or interruption of the Mining Operations for more than one year and all reclamation conditions listed in Condition _____ have been completed to the satisfaction of the City.

7. This IUP shall expire twenty (20) years from the date of issuance.

Memorandum

To: ***Cindy Nash – Hanover City Planner***

From: ***Justin Messner, PE – Hanover City Engineer***

Cc: ***Brian Hagen – Hanover City Administrator***

Date: ***October 22, 2019***

Re: ***Mahler Mining Pit Expansion Plan Review***
WSB Project No. 014135-000

As requested, we have reviewed the Mahler Mining Pit Expansion documents as prepared by Civil Engineering Site Design Inc., dated September 25, 2019 and have comments below;

Narrative

1. Provide calculations showing the proposed street improvements for 15th Street will meet the requirements for a 10-ton pavement design.

2. Provide a detailed engineer's estimate for the proposed street improvements costs for 15th Street.

3. Provide the earthwork calculations for expected aggregate material yield in order to justify the future deposit into the Street Improvement Fund.

Stormwater Management

1. A NPDES Nonmetallic Mining/ Associated Activities General Permit will be required prior to the start of any mining activities per the EAW.

2. An operations and maintenance plan for the stormwater management system should be provided.

3. As noted in the EAW, the site will be required to meet the City's rate control requirements. The subwatershed discharging to the northwest must not exceed 0.1 cubic feet per second per acre of drainage for the 1-, 10-, and 100-year 24-hour MSE 3 storm events, and the 100-year 10-day snowmelt event.

4. The southern cell of the proposed infiltration basin is noted as a stormwater pretreatment basin. This cell should be lined to confirm it will hold water on a permanent basis and designed to NPDES permit standards.

5. An 'operations' HWL is listed in the plans however modeling for the operations phase was not provided. Applicant should submit modeling for the operations phase for review.

6. The 100-year, 10-day snowmelt event should be modeled for both the proposed and existing conditions.

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Proposed Operations Plans

1. There is minimal grade (0.2-0.25%) proposed across the whole site as phases are excavated. Applicant should provide detail on how the site will drain to the proposed stormwater pond during excavation.

2. Connect the berms in Phase 3 at the transmission pole location.

3. Proposed grading contours are shown extending onto the adjacent property to the north. Provide approval from the adjacent property owner to the north for the proposed grading and coordinate proposed grading operations with the adjacent property owner as described in the note on sheet C2.0.

4. The planned excavation bottom elevation of 896' does not provide the required 10-foot separation between the water table in Phase 2 (SB-2), Phase 3 (SB-1), and Phase 4 (SB-5).

End Use Plans

1. The whole site will need to transition much more gradually from the 924-926 elevations on the south and west ends of the parcel to the proposed 896 elevation on the north and east sides. Currently, the end use plan shows the grades dropping 20-30 feet within the first few hundred feet of the boundary of the parcel with the remaining 1,000+ feet being relatively flat.

2. The future roads that would connect to the existing residential development to the west would be passing through areas of 5:1 (20%) slopes. The grade along the western and southern perimeters should be revised to be within substantial conformity of the surrounding land area.

3. Section 10.72.E.2 of the Mining Ordinance states that no part of the reclamation area shall be at an elevation lower than the minimum required for gravity connection to sanitary and storm sewer. The proposed elevations do not meet those requirements.

4. Slopes for the proposed drainage swales should be called out on the plans.

5. The plans do not identify specific species of vegetation that will be replanted. See Section 10.72.C.3 of the Mining Ordinance for more information.

Concept Plan

1. Provide how the transmission poles would transition to either adjacent lots or stormwater ponds with your proposed concept.

2. Most of the proposed connecting roads to the adjacent parcels are shown passing through areas of 5:1 (20%) slopes.

Collaborative Planning, LLC

MEMORANDUM

To: Brian Hagen, City Administrator

From: Cindy Nash, City Planner

Date: October 23, 2019

Subj: Planning Review Comments – Mahler IUP
Plans dated September 25, 2019

I have reviewed the final plat and plans and narrative dated September 25, 2019 and have the following preliminary comments.

1. Engineering comments will be included within a separate memo.

2. The City Council will need to have discussions related to whether they are interested in participating in the improvement of 15th Street under terms such as those included in the narrative from the applicant.

3. The buffer should be continuous on Phase 3. It can be moved closer to the neighborhood in the vicinity of the power pole to avoid the pole.

4. Location and maximum height of stockpiles need to be shown on the plan, storage for concrete awaiting recycling/crushing, as well locations where equipment that has the potential for significant noise will be located (such as a crusher).

5. A landscape plan should be submitted.

6. A viewshed analysis needs to be submitted as per Ordinance Section 10.72 Paragraph D.6. Berm heights may need to be higher to shield mining operations from public view depending on the height and location of the stockpiles.

7. The phasing shown is not conducive for redevelopment of the site until after the entire site has been mined. If the phasing is completed differently, it may allow for redevelopment of portions of the site into residential uses earlier than the end of the mining operation, and could also permit for the possibility of skipping interim reclamation and the costs associated with that. In that circumstance,

screening/berming will need to be repositioned as residential uses take over portions of what is proposed to be mined.

8. The narrative notes that the berm will be 10 feet high and will be repositioned with excavation phases. This may have been needed to move these if the phasing were different with, for example, what is Phase 5 actually being Phase 1 and then reclaimed and redeveloped as residential. However, with the phasing shown, it appears unlikely that redevelopment will be able to occur until mining of the entire site is completed. If this phasing is approved, the berms should be installed and remain in place through the entirety of mining.

cc: Justin Messner, WSB

09/26/2019

Fehn Companies
Gary Fehn
5050 Barthel Ind. Dr
PO Box 256
Albertville, MN 55301
763-497-2428

Project Narrative for Mahler Aggregate Mine Expansion

The project is an expansion of an existing mining operation initially approved by the City of Hanover under an Interim Use Permit (IUP) issued to Mahler Enterprises, LLC for a 37-acre parcel in 2006. The IUP was originally scheduled to expire on December 31, 2012. The Hanover City Council amended the IUP in 2011, 2018, and 2019 with time extensions. The current IUP will now expire December 31, 2019.

Fehn Companies (or associated entity) is in process of acquiring additional adjacent properties resulting in a combined total property area of 184.9 acres, and proposes to expand the existing gravel mine from 25 acres up to 155 acres. The properties and surrounding lands are known for aggregate resources and surface soils are typically sandy loams. The 130-acre mining expansion area is mostly cropland that has been under agricultural use for decades. The eastern boundary of the property abuts the Crow River. Land adjacent to the Crow River will remain unchanged and includes areas of floodplain, natural vegetation, and wetlands. No mining excavation or stockpiling of materials will occur in the floodplain or shoreland area.

Expansion of the existing aggregate mine will be phased over 15 to 20 years, depending on the demand for aggregate and market conditions. All phases of mining will ultimately cover up to 155 acres. Each of five phases will cover about 25 to 40 acres. The number of phases and mining pace will be determined by market demand for mining materials. Mining will generally be phased from the existing mine to the west and then to the south. Stormwater management basins will be constructed as part of first phase excavation and will be configured to remain in place through all phases and reclamation after mining is complete.

Mining is expected to eventually remove approximately 5.5 million cubic yards of aggregate material over the 15- to 20-year project lifespan. Mining will remove sand and gravel to depths between 20 feet and 26 feet. The bottom of the mine surface will be at least 10 feet above the groundwater level. Stormwater ponds, infiltration basins, and wash ponds may be located lower, but will be at least 3 feet above corresponding groundwater levels. A 345-kV overhead transmission line runs diagonally northwest-southeast through the site. Existing transmission line poles will remain in place with mining excavation sloped around poles to maintain support as allowed by Xcel Energy Company. Slopes at edges of mined areas will be as steep as 3:1, but these slopes will be flattened to 5:1 or flatter during reclamation.

Vehicles will access the mine from 15th Street NE, at the intersection of 15th Street and River Road NE/Lander Avenue NE. Traffic generated by the project include employee passenger

vehicles and trucks hauling earthen material. Haul routes will follow county and state roadways that are collectors and arterials as much as possible. The Traffic Study completed as part of the EAW process concluded that area intersections operate at acceptable Levels of Service under existing and proposed (year 2020) conditions. The project is expected to have minimal impact on the area roadway network.

Aggregate mining will be conducted using front-end loader extraction. Material processing may include screening, crushing, washing, and stockpiling. Crushing and screening equipment will be staged in proximity to the mining activity. Material stockpiles will also be created in proximity to the mining activity. Crushing/screening equipment and material stockpiles will move across the site with excavation operations. Material stockpiles will typically be 30-foot maximum height.

The washing operation will recycle with excavated ponds that will typically be filled with 3 to 4 feet of water pumped from an onsite well. The wash plant will include three ponds: an initial pond to catch fine native soil materials and two secondary ponds for water quality treatment and infiltration. Water from the third pond will be reused in wash operations.

Concrete recycling will occur intermittently, about twice per year during the construction season and is not expected to exceed 50,000 cubic yards of recycled material per year. Portable crushing machinery will be positioned at relatively low elevations in the gravel pit to maximize the vertical distance and buffer from neighboring land uses.

Measures to reduce noise and increase screening from neighbors will include 200-foot setbacks from residential zoned property lines, creation of 10-foot high topsoil berms that will deflect noise and provide a visual screening barrier, and placement of the portable crusher equipment at lower elevations. Topsoil stockpiles and berms will be seeded and stabilized to prevent erosion.

There are no permanent structures existing on the property and none are proposed. Temporary structures will be utilized at the site for storage of equipment and operations activities (ie. scale shack, etc.). All temporary structures will be removed at the time of reclamation. Employee vehicle parking will be located adjacent to the temporary structures.

Reclaimed mined areas will be planted to temporary grassland as part of reclamation. Best Management Practices (BMPs) will be implemented to protect water quality and reduce the potential for soil erosion and sedimentation.

Hours of mining operation are proposed as follows:

- Monday through Friday
  - 6:30 am to 7:00 am:
    - employee arrival
    - equipment warmup
    - staging of materials and prepare for loading
  - 7:00 am to 7:00 pm:
    - excavation and crushing production

loading of materials
trucking off-site

Saturday

6:30 am to 7:00 am:

employee arrival
equipment warmup
staging of materials and prepare for loading

7:00 am to 2:00 pm

limited operations to loading and trucking off-site (periodically needed due to construction weather delays during the week)
no crushing, screening, or washing operations

Existing 15th Street is in poor condition and needs improvement. The city of Hanover collects an aggregate tax at a rate that equates to $0.135 per cubic yard ($0.05/cy Fehn to City; $0.085/cy Fehn to Wright County to City) of material mined and hauled off-site. City of Hanover Fund #409 Mahler Pit – 15th Street Improvement Fund has a collected balance of $94,832.55. An additional $15,000 +/- is anticipated to be deposited for 2019 resulting in a fund balance of approximately $110,000.00.

It is estimated that mine expansion will yield 5.5 million cy resulting in future deposit of $742,500.00 (5.5M x $0.135) to 15th Street Improvement Fund. Total aggregate tax collected to end of mining operations would then be $852,500.00 ($110,000.00 + $742,500.00).

Improvement of 15th Street between River Road NE/Lander Avenue NE and Wright Co Hwy 19 is proposed as follows:

- Spring or early summer 2020; Fehn Companies undertake reclaim existing bituminous and pave with new 5" depth bituminous pavement (design and costs as approved by city engineer)
- Reclaim/repave estimate $200,000.00
- City contribute $100,000.00 from 15th Street Improvement Fund
- Fehn Companies contribute $100,000.00 +/- balance
- City refund aggregate tax collected on annual basis to Fehn Companies until $100,000.00 construction cost amount is repaid

At end of mining operations, a balance of $652,500.00 is estimated to be available in the 15th Street Improvement Fund for future reconstruction of the road.

Please contact us with any questions. We appreciate your consideration.

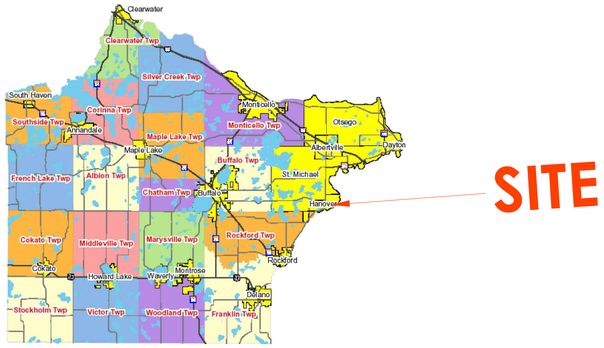
Gary Fehn

MAHLER AGGREGATE

MINE EXPANSION

CITY OF HANOVER, MN

MINNESOTA



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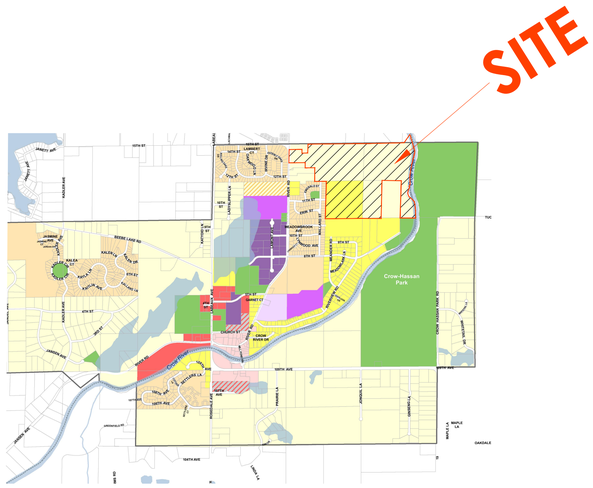
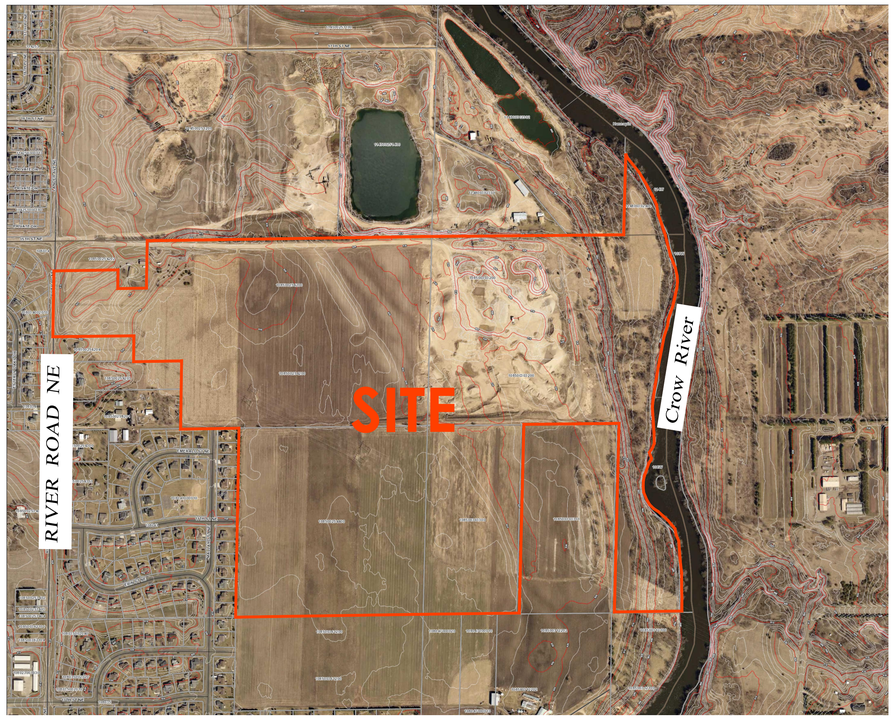


CITY OF HANOVER, MN



PROJECT LOCATION

INDEX OF CIVIL SITE DRAWINGS:

C0	PROJECT LOCATION PLAN
C1.0–C1.8	EXISTING CONDITIONS & CROSS SECTION
C2.0–C2.4	PROPOSED OPERATIONS
C3.0–C3.4	END USE PLAN
C4.1–C4.2	STORM WATER POLLUTION PREVENTION PLAN
C5.1	STORM SEWER PLAN

FEHN COMPANIES

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Gary Fehn
612-282-6542
gfehn@fehncompanies.com

MAHLER AGGREGATE MINE EXPANSION

SE Quad 15th Street and River Road
Hanover, MN 55341

PROJECT LOCATION PLAN

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Date: 09/25/19 Reg. No. 24348

PREPARED BY: CIVIL ENGINEERING SITE DESIGN

118 East Broadway St.
P.O. Box 1929
Monticello, Mn. 55362
Phone: 763-271-9929
www.civilsd.com

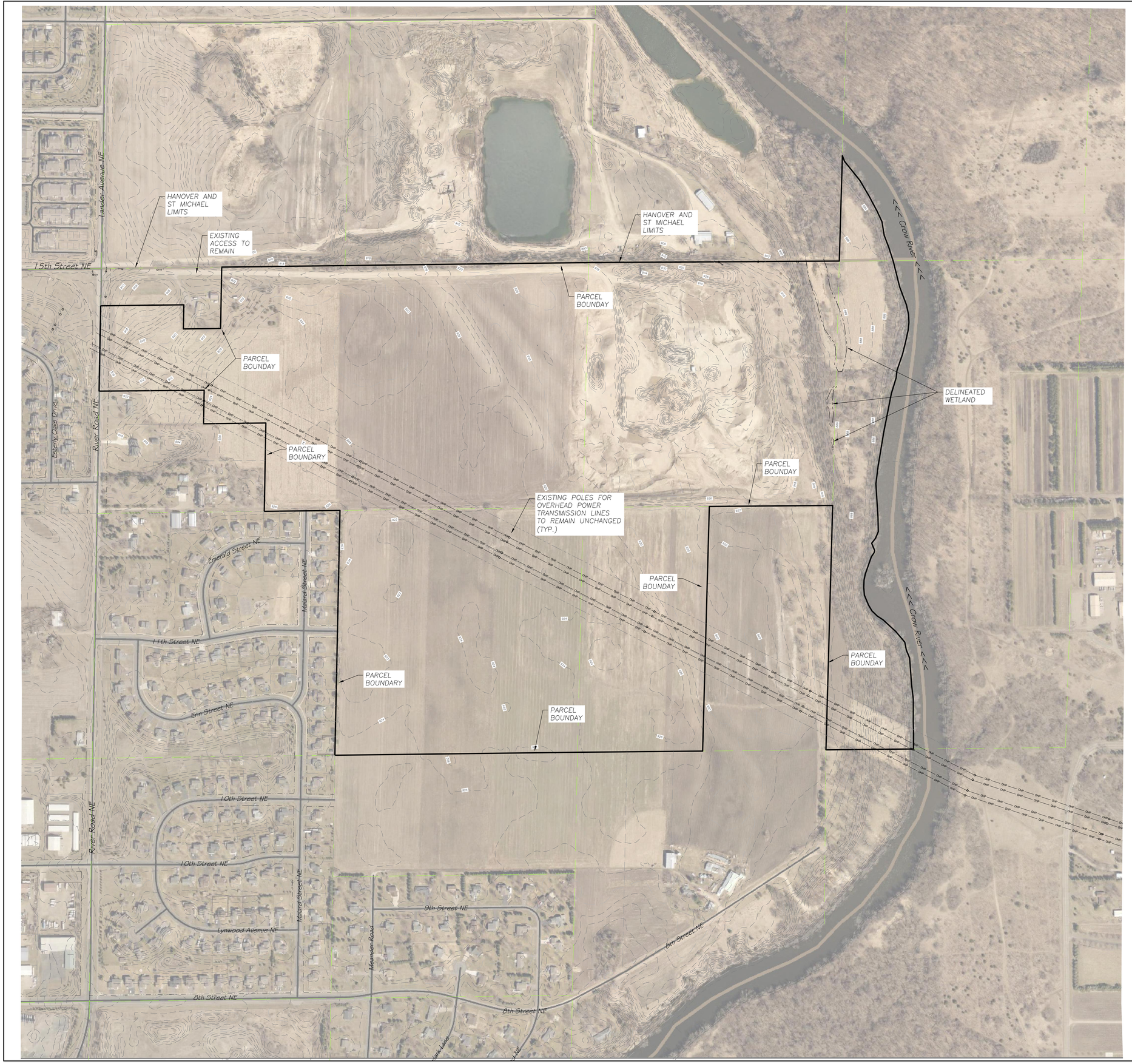
REVISIONS

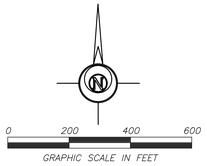
DATE	09/25/19
DRAWN BY	SD
DESIGNED BY	SD
CHECKED BY	SD

FILE NO. 00722

C0

Project Location Plan





EXISTING P.I.D. #S

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108-500-254-200	HANOVER
108-500-254-400	HANOVER
108-500-303-300	HANOVER
114-800-302-400	ST MICHAEL

APPROXIMATE GROSS AREA

184.9 ACRES

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EXISTING CONDITIONS
OVERALL LAYOUT

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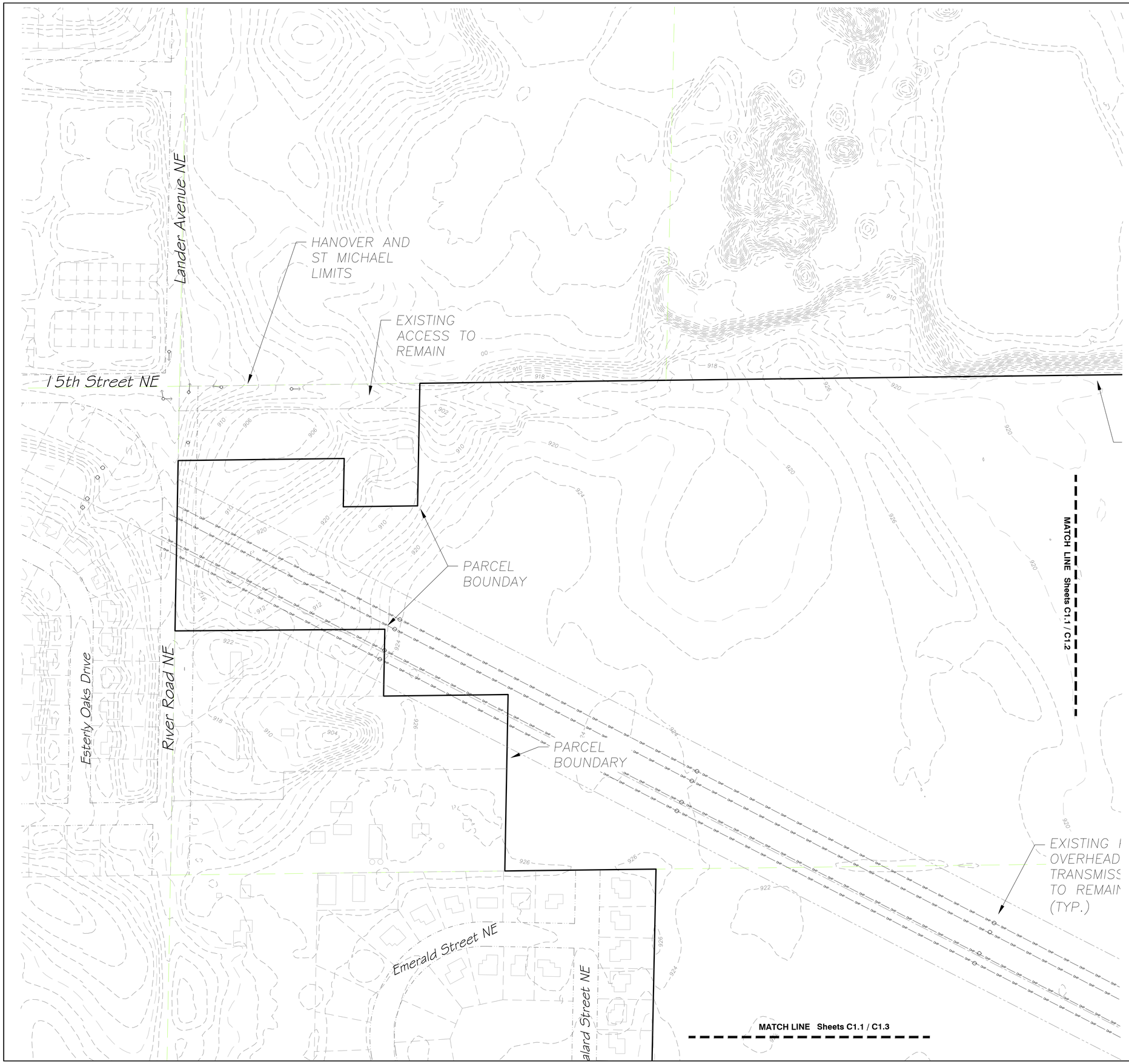
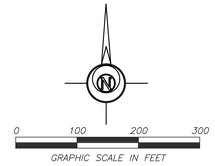
C1.0

Existing Conditions
Overall Layout





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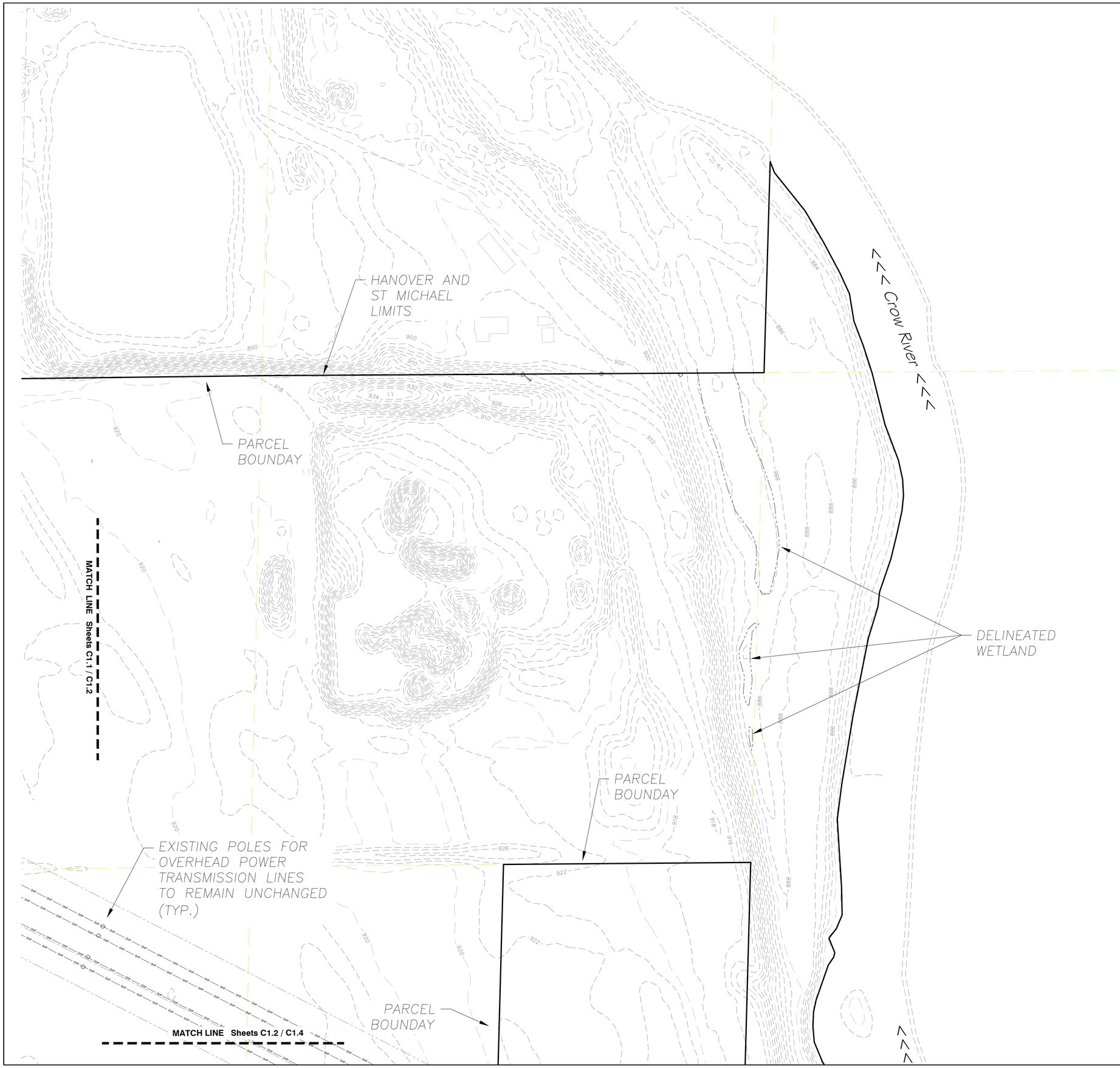
C1.1

Existing Conditions



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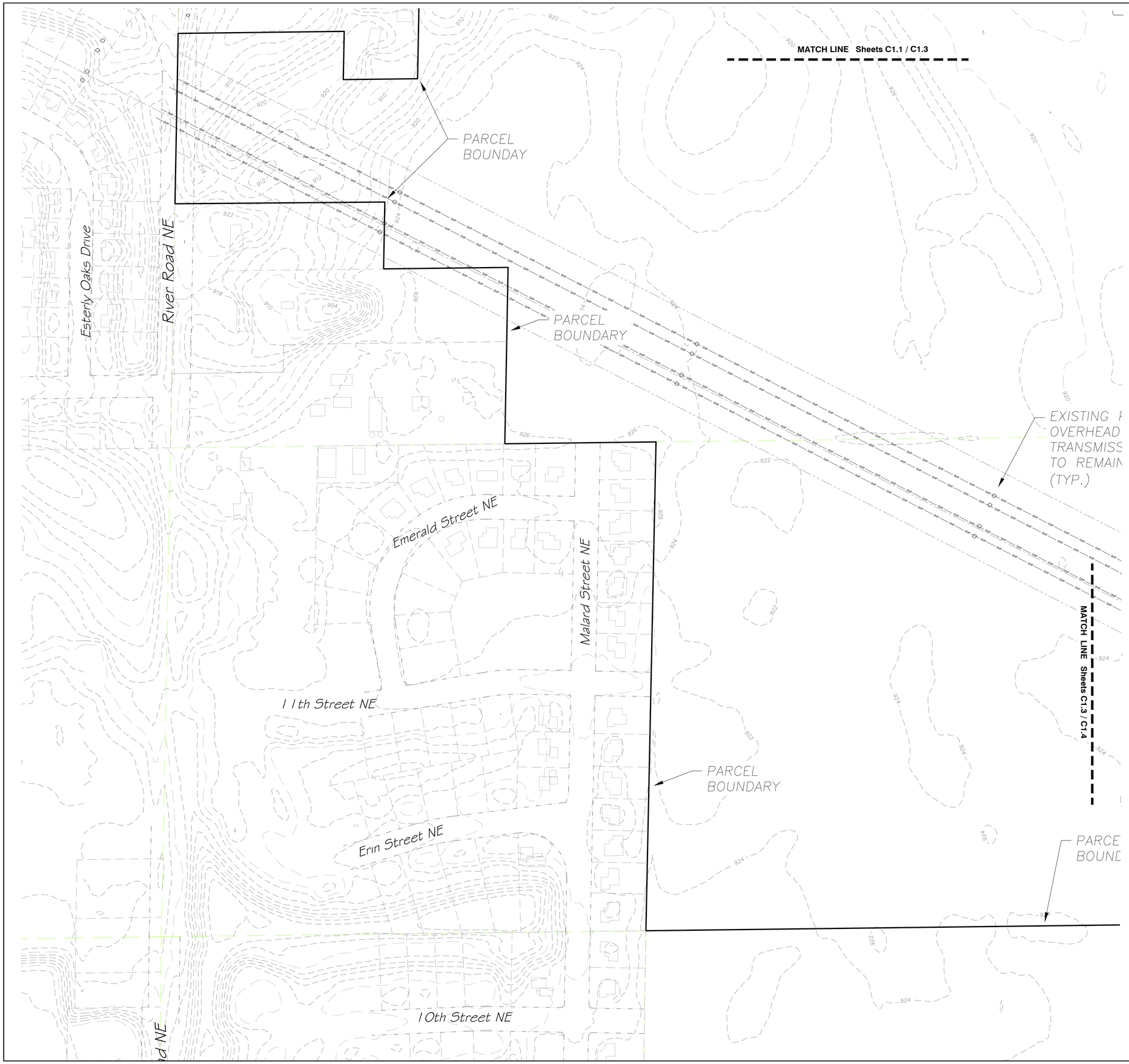
C1.2

Existing Conditions



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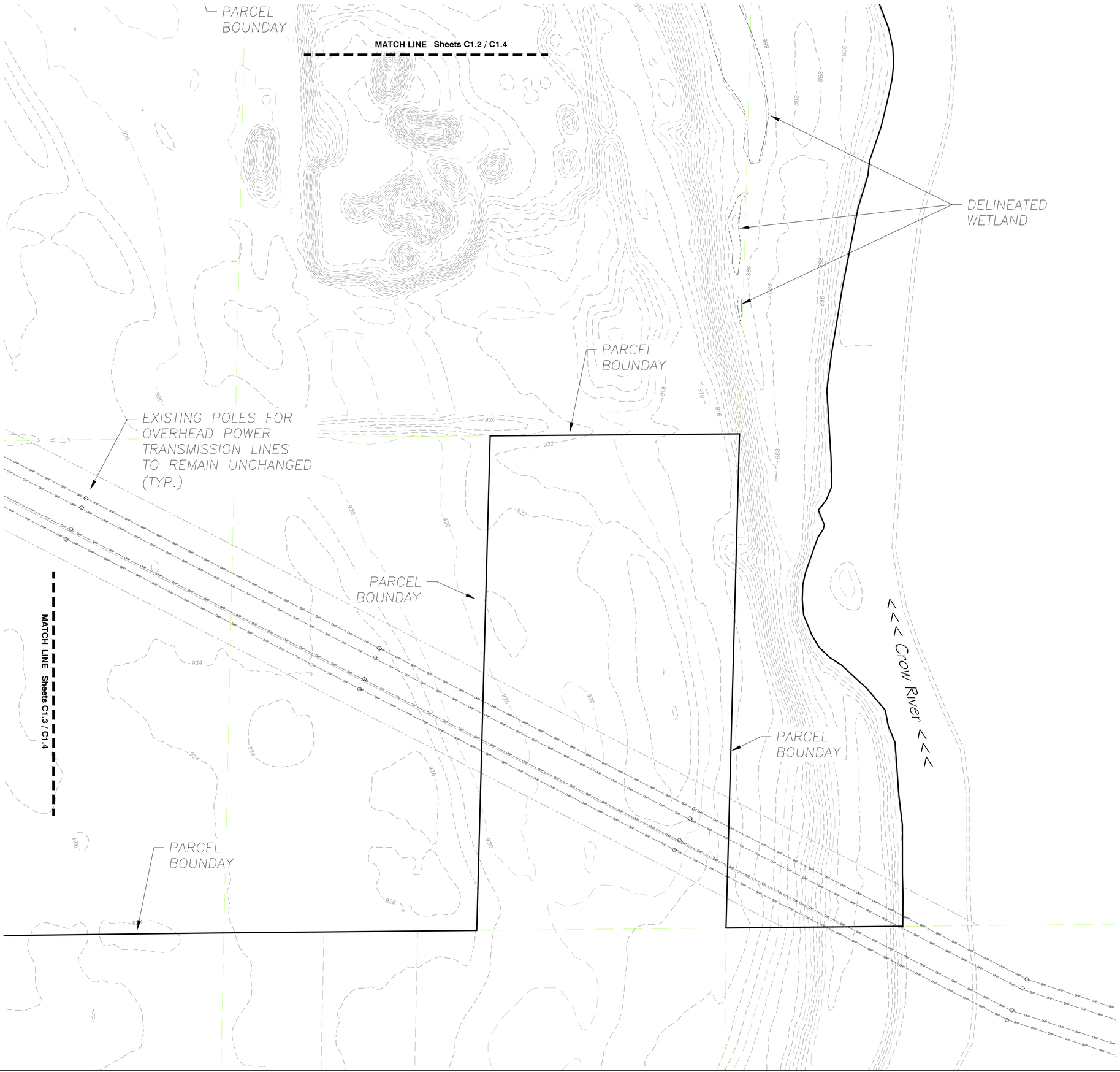

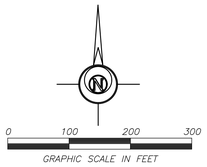

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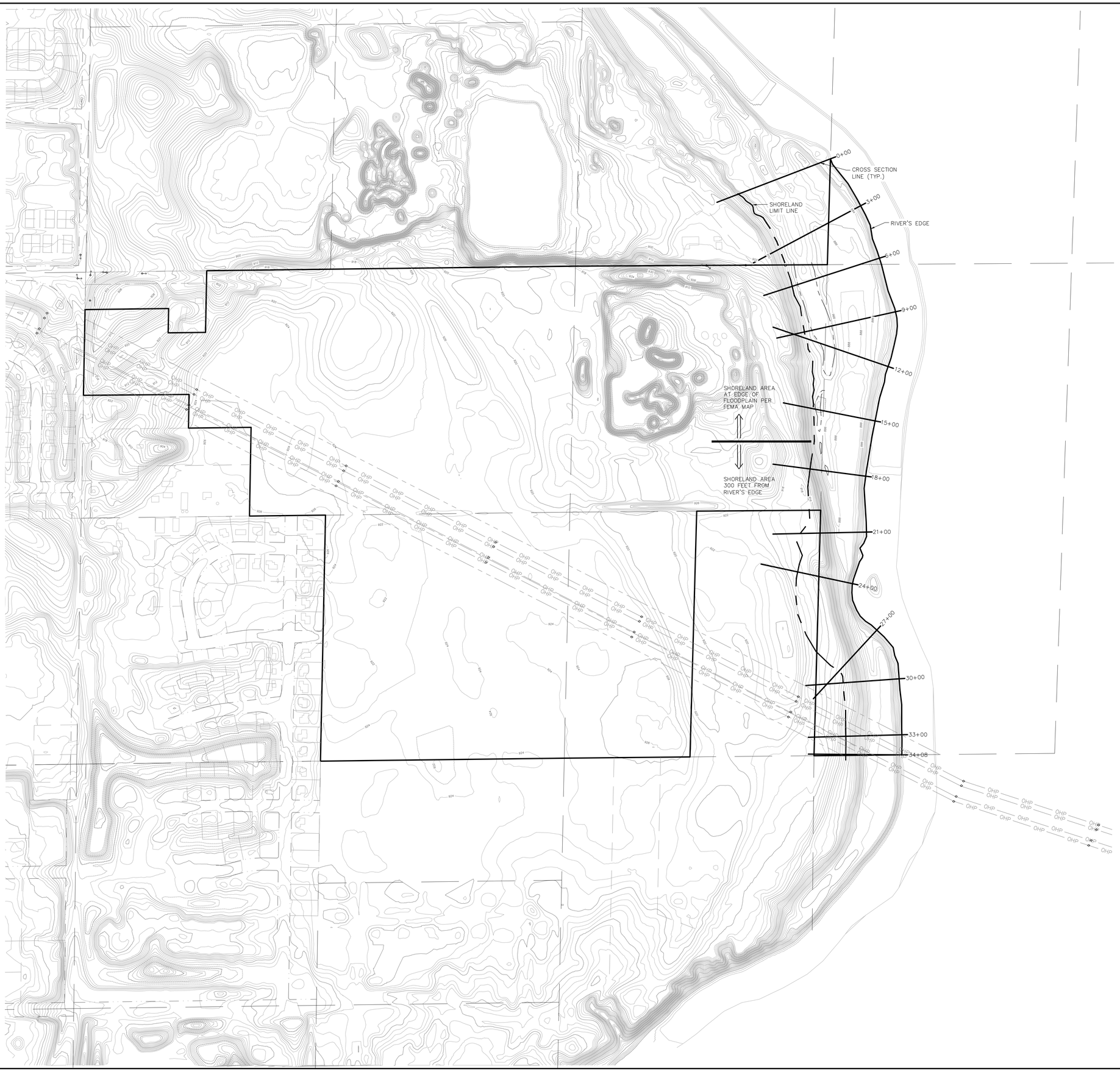
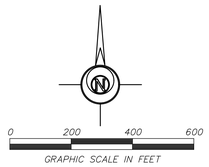
C1.4

Existing Conditions





SUMMARY OF EVALUATION CRITERIA

TO BE CONSIDERED A BLUFF, ALL OF THE FOLLOWING CRITERIA MUST BE MET:

ANY PART OF BLUFF MUST BE LOCATED WITHIN THE SHORELAND AREA.

TOE OF BLUFF: THE LOWER POINT OF OF A 50-FOOT SEGMENT WITH AN AVERAGE SLOPE EXCEEDING 18 PERCENT OR OHWL, WHICHEVER IS HIGHER.

THE SLOPE RISES AT LEAST 25 FEET ABOVE THE TOE OF THE SLOPE.

THE GRADE OF THE SLOPE ANYWHERE ABOVE THE TOE OF THE SLOPE TO A POINT 25 FEET OR MORE ABOVE THAT POINT AVERAGES 30 PERCENT OR GREATER; EXCEPT THAT AN AREA WITH AN AVERAGE SLOPE OF LESS THAN 18 PERCENT OVER A DISTANCE OF 50 FEET OR MORE IS NOT CONSIDERED PART OF THE BLUFF.

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SE Quad 15th Street and River Road
Hanover, MN 55341

CROSS SECTIONS PLAN

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Date: 09/25/19 Reg. No. 24348

PREPARED BY: CIVIL ENGINEERING SITE DESIGN

118 East Broadway St.
P.O. Box 365
Monticello, Mn 55362
Phone: 763-314-0929
www.civilsd.com

REVISIONS

DATE 09/25/19	DRAWN BY SD
DESIGNED BY SD	CHECKED BY SD

FILE NO. 00722

C1.5

Cross Sections Plan

HORIZONTAL SCALE 1"=20'
VERTICAL SCALE 1"=10'

INDEX OF CIVIL SITE DRAWINGS:

C0	PROJECT LOCATION PLAN
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C2.0–C2.4	PROPOSED OPERATIONS
C3.0–C3.4	END USE PLAN
C4.1–C4.2	STORM WATER POLLUTION PREVENTION PLAN
C5.1	STORM SEWER PLAN

FEHN COMPANIES

Fehn Companies, Inc.
5050 Barthel Industrial Dr.
Albertville, MN 55301

Gary Fehn
612-282-6542
gfehn@fehncompanies.com

MAHLER AGGREGATE MINE EXPANSION

SE Quad 15th Street and River Road
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CROSS SECTIONS

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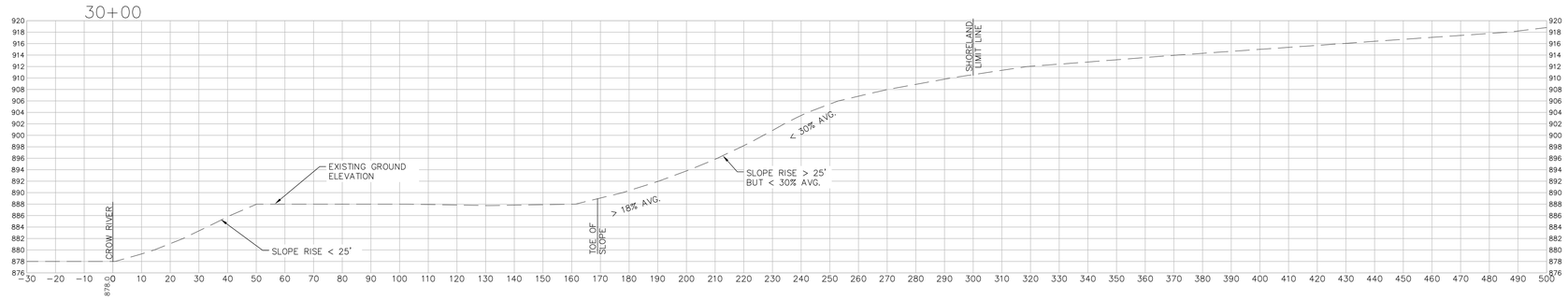
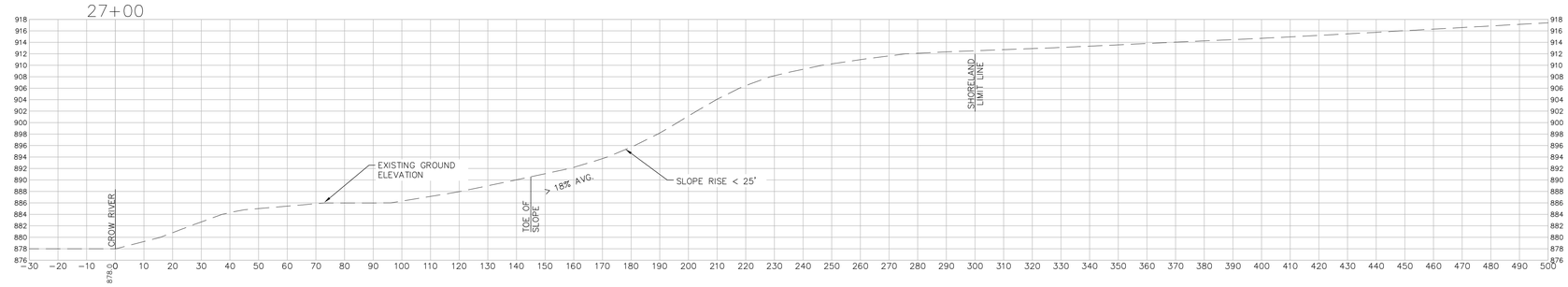
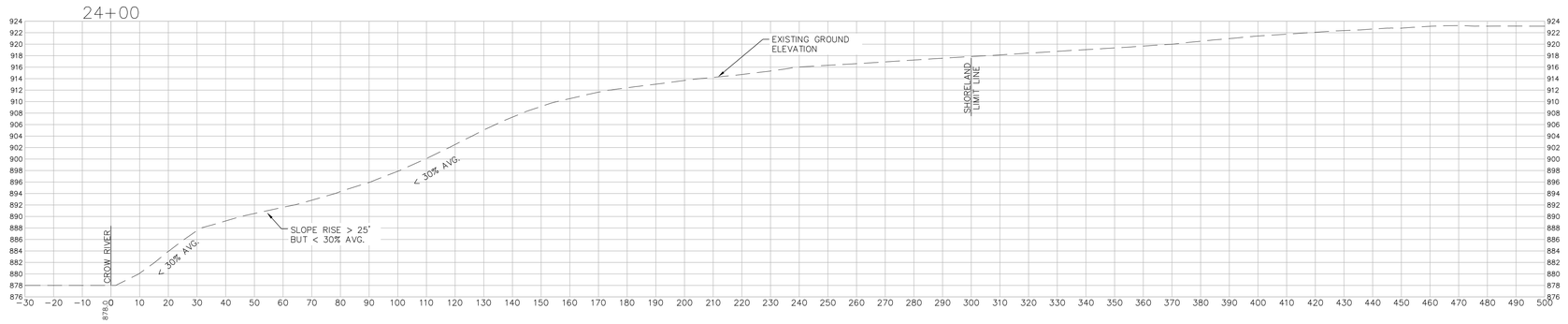
C1.6

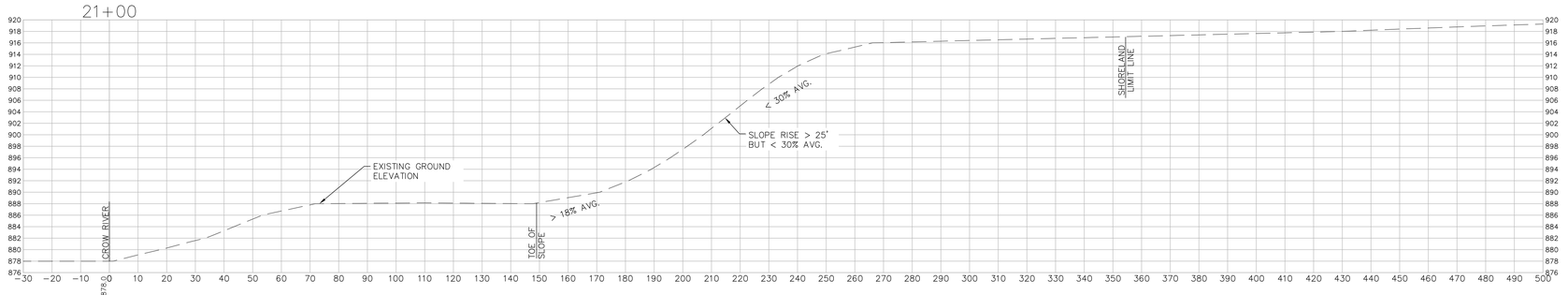
Cross Sections

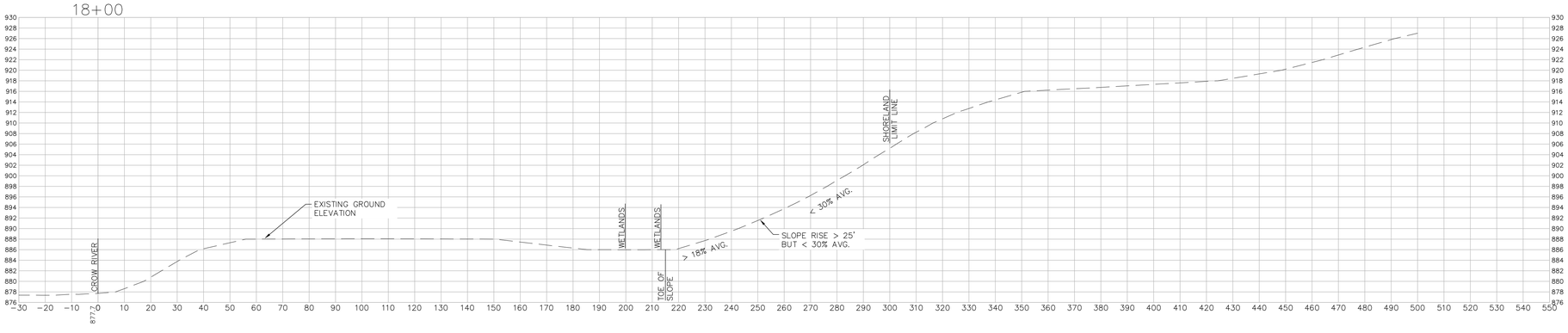
HORIZONTAL SCALE 1"=20'
VERTICAL SCALE 1"=10'











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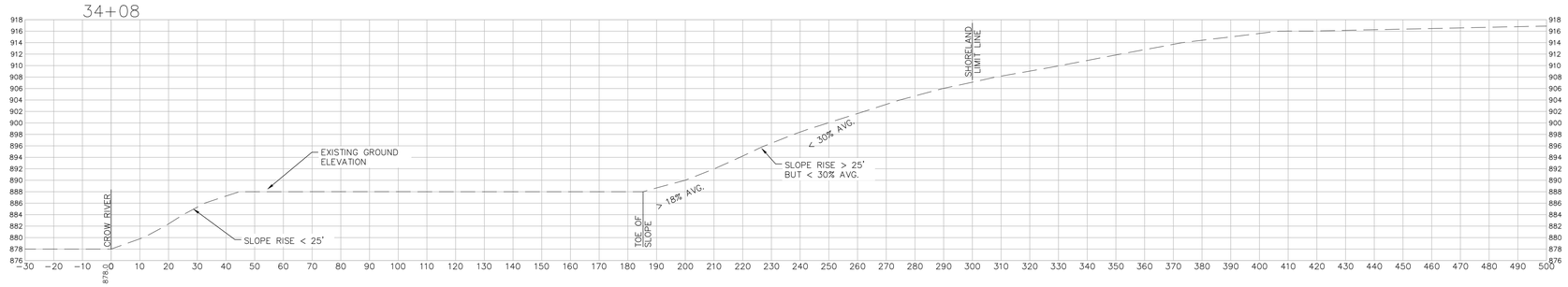
C1.7

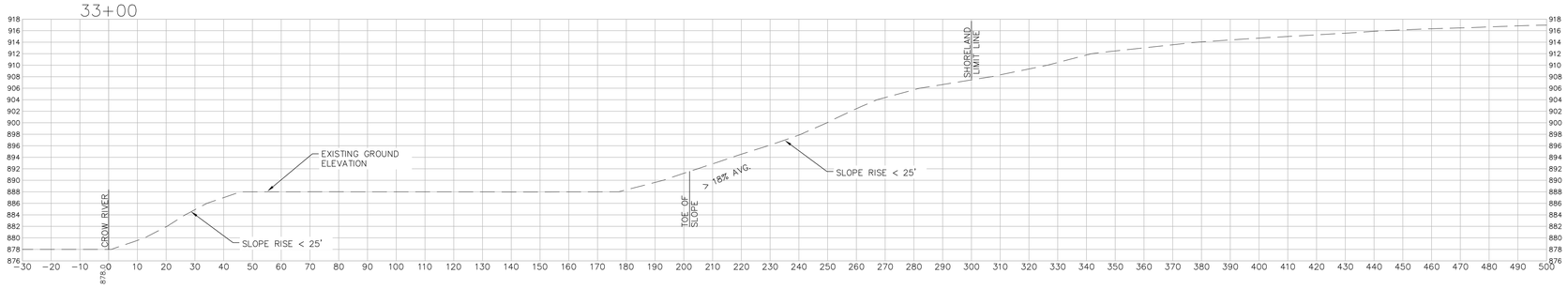
Cross Sections

HORIZONTAL SCALE 1"=20'
VERTICAL SCALE 1"=10'

34+08



33+00



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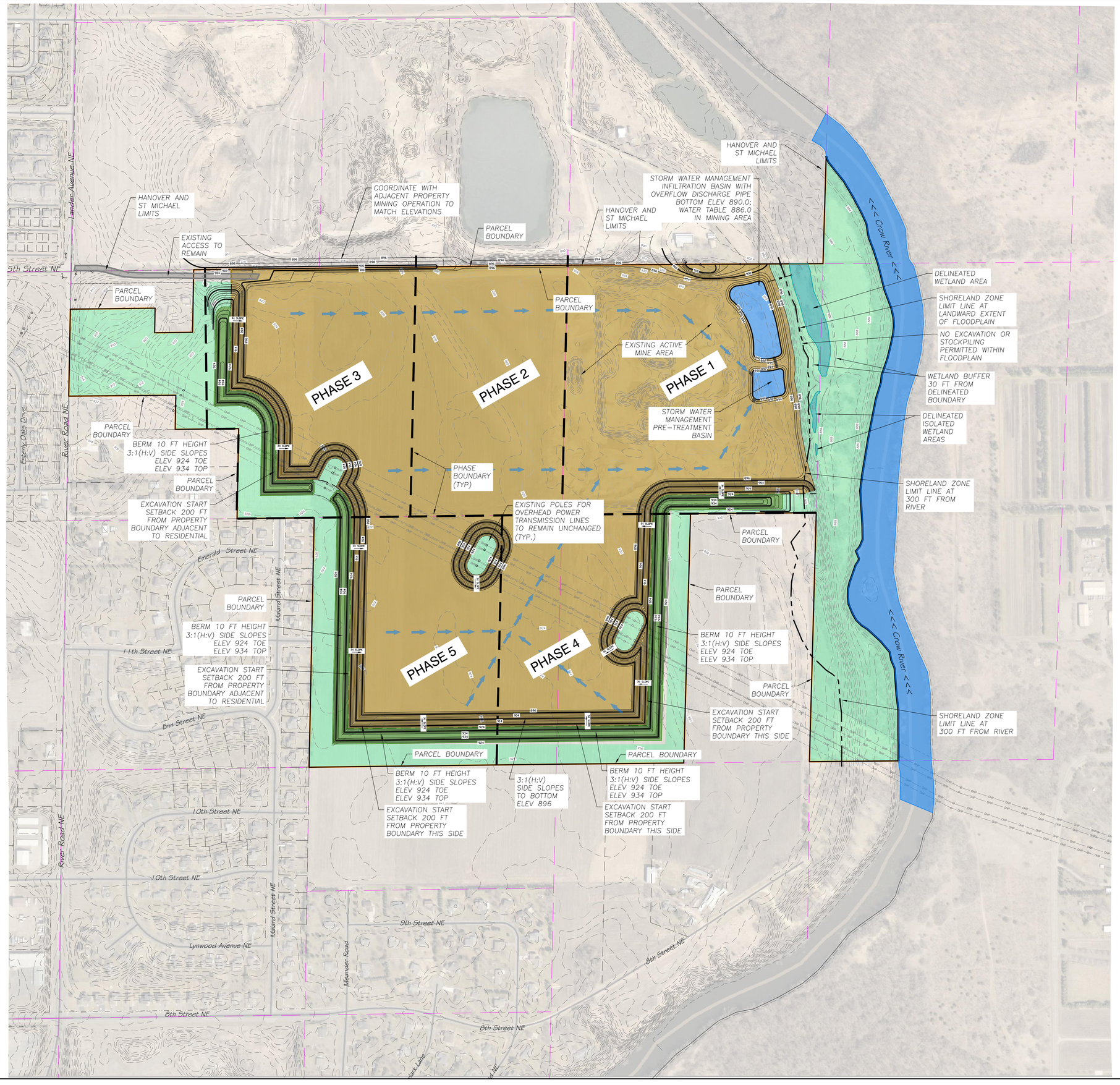
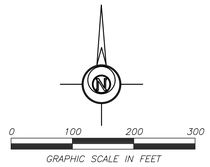
C1.8

Cross Sections





PAGE LAYOUT:

C2.1	C2.2
C2.3	C2.4

EXISTING P.I.D. #S

108-500-303-200	HANOVER
108-500-254-200	HANOVER
108-500-254-400	HANOVER
108-500-303-300	HANOVER
114-800-302-400	ST MICHAEL

APPROXIMATE GROSS AREA

184.9 ACRES

APPROXIMATE EXCAVATION AREA

133.9 ACRES

EXCAVATION PHASE DATA

PHASE 1	36.5 AC	2019-2021 *	
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NOTE: 10 FT HIGH BERM TO BE REPOSITIONED IN CONJUCTION WITH EXCAVATION PHASE

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EXCAVATION ELEVATION DATA

MINE EXCAVATION BOTTOM ELEV 896.0

STORM WATER MANAGEMENT BASIN BOTTOM ELEV 890.0

WATER ELEVATION DATA

MINE AREA WATER TABLE ELEV 886.0

CROW RIVER TYPICAL WATER ELEV 876.0

CROW RIVER FEMA 100YR FLOOD ELEV 889.0

LEGEND:

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MAHLER AGGREGATE MINE EXPANSION

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PROPOSED OPERATIONS OVERALL LAYOUT

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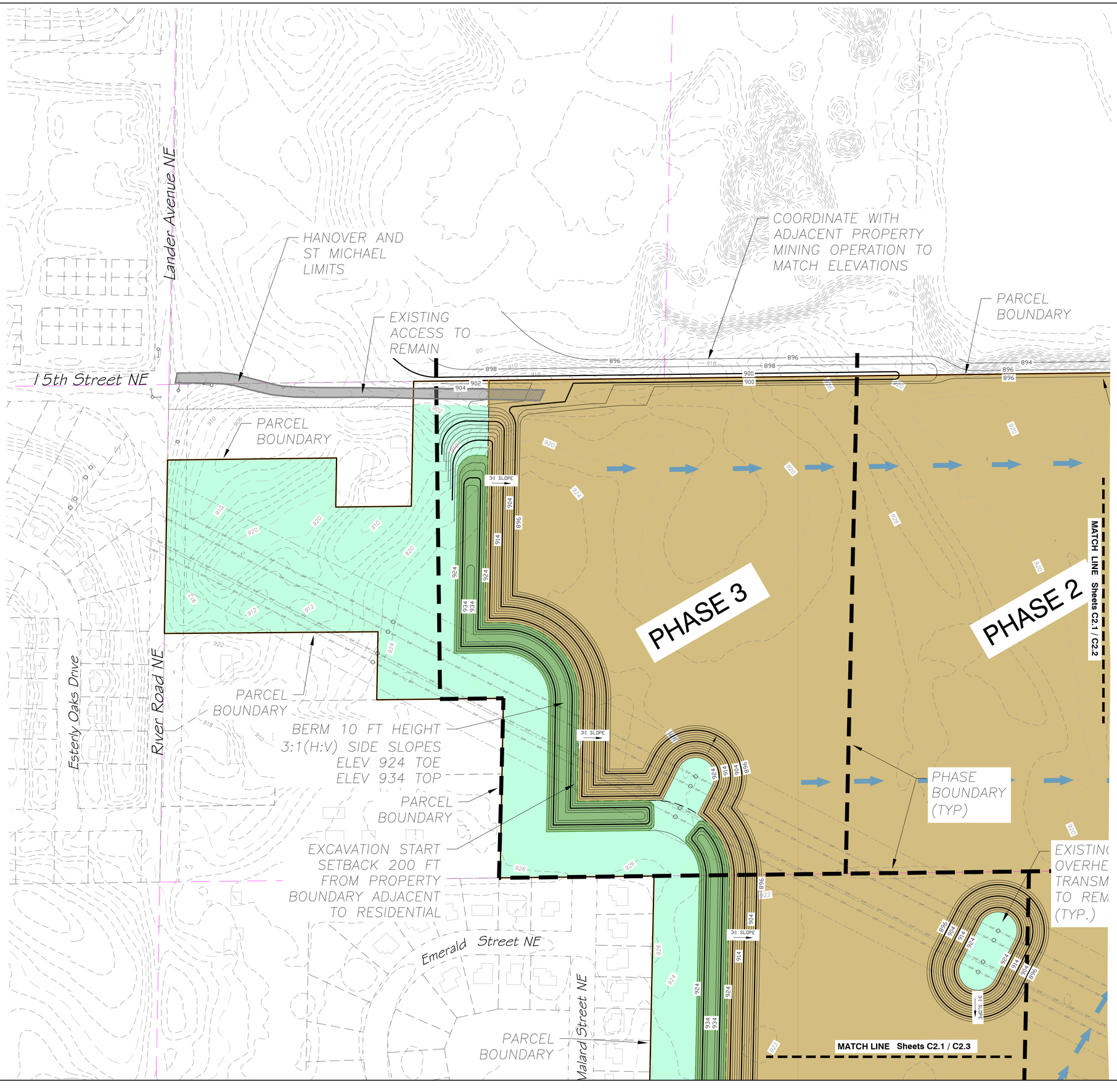
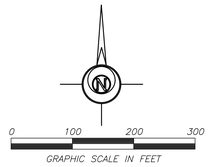
C2.0

Proposed Operations Overall Layout





PAGE LAYOUT:

C2.1	C2.2
C2.3	C2.4

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118 East Broadway St.
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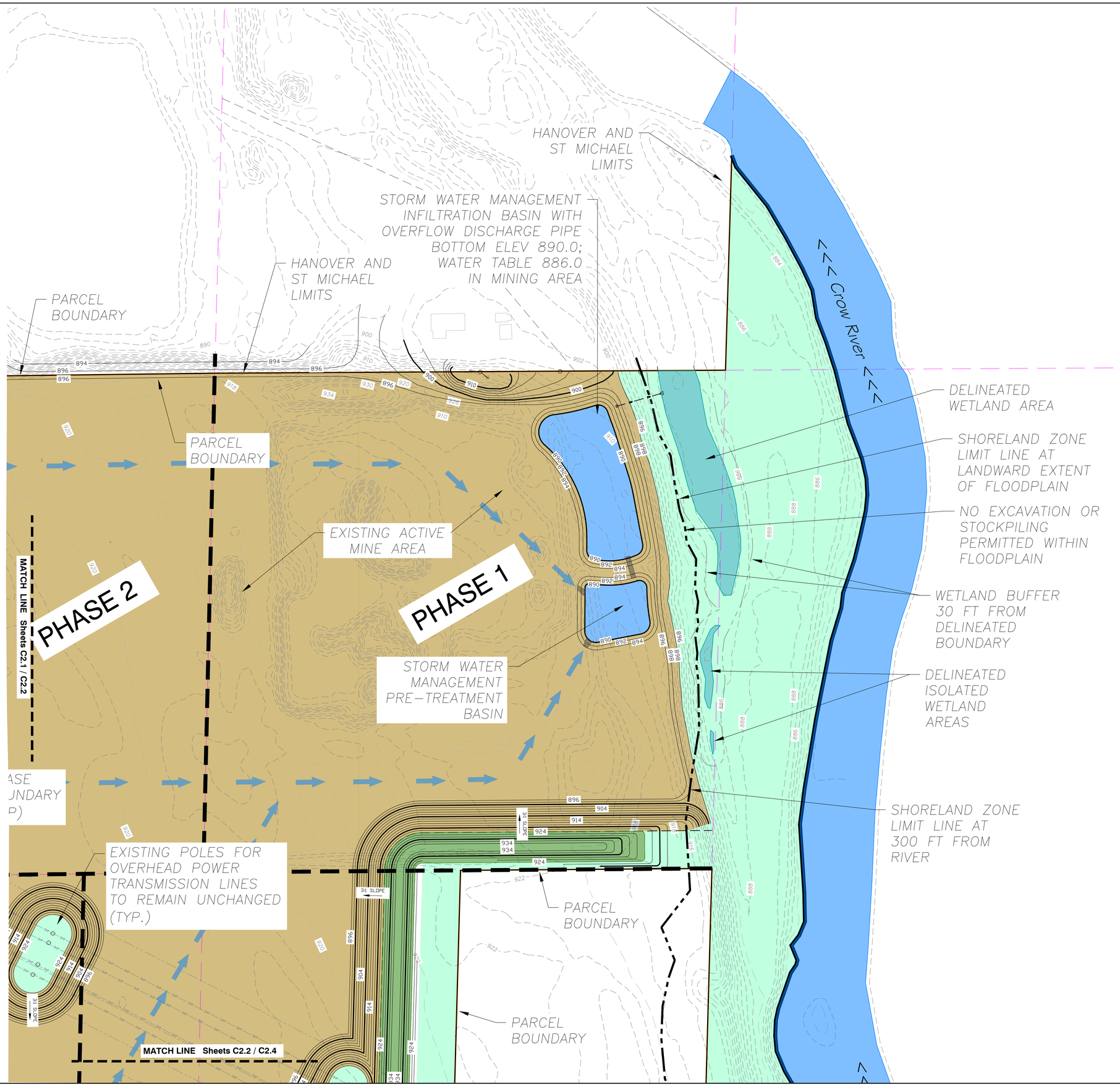
09/25/19	SD	SD	SD

FILE NO. 00722

C2.1

Proposed Operations



PAGE LAYOUT:

C2.1	C2.2
C2.3	C2.4

0 100 200 300
GRAPHIC SCALE IN FEET

EXISTING P.I.D. #S

108-500-303-200	HANOVER
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PROPOSED OPERATIONS

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Scott Dulek

Date: 09/25/19 Reg. No. 24348

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REVISIONS

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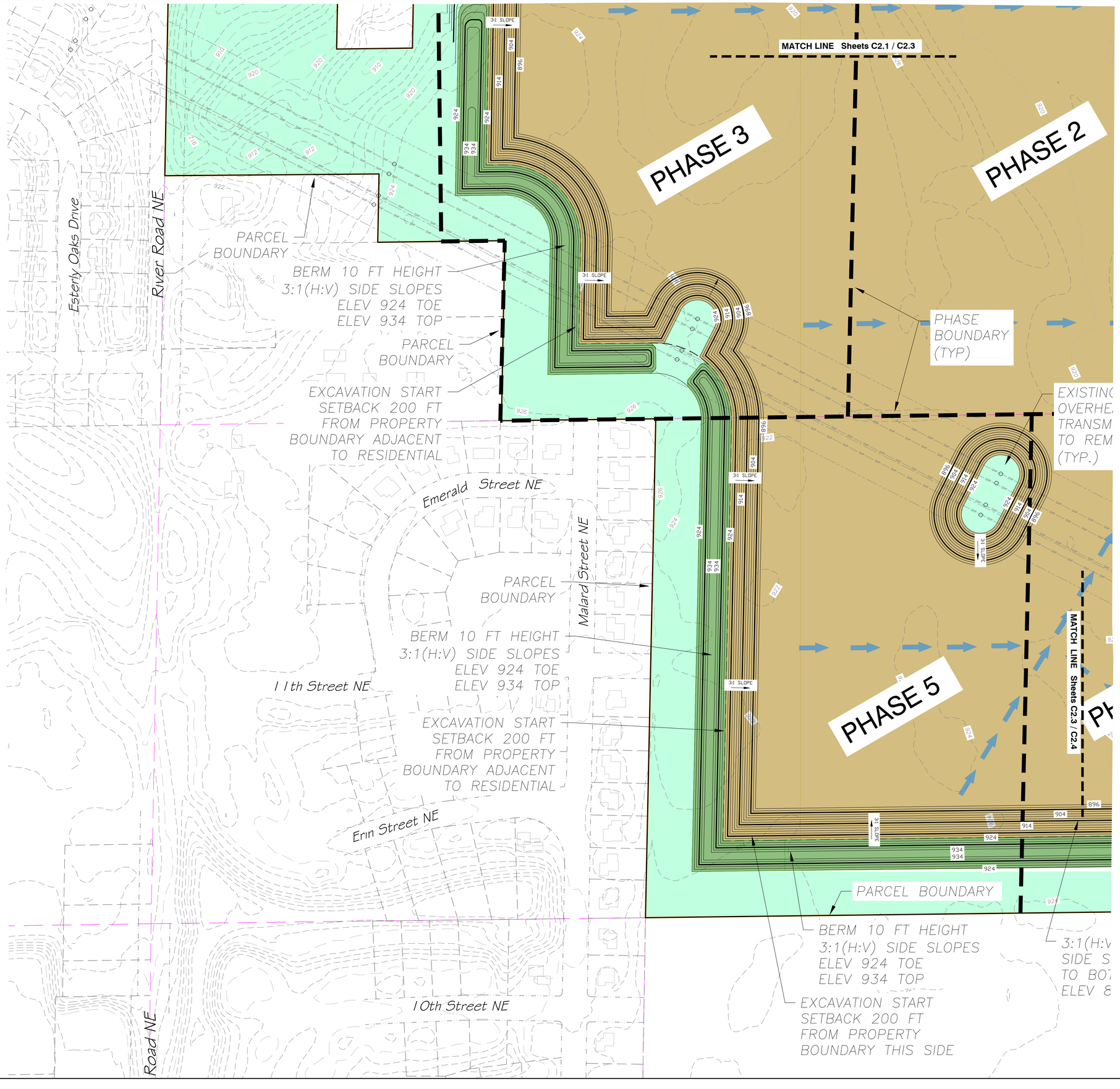
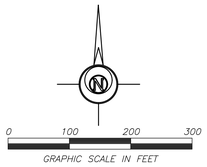
C2.2

Proposed Operations





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C2.1	C2.2
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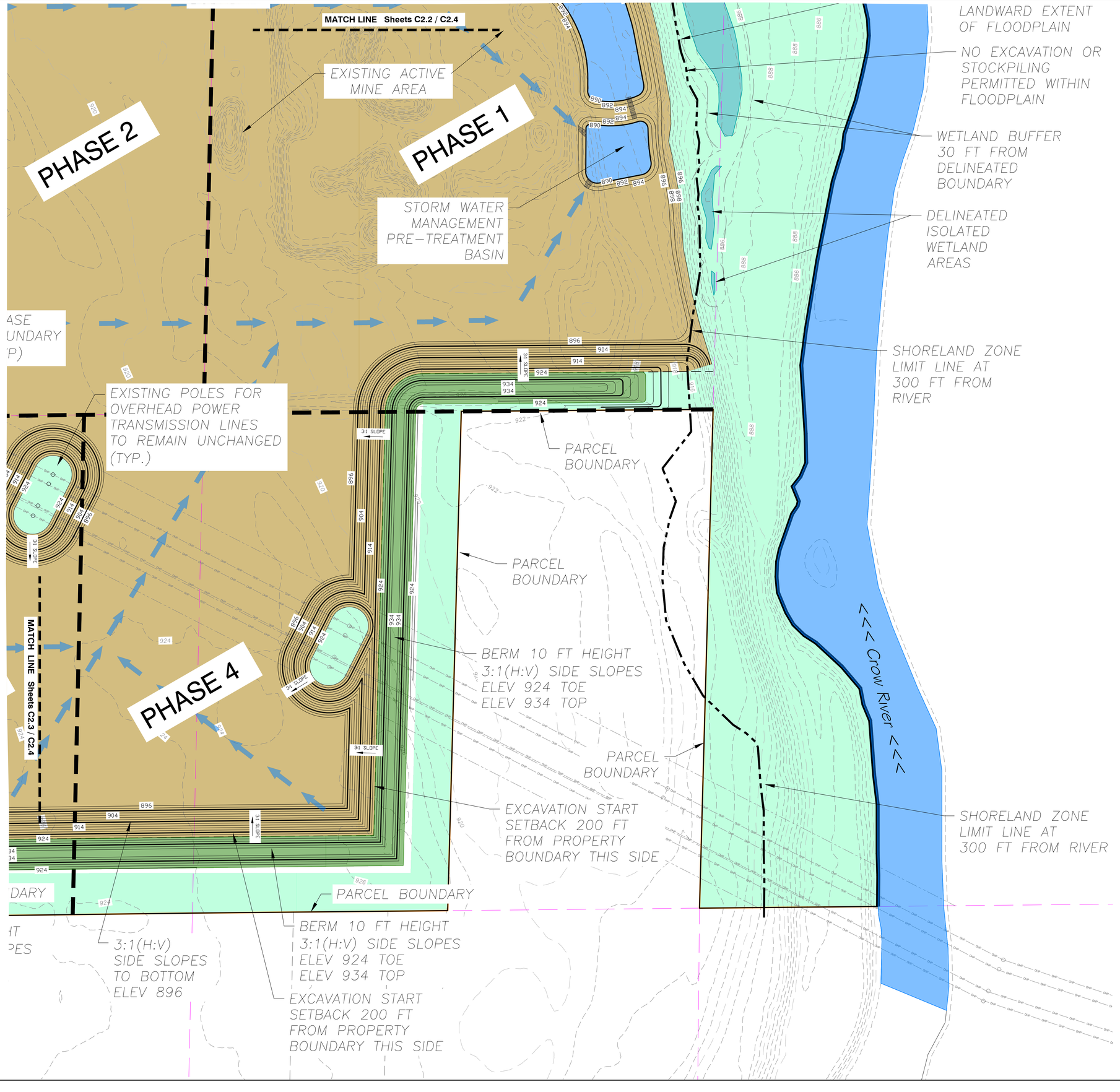
09/25/19	SD	SD	SD

FILE NO. 00722

C2.3

Proposed Operations



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C2.1	C2.2
C2.3	C2.4

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GRAPHIC SCALE IN FEET

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Date: 09/25/19 Reg. No. 24348

PREPARED BY: CIVIL ENGINEERING SITE DESIGN
118 East Broadway St.
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Phone: (763) 271-3929
www.civilsd.com

REVISIONS

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FILE NO. 00722

C2.4

Proposed Operations

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GRAPHIC SCALE IN FEET

PAGE LAYOUT:

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C3.3	C3.4

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C5.1 STORM SEWER PLAN

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gfehn@fehncompanies.com

MAHLER AGGREGATE MINE EXPANSION

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END USE PLAN
OVERALL LAYOUT

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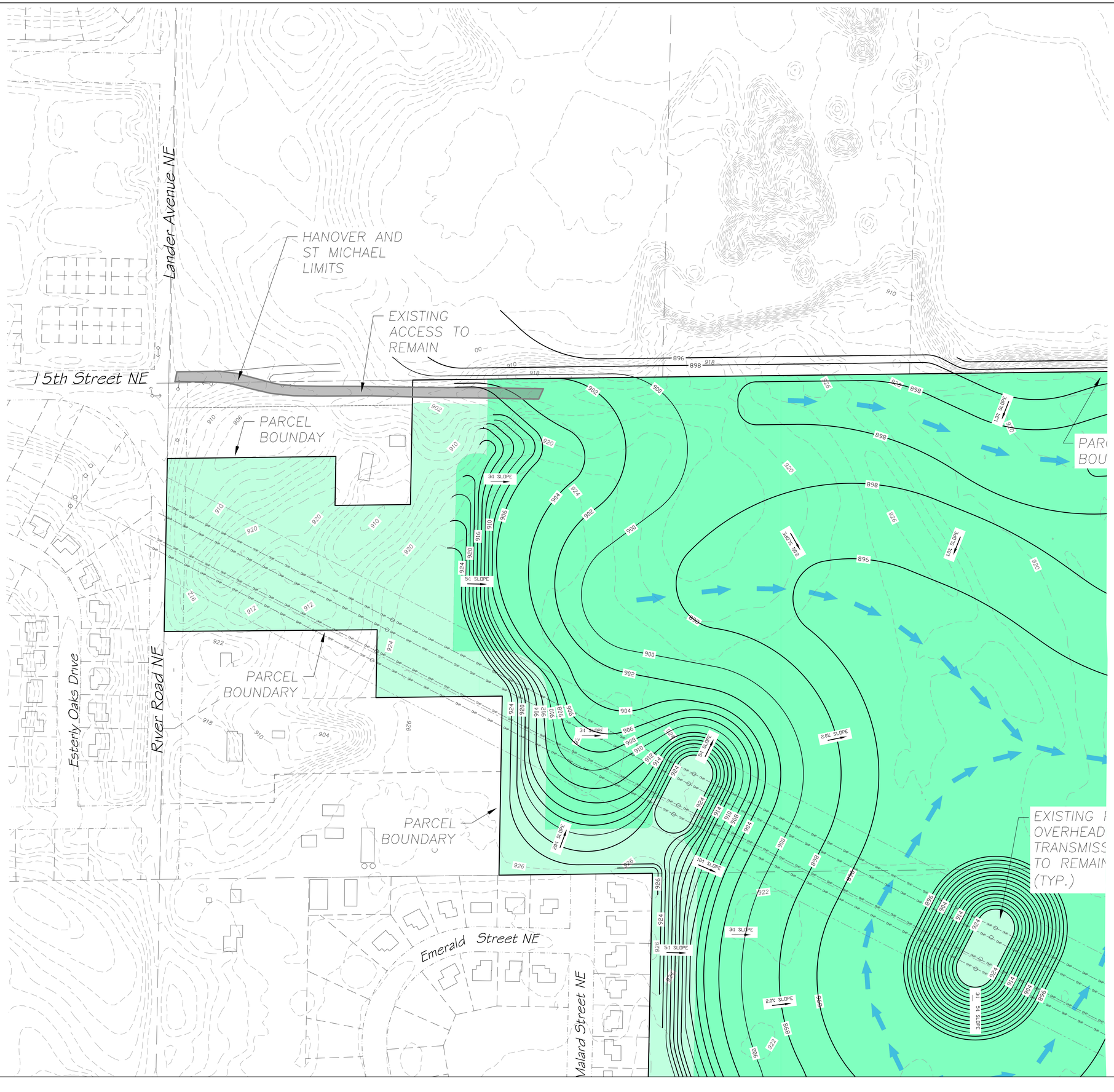
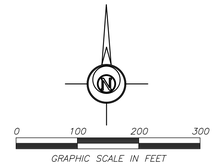
C3.0

End Use Plan
Overall Layout





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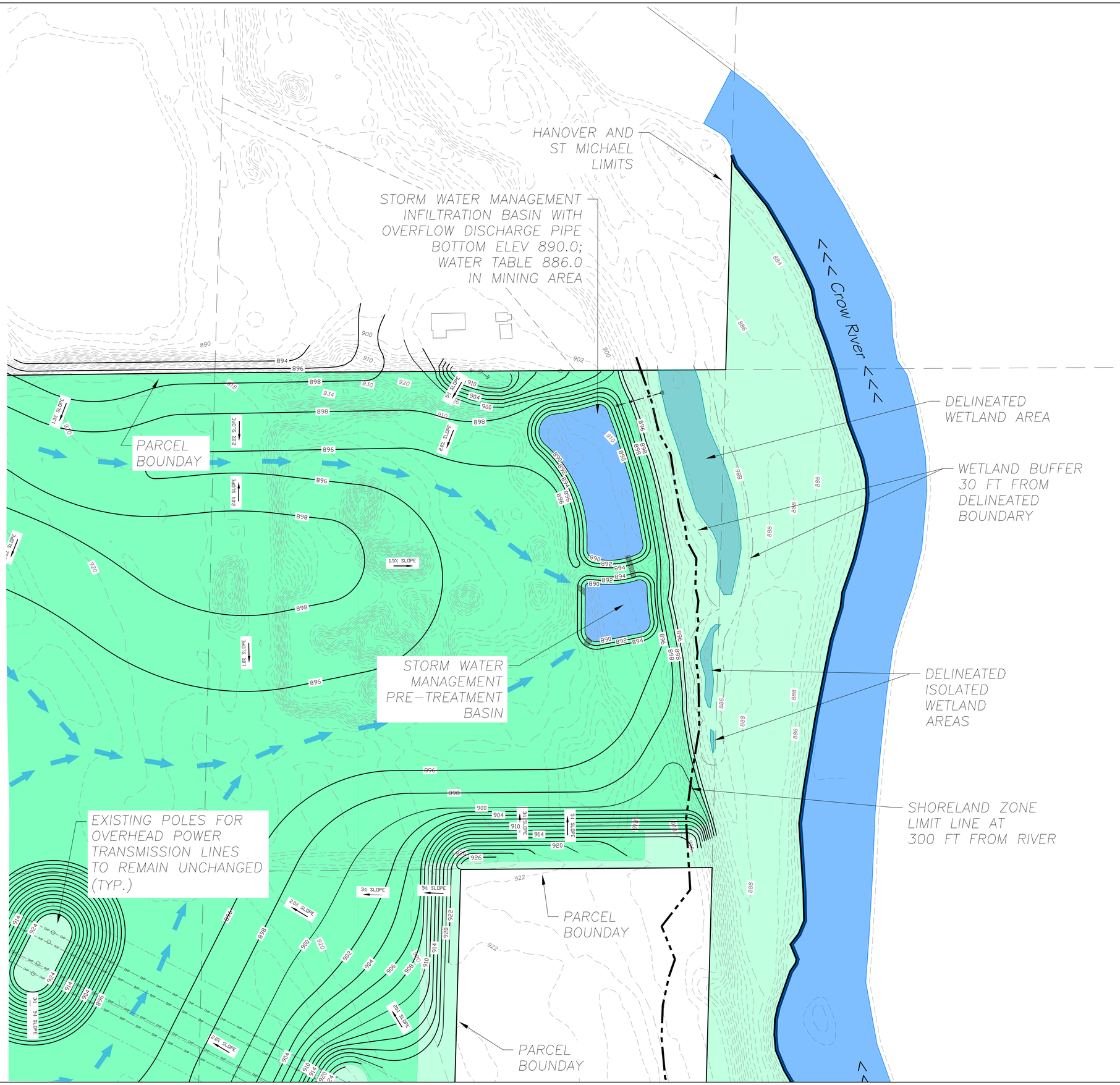
C3.1

End Use Plan



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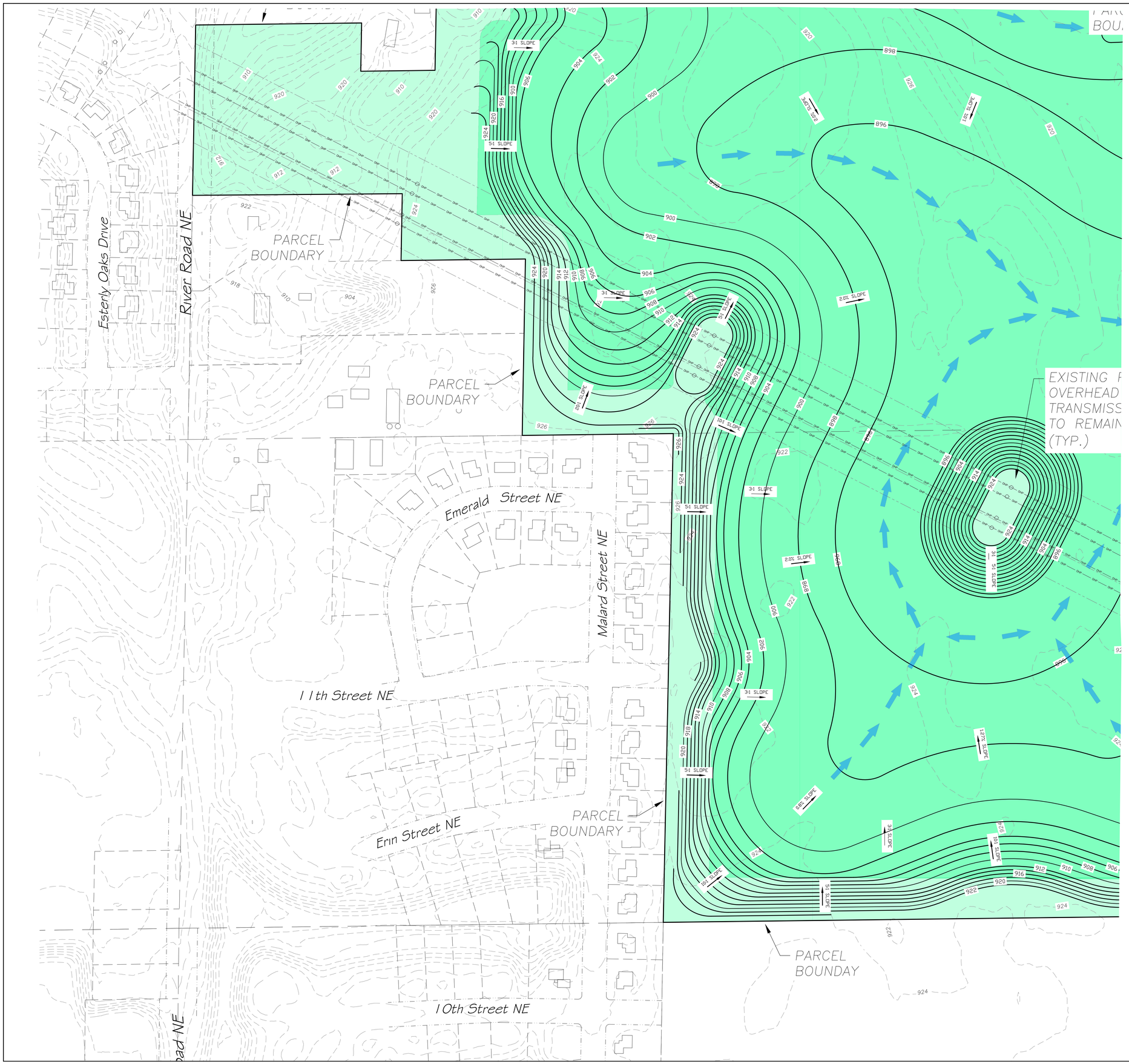

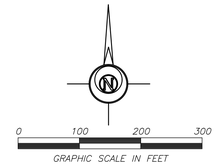

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C3.3

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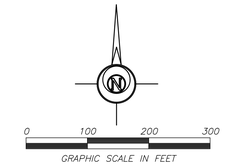

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End Use Plan

SWPP NARRATIVE

This gravel mining project expansion will consist of site clearing and grading. Excavation is planned to begin 2019.

First, perimeter silt fence is to be installed. Then site work shall commence. The contractor shall dispose all debris off–site within 24 hours. Then the site can be graded, final grade tolerance, and landscape final stabilization. Once final grade is established and certified, the site shall be stabilized with seed and mulch or sod. Once vegetation is established, temporary erosion control measures shall be removed.

POLLUTION PREVENTION NOTES

Solid waste: collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction debris and other wastes must be disposed of properly off–site and must comply with MPCA requirements.

Hazardous materials: oils, gasoline, paint, and any hazardous substance must be properly stored, including secondary containment, to prevent spills, leaks or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal must be in compliance with MPCA regulations.

External washing of trucks or other construction vehicles is not allowed on site. No engine degreasing is allowed on site. No concrete washouts are allowed on site.

Concrete truck washout is not to be allowed on site unless washout waste is contained with no discharge to ground surface or site drainage facilities. Containment systems are to be located a minimum 50 feet away from drainage facilities and watercourses. Containment systems shall have an impermeable liner. Containment system shall be clearly marked with signage.

All sanitary waste must be collected from portable toilet units on site by a licensed waste management contractor. The units must be secured and shall be maintained on a regular basis as needed to prevent overfilling.

DESIGN CALCULATIONS

Design calculations, including soil types are on file with: Civil Engineering Site Design

SWPPP Designer: Scott Dahlke (Expires 2022)

RESPONSIBLE PARTY

Contact information for the responsible party for erosion control is:

Owner: Fehn Companies, Inc.
5050 Barthel Industrial Drive
Albertville, MN 55301

Contractor: Fehn Companies, Inc.
5050 Barthel Industrial Drive
Albertville, MN 55301

Manager: Gary Fehn
763–497–2428

EROSION CONTROL NOTES

1. All devices necessary to control erosion and sediment (I.E. perimeter silt fence, rock construction entrances, swales, ponds, berms, ETC.) shall be installed prior to any other construction operations.
2. After completion of final grading, exposed soils must be permanently stabilized within 7 days. Stabilization shall consist of disc–anchored seed & mulch, HECP with fiber reinforced matrix, erosion blanket with seed, or sod.
3. The site must be kept in a well drained condition at all times. The contractor shall be responsible for temporary ditches, or other means necessary to ensure proper drainage. The building pad must be provided with a positive outflow. This work shall be incidental to the grading contract.
4. Entering/exiting of the site shall occur only at rock construction entrance to reduce tracking of dirt onto paved streets. Sediment tracked onto streets during working hours must be reclaimed via street scraping and sweeping at the end of each working day.
5. Stormwater discharge pipe outlet energy dissipation shall be provided by rip–rap with size, quantity, and placement in accordance with City standards. Rip–rap installation shall be within 24 hours of pipe installation.
6. Install silt fence around all temporary inactive stockpiles which are not place within existing silt fence area or other perimeter erosion controls.
7. Stabilization of temporary or permanent drainage ditches that drain water from the construction site must be initiated within 24 hours of connecting the drainage ditch to any storm water conveyance system and must be completed using erosion blanket.
8. Sufficient personnel, equipment, and materials shall be mobilized within 24 hours of written order (ie. email) by the owner or owners representative to conduct corrective work and install temporary erosion control work in the case of an emergency.

EROSION CONTROL INSTALLATION SCHEDULE

1. Silt fence shall be installed or restored prior to any construction. Silt fence shall be located as shown to intercept runoff. The area located beyond the perimeter silt fence shall not be disturbed during construction.
2. Rock Construction Entrance shall be installed prior to grading operations.
3. All storm sewer inlets shall have inlet protection inserts installed. Inserts shall be "Road rain–Top Slab" or "Road Drain–Curb & Gutter" inlet protection devices as manufactured by WIMCO (or approved equal) and installed per manufacture's recommendations.
4. All erosion control installations shall remain in place and be maintained in good condition by the contractor until the site has been re–vegetated, at which time it shall be removed by the contractor. For proposed paved surface areas, the contractor may remove necessary silt fencing to construct roadway, while maintaining adequate erosion control in adjacent areas.
5. Sufficient topsoil shall be stockpiled to allow for the replacement of 6" topsoil for disturbed areas to be re–vegetated.
6. The contractor shall schedule site grading, utility installation and roadway construction so that the general site can be mulched and re–seeded soon after disturbance. Areas that will not be subject to construction traffic for 14 days shall be seeded and mulched or sodded within 7 days of final grading.

EROSION CONTROL MAINTENANCE SCHEDULE

1. Erosion control measures shall be inspected by the contractor's representative and maintained by the contractor every Friday and within 24 hours after any rainfall event larger than 1/2" until the project is completed. Maintenance requirements are as follows: silt fence – 1/3 height of fence or damaged, remove sediment and/or repair fence within 24 hours; rock entrance – refresh as necessary to conform to detail; inlet protection inserts – remove sediment after each rain event, clean or replace filter when clogged; surface water – drain and stabilize, within 7 days of discovery; and street sweeping – remove all sediment tracked onto paved surfaces within 24 hours or as directed by City Engineer.
2. Replacement – Fabric shall be replaced promptly when it decomposes or becomes ineffective before the barrier is no longer necessary.
3. Any sediment remaining in place after silt fence is no longer required shall be dressed to conform with the existing grade, prepared, and seeded with appropriate seed mix, as directed by the engineer.
4. Removal of the silt fence– Silt fences shall be removed when they have served their useful purpose, but not before the upward sloping area has been permanently stabilized.

VEGETATION GROUND COVER SCHEDULE

1. Stabilization of all exposed soil areas must be initiated immediately but in no case completed later than seven (7) days after the construction activity in that portion of the site has temporarily or permanently ceased. Seeding and mulching shall conform to the latest NPDES requirements for installation schedule with regards to grading.
2. Permanent turf ground cover shall include all disturbed areas be covered with a minimum 6" topsoil and seeded as allowed by City, or as proposed on City approved landscape plan for the project. If not otherwise specified, turf seed to be MnDOT mix 25–121 applied at 61 lbs/ac. Infiltration basin seed to be 33–261 applied at 35 lbs/ac with bottom of basin mulched with clean grain straw (Mn/DOT Type 3) applied at 2 tons/ac. MnDOT Type 1 mulch shall be applied at 2 tons/ac and disc anchored in areas not covered by erosion blanket. Seeding and mulching shall conform to the latest NPDES requirements for installation schedule with regards to grading.
3. Temporary ground cover to be MnDOT seed mix 22–111 shall be applied at 31 lbs/ac, or equivalent as approved by City. MnDOT Type 1 mulch shall be applied at 2 tons/ac and disc anchored in areas not covered by sod or erosion blanket.
4. Fertilizer for turf shall be MnDOT Type 3 22–5–10 and applied at 350 lb/ac. Disc fertilizer into top 3" of soil. Specification reference is MnDOT 2574.
5. Dormant seed mix shall be used after November 1 or when temperatures do not exceed 40° F, using same rates specified above. No seed shall be placed on snow or ice greater than 2" in depth.
6. Any seeded areas that do not become established with vegetation shall be re–seeded at Contractor's expense.
7. Erosion blanket shall be installed in seed areas with ground surface slopes of 4H:1V or steeper.

INFILTRATION BASIN NOTES

1. Iniltration area shall be staked off during construction to restrict heavy equipment traffic from compacting native soils.
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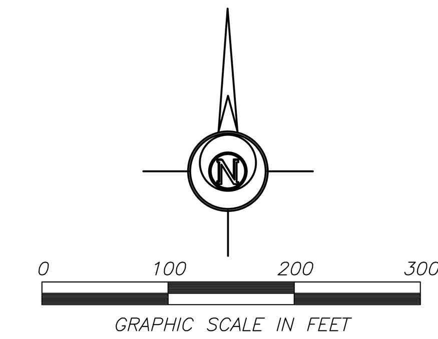
4. In the event that sediment is introduced into the BMP during or immediately following excavation, this material will need to be removed from the basin prior to initiating the next step in the construction process.
5. Install sediment control around basin after completion of basin grading.
6. Seeding and installation of erosion control shall be completed within 48 hours of final grading of basin.



APPROXIMATE GROSS AREA
184.9 ACRES

APPROXIMATE EXCAVATION AREA
133.9 ACRES

PAGE LAYOUT:

C4.1	C4.2

LEGEND

- Existing Contours (908)
- Existing Storm Sewer
- Proposed Contours
- Proposed Storm Sewer
- Proposed Silt Fence
- Proposed Fiber Logs
- Proposed Inlet Protection
- Proposed Riprap

PROJECT LOCATION

PART OF W½ OF SECTION 30, TOWNSHIP 120, RANGE 23,
AND PART OF SE¼ OF SECTION 25, TOWNSHIP 120, RANGE 24,
WRIGHT COUNTY, MINNESOTA.

EROSION CONTROL QUANTITIES:

ITEM:	QUANTITY	UNIT
SILT FENCE	11,550	LF
WOOD FIBER LOG	1,100	LF
INLET PROTECTION	1	EA

INDEX OF CIVIL SITE DRAWINGS:

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C1.0–C1.8	EXISTING CONDITIONS & CROSS SECTION
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C5.1	STORM SEWER PLAN

FEHN COMPANIES

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5050 Barthel Industrial Dr.
Albertville, MN 55301

Gary Fehn
612-282-6542
gfehn@fehncompanies.com

MAHLER AGGREGATE MINE EXPANSION

SE Quad 15th Street and River Road
Hanover, MN 55341

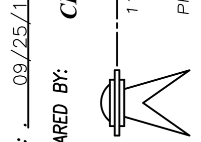
STORM WATER POLLUTION PREVENTION PLAN

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

[signature]

Date: 09/25/19 Reg. No. 24348

PREPARED BY:



CIVIL ENGINEERING SITE DESIGN
118 East Broadway St.
PO Box 566
Monticello, Mn 55362
Phone: 763–314–0929
www.civilesd.com

REVISIONS

DATE 09/25/19
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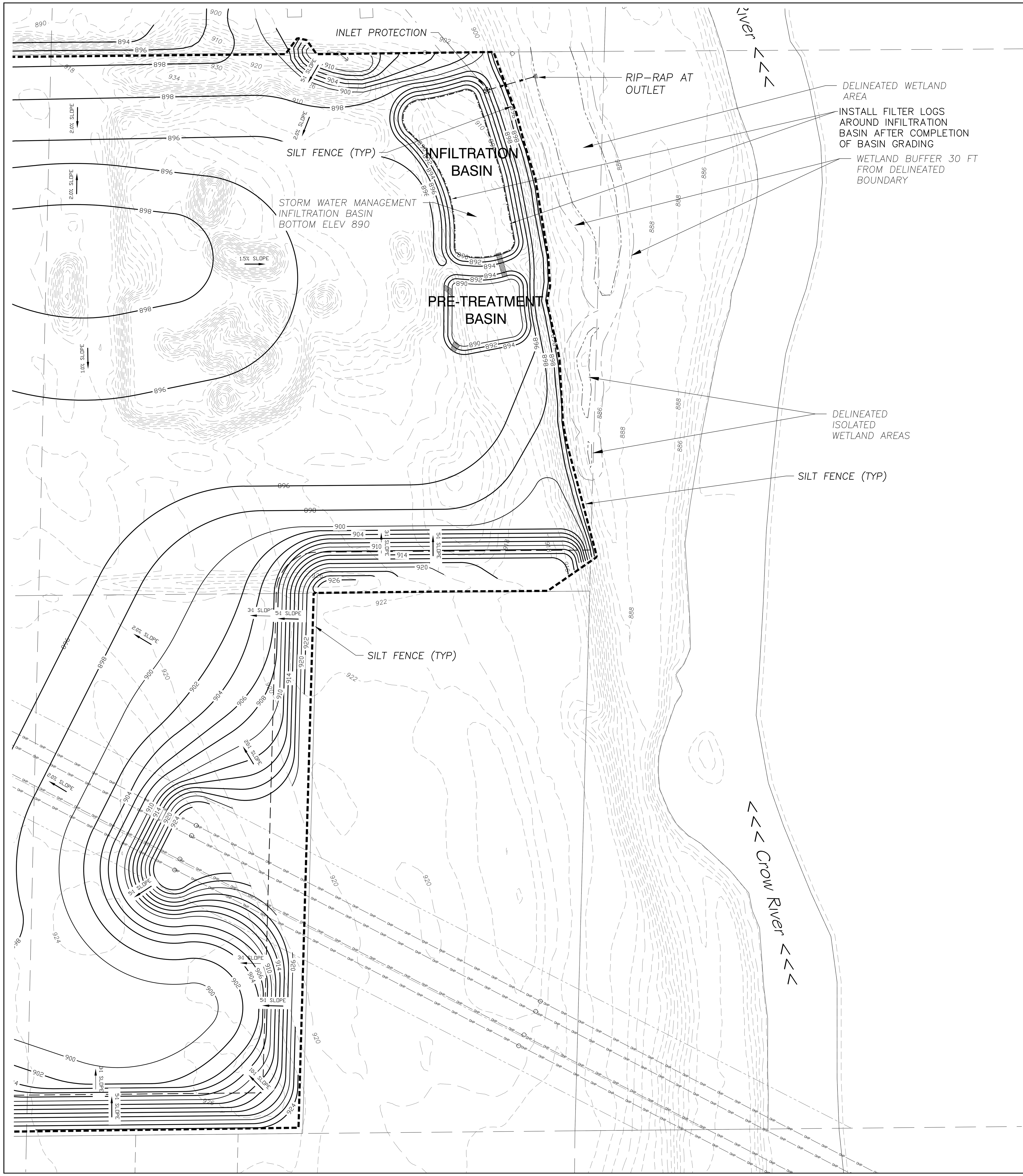
DESIGNED BY SD
CHECKED BY SD

FILE NO. 00722

C4.1

Storm Water Pollution Prevention Plan



SWPP NARRATIVE

This gravel mining project expansion will consist of site clearing and grading. Excavation is planned to begin 2019.

First, perimeter silt fence is to be installed. Then site work shall commence. The contractor shall dispose all debris off–site within 24 hours. Then the site can be graded, final grade tolerance, and landscape final stabilization. Once final grade is established and certified, the site shall be stabilized with seed and mulch or sod. Once vegetation is established, temporary erosion control measures shall be removed.

POLLUTION PREVENTION NOTES

Solid waste: collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction debris and other wastes must be disposed of properly off–site and must comply with MPCA requirements.

Hazardous materials: oils, gasoline, paint, and any hazardous substance must be properly stored, including secondary containment, to prevent spills, leaks or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal must be in compliance with MPCA regulations.

External washing of trucks or other construction vehicles is not allowed on site. No engine degreasing is allowed on site. No concrete washouts are allowed on site.

Concrete truck washout is not to be allowed on site unless washout waste is contained with no discharge to ground surface or site drainage facilities. Containment systems are to be located a minimum 50 feet away from drainage facilities and watercourses. Containment systems shall have an impermeable liner. Containment system shall be clearly marked with signage.

All sanitary waste must be collected from portable toilet units on site by a licensed waste management contractor. The units must be secured and shall be maintained on a regular basis as needed to prevent overfilling.

DESIGN CALCULATIONS

Design calculations, including soil types are on file with: Civil Engineering Site Design

SWPPP Designer: Scott Dahlke (Expires 2022)

RESPONSIBLE PARTY

Contact information for the responsible party for erosion control is:

Owner: Fehn Companies, Inc.
5050 Barthel Industrial Drive
Albertville, MN 55301

Contractor: Fehn Companies, Inc.
5050 Barthel Industrial Drive
Albertville, MN 55301

Manager: Gary Fehn
763–497–2428

EROSION CONTROL NOTES

1. All devices necessary to control erosion and sediment (I.E. perimeter silt fence, rock construction entrances, swales, ponds, berms, ETC.) shall be installed prior to any other construction operations.
2. After completion of final grading, exposed soils must be permanently stabilized within 7 days. Stabilization shall consist of disc–anchored seed & mulch, HECP with fiber reinforced matrix, erosion blanket with seed, or sod.
3. The site must be kept in a well drained condition at all times. The contractor shall be responsible for temporary ditches, or other means necessary to ensure proper drainage. The building pad must be provided with a positive outflow. This work shall be incidental to the grading contract.
4. Entering/exiting of the site shall occur only at rock construction entrance to reduce tracking of dirt onto paved streets. Sediment tracked onto streets during working hours must be reclaimed via street scraping and sweeping at the end of each working day.
5. Stormwater discharge pipe outlet energy dissipation shall be provided by rip–rap with size, quantity, and placement in accordance with City standards. Rip–rap installation shall be within 24 hours of pipe installation.
6. Install silt fence around all temporary inactive stockpiles which are not place within existing silt fence area or other perimeter erosion controls.
7. Stabilization of temporary or permanent drainage ditches that drain water from the construction site must be initiated within 24 hours of connecting the drainage ditch to any storm water conveyance system and must be completed using erosion blanket.
8. Sufficient personnel, equipment, and materials shall be mobilized within 24 hours of written order (ie. email) by the owner or owners representative to conduct corrective work and install temporary erosion control work in the case of an emergency.

EROSION CONTROL INSTALLATION SCHEDULE

1. Silt fence shall be installed or restored prior to any construction. Silt fence shall be located as shown to intercept runoff. The area located beyond the perimeter silt fence shall not be disturbed during construction.
2. Rock Construction Entrance shall be installed prior to grading operations.
3. All storm sewer inlets shall have inlet protection inserts installed. Inserts shall be "Road rain–Top Slab" or "Road Drain–Curb & Gutter" inlet protection devices as manufactured by WIMCO (or approved equal) and installed per manufacture's recommendations.
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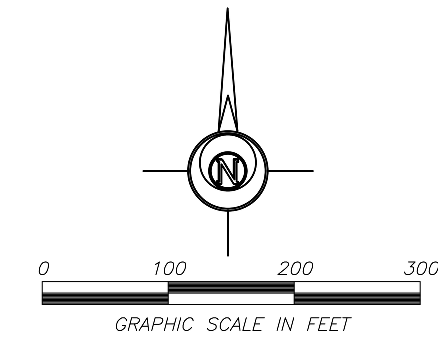

APPROXIMATE GROSS AREA

184.9 ACRES

APPROXIMATE EXCAVATION AREA

133.9 ACRES

PAGE LAYOUT:

C4.1	C4.2

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PROJECT LOCATION

PART OF W½ OF SECTION 30, TOWNSHIP 120, RANGE 23,
AND PART OF SE¼ OF SECTION 25, TOWNSHIP 120, RANGE 24,
WRIGHT COUNTY, MINNESOTA.

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gfehn@fehncompanies.com

MAHLER AGGREGATE MINE EXPANSION

SE Quad 15th Street and River Road Hanover, MN 55341

STORM WATER POLLUTION PREVENTION PLAN

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

[signature]

Date: 09/25/19 Reg. No. 24348

PREPARED BY: CIVIL ENGINEERING SITE DESIGN
118 East Broadway St.
PO Box 566
Monticello, Mn 55362
Phone: 763–314–0929
www.civilsd.com

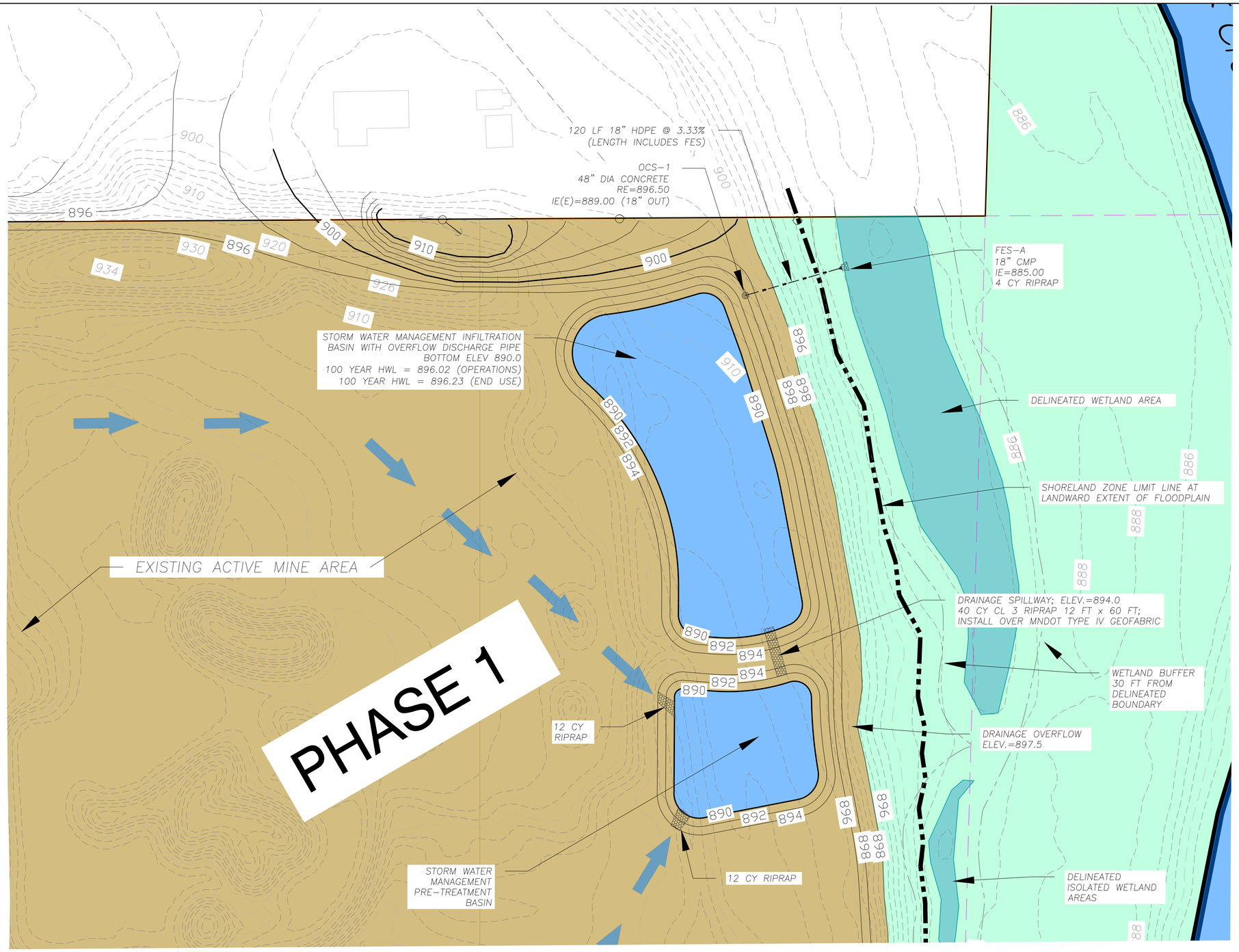
REVISIONS

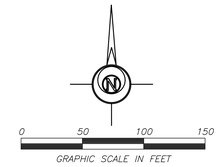
DATE 09/25/19 | DRAWN BY SD | DESIGNED BY SD | CHECKED BY SD

FILE NO. 00722

C4.2

Storm Water Pollution Prevention Plan





WATER ELEVATION DATA

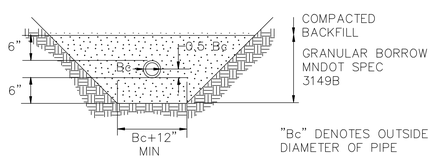
MINE AREA WATER TABLE ELEV 886.0

CROW RIVER TYPICAL WATER ELEV 876.0

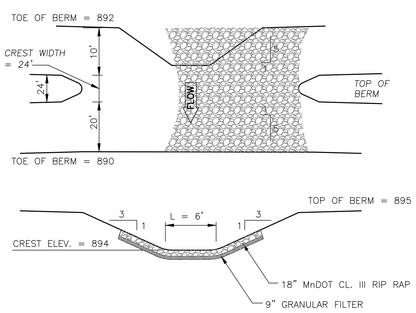
CROW RIVER FEMA 100YR FLOOD ELEV 889.0

LEGEND:

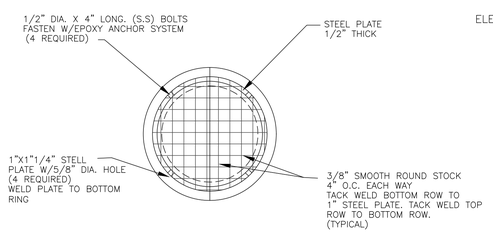
- PROJECT PROPERTY BOUNDARY
- EXISTING CONTOUR INDEX
- EXISTING CONTOUR INTERMEDIATE
- PROPOSED CONTOUR INDEX
- PROPOSED CONTOUR INTERMEDIATE
- PROPOSED DRAINAGE DIRECTION
- STORM WATER MANAGEMENT BASIN
- CROW RIVER
- EXISTING WETLAND AREA
- BERM 10 FT HIGH
- MINE EXCAVATION AREA
- NON-MINED AREA

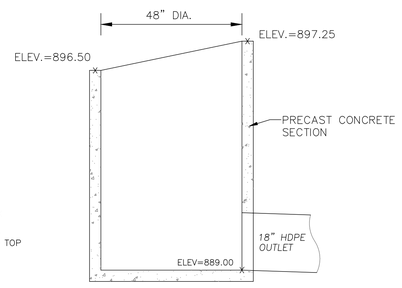


PIPE FOUNDATION & BEDDING IN GOOD SOILS

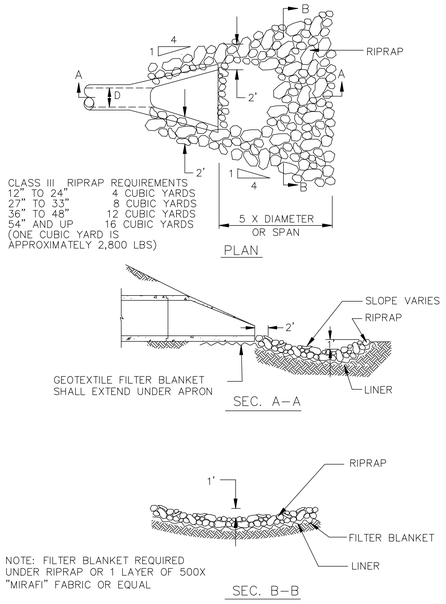


RIPRAP OVERFLOW





POND OUTLET CONTROL STRUCTURE (OCS-1)



CLASS III RIPRAP AT OUTLETS

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MAHLER AGGREGATE MINE EXPANSION

SE Quad 15th Street and River Road
Hanover, MN 55341

STORM SEWER PLAN

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Date: 09/25/19 Reg. No. 24348

PREPARED BY: CIVIL ENGINEERING SITE DESIGN
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Phone: 763-271-9929
www.civilsd.com

REVISIONS

DATE	DRAWN BY	DESIGNED BY	CHECKED BY
09/25/19	SD	SD	SD

FILE NO. 00722

C5.1

Storm Sewer Plan

Dust Control Plan

Mahler Aggregate Mine

City of Hanover, Wright County, Minnesota

Prepared for
Fehn Companies, Inc.

by
Kjolhaug Environmental Services Company, Inc.
(KES Project No. 2019-012)

June 12, 2019

Dust Control Plan

Mahler Aggregate Mine

City of Hanover, Wright County, Minnesota

TABLE OF CONTENTS

1. PROJECT DESCRIPTION 1
2. PROJECT LOCATION AND SURROUNDING LAND USE 1
3. PLAN PURPOSE 1
4. STATE AND FEDERAL REQUIREMENTS 1
5. DUST ASSESSMENT 2
6. DUST MITIGATION MEASURES 2
7. CONCLUSIONS 3

Dust Control Plan

Mahler Aggregate Mine

City of Hanover, Wright County, Minnesota

1. Project Description

The Mahler Aggregate Mine is proposing a 130-acre expansion of an existing 25-acre aggregate mine. The mine will be located on 184.9 acres of land in the City of Hanover. The operation will include sand and gravel mining, a wash plant, concrete recycling, and stormwater management. Expansion of the existing aggregate mine will start in September of 2019 and be phased over 15 to 20 years, depending on the demand for aggregate and market conditions.

2. Project Location and Surrounding Land Use

The project is located in Section 30, T120N, R23W , and Section 25, T120N, R24W. The project area is bordered on the north by 15th Street NE, a separate aggregate mining operation, and the City of St. Michael. The project is bordered on the east by the Crow River; on the south by Riverside County Park and agricultural land; and on the west by single-family residential, rural residential, and River Road NE/Lander Avenue NE.

3. Plan Purpose

This dust control plan is prepared to identify practices that will be employed to control fugitive dust emissions at the Mahler Aggregate Mine. Aggregate mining has occurred at the project location since 2006. Mining is to be expanded to cover up to 155 acres, in five phases consisting of about 25 to 40 acres each over the next to 15 to 20 years.

This plan addresses fugitive dust emissions created by mining operations and reclamation activities related to the mine. This plan establishes methods to control fugitive dust emissions from vehicles traveling on unpaved roads, material handling, and wind erosion from disturbed areas. These measures will be implemented, as needed, for the duration of the project.

4. State and Federal Requirements

Minnesota Rule 7011.0150 (Preventing Particulate Matter from Becoming Airborne) does not allow the "handling, use, transporting, or storage of any material in a manner which may allow avoidable amounts of particulate matter to become airborne." It requires "reasonable precautions to prevent the discharge of visible fugitive dust emissions beyond the property line on which the emissions originate." The Minnesota Pollution Control Agency (MPCA) requires operators of crushed stone and sand and gravel plants to use dust control measures in their operations. The term "fugitive dust" when referring to emissions from aggregate processing, means the dust does

not come from an emission "smoke stack," but from areas exposed to wind such as unpaved roads, stockpiles, or transfer points between conveyors.

Aggregate processing equipment (crushers, screens, conveyors) are subject to the U.S. Environmental Protection Agency (EPA) Standards of Performance for Nonmetallic Mineral Processing Plants (40 CFR Part 60). This rule sets opacity limits for dust emissions from equipment. Opacity refers to the obstruction of light transmittance caused by plumes of dust or gases.

5. Dust Assessment

Sand and gravel mining processing operations include crushing, screening, size classification, material handling, storage operations, and truck loading/unloading. Portable crushing plants consist of an assortment of individual pieces of equipment that are used to physically reduce, size and/or separate earth materials. All of these processes can result in dust emissions. If not properly controlled, dust can be carried by into surrounding neighborhoods by wind.

Dust can become airborne by wind and/or machine movement. Emissions occur at conveyors and drop or transfer points from one conveyor to the next. Storage piles can emit dust under atmospheric conditions such as dry winds. Similarly, unpaved haul roads emit dust under windy conditions and during use by trucks and passenger vehicles. Factors affecting emissions include the amount of activity at the site (dumping, crushing, hauling), the amount of wind, and the moisture content of the aggregate material.

Wash plants do not generate substantial dust because the earthen material becomes wet and stops emitting dust at the start of the wash plant. The moisture content of washed material is high enough to control particulate emissions.

6. Dust Mitigation Measures

The project will prevent avoidable visible dust emissions beyond the property boundary by applying water, approved commercial dust suppressants (such as magnesium chloride), use of a reduced speed limit on haul roads (e.g., 15 mph), and/or tarping of truck loads prior to leaving the mining area. Allowing greater vehicle speeds on unpaved roads can increase the potential for dust generation. These measures are expected to reduce fugitive dust emissions to a reasonable level.

Application of water often provides sufficient dust suppression. Chemical suppression should be used if water does not reduce visible dust enough to keep it from crossing the site boundary. Gravel roads will be sprayed with water or chemical dust suppressants when warranted by dust emissions and site conditions (dry, frequent truck trips, etc.).

Fugitive dust from loading operations will be controlled primarily by spraying problem areas with water. Disturbed areas such as stockpiles and temporary roads are susceptible to wind-blown fugitive dust generation. Fugitive dust emissions from these areas will be limited by using

best management practices such as applying water or chemical dust suppressants, covering, and temporary seeding.

7. Conclusions

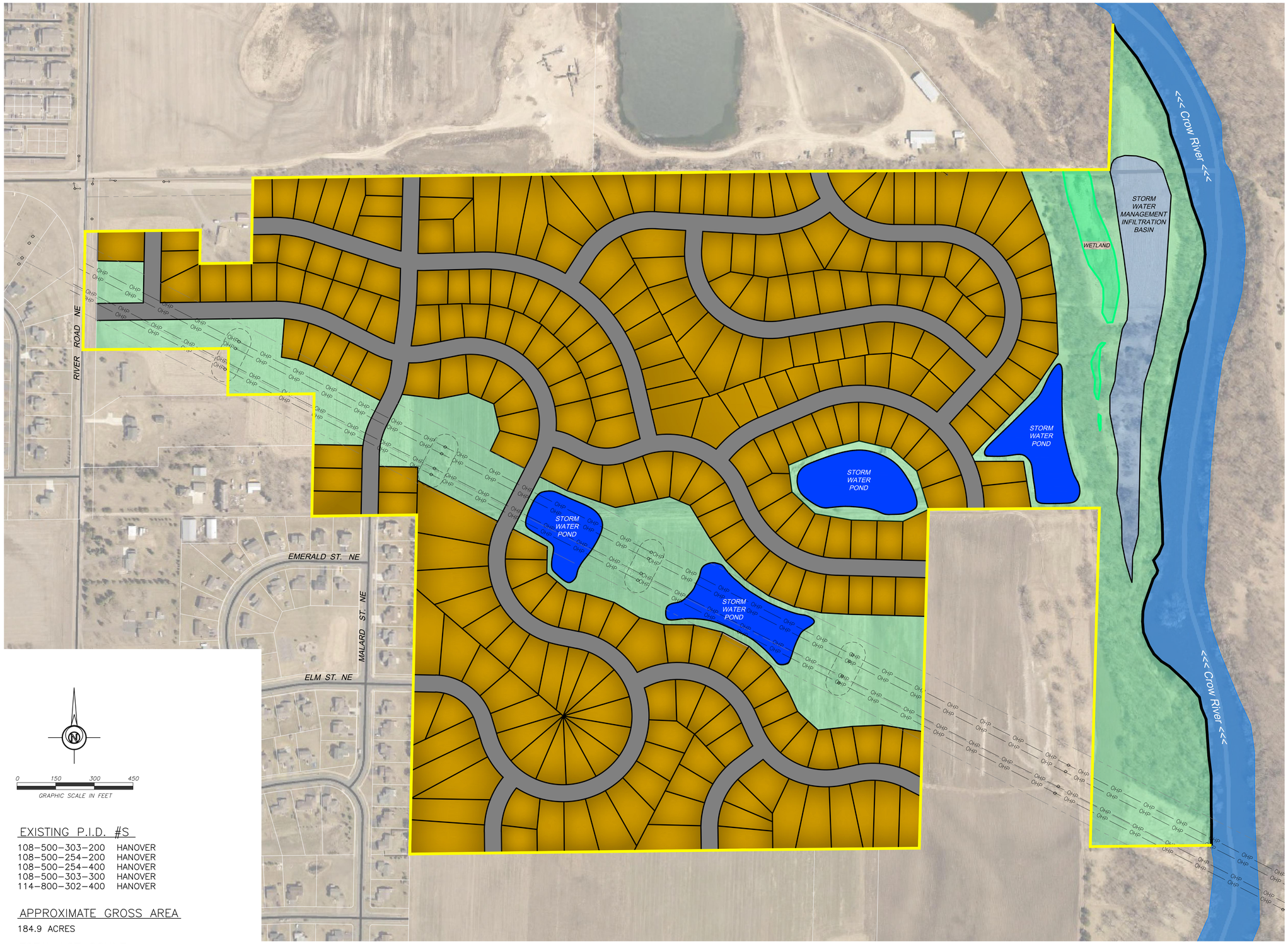
Mitigation of dust emissions from aggregate processing and handling operations includes two basic options:

1. reducing the number of processing and/or handling operations; and
2. applying dust control agents such as water or chemical dust suppressants.

Dust control measures to be considered include:

1. use of conveyors to transport aggregate material onsite;
2. limiting the number and distance of internal truck trips by using conveyors;
3. active reclamation to minimize exposed soil areas;
4. use of water (wet suppression) to minimize fugitive dust emissions;
5. covering truckloads prior to aggregate transport during dry or windy conditions;
6. chemical dust suppression; and
7. sequenced mining of smaller subphases.

These dust control measures are expected to reduce emissions of dust and particulate matter from the proposed mining operation.



0 150 300 450

GRAPHIC SCALE IN FEET

EXISTING P.I.D. #S

108-500-303-200	HANOVER
108-500-254-200	HANOVER
108-500-254-400	HANOVER
108-500-303-300	HANOVER
114-800-302-400	HANOVER

APPROXIMATE GROSS AREA

184.9 ACRES

TOTAL LOT COUNT

275 LOTS

ANTICIPATED FUTURE ZONING

R-1A SINGLE FAMILY RESIDENTIAL

FEHN COMPANIES

Fehn Companies, Inc.
5050 Barthel Industrial Dr.
Albertville, MN 55301

Gary Fehn
612-282-6542
gfehn@fehncompanies.com

MAHLER AGGREGATE MINE EXPANSION

SE Quad 15th Street and River Road
Hanover, MN 55341

CONCEPT LOT PLAN

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Date: _____ Reg. No. _____

PREPARED BY: *CIVIL ENGINEERING SITE DESIGN*

1118 East Broadway St.
PO Box 745
Monticello, MN 55362
Phone: 763-295-2929
www.civilsed.com

REVISIONS

DATE	09/04/19
DRAWN BY	SD
DESIGNED BY	SD
CHECKED BY	SD

FILE NO. 00722

1/1

Concept Plan

Minnesota Wetland Conservation Act
Notice of Decision

Local Government Unit (LGU)	Address
Wright SWCD	**311 Brighton Ave S, Suite C** **Buffalo, MN 55313**

1. PROJECT INFORMATION

Applicant Name	Project Name	Date of Application	Application Number
Fehn Companies, Inc.	**Mahler Aggregate Mine – PID's 114800302400, 108500303200, 108500303300, 108500254200, 108500254400**	**7-2-19**	

☒ Attach site locator map.

Type of Decision:

☒ Wetland Boundary or Type ☐ No-Loss ☐ Exemption ☐ Sequencing
☐ Replacement Plan ☐ Banking Plan

Technical Evaluation Panel Findings and Recommendation (if any):

☒ Approve ☐ Approve with conditions ☐ Deny

Summary (or attach): Cade Steffenson (BWSR) provided comments via e-mail on 8-7-19 concurring with the revised wetland boundary based on the LGU's site visit on 8-6-19. No other comments were provided by the TEP.

2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: **8-14-19**

☒ Approved ☐ Approved with conditions (include below) ☐ Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

Kjolhaug Env. Services (Kyle Uhler) submitted a wetland boundary/type application on behalf of the applicant, Fehn Companies, Inc on 7-2-19. The assessment area is in T120N, R24W, Sec. 25 and T120N, R23W, Sec. 30., City of Hanover – PID's 114800302400, 108500303200, 108500303300, 108500254200, 108500254400. The Crow River (DNR Public Watercourse M-064) is located adjacent to the eastern portion of the assessment area.

The LGU conducted a site review on 8-6-19. The LGU agreed that one wetland basin originally identified in the boundary/type application could be removed due to a lack of wetland indicators during the site review. A revised wetland boundary/figure was received on 8-7-19 that removed Wetland 4 that was included in the original application. The LGU concurs with the wetland boundary/type as described within the original application (with the omission of Wetland 4) and shown on the attached revised wetland boundary figure.

For Replacement Plans using credits from the State Wetland Bank:

Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)

Replacement Plan Approval Conditions. In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

☐ **Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).

☐ **Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.

☐ **Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

Wetlands may not be impacted until all applicable conditions have been met!

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name **Andrew Grean**	Title **Wetland Specialist**	
Signature	Date **8-14-19**	Phone Number and E-mail **763.682.1933** **andrew.grean@mn.nacdnet.net**

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

☒ Appeal of an LGU staff decision. Send petition and $50**0** fee (if applicable) to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155	☐ Appeal of LGU governing body decision. Send petition and $500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155

4. LIST OF ADDRESSEES

☒ SWCD TEP member: **Andrew Grean, Wright SWCD, andrew.grean@mn.nacdnet.met**

☒ BWSR TEP member: **Cade Steffenson, BWSR, cade.steffenson@state.mn.us**
☒ LGU TEP member (if different than LGU Contact): **Jeremy Carlson, Wright County Highway Dept., jeremy.carlson@co.wright.mn.us**
☒ DNR TEP member: **James Bedell, DNR, james.bedell@state.mn.us**
☐ DNR Regional Office (if different than DNR TEP member)
☐ WD or WMO (if applicable):
☒ Applicant (notice only) and Landowner (if different)

Fehn Companies, Inc. (landowner), gfehn@fehncompanies.com
Kyle Uhler (Kjolhaug Env. Services - Agent), kyle@kjolhaugenv.com

☒ Members of the public who requested notice (notice only):

Frank Svoboda, fjsvoboda@gmail.com
Cody Okeson, USFWS, cody_okeson@fws.gov
Scott Glup, USFWS, scott_glup@fws.gov

☒ Corps of Engineers Project Manager (notice only):

usace_requests_mn@usace.army.mil

☐ BWSR Wetland Bank Coordinator (wetland bank plan applications only)

5. MAILING INFORMATION

- For a list of BWSR TEP representatives: www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf
- For a list of DNR TEP representatives: www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf
- Department of Natural Resources Regional Offices:

NW Region:	NE Region:	Central Region:	Southern Region:
Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073

For a map of DNR Administrative Regions, see: http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf

- For a list of Corps of Project Managers: www.mvp.usace.army.mil/regulatory/default.asp?pageid=687 or send to:

US Army Corps of Engineers
St. Paul District, ATTN: OP-R
180 Fifth St. East, Suite 700
St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:

Minnesota Board of Water and Soil Resources
Wetland Bank Coordinator
520 Lafayette Road North
St. Paul, MN 55155

6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

☒	**Revised Wetland Boundary Figure**
☐	
☐	
☐	
☐	

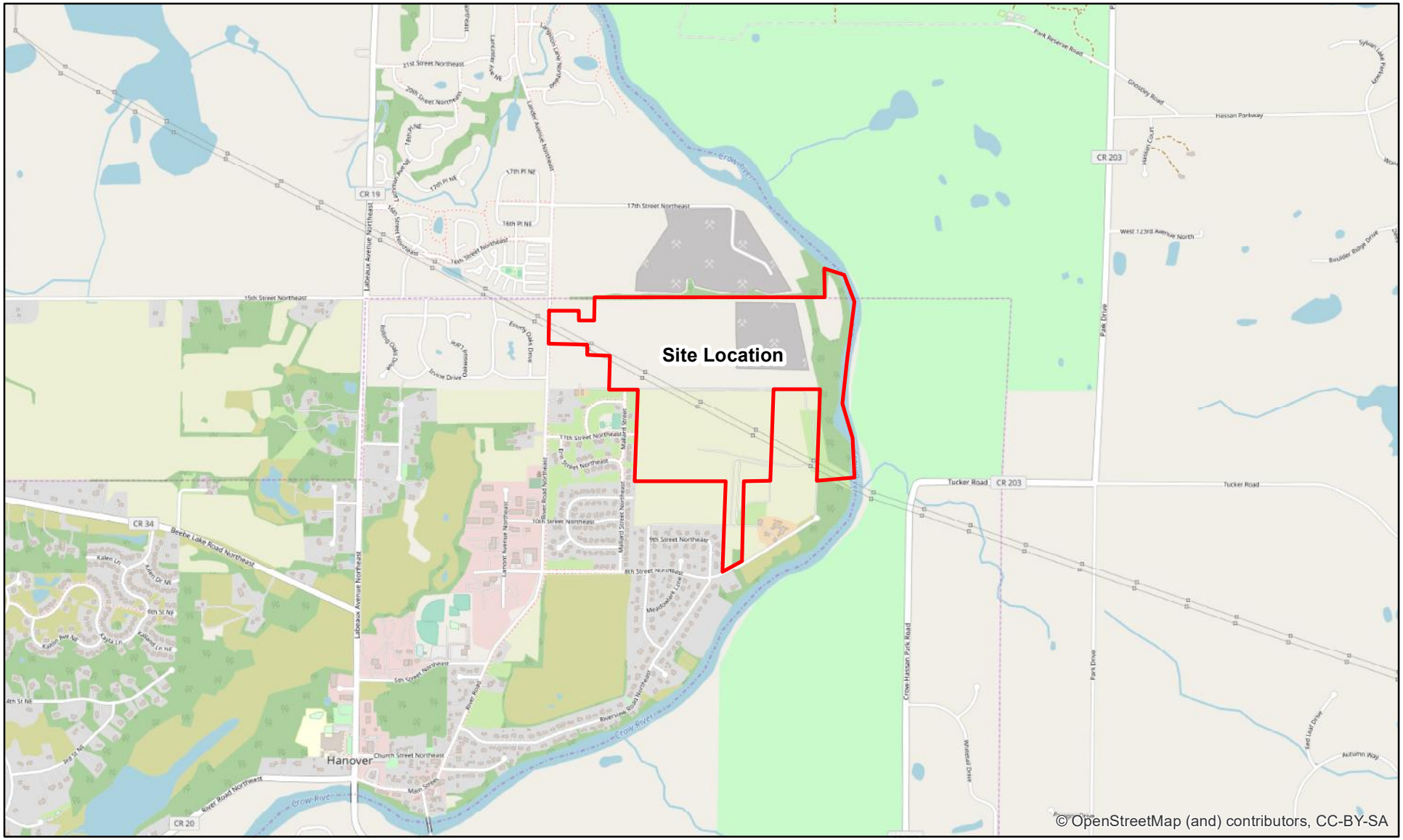


Figure 1 - Site Location

N

0 2,000 Feet

KJOLHAUG ENVIRONMENTAL SERVICES COMPANY

Source: ESRI Streets Basemap

Mahler Aggregate Mine
Hanover, Minnesota

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.

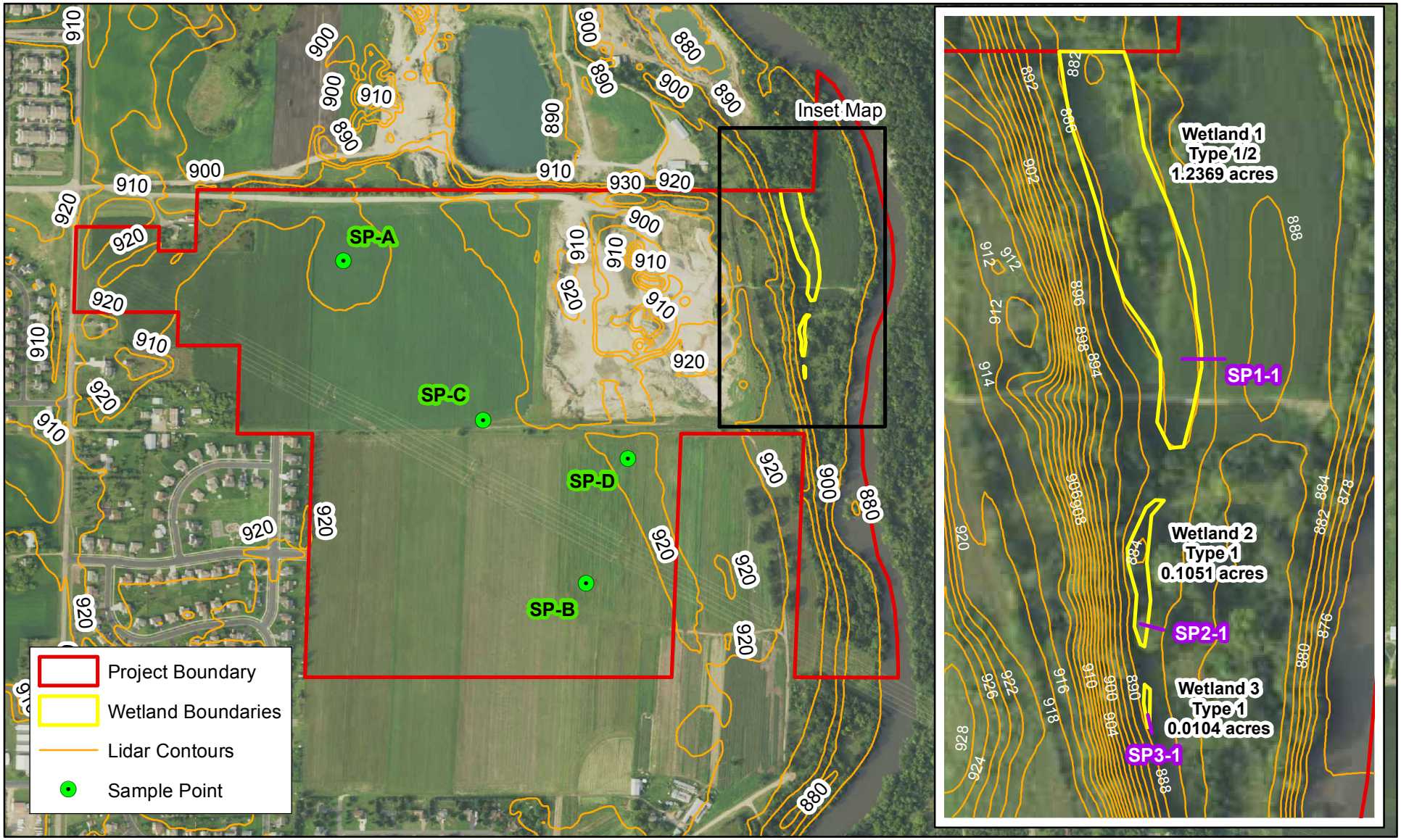


Figure 2 - Existing Conditions 8/6/2019 (2017 FSA Imagery)

N

0 750 Feet

KJOLHAUG ENVIRONMENTAL SERVICES COMPANY

Source: MNGEO Spatial Commons

Mahler Aggregate Mine (KES 2019-035)
Hanover, Minnesota

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.

Legend

Approximate Soil Boring Location

Haugo GeoTechnical Services, LLC
2825 Cedar Avenue S.
Minneapolis, MN 55407

Soil Boring Location Sketch
Mahler Aggregate Mine Expansion
Hanover, Minnesota

Figure #: 1
Drawn By: RD
Date: 5/14/19
Scale: None
Project #: 19-0388

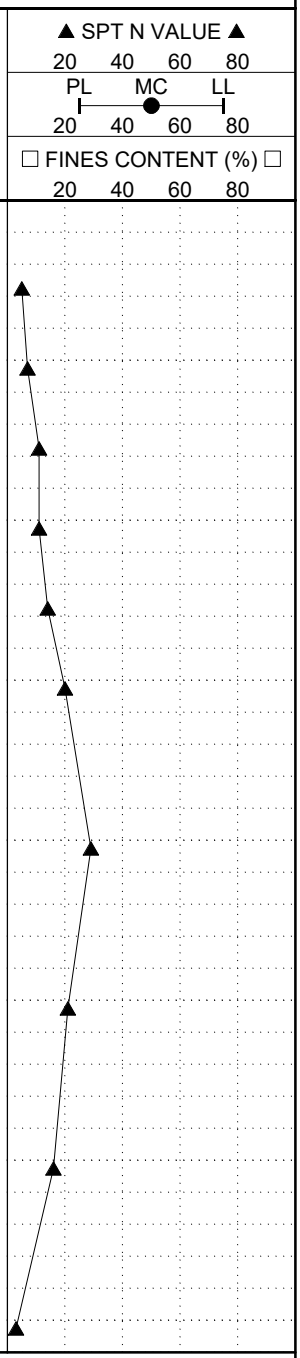
Haugo GTS
2825 Cedar Ave South
Minneapolis, MN 55407
Telephone: 612-729-2959

BORING NUMBER SB-1

CLIENT Fehn Companies
PROJECT NAME Mahler Aggregate Mine Expansion
PROJECT NUMBER 19-0388
PROJECT LOCATION Hanover, MN
DATE STARTED 5/10/19 **COMPLETED** 5/10/19
GROUND ELEVATION 918.84 ft **HOLE SIZE** 3 1/4 inches
DRILLING CONTRACTOR HGTS - 750
GROUND WATER LEVELS:
DRILLING METHOD Hollow Stem Auger/Split Spoon
AT TIME OF DRILLING 35.00 ft / Elev 883.84 ft
LOGGED BY NA **CHECKED BY** PG
AT END OF DRILLING 31.70 ft / Elev 887.14 ft
NOTES Borehole grouted.
AFTER DRILLING --- Not Encountered with Cave-In Depth of 16 feet

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	MOISTURE CONT. (%)	NOTES
0		Silty Sand, trace Roots, brown, moist. (Topsoil)	AU 24				
		(SP-SM) Poorly Graded Sand with Silt, fine to medium grained, trace Gravel, brown, moist, loose to medium dense. (Glacial Outwash)	SS 25		2-3-2 (5)		
5			SS 26		2-2-5 (7)		
			SS 27		2-5-6 (11)		
10		(SP) Poorly Graded Sand, fine to coarse grained, with Gravel, brown, moist, medium dense. (Glacial Outwash)	SS 28		5-5-6 (11)		
			SS 29		3-6-8 (14)		
15			SS 30		6-10-10 (20)		
20			SS 31		9-14-15 (29)		
25		(SP) Poorly Graded Sand, fine grained, tan, moist, medium dense. (Glacial Outwash)	SS 32		7-10-11 (21)		
30		(SP) Poorly Graded Sand, fine to medium grained, brown, wet to waterbearing, medium dense to very loose. (Glacial Outwash)	SS 33		3-7-9 (16)		
35			SS 34		2-1-2 (3)		

Bottom of borehole at 36.0 feet.



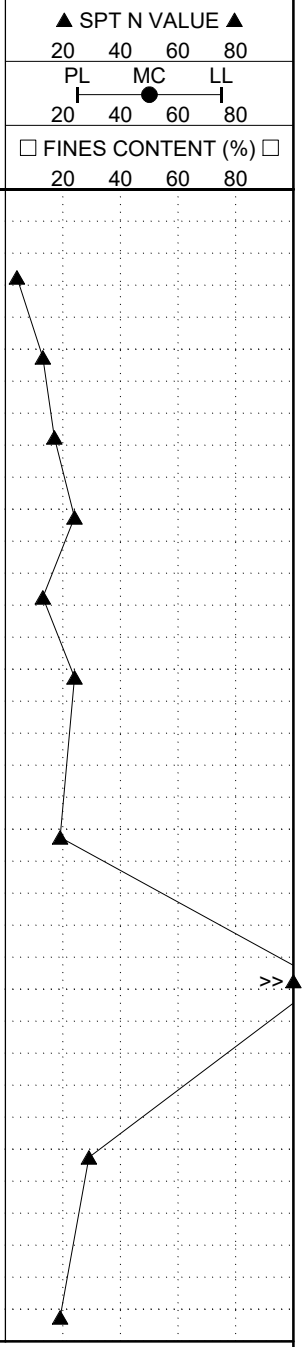
GEOTECH BH PLOTS - GINT STD US LAB.GDT - 5/23/19 08:53 - C:\USERS\PUBLIC\DOCUMENTS\BENTLEY\GINT\PROJECTS\19-0388 MAHLER AGGREGATE MINE EXPANSION.GPJ

HAUGO GEOTECHNICAL SERVICES
Haugo GTS
2825 Cedar Ave South
Minneapolis, MN 55407
Telephone: 612-729-2959

BORING NUMBER SB-2

CLIENT Fehn Companies
PROJECT NAME Mahler Aggregate Mine Expansion
PROJECT NUMBER 19-0388
PROJECT LOCATION Hanover, MN
DATE STARTED 5/10/19 **COMPLETED** 5/10/19
GROUND ELEVATION 920.01 ft **HOLE SIZE** 3 1/4 inches
DRILLING CONTRACTOR HGTS - 750
GROUND WATER LEVELS:
DRILLING METHOD Hollow Stem Auger/Split Spoon
AT TIME OF DRILLING 35.00 ft / Elev 885.01 ft
LOGGED BY NA **CHECKED BY** PG
AT END OF DRILLING 33.60 ft / Elev 886.41 ft
NOTES Borehole grouted.
AFTER DRILLING --- Not Encountered with Cave-In Depth of 14 feet

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	MOISTURE CONT. (%)	NOTES
0		Silty Sand, trace Organics, black, moist. (Topsoil)	AU 13				
		(SP-SM) Poorly Graded Sand with Silt, fine to medium grained, brown, moist, very loose. (Glacial Outwash)	SS 14		2-2-2 (4)		
5		(SP) Poorly Graded Sand, fine to coarse grained, trace to with Gravel, brown, moist to waterbearing, medium dense to very dense. (Glacial Outwash)	SS 15		4-6-7 (13)		
			SS 16		5-8-9 (17)		
10			SS 17		5-10-14 (24)		
			SS 18		6-6-7 (13)		
15			SS 19		14-15-9 (24)		
20			SS 20		3-10-9 (19)		
25			SS 21		50/6"		
30			SS 22		9-14-15 (29)		
35			SS 23		7-10-9 (19)		



Bottom of borehole at 36.0 feet.

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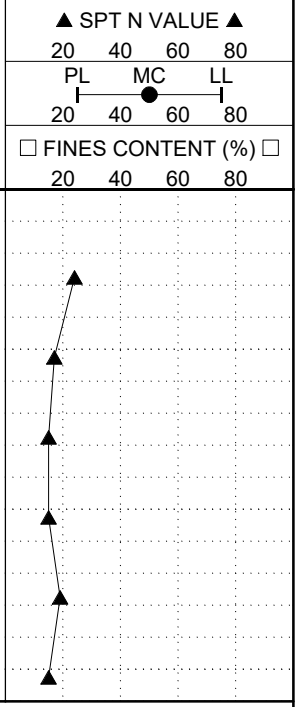
Haugo GTS
2825 Cedar Ave South
Minneapolis, MN 55407
Telephone: 612-729-2959

BORING NUMBER SB-3

CLIENT Fehn Companies
PROJECT NAME Mahler Aggregate Mine Expansion
PROJECT NUMBER 19-0388
PROJECT LOCATION Hanover, MN
DATE STARTED 5/10/19 **COMPLETED** 5/10/19
GROUND ELEVATION 901.38 ft **HOLE SIZE** 3 1/4 inches
DRILLING CONTRACTOR HGTS - 750
GROUND WATER LEVELS:
DRILLING METHOD Hollow Stem Auger/Split Spoon
AT TIME OF DRILLING 14.50 ft / Elev 886.88 ft
LOGGED BY NA **CHECKED BY** PG
AT END OF DRILLING ---
NOTES
AFTER DRILLING --- Not Encountered with Cave-In Depth of 6 feet

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	MOISTURE CONT. (%)	NOTES
0		Poorly Graded Sand with Silt, fine to coarse grained, with Gravel, brown, moist. (FILL)	AU 6				
		(SP) Poorly Graded Sand, fine to medium grained, trace Gravel, light brown, moist, medium dense. (Glacial Outwash)	SS 7		6-12-12 (24)		
5			SS 8		5-8-9 (17)		
			SS 9		2-7-8 (15)		
10			SS 10		2-7-8 (15)		
		(SP) Poorly Graded Sand, fine to coarse grained, with Gravel, brown, moist to waterbearing, medium dense. (Glacial Outwash)	SS 11		4-9-10 (19)		
15			SS 12		4-6-9 (15)		



Bottom of borehole at 16.0 feet.

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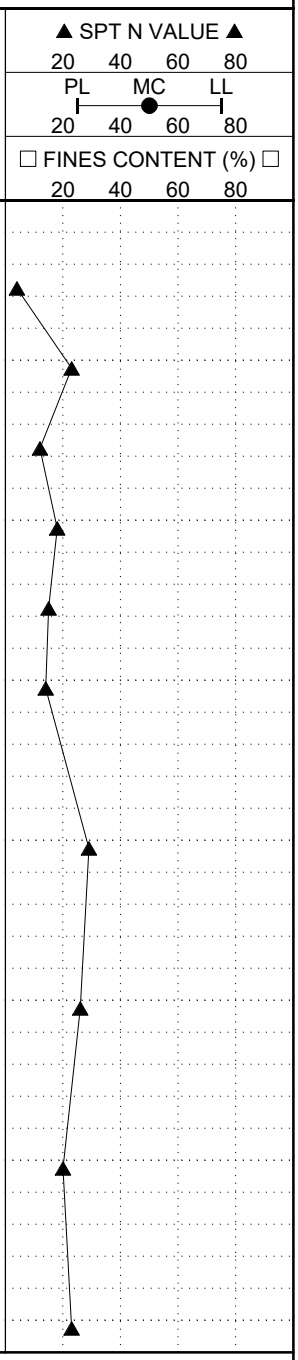
Haugo GTS
2825 Cedar Ave South
Minneapolis, MN 55407
Telephone: 612-729-2959

BORING NUMBER SB-4

CLIENT Fehn Companies
PROJECT NAME Mahler Aggregate Mine Expansion
PROJECT NUMBER 19-0388
PROJECT LOCATION Hanover, MN
DATE STARTED 5/10/19 **COMPLETED** 5/10/19
GROUND ELEVATION 923.53 ft **HOLE SIZE** 3 1/4 inches
DRILLING CONTRACTOR HGTS - 750
GROUND WATER LEVELS:
DRILLING METHOD Hollow Stem Auger/Split Spoon
AT TIME OF DRILLING 35.00 ft / Elev 888.53 ft
LOGGED BY NA **CHECKED BY** PG
AT END OF DRILLING 34.70 ft / Elev 888.83 ft
NOTES Borehole grouted.
AFTER DRILLING --- Not Encountered with Cave-In Depth of 16 feet

DEPTH (ft)	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	MOISTURE CONT. (%)	NOTES
0	Silty Sand, trace Roots, dark brown, moist. (Topsoil)	AU 35				
	(SP-SM) Poorly Graded Sand with Silt, fine to medium grained, trace Gravel, brown, moist, very loose. (Glacial Outwash)	SS 36		2-2-2 (4)		
5	(SP) Poorly Graded Sand, fine to coarse grained, with Gravel, brown, moist, medium dense. (Glacial Outwash)	SS 37		5-11-12 (23)		
		SS 38		4-6-6 (12)		
10		SS 39		5-9-9 (18)		
		SS 40		4-8-7 (15)		
15		SS 41		4-6-8 (14)		
20	(SP) Poorly Graded Sand, mostly fine grained, trace Gravel, light brown, moist, medium dense. (Glacial Outwash)	SS 42		3-13-16 (29)		
25	(SP) Poorly Graded Sand, fine to medium grained, trace Gravel, light brown, moist, medium dense. (Glacial Outwash)	SS 43		9-12-14 (26)		
30	(SP) Poorly Graded Sand, fine to coarse grained, with Gravel, brown, watebearing, medium dense. (Glacial Outwash)	SS 44		9-10-10 (20)		
35		SS 45		7-12-11 (23)		



Bottom of borehole at 36.0 feet.

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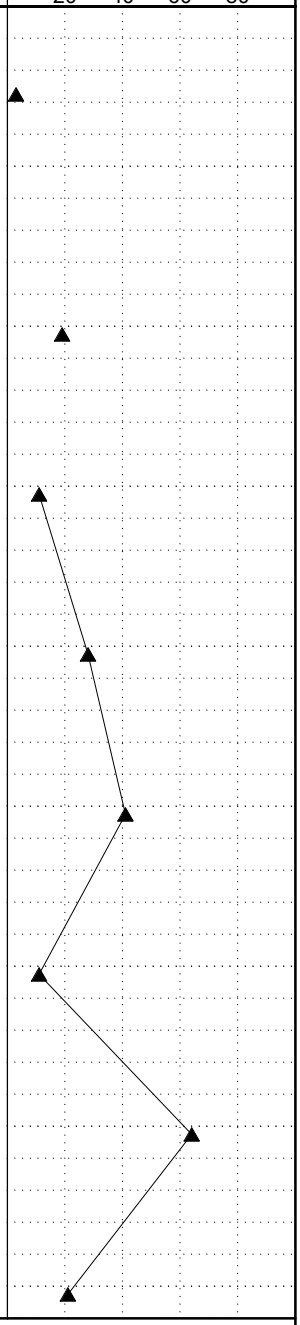
HAUGO GEOTECHNICAL SERVICES
Haugo GTS
2825 Cedar Ave South
Minneapolis, MN 55407
Telephone: 612-729-2959

BORING NUMBER SB-5

CLIENT Fehn Companies
PROJECT NAME Mahler Aggregate Mine Expansion
PROJECT NUMBER 19-0388
PROJECT LOCATION Hanover, MN
DATE STARTED 5/10/19 **COMPLETED** 5/10/19
GROUND ELEVATION 925.13 ft **HOLE SIZE** 3 1/4 inches
DRILLING CONTRACTOR HGTS - 750
GROUND WATER LEVELS:
DRILLING METHOD Hollow Stem Auger/Split Spoon
AT TIME OF DRILLING 40.00 ft / Elev 885.13 ft
LOGGED BY NA **CHECKED BY** PG
AT END OF DRILLING 39.50 ft / Elev 885.63 ft
NOTES Borehole grouted.
AFTER DRILLING --- Not Encountered with Cave-In Depth of 18 feet

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	MOISTURE CONT. (%)	NOTES
0		Silty Sand, dark brown to black, moist. (Topsoil)	AU 46				
		(SP-SM) Poorly Graded Sand with Silt, fine to medium grained, trace Gravel, brown, moist, very loose. (Glacial Outwash)	SS 47		3-2-1 (3)		
5			SS 48				
			SS 49				
10		(SP) Poorly Graded Sand, fine to coarse grained, with Gravel, brown, moist, medium dense to dense. (Glacial Outwash)	SS 50		2-9-10 (19)		
			SS 51				
15			SS 52		3-5-6 (11)		
20			SS 53		5-12-16 (28)		
25			SS 54		10-18-23 (41)		
30		(SP) Poorly Graded Sand, fine to medium grained, trace Gravel, with Sandy Lean Clay seam at about 40 feet, with Gravel layer at about 35 feet, brown, moist, medium dense. (Galcial Outwash)	SS 55		3-5-6 (11)		
35			SS 56		8-36-28 (64)		
40			SS 57		16-9-12 (21)		

▲ SPT N VALUE ▲ 20 40 60 80
PL MC LL 20 40 60 80
☐ FINES CONTENT (%) ☐ 20 40 60 80



Bottom of borehole at 41.0 feet.

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Haugo GTS
2825 Cedar Ave South
Minneapolis, MN 55407
Telephone: 612-729-2959

TEST PIT NUMBER TP-1

CLIENT Fehn Companies
PROJECT NAME Mahler Aggregate Mine Expansion
PROJECT NUMBER 19-0388
PROJECT LOCATION Hanover, MN
DATE STARTED 5/10/19 **COMPLETED** 5/10/19
GROUND ELEVATION 886.53 ft **TEST PIT SIZE** inches
EXCAVATION CONTRACTOR HGTS
GROUND WATER LEVELS:
EXCAVATION METHOD Test Pit
AT TIME OF EXCAVATION 7.50 ft / Elev 879.03 ft
LOGGED BY NA **CHECKED BY** PG
AT END OF EXCAVATION ---
NOTES
AFTER EXCAVATION ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	MOISTURE CONT. (%)	NOTES	▲ SPT N VALUE ▲ 20 40 60 80 / PL MC LL 20 40 60 80 / ☐ FINES CONTENT (%) ☐ 20 40 60 80
0		(SM) Silty Sand, black to dark brown, moist.						
5		(SM) Silty Sand, brown, moist to wet.						

Bottom of test pit at 7.5 feet.

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Haugo GTS
2825 Cedar Ave South
Minneapolis, MN 55407
Telephone: 612-729-2959

TEST PIT NUMBER TP-2

CLIENT Fehn Companies
PROJECT NAME Mahler Aggregate Mine Expansion
PROJECT NUMBER 19-0388
PROJECT LOCATION Hanover, MN
DATE STARTED 5/10/19 **COMPLETED** 5/10/19
GROUND ELEVATION 887.66 ft **TEST PIT SIZE** inches
EXCAVATION CONTRACTOR HGTS
GROUND WATER LEVELS:
EXCAVATION METHOD Test Pit
AT TIME OF EXCAVATION 7.00 ft / Elev 880.66 ft
LOGGED BY NA **CHECKED BY** PG
AT END OF EXCAVATION ---
NOTES
AFTER EXCAVATION ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	MOISTURE CONT. (%)	NOTES	▲ SPT N VALUE ▲ 20 40 60 80 / PL MC LL 20 40 60 80 / ☐ FINES CONTENT (%) ☐ 20 40 60 80
0		(SM) Silty Sand, dark brown, wet.						
		(SM) Silty Sand, brown, waterbearing.						
5		(ML) Silt, light brown, wet.						

Bottom of test pit at 9.0 feet.

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Haugo GTS
2825 Cedar Ave South
Minneapolis, MN 55407
Telephone: 612-729-2959

TEST PIT NUMBER TP-3

CLIENT Fehn Companies
PROJECT NAME Mahler Aggregate Mine Expansion
PROJECT NUMBER 19-0388
PROJECT LOCATION Hanover, MN
DATE STARTED 5/10/19 **COMPLETED** 5/10/19
GROUND ELEVATION 888.26 ft **TEST PIT SIZE** inches
EXCAVATION CONTRACTOR HGTS
GROUND WATER LEVELS:
EXCAVATION METHOD Test Pit
AT TIME OF EXCAVATION 8.00 ft / Elev 880.26 ft
LOGGED BY NA **CHECKED BY** PG
AT END OF EXCAVATION ---
NOTES
AFTER EXCAVATION ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	MOISTURE CONT. (%)	NOTES	▲ SPT N VALUE ▲ 20 40 60 80 / PL MC LL 20 40 60 80 / ☐ FINES CONTENT (%) ☐ 20 40 60 80
0		(SM) Silty Sand, black to dark brown.						
5		(SP-SM) Poorly Graded Sand with Silt, fine to medium grained, brown, waterbearing.						
10								

Bottom of test pit at 10.0 feet.

GEOTECH BH PLOTS - GINT STD US LAB.GDT - 5/23/19 08:53 - C:\USERS\PUBLIC\DOCUMENTS\BENTLEY\GINT\PROJECTS\19-0388 MAHLER AGGREGATE MINE EXPANSION.GPJ

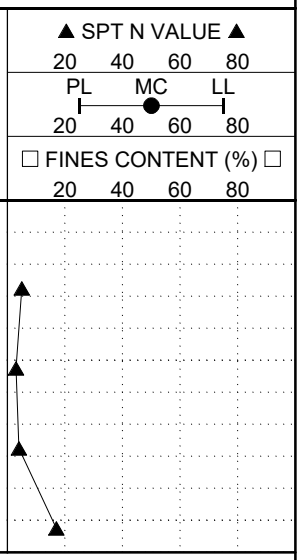
Haugo GTS
2825 Cedar Ave South
Minneapolis, MN 55407
Telephone: 612-729-2959

TEST PIT NUMBER TP-P2

CLIENT Fehn Companies
PROJECT NAME Mahler Aggregate Mine Expansion
PROJECT NUMBER 19-0388
PROJECT LOCATION Hanover, MN
DATE STARTED 5/10/19 **COMPLETED** 5/10/19
GROUND ELEVATION 888.87 ft **TEST PIT SIZE** 3 1/4 inches
EXCAVATION CONTRACTOR HGTS - 750
GROUND WATER LEVELS:
EXCAVATION METHOD Hollow Stem Auger/Split Spoon
AT TIME OF EXCAVATION 9.00 ft / Elev 879.87 ft
LOGGED BY NA **CHECKED BY** PG
AT END OF EXCAVATION ---
NOTES
AFTER EXCAVATION ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	MOISTURE CONT. (%)	NOTES
0		Silty Sand, trace Roots, dark brown, moist. (Topsoil)	AU 1				
			SS 2		2-2-3 (5)		
5		(SP-SM) Poorly Graded Sand with Silt, fine grained, dark brown to brown, wet, very loose to loose. (Alluvium)	SS 3		2-2-1 (3)		
		(SP-SM) Poorly Graded Sand with Silt, with Shells, brown, wet, very loose. (Alluvium)	SS 4		1-2-2 (4)		
10		(SP) Poorly Graded Sand, fine to coarse grained, with Gravel, brown, wet to waterbearing, medium dense. (Glacial Outwash)	SS 5		9-10-7 (17)		

Bottom of test pit at 11.0 feet.



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Infiltrameter Recording Chart

HAUGO GEOTECHNICAL SERVICES

Project Identification:	19-0388					**Constants**	**Area cm2**	**Depth of Liquid (cm)**	**Liquid Container Number**	**Marriotte Tube Volume**					
Test Location:	DRI-1 TP-2					**Inner Ring**	729	11.0	1	3000					
Elevation:			**Liquid Used:**	Water		**Annular Space**	2189	11.0	2	10000					
Tested By:	M. Swanson					**Liquid level maintained using:**		(X) Flow Valve ( ) Float Valve ( ) Mariotte Tubes							
Depth to water table:	N/A					**Penetration Depth of Outer Ring:** 3 inches									
					Flow Readings						**Inner Infiltration Rate**		**Ground Temperature**		**Remarks**	
Trial #	**Start / End**	**Date MM/DD/YY**	**Time HR:MIN**	**Elapsed Time Chg/(Total) Min**	**Inner Ring Reading cm**	**Inner Maroitte Tube Flow**	**Annular Space Reading cm**	**Annular Space Marriotte Tube Flow (ml)**	**Liquid Temp (F)**	**Inner Infiltration Rate (Inch/h)**	**Annular Infiltration Rate (Inch/h)**	**Ground Temp Depth (cm)**	**Temp at Depth (F)**	**Weather conditions Etc...**	**Hourly Inner Infiltration Rate (Inch/h)**
	Start Test	5/10/2019	11:05	0:15					63.0						
1	End Test	5/10/2019	11:20	0:15	n/a	3000	n/a	6000		6.48	4.32				
	Start Test	5/10/2019	11:20	0:15					63.0						
2	End Test	5/10/2019	11:35	0:30	n/a	3000	n/a	5000		6.48	3.60				6.26
	Start Test	5/10/2019	11:35	0:15					63.0						
3	End Test	5/10/2019	11:50	0:45	n/a	2800	n/a	3500		6.05	2.52				
	Start Test	5/10/2019	11:50	0:15					63.0						
4	End Test	5/10/2019	12:05	1:00	n/a	2800	n/a	3250		6.05	2.34				
	Start Test	5/10/2019	12:05	0:15					63.0						
5	End Test	5/10/2019	12:20	1:15	n/a	2500	n/a	3250		5.40	2.34				
	Start Test	5/10/2019	12:20	0:15					63.0						
6	End Test	5/10/2019	12:35	1:30	n/a	2500	n/a	3000		5.40	2.16				5.40
	Start Test	5/10/2019	12:35	0:15					63.0						
7	End Test	5/10/2019	12:50	1:45	n/a	2500	n/a	3000		5.40	2.16				
	Start Test	5/10/2019	13:05	0:15					63.0						
8	End Test	5/10/2019	13:20	2:00	n/a	2500	n/a	3000		5.40	2.16				
	Start Test			0:00					63.0						
9	End Test			2:00	n/a		n/a			0.00	0.00				
	Start Test			0:00					63.0						
10	End Test			2:00	n/a		n/a			0.00	0.00				
	Start Test			0:00					63.0						0.00
11	End Test			2:00	n/a		n/a			0.00	0.00				
	Start Test			0:00					63.0						
12	End Test			2:00	n/a		n/a			0.00	0.00				
	Start Test			0:00					63.0						
13	End Test			2:00	n/a		n/a			0.00	0.00				
	Start Test			0:00					63.0						
14	End Test			2:00	n/a		n/a			0.00	0.00				
	Start Test			0:00					63.0						0.00
15	End Test			2:00	n/a		n/a			0.00	0.00				
	Start Test			0:00					63.0						
16	End Test			2:00	n/a		n/a			0.00	0.00				
Final Results	**Start Test**	6/30/2015	**11:40**			**21600**		**30000**		**2.92**	**1.35**	**Total Infiltration in Inches (4 Hour Test)**			**11.67**
	End Test	6/30/2015	**14:40**	**3:00**											

Mahler Pit Existing Water Table Data

per soil borings by Haugo GTS 05/10/2019

Boring No.	Water Table Elvation
1	883.84
2	885.1
3	886.88
4	888.53
5	885.13
Average =	885.9

Collaborative Planning, LLC

Memorandum

Date: October 23, 2019

To: Planning Commission

From: Cindy Nash, AICP EDFP

RE: Draft Ordinance Modifications -- Zoning

In the packet for your review is a redlined version of the zoning ordinance that contains the changes that were discussed during previous joint meetings of the Planning Commission and City Council, along with a number of other smaller changes. Items in red are proposed changes to the existing text, with strikethroughs indicating deletions.

At the October Planning Commission meeting, we will do a review of the changes in preparation for a public hearing at the November meeting.

~~RA~~

CITY OF HANOVER
CHAPTER 10: ZONING ORDINANCE

ADOPTED:
07/02/13 – Ordinance No. 2013-04

AMMENDED:
06/03/14 – Ordinance No. 2014-05
08/04/14 – Ordinance No. 2014-06
10/07/14 – Ordinance No. 2014-08
04/07/15 – Ordinance No. 2015-01
12/15/15 – Ordinance No. 2015-07
04/05/16 – Ordinance No. 2016-01
08/02/16 – Ordinance No. 2016-05
09/06/16 – Ordinance No. 2016-06
10/04/16 – Ordinance No. 2016-07
10/04/16 – Ordinance No. 2016-08
02/07/17 – Ordinance No. 2016-09
03/07/17 – Ordinance No. 2016-11
07/10/17 – Ordinance No. 2017-05
07/10/17 – Ordinance No. 2017-07
03/06/18 – Ordinance No. 2017-09

SEC 10.01 DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use of structure. See Use, Accessory.

Administrator. The individual responsible for overseeing the requirements of City Land Use Ordinances. For purposes of this Article, the Administrator shall be the City Administrator, or his/her designee.

Agricultural use. The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including, but not limited to, the following:

(1) Field crops, including: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.

(2) Livestock, including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits, and mink.

(3) Livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.

Alley. A public right-of-way which affords a secondary means of access to abutting property.

Alteration. Any change or modification of land, water, vegetation, or existing structures.

Animal Unit Equivalent. For purposes of this Chapter "One Animal Unit Equivalent" is herein defined as one of the following: One horse, one cow, one pig, one sheep, one goat, twenty-five chickens, or other fowl, or twenty-five rabbits. Animal Unit Equivalents, not included in this definition may be determined by the City Council as needed.

Animated Sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Antenna. Any structure or device used for the purpose of collecting or radiating electromagnetic waves, including but not limited to directional antennas, such as whips.

Apartment Building. A multiple-family dwelling originally designed and constructed to accommodate three (3) or more apartments, designed with more than one (1) dwelling unit connecting to a common corridor or entrance way, in contrast to single-

or two-family dwellings converted for multiple--family use or attached row dwelling (party wall type) as defined herein.

Apiary. The assembly of one or more colonies of bees at a single location.

Apiary Lot. The lot upon which the apiary is located.

Applicant. A permittee, or any person or entity that applies for any permit for a project that includes a land disturbing activity. Applicant also means that person's agents, employees, and others acting under that person's direction.

Area Identification Sign. A free standing sign which identifies the name of a neighborhood, a residential subdivision, a multiple residential complex consisting of three (3) or more structures, a shopping center consisting of five (5) or more separate businesses, an industrial area, an office complex consisting of three (3) or more structures, or any combination of the above located on contiguous property.

Automobile Repair. An establishment providing goods or services related to automobiles such as car washes, repair businesses limited to minor engine repair, fluid changing, and tire service and muffler repair, collision service, general repair, and painting

Awning. A non-rigid hood or cover projecting from a building, which may be folded, collapsed, or retracted against the building.

Banner Sign. Any temporary sign of lightweight fabric or similar material intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Base Flood Elevation. The elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance survey.

Basement. Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Beekeeper. A person who owns or has charge of one or more colonies of bees.

Beekeeping Equipment. Anything used in the operation of an apiary, such as hives bodies, supers, frames, top and bottom boards and extractors.

Best Management Practices (BMPs). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning

agencies. Examples of BMPs can be found in *Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices*, U.S. Environmental Protection Agency 1992; *Protecting Water Quality in Urban Areas*, Minnesota Pollution Control Agency 2000; *Minnesota Urban Small Sites BMP Manual,* Metropolitan Council 2001; *Erosion Control Handbook*, Minnesota Department of Transportation 2002; *State of Minnesota Stormwater Manual*, MPCA 2005.

Billboard Sign. A billboard, poster panel board, painted bulletin board, or other communicative device which is used to advertise (billboard) products, goods and/or services, any part of which are not sold, produced, assembled, manufactured, furnished or otherwise related to activities conducted on the premises on which such sign is located.

Blasting. The practice or occupation of removing, by means of explosives, any mass, especially rocks, buildings, etc.

Bluff. A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

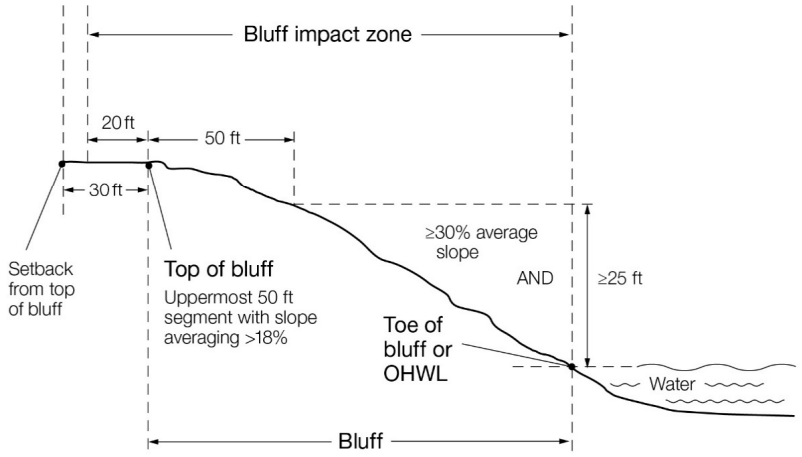
a. Part of all of the feature is located in a shoreland area;

b. The slope rises at least twenty-five (25) feet above the ordinary high water level of the water body.

c~~b~~. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ~~ordinary high water level~~toe of the bluff averages thirty (30) percent or greater, except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff.

d~~c~~. The slope must drain toward the water body.

Bluff, Bluff Impact Zone, Top and Toe of Bluff



~~d~~. ~~An area with an average slope of less than eighteen (18) percent over a distance for fifty (50) feet or more shall not be considered part of the bluff.~~

Bluff Impact Zone. A bluff and land located within twenty (20) feet from the top of a bluff.

Bluff, Toe of. The lower point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent, or the ordinary high water level, whichever is higher.

Bluff, Top of. For the purposes of measuring setbacks, the higher point of a 50-foot segment with an average slope exceeding 18 percent.

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Boathouse. ~~A structure used solely for the storage of boats or boating equipment.~~A facility as defined by Minnesota Statutes Section 103G.245.

Buffer. As related to shoreland ordinance requirements, a vegetative feature as defined by Minnesota Statutes, Section 03F.48.

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Buffer Strip. An area of vegetated ground cover abutting a wetland that is maintained in its natural condition.

Buildable Area. The portion of the lot above the ordinary high watermark and exclusive of restrictive soils, wetlands, slopes in excess of twelve (12) percent, ~~and~~

significant natural or unique resources to be protected or conserved, or areas containing other conditions that are not able to be used for a building.

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

Building complex. A group of two or more buildings, planned or developed in a joint manner with shared parking facilities, regardless of whether such buildings or uses are located on the same lot or parcel.

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

Building line. A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line. As related to shoreland requirements, it is also a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Building setback. The minimum horizontal distance between the furthest protruding part of the building and a lot line.

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

Business Sign. A sign relating in its subject matter to the premise on which it is located or to products, accommodations, services or activities thereon.

Car Wash. A building, or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods with a steam cleaning devise or other mechanical devices.

Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature or stock market data shall be considered a "public service information sign" temporary portion of a sign and not a changeable copy sign for the purposes of this Chapter.

Church. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory

buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Clearing and Grubbing. Clearing and grubbing is the cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains in the designated areas.

Colony. An aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood combs, and honey.

Commercial sign. A communicative device that seeks to draw attention to or promote a commercial, business or economic interest or activity in contrast to noncommercial signs that expresses an opinion or viewpoint of a social or political nature.

Comprehensive plan. A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the municipality and its environs, as defined in Minn. Stats. §§ 462.351--462.365, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Conditional use. *U*ses which, although generally compatible with the basic use classification of a particular zoning district should not be permitted to be located as a matter of right in every area included within a zoning district because of hazards in the use itself or special problems which its proposed location may present. Conditional uses for each zoning district are identified within the ordinance and may only be granted for those particular uses identified within each zoning district.~~A specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:~~

~~a. Certain conditions as detailed in the zoning ordinance exist.~~

~~The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.~~
~~b.~~

Conditional use permit. A permit issued by the city setting out the terms under which a conditional use is allowed.

~~*Conservation Design.* A pattern of subdivision development that places housing units into compact groupings while preserving valuable ecological resources through a network of commonly owned or dedicated open space.~~

Construction Sign. A sign giving the project name, name(s) of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

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Critical Facilities. Facilities necessary to a community's public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

Daycare Facility. Any state licensed facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Daycare facilities include, but are not limited to: family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, daytime activity centers, day treatment programs, and day services, as defined by Minnesota Statutes Section 245A.02, Subdivision 10 as amended from time to time.

Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

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Development. Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Directional Sign. A sign which contains no advertising and is intended to facilitate the safe movement of pedestrians and vehicles into, out of and around the site on which the sign is located.

Drainageway: Any natural or constructed channel which provides a course for water flowing either continuously or intermittently.

Drive-in Establishment. A business that customarily offers goods, services, or entertainment for compensation to clientele within automobiles (examples: automobile service stations, drive-in restaurants and outdoor theaters, but not drive-in cleaners, where the customer must leave his automobile to pick up or deliver goods).

Dwelling, attached. A dwelling which is joined to another dwelling at one or more sides by a party wall or walls, including a two-unit dwelling.

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

Dwelling, multiple-family. A building designed exclusively for or occupied exclusively by three or more families living independently of each other.

Dwelling, multiple-family, townhouse. A building exclusively for or occupied exclusively by between three and six families living independently of each other. Each dwelling unit is attached horizontally in a linear arrangement with private front and rear entrances. Each dwelling unit must be separated from other dwelling units by a fire wall extending from foundation through the roof with no openings. Each dwelling unit shall have a totally exposed front and rear wall to be used for entry, light, and ventilation.

Dwelling unit. A residential building or portion thereof, intended for occupancy by a single-family, but not including hotels, motels, boardinghouses, rooming houses or tourist homes.

Dynamic display. Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the Sign Structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

Easement. A grant by a property owner for the use of a portion of land by the public or any person for any specific purpose.

~~*Ecological Corridor*. A network of land containing linear elements that are planned, designed and managed for multiple purposes including ecological, recreational, cultural, aesthetic, or other purposes compatible with the concept of sustainable land use. Ecological corridors are also known as Greenways.~~

Ecological Resources. Ecological resources include fish and wildlife populations, habitats, and their relationships to each other and the environment/ecosystem.

Erect. To build, construct, attach, hang, place, suspend, or affix and also includes the painting of wall signs.

Erosion and Sediment Control Plan. Otherwise known as a Stormwater Pollution Prevention Plan (SWPPP) which is a set of plans prepared by or under the direction of a

licensed professional engineer or certified contractor indicating the specific measures and sequencing to be used to control the sediment and erosion on a project site during and after construction.

Erosion and Sediment Control Planning Checklist. An erosion and sediment control planning checklist provided by the City, to be used by Applicants to plan erosion and sediment control measures for land disturbing activities. The Checklist is available at City Hall or on the City's website.

Essential Services. Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures, or collection, communication, supply or disposal systems and structures, used by public utilities, rural electric cooperatives or governmental departments or commission or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings. For the purpose of this Chapter the word "building" does not include "structure" for essential services.

~~*Equal Degree of Encroachment.* A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.~~

Excavation. Any breaking of ground, except common household gardening and ground care.

Explosives. Any chemical or other substance intended for the purpose of producing an explosion or that contains oxidizing or combustible units or other ingredients in such proportions or quantities that ignition by fire, by friction, by concussion, by percussion or by detonation may produce an explosion capable of causing injury to persons or damage to property. The term "explosive" includes, but is not limited to, the following: black powder (all varieties), dry gun cotton, nitroglycerine, dynamite, chlorates, fulminates, all sensitized ammonium nitrate compositions and any other of their compounds or mixtures, smokeless powder, wet gun cotton and wet nitrostarch.

Extraction. To draw out or forth; hence to derive as if drawing out; removal of physical matter in a solid, liquid, or gaseous state from its naturally occurring location; the initial step in use of a natural resource; examples include petroleum and natural gas wells, shale and coal mines, gravel pits, timber cutting.

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

Family. An individual, or two or more persons related by blood, marriage, or adoption, or not more than four persons not related by blood, marriage, or adoption, occupying a dwelling unit as an individual housekeeping organization.

Farm. A tract of land, ten (10) acres or more in size, which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farm may include an agricultural dwelling and accessory buildings and structures necessary to the operation of the farm.

Farming. The cultivation of the soil and all activities incidental thereto; agriculture.

Farm Fence. A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.

Fence. Any partition, structure, wall or gate erected as a divider, marker, barrier or enclosure, and located along the boundary or within the required yard.

Fence, height. The height of any fence as measured from the base of the fence or the grade of the nearest adjacent roadway, whichever is lower.

Flags. A piece of cloth or bunting varying in color and design, attached to a pole, used as a symbol, standard, emblem or insignia, or containing text other than that associated with a commercial, business or economic interest or activity.

Flashing sign. A sign on which artificial light is not maintained stationary or constant in intensity, form or color at all times including but not limited to video signs, electronic message boards, animated signs, electronic display screens and scrolling signs.

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

Flood Frequency. The frequency for which it is expected that specific flood stage or discharge may be equaled or exceeded.

Flood Fringe. The portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Hennepin County, Minnesota.

Flood Insurance Rate Map (FIRM). An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Prone Area. Any land susceptible to being inundated by water from any source (see "Flood").

Floodplain. The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

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

Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

Floor area. The sum of the gross horizontal areas of several floors of the building or portion thereof devoted to a particular use, including accessory storage area located within selling or working space such as retailing activities, the production or processing of goods, or to business or professional offices. When measuring for single-family residences, floor area shall include only those portions above grade that are finished space and shall not include the garage, basement, crawl space or cellar. When measuring for non-residential uses, floor area shall not include the basement or cellar floor area other than areas devoted to retailing activities, the production or processing of goods, or to office spaces.

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

Freestanding Sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure, including, but not limited to, a ground sign, pole sign, pylon sign or monument sign.

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

Garage. An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the families resident upon the premises.

Governing body. The Hanover City Council.

Grading. Changing the natural or existing topography of the land. The act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associated with an agricultural operation.

Ground Monument Sign. A block type sign structure not supported by poles or braces, but rather placed directly on the ground.

Haul Road. An internal private road used to transport material.

Haul Route. An external public road used to transport material.

Height of freestanding sign: The actual distance from the grade to the highest point of the sign, including any structure or architectural component of the sign.

Hive. The receptacle inhabited by a colony that is manufactured for that purpose.

Home occupation. A lawful occupation customarily carried on by a resident of a dwelling as an accessory use and carried out under the terms and conditions of section _____ of this chapter. ~~Any gainful occupation or profession engaged in by the occupants of a dwelling unit when conducted within said dwelling unit or garage, provided that no signs other than those normally utilized in a residential district are present, no stock in trade is stored in the premises, over the counter retail sales are not involved, and entrance to the home occupation is gained from within the dwelling unit or garage egress doors. Such uses include professional offices, minor repair services, photo or art studios, dressmaking and millinery and similar domestic crafts, barbershops, beauty shops, tourist homes or similar uses. In no instance shall the home occupation adversely affect the character of the uses permitted in the zoning district in which the property is located. No mechanical or electrical equipment not customarily found in a home shall be employed, installed or maintained.~~

Home occupation sign. A sign located at a residence advertising a business conducted in the residence or by persons residing in the residence.

Honey Bee. All life stages of the common domestic honey bee, *apis melli/era* species.

Hotel. A building which provides a common entrance, lobby, halls and stairway and in which 20 or more people are, for compensation, lodged with or without meals.

Illicit Connections. An illicit connection is defined as either of the following:

a. any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including but not limited to any conveyance which allows any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

b. any drain or conveyance connected from a residential, commercial or industrial land use to the storm drain system, which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency

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Illuminated Sign. Any sign that has characters, letters, design or outlines illuminated by artificial light direct to or from the interior of the sign.

Impervious surface. A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, or gravel driveways; and other similar surfaces.~~*Impervious Surface.* A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to runoff the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include roof tops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.~~

Intensive vegetation clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Kennel. Any structure or premises on which four (4) or more domestic animals over six (6) months of age are kept.

Land Disturbance Activity. Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including clearing and grubbing, grading, excavation, transporting, logging, and filling of land. Within the context of this rule, land disturbance activity does not mean:

a. Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work.

b. Construction, installation, and maintenance of electric, telephone, and cable television, utility lines or individual service connection to these utilities, which result in creating under five thousand (5,000) square feet of exposed soil.

c. Tilling, planting, or harvesting of agricultural or horticultural crops.

d. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles that result in creating under five thousand (5,000) square feet of exposed soil.

e. Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have required an approved erosion and sediment control plan, except for the emergency, then the land area disturbed must be shaped and stabilized in accordance with the City's requirements as soon as possible.

Landscaping. Plantings such as trees, grass, and shrubs.

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Large Site Projects. A type of land disturbing project requiring a stormwater permit. The emphasis of the stormwater permit for large site projects is to reduce and control erosion and sediment generated during construction activity and to manage stormwater runoff from the site after construction. These activities protect surface waters from stormwater runoff pollution. Activity thresholds for large site projects are defined in the City's Stormwater Management Article.

Legal Non-Conforming Sign. Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this Chapter, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Chapter.

Long Term Care Facility. A state licensed facility which provides nursing care and related medical services on a 24-hour per day basis for the elderly, chronically or incurably ill persons, physically or mentally challenged persons where residents are provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Lot. A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.

Lot area. The area of a lot in a horizontal plane bounded by the lot lines.

Lot, corner. A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

Lot, depth. The mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot line. The property line bounding a lot except that where any portion of a lot ~~exceeds~~ extends into the public right-of-way, the line of such public right-of-way shall be the lot line for applying this chapter.

Lot line, front. The boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the City Council.

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

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

Lot of record. Any lot which is one unit of a plat heretofore duly approved and recorded, or a registered land survey that has been recorded in the office of the county recorder prior to the effective date of the ordinance from which this chapter is derived.

Lot, substandard. A lot or parcel of land for which a deed has been recorded in the office of the county recorder upon or prior to the effective date of the ordinance from which this chapter is derived which does not meet the minimum lot area structure setbacks or other dimensional standards of this chapter.

Lot, though. A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this chapter.

Lot width. The ~~maximum~~ minimum ~~horizontal~~ distance between:

a. the side lot lines of a lot at the setback line.

b. The side lot lines at the ordinary high water level, if applicable.

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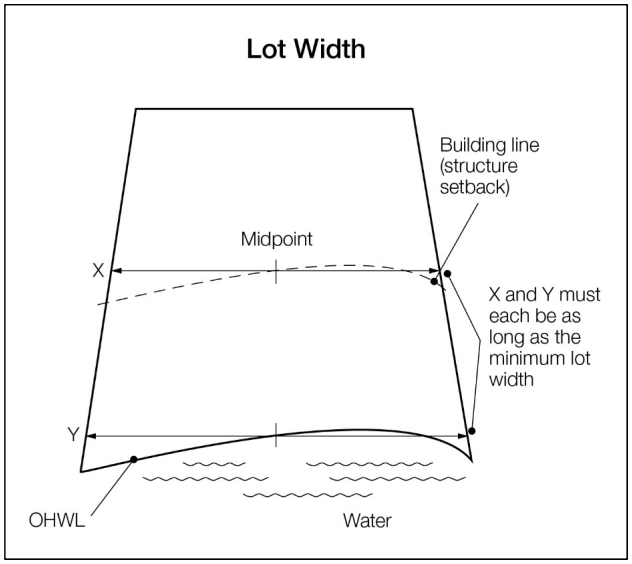

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in

violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

Manufactured Home Park. Any lot or part thereof, or any parcel of land which is used or offered as a location for two (2) or more manufactured homes used for any purpose set forth in the definition of manufactured home.

Master sign plan. Written document describing all proposed signs regarding a specific site, development, or complex, submitted by owner/manager including all type of signs/signage desired, reviewed and approved by the city, and shall at a minimum include sign type, location, size illustrations.

Menu/order board sign. A sign installed in a drive-through facility and intended for drive-through customers advertising the products available at the facility.

Mobile sign. A sign designed or intended to be moved or transported. Examples of mobile signs are included, but not limited to, A – or T – frame signs, sandwich signs and signs designed to be transported by trailer or on wheels. A sign may be a mobile sign even if it has wheels removed, was designed without wheels, or is attached temporarily to the ground, a structure, or other sign. Signs mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business.

Mineral Extraction. Extraction of inorganic materials such as ore, gravel or sand.

Mining. The process of extraction and removal of sand, gravel, rock, aggregate, minerals, or similar materials for financial gain.

Mining, accessory use. Uses customarily incidental to mining located on the same site, such as stockpiling, sorting, screening, washing, crushing, batching, and related maintenance facilities.

Mining Operation. The Mining and Mining Accessory Uses collectively.

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Minnesota Pollution Control Agency (MPCA). The state agency primarily responsible for administering the implementation of the Clean Water Act including the NPDES program.

Motel. A building or group of detached, semi-detached or attached buildings on a lot containing guest rooms or dwellings each of which has a separate outside entrance leading directly from the outside of the building, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients. Motels do not include hotels, boarding houses or trailer campers.

Motor Fuel Station. A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and may includ~~ing~~ minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.

Nameplate sign. A wall sign which states only the name or address or both of the business or occupant of the lot where such sign is placed. Letters and/or numbers must be at least 4 inches in height and the maximum sign area shall not exceed 4 square feet.

National Pollutant Discharge Elimination System (NPDES) program. The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301,318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345; as administered under the Minnesota NPDES General Stormwater Permit for Construction Activity, Permit Number MN R100001 and all subsequent revisions.

New Construction. Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.

Non-commercial sign: Communicative devices that express an opinion or viewpoint of a social or political nature in contrast to commercial signs that seek to draw attention to or promote a commercial, business or economic interest or activity.

Non-Conforming Lot. A lot that does not comply with the minimum lot area or frontage requirements of the district in which it is located.

Non-conforming sign: A sign which does not comply with this Ordinance.

Non-Conforming Structure. A structure that does not comply with the bulk, yard, setback or height regulations of the district in which it is located.

Non-Conforming Use of Land. Any use of a lot which does not conform to the applicable use regulations of the district in which it is located~~ except that such a use is not non-conforming if it would be authorized under a Conditional Use Permit where located~~.

Normal High Water Mark. A mark delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. In areas

where the normal high water mark is not evident, setbacks shall be measured from the stream bank.

Nucleus Colony. A small quantity of bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

Nursery, landscape. A business growing and selling trees, flowering and decorative plants and shrubs, and which may be conducted within a building or without, for the purpose of landscape construction.

Nursing home. A building with the facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the state board of health as provided for in Minn. Stats. § 144.50.

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

Off-site sign: A sign which advertises any business, product, person, event or service conducted, sold, manufactured or located off the premises where the sign is located.

Off-street loading space. A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size to accommodate one vehicle of the type typically used in the particular business.

One Hundred Year Floodplain. Lands inundated by the "Regional Flood" (see definition).

Open sales lot. Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to sale.

Ordinary high water level. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

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Ordinary high water mark. A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The

ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters and sloughs.

Painted sign: A sign painted directly on the outside wall or roof of a building or on a fence, rock or similar structure or feature in any zoning district.

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

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent Cover. The surface type that will minimize soil failure under erosive conditions. Examples include grass, native vegetation, landscape rock, gravel, asphalt, and concrete.

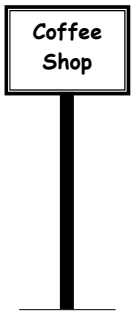
Permanent Sign. Any sign that is permitted without a time limitation on its existence.

Permit. An official document or certificate issued by the City Administrator authorizing performance of a specified activity.

Planned Unit Development. A type of development that may incorporate a variety of land uses planned and developed as a unit. The Planned Unit Development is distinguished from the traditional subdivision process of development in those zoning standards such as density, setbacks, height limits, and minimum lot sizes may be altered by negotiation and agreement between the developer, the municipality and the Commissioner.

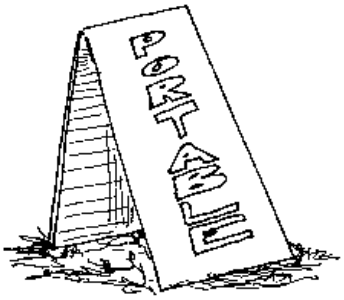
Planning Commission. The Planning Commission of the city except when otherwise designated.

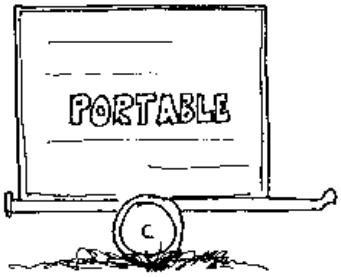
Pole sign. A sign that is mounted at or near the top of a single or double pole.



Political Sign or Campaign Sign. A sign announcing candidate(s) seeking political office and/or political issues and data pertinent thereto.

Portable Sign. Any temporary sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels, signs converted to A or T frames, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless a vehicle is used in the normal day-to-day operations of the business.





Principal Building. The building in which ~~it~~ is conducted the principal use of the lot on which it is located. Lots in commercial and industrial zoning districts may have one or more principal uses in one or more principal building, but storage buildings, garages, and other clearly accessory ~~uses~~ structures shall not be considered principal buildings. Lots in residential districts shall not have more than one principal building.

Principal structure or use. All uses of structures that are not accessory uses or ~~structures..~~structures.

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

Projecting Sign. Any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond the building or wall.

Public land. Land owned or operated by municipal, school district, county, state or other governmental units.

Public Water. Any water as defined in Minnesota Statutes, Section 103G.005, Subd. 15, 15a. ~~Any waters of the State that serve a beneficial public purpose, as defined in Minnesota Statutes 1974, Section 105.37, and Subdivision 6. However, no lake, pond, or flowage of less then 10 acres in size and no river or stream having a total drainage area less than two square miles need be regulated by the municipality for the purposes of these regulations. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the Commissioner shall be exempt from the provisions of these regulations. The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner. The official size of lakes, ponds, or flowages shall be the areas listed in the Division of Waters, Soils, and Minerals Bulletin 25, An Inventory of Minnesota Lakes, or in the event that lakes, ponds, or flowage are not listed therein, official determination of size and physical limits shall be made by the Commissioner in cooperation with municipalities.~~

Pylon Sign. A free-standing sign erected upon a single pylon or post, which is in excess of ten (10) feet in height with a sign mounted on top thereof.

Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Real Estate Sign. A temporary sign erected by a realtor or private individual for purposes of advertising for sale or lease a particular building and/or parcel of property.

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

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

Recreational Vehicle. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

Reclamation/End Use. The process of creating useful landscapes that meet a variety of goals. It includes all aspects of this work, including material placement, stabilizing, capping, regrading, and placing cover soils, revegetation, and maintenance.

Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

Regulatory Flood Protection Elevation (RFPE). An elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Repetitive Loss. Flood related damages sustained by a structure on two separate occasions during a ~~ten year~~ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

Roof Sign. A sign erected upon the roof of any building.

Rotating Sign. A sign that revolves or rotates on its axis by mechanical means.

Searchlight: A powerful light or lights equipped with a reflector to produce a bright beam or beams.

Semi-Public Use. The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.~~A use owned or operated by a non-profit, religious or charity dependent institution and providing educational, cultural, recreational, religious or similar types of public programs.~~

Setback. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

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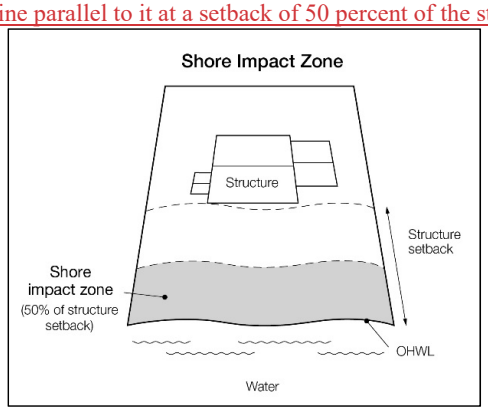
Setback Line. The mean horizontal distance between the property line and the line of the building or the allowable building line as defined by the yard regulations of this Chapter.

*Sewage treatment system***.** "Sewage treatment system" has the meaning given under Minnesota Rules, part 7080.1100, Subp. 82.~~*Sewage Disposal System.* Any system for the collection, treatment and dispersion of sewage including but not limited to septic tanks, soil absorption systems, and drain fields.~~

*Sewer system***.** Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shore impact zone. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.



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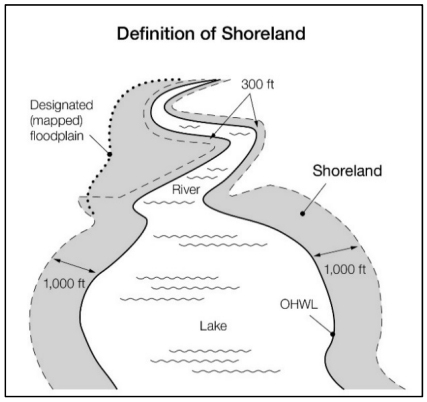
Shoreland. **Land located within the following distances from public water (i) 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and (ii) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by topographic divides that extend landward from the waters for lesser distance and when approved by the Commissioner.**



Shore recreation facilities. Swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.

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Sign. Any written announcements, declaration, demonstration, display, illustration, insignia or illumination used to advertise or promote the interest of any person or persons when the same is displayed or placed out of doors in the view of the general public, or a pylon exterior wall or building surface or inside of a building within three (3) feet of a transparent window. A sign shall be considered as a structure or a part of a structure for the purpose of applying yard and height regulations except as herein stipulated. Signs shall be constructed of metal, plastic, masonite, or wood and be painted in colors that will aesthetically fit the surroundings. Signs shall be of sound construction so as not to be toppled by the weather.

Sign Area. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The structural supports for a sign, whether they be columns, pylons, or a building, or a part thereof, shall not be included in the calculation of the sign area.

~~*Shoreland.* Land located within the following distances from public water (i) 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and (ii) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by topographic divides that extend landward from the waters for lesser distance and when approved by the Commissioner.~~

Sign. A sign is a name, identification, description, display, illustration or device which is affixed to, painted or represented directly or indirectly upon the outside of a building or other surface other than a flag as defined in this ordinance and which directs attention to an object, product, place, activity, person, institution, organization or business. A sign shall be considered as a structure or a part of a structure for the purpose of applying yard and height regulations.

Small Site Projects. A type of land disturbing project requiring a stormwater permit. The emphasis of the stormwater permit for small site projects is on the prevention and control of erosion and sediment, generated through construction activity to protect surface waters from sediment pollution. Activity thresholds for small site projects are defined in the City's Stormwater Management Article.

Soil Types as described by the U.S. Department of Agriculture's Natural Resource Conservation Service describes the major soil groups as follows:

Group A—Soils in this group have low runoff potential when thoroughly wet. Water is transmitted freely through the soil. Group A soils typically have less than 10 percent clay and more than 90 percent sand or gravel and have gravel or sand textures. Some soils having loamy sand, sandy loam, loam or silt loam textures may be placed in this group if they are well aggregated, of low bulk density, or contain greater than 35 percent rock fragments

Group B—Soils in this group have moderately low runoff potential when thoroughly wet. Water transmission through the soil is unimpeded. Group B soils typically have between 10 percent and 20 percent clay and 50 percent to 90 percent sand and have loamy sand or sandy loam textures. Some soils having loam, silt loam, silt, or sandy clay loam textures may be placed in this group if they are well aggregated, of low bulk density, or contain greater than 35 percent rock fragments.

G*roup C*—Soils in this group have moderately high runoff potential when thoroughly wet. Water transmission through the soil is somewhat restricted. Group C soils typically have between 20 percent and 40 percent clay and less than 50 percent sand and have loam, silt loam, sandy clay loam, clay loam, and silty clay loam textures. Some soils having clay, silty clay, or sandy clay textures may be placed in this group if they are well aggregated, of low bulk density, or contain greater than 35 percent rock fragments.

Group D—Soils in this group have high runoff potential when thoroughly wet. Water movement through the soil is restricted or very restricted. Group D soils typically have greater than 40 percent clay, less than 50 percent sand, and have clayey textures. In some areas, they also have high shrink-swell potential. All soils with a depth to a water impermeable layer less than 50 centimeters [20 inches] and all soils with a water table within 60 centimeters [24 inches] of the surface are in this group, although some may have a dual classification, as described in the next section, if they can be adequately drained.

Special event device. Any sign, searchlight, laser display or other attention-getting device used in conjunction with a special event.

Special Flood Hazard Area. A term used for flood insurance purposes synonymous with "One Hundred Year Floodplain."

Special Use. See Conditional Use.

Start of Construction. For use in Section 10.32 of the Zoning Ordinance only and includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stockpile. A pile or storage location for bulk materials, forming part of the bulk material handling process. Stockpiles are normally created by a stacking conveyor.

Storm Water Management Plan. A joint storm water and erosion and sediment control plan that is a document containing the requirements set forth in this Chapter, that when implemented will decrease soil erosion on a parcel of land and off-site non-point pollution and sediment damages.

Stormwater Pollution Prevention Plan. A joint stormwater management and erosion and sediment control plan that is prepared in compliance with the requirements for a Stormwater Pollution Prevention Plan (SWPPP) in the Minnesota NPDES General Stormwater Permit for Construction Activity, Permit Number MN R100001 and all subsequent revisions. A SWPPP will provide for both temporary and permanent control of

soil erosion on a parcel of land, prevent off-site non-point source pollution, and control stormwater runoff rates and volumes. Land disturbing activities disturbing greater than one acre of land are required to obtain a Minnesota NPDES General Stormwater Permit for Construction Activity (or other size as modified by revision to the NPDES requirements), in addition to the requirements of the City.

Story. That portion of building included between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story.

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

Street Frontage. For purposes of this Chapter, any reference to street herein shall mean any street or roadway, public or private, but not to include private driveways.

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

Structure. Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 10.32 of this ordinance and other similar items.

Subdivision. The separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, or lots for residential, commercial, industrial, or other use or any combination thereof, except those separations:

a. Creating Cemetery lots;

b. Resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

Substantial Damage. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is as defined in 44 Code of Federal Regulations, Part 59.1.

Swimming Pool. Any enclosure, designed or intended or used for the containment of water, whether constructed below ground level or above ground level, having a surface area exceeding 100 square feet and a depth exceeding 18 inches which is designed, tenant of the property upon which the pool is constructed, or by their family or invited guests without payment of a fee.

Temporary Erosion Protection. Methods employed to prevent erosion before final stabilization. Examples include: straw, mulch, erosion control blankets, wood chips, and erosion netting.

Temporary Sign. A sign erected or displayed for a limited period of time and is not permanently mounted.

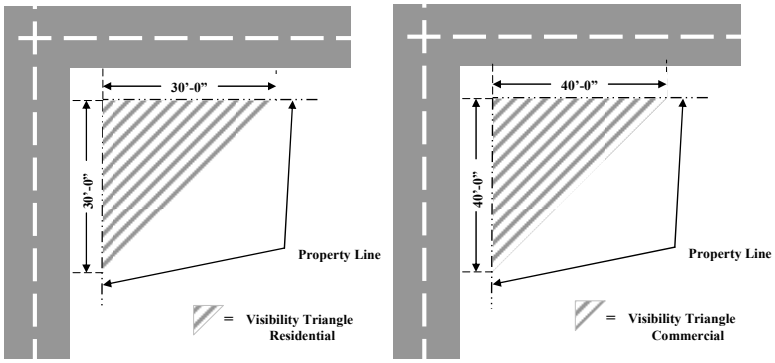
Topsoil. The upper outermost layer of soil, usually in the top two (2) to eight (8) inches. It has the highest concentration of organic matter and is where most of the earth's biological soil activity occurs.

Total Maximum Daily Load (TMDL). Total Maximum Daily Load means a scientific study that contains a calculation of the maximum amount of a pollutant that may be introduced into a surface water and still ensure that applicable water quality standards for that water are restored and maintained. A TMDL also is the sum of the pollutant load allocations for all sources of the pollutant, including a waste load allocation for point sources, a load allocation for nonpoint sources and natural background, an allocation for future growth of point and nonpoint sources, and a margin of safety to account for uncertainty about the relationship between pollutant loads and the quality of the receiving surface water. "Natural background" means characteristics of the water body resulting from the multiplicity of factors in nature, including climate and ecosystem dynamics, that affect the physical, chemical, or biological conditions in a water body, but does not include measurable and distinguishable pollution that is attributable to human activity or influence. A TMDL must take into account seasonal variations.

Tower. Any self-supporting structure, or combination thereof, at least twenty (20) feet in height, including supporting lines, cables, telephone lines, electrical lines or similar apparatus above ground level.

Townhouse. A single structure consisting of two (2) or more dwelling units having the first story at or near the ground level with no other dwelling unit connected to the other dwelling units except by a party wall with no openings.

Traffic visibility triangle. The area created by drawing an imaginary line between points 30 feet back (residential) or 40 feet back (commercial) from where the ~~curb~~ property lines of the intersection quadrant meet.



Undeveloped Property. Any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

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

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

Use, nonconforming. See Nonconforming Use of Land.

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

Use, principal. The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted or conditional. Lots in commercial and industrial districts may have multiple principal uses. Lots in residential districts shall not have more than one principal use.

Wall Sign. Any sign attached parallel to a wall, which projects less than fifteen (15) inches from the surface at all points of the building or structure, and which displays only one sign surface.

Water-oriented accessory structure or facility. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water , reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, saunas, patios, and detached decks. Boathouses and boat storage structures given the meaning under Minnesota Statutes, Section 103G.245 are not a water-oriented accessory structures.

Water-dependent use. The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of commercial uses typically found in shoreland areas.

Wetlands. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Surface water features classified as wetlands in the United States Fish and Wildlife Service Circular #39 (1971 edition), which shall hereby be incorporated by reference, and is available through the Minitex interlibrary loan system, and is not subject to frequent change, or by applicable State law. For purposes of this Chapter, wetlands must have the following three attributes:

a. Have a predominance of hydric soils. (Hydric Soils are defined as: soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part)

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b. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. (Hydrophytic Vegetation is defined as: Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content).

c. Under normal circumstances, support a prevalence of such vegetation.

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Wetland Transition Area. Land area around a wetland which could be encroached upon by standing water during a heavy storm, and which provides a natural habitat for local wetland plants and animals.

Whirling device. Any attention-getting device that twirls or spins by control of wind or mechanical means.

Window Sign. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or within thirty-six (36) inches of a window, or upon the window panes or glass and is visible from the exterior of the building.

Windsock. A large roughly conical device open at both ends and attached to a stand by a pivot so that the wind blows through it, not including devices used for navigational purposes.

Yard. A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this chapter. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located. Permitted obstructions in the yard are eaves, utility boxes, fences, landscaping, and air conditioners.

Yard, front. A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.

Yard, rear. The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

Yard, side. The yard extending along the side lot line between the front and rear yards to a depth of width required by setback regulations for the zoning district in which such lot is located.

Zoning amendment. A change authorized by the governing body either in the allowed use within a district or in the boundaries of a district.

Zoning district. An area within the limits of the community for which the regulations and requirements governing use are uniform.

Zoning District Overlay. A zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district use regulations.

Zoning Map. The map setting forth the boundaries of the Zoning use Districts of the City which map is a part of this Chapter.

SEC. 10.02 VIOLATIONS

The violations of any provision of this chapter or the violation of the conditions or provisions of any permit issued pursuant to this chapter shall be a misdemeanor.

SEC. 10.03 INTENT AND PURPOSE

This chapter is adopted for the purpose of:

A. Protecting the public health, safety, morals, comfort, convenience and general welfare.

B. Promoting orderly development of the residential, commercial, industrial, recreational and public areas.

C. Conserving the natural and scenic beauty and attractiveness of the community and its blend of rural and residential uses.

D. Conserving and developing natural resources, and preserving active and passive open spaces.

E. Providing for the compatibility of different land uses and the most appropriate use of land throughout the community.

SEC. 10.04 APPLICATION OF CHAPTER PROVISIONS

A. In its interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public, health, safety, morals and welfare.

B. Where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

C. Except as in this chapter specifically provided, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used, for any purpose nor in any manner that is not in conformity with this chapter.

D. This chapter is not intended to abrogate any easements, restrictions, covenants, relating to the use of land or imposed on lands within the community by private

declaration or agreement, but where the provisions of this chapter are more restrictive than any such easement, restriction, or covenant, or the provision of any private agreement, the provisions of this chapter shall prevail.

SEC. 10.05 ESSENTIAL SERVICES

The provisions of this chapter shall not prohibit structures which are an integral part of a system for public transportation, or for transmitting power, water, heat, communication, gas or sewage by any public utility. Such structures are subject to the Right-of-Way Management Provisions of City Code.

SEC. 10.06 ADMINISTRATION.

The Administrator shall enforce this chapter and shall perform the following duties:

1. Receive, file, and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.

2. Institute, in the name of the city, any appropriate actions or proceedings against a violator as provided for.

3. Serve as an ex officio nonvoting member of the Planning Commission.

SEC. 10.07 FEES.

A. To defray administrative costs of processing of requests for amendments, variances, or conditional uses, administrative fees shall be charged to the applicant based upon a schedule adopted by ordinance.

B. In addition, to defray the typically higher cost of processing applications (amendments, conditional use, variance, etc.) for developments, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in reviewing all materials for the applicant's request.

SEC. 10.08 PLANNING COMMISSION.

A City Planning Commission has been created by Section 2.25 of City Code. The Commission shall perform those duties as established in Chapter 2 and Chapters 10-11 of City Code.

SEC. 10.09. ZONING AMENDMENTS.

A. *Criteria for granting zoning amendments.* The City Council may adopt amendments to this chapter and zoning map in relation both to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect change in the goals and policies of the community as reflected in the policies plan or changes in conditions in the City.

B. *Procedure.*

1. An amendment to the text of this chapter or the zoning map may be initiated by the City Council, the Planning Commission, City staff or by application of a property owner. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the City Council until it has received the Planning Commission recommendations. Individuals wishing to initiate an amendment to this chapter shall fill out a zoning amendment application form and submit it to the Administrator.

2. A public hearing on the rezoning application shall be held by the Planning Commission. Notice of said hearing shall be published in the official newspaper designated by the City Council at least ten days prior to the public hearing. When the amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed by the city clerk at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. The notice shall include the description of the land and the proposed changes in zoning.

3. The City Council must take action on the application following referral by the Planning Commission. The person making the application shall be notified of the action taken. The Administrator shall maintain records of amendments to the text and zoning map of this chapter.

4. No application of a property owner for an amendment to the text of this chapter or the zoning map shall be considered by the Planning Commission within the one-year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

SEC. 10.10. BUILDING PERMITS.

For the purpose of enforcing the provisions of this chapter, a building permit shall be required of all persons intending to erect, alter, demolish or move any building or

structure or part thereof. Detached accessory buildings not exceeding ~~one~~ two hundred ~~twenty~~ (~~120~~200) square feet in floor area shall be allowed without the issuance of a building permit.

A. Persons requesting a building permit shall fill out a building permit form available from the Administrator. All applications for building permits pertaining to erection or major alteration which will affect the outside dimension of the structures, shall be accompanied by ~~two copies of~~ a certificate of survey. The certificate of survey shall also show dimensions of existing and/or proposed structures to be erected or structurally altered, their location on the site in relation to the outside boundary, the required off-street parking plan, existing and proposed site grading, and such other information as may be necessary to provide for the enforcement of these regulations.

B. Completed building permit forms and a fee may be established by resolution of the City Council. The completed form shall be submitted to the Zoning Administrator. If the proposed development conforms in all respects to this chapter, and after approval by the City Council where required, a building permit shall be issued by the Z~~z~~oning Administrator.

C. If the proposed development involves a zoning amendment, variance, or conditional or interim use permit, the application, shall be submitted either to the Planning Commission or Board of Adjustment and Appeals for review and appropriate action according to the procedures set forth herein prior to the issuance of the building permit.

SEC. 10.11 CONDITIONAL USE PERMITS.

A. *Purpose.* Certain uses, while generally not suitable in a particular zoning district, may under some circumstances be suitable if conditions are attached. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The permit shall be granted for a particular use and not for a particular person or firm.

B. C*riteria for granting conditional use permits.* In granting a conditional use permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants of surrounding lands. Among other things, the City Council shall make the following findings where applicable:

1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

2. The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

4. The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use.

5. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

6. The use is not in conflict with the Comprehensive Plan of the City.

7. The use will not cause traffic hazard or congestion.

8. Existing homes and/or businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

C. *Additional conditions.*

1. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to these standards and requirements expressly specified by this chapter, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited, to the following:

   a. Increasing the required lot size and yard dimension.

   b. Limiting the height, size or location of buildings.

   c. Controlling the location and number of vehicle access points.

   d. Increasing the street width.

   e. Increasing the number of required off-street parking spaces.

   f. Limiting the number, size, location or lighting of signs.

g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.

h. Designating sites for open space.

i. Placing hours of operation restrictions on the proposed use.

2. Any change involving structural alterations, enlargement, intensification of use, or similar changes not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. The Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the City Council, time limits, review dates, and such other information as may be appropriate.

D. *Procedure.*

1. The person applying for a conditional use permit shall fill out and submit to the Administrator the conditional use permit application form, and such submittal shall include all information as required on the form unless a waiver of certain information is granted by the Administrator.

2. The Administrator shall refer the application to the Planning Commission.

3. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the city at least ten days prior to the hearing. Notice of the hearing shall also be mailed to owners of property located within 350 feet of the outside of the land to which the conditional use will be applicable if the conditional use permit is for an area of five acres or less. The notice shall include a description of the land and the proposed conditional use.

4. The report of the Planning Commission shall be placed on the agenda of the City Council following referral from the Planning Commission.

5. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit, amended conditional use permits shall include request for changes in conditions, and as otherwise described in this chapter.

6. No application for a conditional use permit shall be resubmitted for a period of 12 months from the date of said order of denial. A conditional use permit shall expire and be considered null and void one year after it has been issued if no construction has begun.

7. If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of said hearing published at least ten days prior to the review. It shall be the responsibility of the Administrator to schedule such public hearings and the owner of land having a conditional use permit shall not be required to pay a fee for said review. A public hearing for annual review of a conditional use permit may be granted at the discretion of the City Council.

8. In the event that the applicant violates any of the conditions set forth in this permit, the City Council shall have the authority to revoke the conditional use permit.

   a. A violation of any condition set forth in a conditional use permit shall be a violation of this development code. If within 30 days of written notice from the Administrator the violation has not been corrected, the City may pursue the following procedure to terminate the permit.

   b. Written notice of revocation shall be served upon the permittee at least ten working days prior to the conditional use permit being revoked.

   c. Notice to the permittee shall be served personally or by first class mail at the address designated in the permit application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation constituting the basis of the revocation, the facts which support the conclusions that a violation has occurred and a statement that if the permittee desires to appeal, the permittee must, within ten working days, exclusive of the day of service, file a request for a hearing.

   d. The hearing request shall be in writing, stating the grounds for appeal and served personally or received by first class mail on the City Clerk at the City Hall by 4:30 p.m. of the tenth city working day following service.

   e. Following the receipt of a request for hearing, the City Council shall set a time and place for the hearing.

9. Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. Conditional use permits shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the City Council from

enacting or amending official controls to change the status of conditional uses.

SEC. 10.12. APPEALS AND THE BOARD OF ADJUSTMENT AND APPEALS.

A. The City Council shall serve as the Board of Adjustment and Appeals. However, the Planning Commission shall conduct required public hearings, and shall make a recommendation to the Council on all matters within the purview of the Board of Adjustment and Appeals.

B. The Board of Adjustment and Appeals shall act upon all questions as they may arise in the administration of this development code, including the interpretation of the zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing this chapter.

SEC. 10.13. VARIANCES.

A. *Criteria for granting variances.* Variances from the literal provisions of this chapter may be granted in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration. A variance shall be granted only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter. The term "practical difficulties" as used in connection with the granting of a variance means the request proposes a reasonable use of land; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a practical difficulty if reasonable use for the property exists under the terms of this chapter. Practical difficulty also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in Minn. Stats. § 216C.06, subd. 14, when in harmony with this chapter. The Board of Adjustment and Appeals shall not permit as a variance any use that is not permitted under this chapter for property in the zone where the affected person's land is located. The Board may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties.

B. *Procedure.*

1. The person applying for a variance shall fill out and submit to the Administrator the variance request form.

2. The Administrator shall refer the application to the Planning Commission.

3. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the City Council at least ten days prior to the hearing. Notice of the hearing shall also be mailed to owners of property within 350 feet of the outside of the land to which the variance will be applicable if the variance is for an area of five acres or less. The notice shall include a description of the land and the proposed variance.

4. The Planning Commission shall make a recommendation to the City Council.

5. If the Council grants the variance, the Council may impose conditions, including time limits, it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit of the use to exist or operate.

6. The Council shall make written findings of fact in any case of an application for a variance and shall state therein the reasons for its decision; the order issued shall include the legal description of the land involved. Any such order shall be filed with the Administrator.

6. No application for the same variance as ruled upon by the City Council shall be resubmitted for a period of 12 months from the date of denial of the previous application unless there has been a substantial change in circumstances as it relates to the request. A variance shall be considered null and void one year after it has been approved if no construction has begun.

SEC. 10.14. NON-CONFORMING EXISTING LOTS OF RECORD.

A lot or parcel of land in a residential district which was of record as a separate lot or parcel in the office of the county recorder or register of titles, on or before the date of adoption of the ordinance from which this chapter is derived may be used for single-family detached dwelling purposes provided the area and width thereof are within 60 percent of the minimum requirements of this chapter and provided it can be demonstrated that safe and adequate sewage treatment systems can be installed to serve such permanent dwelling. No lot or parcel of land in a residential district shall be split or subdivided so as to render the original lot nonconforming subject to the provisions of this chapter. No building permit shall be issued on a lot so conveyed.

SEC. 10.15. NONCONFORMING USES AND STRUCTURES.

Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be

continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(1) The nonconformity or occupancy is discontinued for a period of more than one year; or
(2) In the case of a nonconforming use, that is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In this case, the city may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

SEC. 10.16 INTERIM USE PERMITS

A. *Purpose and intent:* The purpose and intent of allowing interim uses is:

1. To allow a use for a temporary period of time until a permanent location is obtained or while the permanent location is under construction.

2. To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.

3. To allow a use which is reflective of anticipated long-range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

B. *Procedure:* An application for an interim use permit requires a public hearing.

1. New Uses. Uses defined as interim uses that do not presently exist within a respective zoning district shall be processed according to the submittal requirements, standards and procedures for a conditional use permit as established by Section 10.11 (Conditional Use Permits) of this Chapter.

C. *Criteria*: The Planning Commission and City Council shall consider possible effects of the proposed interim use. Their judgment shall be based upon, but not limited to, the factors outlined in Section 10.11 (Conditional Use Permits) of this Chapter.

D. *General Performance Standards:* As may be applicable, the

evaluation of any proposed interim use permit request shall be subject to and include, without limitation:

1. The general performance standards and criteria outlined in this Chapter;

2. The date or event that will terminate the use shall be identified with certainty;

3. The use shall not impose additional unreasonable costs on the public; and

4. The user agrees to any conditions that the City Council deems appropriate for permission of the use.

E. *Termination:* An interim use shall terminate upon the happening of any of the following events, whichever occurs first:

A. Upon the date or event stated in the permit.

B. Upon violation of any condition under which the permit was issued.

C. Upon change in the Zoning Ordinance that renders the use non-conforming.

D. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.

F. *Revocation:* If an approved interim use permit is in violation of this Chapter or the conditions of permit approval, the City may revoke the interim use permit. The City shall conduct a public hearing to consider the revocation of an interim use permit. The public hearing shall be conducted by the Planning Commission, which shall make a recommendation to the City Council. In considering revocation, the Planning Commission and City Council shall consider compliance with the approved conditions of the interim use permit and the performance standards of this Chapter.

SEC. 10.17 BUILDING ELIGIBILITIES

A. It is presumed that all parcels of record existing on July 2, 2013 that are zoned for residential use shall be eligible to have one single-family home ("Building Eligibility") constructed on that parcel, subject to compliance with all other requirements of this Chapter 10 except for lot size requirements.

B. Every parcel of land containing up to forty (40) acres zoned for residential use shall have one Building Eligibility on that parcel.

C. For parcels larger than forty (40) acres, the number of Building Eligibilities shall equal one per 40 acres as rounded to the nearest 40 acres. By way of example, both 65 acres and 99 acres rounds to 80 acres, granting two single-family Building Eligibilities to either of those properties. If a parcel has two or more Building Eligibilities and the property owner desires to utilize more than one Building Eligibility, the property shall be subdivided. This subdivision is not subject to requirements that may be contained elsewhere in City Code that require the extension of municipal water and sewer utilities to the property.

D. When a parcel is annexed to the City, the parcel is considered undeveloped for the purpose of this calculation regardless of the number of lots that may have been created while under the Township's jurisdiction.

E. In the event that a subdivision is proposed that results in any parcel no longer having the number of Building Eligibilities that would be anticipated under paragraphs A or B above, then a condition of approval of the subdivision shall be that a document is recorded against the property documenting the remaining number of Building Eligibilities for that parcel.

F. An Accessory Apartment as may be permitted in the ~~RA~~ AG zoning district is not counted as the use of a Building Eligibility for the purpose of this section.

SEC. 10.18 EXPIRATION OF ZONING APPROVALS:

A. *Automatic Expiration.* Unless otherwise specified by the City Council at the time it is authorized, an amendment, conditional use permit, interim use permit, Planned Unit Development, variance, or site and building plan approval shall be null and void and expire if the applicant fails to implement such approval and fulfill each and every condition attached thereto within one (1) year from the date of its authorization unless an extension of time is granted as provided herein.

B. *Extension of Time.*

1. Administrative.

a. A petition for an extension of time in which to implement the approved plans or conditions may be granted by the Zoning Administrator provided that:

1) The extension is requested in writing and filed with the City at least thirty (30) days prior to the expiration of the initial approval of the conditional use permit, interim use permit, variance, or site and building plan.

2) The request for extension states facts demonstrating that a good faith attempt has been made to complete or utilize the use or activity permitted in the approval.

b. A maximum of one (1) administrative extension shall be granted.

c. The extension shall not exceed ninety (90) days from the initial expiration date.

d. The fee for the filing of a petition for an administrative extension shall be established in the City's fee schedule.

2. Extension of Time by City Council Action. Upon receiving a recommendation from the Planning Commission and City staff, the City Council may grant an extension of greater than ninety (90) days provided that:

a. The extension shall not exceed one (1) year from the initial expiration date.

b. The filing of a petition for extension is subject to fee requirements established by the City Council resolution.

SEC. 10.19 COST RECOVERY

A. *Purpose.* The costs to the City for receiving, analyzing, processing, hearing and final process for requests of changes, modification, or special consideration under this Chapter, such as requests for rezoning (map or text), site and building plan review, conditional use permits, interim use permits, and variances are considered to be unique to the applicant requesting such consideration, and it is the intent of this Article to provide that all costs of the City occasioned by such requests shall be borne by the applicant. The reimbursement to the City shall be limited to actual costs of the City. Actual costs shall include all engineering, legal, planning, or other consultant fees or costs paid by the City for other consultants for expert review of a development application.

B. *Base Zoning Fee.* Each applicant shall pay a non-refundable base zoning fee at the time an application is presented to the City for a zoning change of any nature, site and building plan review, a conditional use, or a variance. This fee is intended to reimburse the City for its reasonable costs for administrative processing of a development application. If this fee proves to be insufficient to cover such costs, such additional costs will be charged as a part of the zoning deposit, or the supplemental zoning deposit.

C. *Escrow Deposit.* At the time of application, in addition to the non-refundable basic zoning fee, each applicant shall pay an escrow deposit in an amount established by City Council resolution. The applicant shall also sign a written agreement to pay any and all costs incurred by the City in processing the application. Actual costs including, but not limited to, planning, engineering, legal, or other consultant fees or costs, incurred by the City in the processing of the application shall be paid from or reimbursed to the City, from the escrow deposit.

D. *Supplemental Deposit.* At any time while the application is pending and before its final conclusion, if the Administrator determines that the amount of the escrow deposit required by Section 10.19 (General Administration, Cost Recovery) of this Chapter is or is estimated to be insufficient to pay for present or anticipated actual costs of the application, a supplementary deposit shall be required by the Administrator to be paid by the applicant. The one or more supplemental deposits shall be in an amount sufficient to pay all actual costs of the City. Supplemental deposits shall be paid within five business days of the City's request.

E. Refunds

1. Administrative Costs. The base zoning fee intended to cover administrative costs is non-refundable.

2. Direct Costs. If the direct costs of the City in processing the application are less than the amount of the escrow deposit and any supplemental deposit, any such overage shall be refunded to the applicant upon the conclusion of the proceedings, and any such costs in excess of the supplemental deposits on hand with the City shall be paid by the applicant prior to completion of the proceedings by the City and before the issuance of any building permit(s).

SEC. 10.20 DESIGN REVIEW GUIDELINES

A. *Applicability*

A. The Design Guidelines apply to the B-1, B-1A, B-2, I-1 and I-2 District, and multiple-family dwellings in any district.

B. The Design Guidelines shall apply to all new buildings, additions and exterior renovations.

C. All proposed façade changes including painting shall be subject to approval from the City of Hanover, including all required permitting. Painting or staining the exterior materials of a building in the same color as exists on the building shall be considered maintenance and not subject to approval.

D. The Design Guidelines for Stormwater Management apply to all Districts.

1. No building permit or permit to allow land disturbing activities shall be issued until approval of the requirements set forth in City Code: Chapter 9 Water, Sanitary Sewer, and Storm Water. The Erosion and Sediment Control (ESC) Plans and Stormwater Management Plans (SWMP) shall be consistent with NPDES permit requirements, and the filing or approval requirements of other regulatory bodies.

B. *Design Guidelines Criteria*

A. The exterior of non-residential and multiple-family dwellings shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance.

B. **General Requirements.**

1. Exterior Materials.

a. All structures shall have an exterior finish consisting of the following permitted materials:
(1) Brick.
(2) Stone (natural or artificial).
(3) Integral colored spit face (rock face) concrete block.
(4) Wood, natural or engineered, provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood or cypress.
(5) Stucco (natural or artificial), including exterior insulated finishing systems (EIFS).
(6) Fiber cement board.
(7) Precast concrete.
(8) Metal may be used as an exterior material for architectural trim.

b. Building foundations not exceeding two (2) feet and other such portions of a building's façade need not comply with the requirements for the primary façade treatment or materials.

C. **Special Design and Performance Standards in B-1 District.**
The following special design and performance standards shall be observed in the B-1 District:

1. Areas adjacent to the Crow River should be retained as open space with walking trails, and passive recreation amenities including benches, picnic areas, view corridors, and natural open space.
2. Where possible, building designs should take advantage of view from public streets as well as from the Crow River and treat both as building frontages for architectural design.
3. An awning, canopy, or marquee suspended from a building may extend over the public right-of-way ten (10) feet and not closer than five (5) feet to the curb line extended. The lowest point of such structures shall be not less than eight (8) feet from the sidewalk or ground grade line, and the owner of such structure shall be responsible for its structural safety.
4. Flat roof or a false front or parapet (false front) wall covering a sloped roof is desired.
5. Building fronts should contain multiple windows, excluding skylights, tinted windows and ribbon windows.
6. Divided Windowpanes with mullions are encouraged except for storefront windows.
7. Multi-panel exterior doors are encouraged.
8. Desirable Design Elements.
   a. Storefront canopies or window canopies.
   b. Hanging signs.
   c. One or more accent colors.
   d. Planters and landscaped areas.
   e. Benches.
   f. Decorative lighting.
9. Parking.
   a. Site parking is to be located to the side or rear of buildings where possible.
   b. A reduction of up to ten (10) percent in the number of required offstreet parking spaces may be approved by the Zoning Administrator in the case of shared parking areas between abutting uses.
10. Loading.
    a. Loading areas and docks shall be located to the rear or side of the principal building where possible.
    b. Special landscape, screening or building design measures shall be required to minimize and limit the visual impact of loading docks and areas from view from adjacent properties, right-of-way and the Crow River.
11. Pedestrian Circulation.
    a. Each property shall be responsible for the installation and maintenance of a sidewalk pursuant to City standards from the front lot line to the main entrance of the principal structure.

b. Each property shall provide a designated pedestrian circulation system (i.e. sidewalk) through and from off-street parking areas to the main entrance of the principal structure.

c. Each property shall provide sidewalk access at property edges and to adjacent lots and said access shall be coordinated with existing development to provide circulation patterns between developments. Buildings, landscaping, fences and other improvements shall be located so as not to preclude eventual site-to-site connections.

D. Design Guidelines for Stormwater Management Criteria

A. **Erosion and Sediment Control.** Unless otherwise exempted by other City Codes, Applicants are required to develop an Erosion and Sediment Control (ESC) Plan and follow the Erosion and Sediment Control requirements of Chapter 9 of the City Code and are encouraged to incorporate the Stormwater Management requirements of the same code, for all proposed land disturbing activities within the City that meet any or all of the following:

1. Disturbs a total land surface area of 5,000 square feet or more; or
2. Involves excavation or filling, or a combination of excavation and filling, in excess of 100 cubic yards of materials; or
3. Is a land disturbing activity, regardless of size that the City determines is likely to cause an adverse impact to an environmentally sensitive area or other property, or may violate any other erosion and sediment control standard set forth in this ordinance.

B. **Stormwater Management.** Unless otherwise exempted by other City Codes, Applicants are required to develop a Stormwater Management Plan that meets the requirements of Chapter 9 of the City Code, for all proposed land disturbing activities within the City that meet any or all of the following:

1. Any land disturbing activity that may ultimately result in the addition of 1.0 acre or greater of imperious surfaces, including smaller individual sites that are part of a common plan of development that may be constructed at different times; or
2. All new single-family subdivisions greater than 3 lots that rely on common drainage facilities for stormwater management, multiple family residential, commercial, mixed-use and industrial developments; or

3. Any land disturbing activity, regardless of size that the City determines is likely to cause an adverse impact to an environmentally sensitive area or other property.

SEC. 10.21 SITE AND BUILDING PLAN REVIEW

A. *Purpose:* The purpose of this Section is to establish a collaborative formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this Chapter.

B. *Exceptions to Review:* Except in those cases specifically cited within this Chapter, the following shall be excepted from the foregoing requirements of this Section:

1. Agricultural Uses.
2. Single-family detached dwellings.
3. Two-family attached dwellings if in a group of four (4) or less dwelling units.
4. Residential and agricultural accessory structures

C. *Sketch Plan:*

1. Prior to the formulation of a site plan and to filing of a formal application, applicants may present a sketch plan to the Administrator. The sketch plan shall be conceptual but shall be drawn to scale with topography of a contour interval not greater than two (2) feet and may include the following:
   a. The proposed site with reference to existing development, topography, and drainage conditions on adjacent properties, at least to within two hundred (200) feet.
   b. Natural features.
   c. General location of existing and proposed structures including signs.
   d. Tentative access, circulation and street arrangements.
   e. Amenities to be provided such as recreational areas, open space, walkways, landscaping, etc.
   f. General location of parking areas.
   g. Proposed public sanitary sewer, water and storm drainage.
   h. A statement showing the proposed density of the project with the method of calculating said density also shown.
   i. Extent of and any proposed modifications to land within the special Environmental Protection Districts as established by the Shoreland Management Overlay District, Floodplain Overlay District, Greenway Corridor Overlay District and/or Wetland Overlay District of this Chapter.

j. Other items as may be deemed necessary by City staff.

2. The Administrator shall have the authority to refer the sketch plan to the Planning Commission and/or City Council for discussion, review, and informal comment. Any opinions or comments provided to the applicant by the Administrator, Planning Commission, and/or City Council shall be considered advisory only and shall not constitute a binding decision on the request.

D. *Procedure:* An application for site and building plan review is to be processed in accordance with the provisions of this Chapter.

E. *Criteria:* The Planning Commission and City Council shall evaluate the proposed site plan based upon compliance with the City Comprehensive Plan, provisions of this Chapter, and other applicable chapters of the City Code.

F. *Site Plan Information Requirement:* The information required for all site plan applications generally consists of the following items, and shall be submitted unless waived by the Administrator.

1. Site boundaries, buildings, structures and other improvements shall be identified on-site with a current certificate of survey, prepared and signed by a Minnesota licensed land surveyor, depicting the following:
   a. Scale of plan (engineering scale only, at one (1) inch equals fifty (50) feet (1" = 50') or less.
   b. North point indication.
   c. Existing boundaries with lot dimension and area.
   d. Existing site improvements.
   e. All encroachments.
   f. Easements of record.
   g. Legal description of the property.
   h. Ponds, lakes, springs, rivers or other waterways bordering on or running through the subject property.

2. A site plan utilizing a copy of the current certificate of survey as a base for the site in question, depicting the following:
   a. Name and address of developer/owner.
   b. Name and address of architect/designer.
   c. Date of plan preparation.
   d. Dates and description of all revisions.
   e. Name of project or development.
   f. All proposed improvements, including:
      1) Required and proposed setbacks.
      2) Location, setback and dimensions of all proposed buildings and structures.

3) Location of all adjacent buildings located within one hundred (100) feet of the exterior boundaries of the property in question.
4) Location, number, dimensions, and setbacks of proposed parking spaces and drive aisles.
5) Location, number, and dimensions of proposed loading spaces.
6) Location, width, and setbacks of all curb cuts and driveways.
7) Vehicular circulation.
8) Sidewalks, walkways, trails.
9) Location and type of all proposed lighting, including details of all proposed fixtures.
10) Location of recreation and service areas.
11) Location of rooftop equipment and proposed screening.
12) Provisions for storage and disposal of waste, garbage, and recyclables, including details for screening exterior trash/recycling enclosures.
13) Location, sizing, and type of water and sewer system mains and proposed service connections.

3. Grading, stormwater pollution prevention plan, and drainage plan, utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed by a Minnesota licensed engineer, depicting the following:
   a. Existing contours at two (2) foot intervals (may be from LIDAR if verified by surveyor).
   b. Proposed grade elevations at two (2) foot maximum intervals.
   c. Drainage plan, including the configuration of drainage areas and calculations.
   d. Storm sewer, catch basins, invert elevations, type of castings, and type of materials.
   e. Spot elevations (prepared by a Minnesota licensed surveyor).
   f. Proposed driveway grades.
   g. Surface water ponding and treatment areas.
   h. Erosion control measures.
   i. Requirements in of Storm Water Pollution Control Regulations in City Code.

4. Landscaping plan, utilizing a copy of the site plan as a base for the site in question, depicting the following:
   a. Planting schedule (table) containing:

1) Symbols.
2) Quantities.
3) Common names.
4) Botanical names.
5) Sizes of plant material.
6) Root specification (bare root, balled and burlapped, potted, etc.).
7) Special planting instructions.

b. Location, type and size of all existing significant trees to be removed or preserved.

c. Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).

d. Typical sections with details of fences, tie walls, planter boxes, tot lots, picnic areas, berms and the like.

e. Typical sections with details of landscape islands, planter beds, and foundation plantings with identification of materials used.

f. Note indicating how disturbed soil areas will be restored through the use of sodding, seeding, or other techniques.

g. Delineation of both sodded and seeded areas with respective areas in square feet.

h. Coverage plan for underground irrigation system, if any.

i. Where landscape or manmade materials are used to provide screening from adjacent and neighboring properties, a cross-through section shall be provided showing the perspective of the site from the neighboring property at the property line elevation.

j. Other existing or proposed conditions which could be expected to affect landscaping.

5. Other plans and information as required by the Administrator including, but not limited to:

a. Architectural elevations of all principal and accessory buildings (type, color, and materials used in all external surfaces).

b. Floor plan drawn to scale with a summary of square footage for each use or activity.

c. Fire protection plan.

d. Extent of and any proposed modifications to land within the Environmental Protection Districts, as established by Shoreland Management Overlay District, Floodplain Overlay District, ~~Greenway Corridor Overlay District~~ and/or Wetland Overlay District of this Chapter.

e. Type, location and size (area and height) of all signs to be erected upon the property in question.

f. Vicinity map showing the subject property in reference to nearby highways or major street intersections.
g. Sound source control plan.
h. Lighting plan including a photometric plan.

G. *Site Plan Modifications:* An amended site plan shall be applied for and administered in a manner similar to that required for a new site plan, except that modifications determined by the City Administrator to be minor in nature may be approved administratively.

H. *Site Plan Agreements:* All site and construction plans officially submitted to the City shall be treated as a formal agreement between the applicant and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard, or specifications without prior submission of a plan modification request to the Administrator for review and approval. Within the flood plain, the applicant shall be required to submit certification by a registered professional engineer or land surveyor that the finished fill and finished floor elevations were accomplished in compliance with the provisions of this Chapter.

I. *Building Codes:* The review and approval of site improvements pursuant to the requirements of City adopted building and fire codes shall be in addition to the site plan review process established under this Article. The site plan approval process does not imply compliance with the requirements of building and fire codes.

SEC. 10.22. ZONING DISTRICTS AND THE MAP.

(a) For the purpose of this chapter, the city is hereby divided into the following zoning districts.

Symbol	District Name
~~RA~~AG	~~Residential~~ Agricultural
RR	Rural Residential
R-1	Neighborhood Residential
R-1A	Single-Family Residential
R-2	Multifamily Residential
B-1	Downtown River Commercial District
B-1A	Downtown River District
B-2	Highway Commercial District

I-1	Limited Industrial District
I-2	General Industrial District
I-3	Industrial Park District
~~CD~~	~~Conservation Design Overlay District~~
~~EC~~	~~Ecological Corridor Overlay District~~
PUD	Planned Unit Development Overlay District

(b) The location and boundaries of the districts and overlay districts established by this chapter is set forth on the zoning map which is hereby incorporated as part of this chapter. It shall be the responsibility of the Administrator to maintain and update this map and the amendments to such map shall be recorded on such map within 30 days after official adoption of zoning amendments.

SEC. 10.23. ANNEXED TERRITORY.

Annexed territory shall be placed in the ~~RA~~ AG zoning district until such time as a detailed study determining its proper use district is undertaken.

SEC. 10.24. ZONING DISTRICTS/PURPOSES

(a) The zoning districts (primary and overlay) are so designed as to assist in carrying out the intents and purposes of the comprehensive plan.

(b) The zoning districts are based upon the comprehensive plan which has the purpose of protecting the public health, safety, convenience and general welfare.

SEC. 10.25. RESIDENTIAL DISTRICT USE CHART

ALLOWABLE LAND USES WITHIN RESIDENTIAL DISTRICTS

The uses permitted or authorized with a conditional use permit are listed below:

RESIDENTIAL USES AND ZONING DISTRICTS

P= Permitted Use A=Accessory Use CUP=Conditional Use
PUD = Planned Unit Development
Blank space indicates Not Permitted

Type of Land Use	Qualifier	~~RA~~AG	RR	R-1	R-1~~A~~	R-2
Accessory buildings (garages, tool houses, storage sheds, recreational buildings and similar buildings for storage of domestic supplies and non-commercial recreation equipment)	Clearly incidental to main use	A	A	~~A~~	A	A
Accessory Apartment	See Section 10.72	A	A	~~A~~		
Agriculture, farming, including farm dwellings and agricultural related buildings and structures subject to Minnesota Pollution Control Standards, but not including commercial feedlots or other commercial operations	In Districts other than AG, farming is a permitted use while the property is not developed.	P	P	~~P~~	P	P
Bed and breakfast establishments		C	C			
Boarding or renting of rooms	Not more than two (2) persons per dwelling (four (4) persons in ~~RA~~ AG district)	A	A	~~A~~	A	A
Daycare facilities, state licensed	Serving 12 or fewer persons	P	P	~~P~~	P	P
Daycare facilities, state licensed	Serving 13 or more persons	C	C	~~C~~	C	C

Type of Land Use	Qualifier	~~RA~~AG	RR	R-1	R-1~~A~~	R-2
Facilities for flood and erosion control		A	A	~~A~~	A	A
Fences		A	A	~~A~~	A	A
Garages	For residential use	A	A	~~A~~	A	A
Golf courses/golf clubhouses, commercial outdoor recreational areas, public swimming pools and similar facilities		C	C	~~C~~	C	C
Type of Land Use	Qualifier	AG	~~RA~~RR	~~R-1~~	R1~~-A~~	R-2
Government Facility		C	C	~~C~~	C	C
Home occupations	Clearly incidental to main use	P	P	~~P~~	P	P
Keeping of "one animal unit equivalent"	One per 3.5 productive acres, and one additional for every acre thereafter; waste material must be at least 75 feet from property line; not permitted in SD, FW, or FF overlay districts	P				
Land filling and excavation/grading operations 50-250 cubic yards (not minimum)		P	P	~~P~~	P	P

Type of Land Use	Qualifier	~~RA~~AG	RR	R-1	R-1~~A~~	R-2
Mineral Extraction		I	I	~~I~~	I	I
Multiple family dwelling structures, containing two (2)-eight (8) dwelling units	No more than six (6) units if in a row; No more than eight (8) units per structure					P
Multiple family dwelling structures, containing nine (9) or more dwelling units						C
Nurseries and greenhouses (non-commercial)	200 square feet or less in area	A	A	~~A~~	A	
Commercial nurseries and greenhouses, commercial	For growing plants only	P	~~P~~			
Parking and loading – off street	For multifamily dwellings					A
Parking lots for five or more vehicles	For multifamily dwellings					A
Parking of one commercial motor vehicle of not over 3 tons per axle weight and 26 feet in length		A				
Parking of one passenger vehicle for sale		A	A	~~A~~	A	
Personal wireless service antennas	Not located on a public structure or existing tower	C				
Pet enclosures	If screened and located in side or rear yard 10 feet	A	A	~~A~~	A	

Type of Land Use	Qualifier	~~RA~~AG	RR	R-1	R-1~~A~~	R-2
	from property line					
Private swimming pools, tennis courts, sports courts and other recreational facilities	Clearly incidental to main use	A	A	~~A~~	A	A
Radio and television receiving antennas including single satellite dish TVROs three (3) meters or less in diameter, short wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers.		A				
Public Parks and Facilities		P	P	~~P~~	P	P
Residential care facilities as regulated and licensed by the State, per Minn. Stat. § 462.357, as amended		C	C	~~C~~	C	C
Riding stables, dog kennels and similar uses (commercial)	At least 10 acres of land	I				

Type of Land Use	Qualifier	~~RA~~AG	RR	R-1	R-1~~A~~	R-2
Senior housing complex	80% of units occupied by one person 50 or older/20% open space			~~C~~	C	C
Single detached family dwellings		P	P	~~P~~	P	
Tennis courts, private		A	A	~~A~~		A
~~Two unit~~Two-unit dwellings						P
Villa or Detached Townhome	Homeowner Association maintained amenities not typical of single-family detached dwellings				PUD	P

SEC. 10.26. RESIDENTIAL USE PERFORMANCE STANDARDS CHART

LAND USES DIMENSIONAL REQUIREMENTS AND PERFORMANCE STANDARDS
RESIDENTIAL DISTRICTS:

Performance Standard	AG	~~R-A~~RR	~~R-1~~	R1~~-A~~	R-2
Minimum Lot Area	2.5 acres (1.5 buildable)	2.5 acres (1.5 buildable)	~~20,000 sq. ft.~~	Interior: 12,000 sq. ft Corner: 15,000 sq. ft.	Two Family Dwellings: 15,000 sq. ft Multiple Family Dwellings: 15,000 sq. ft plus 2,000

Performance Standard	AG	~~R-A~~RR	~~R-1~~	R1~~-A~~	R-2
					sq. ft for each dwelling unit in excess of two (2) Villa: 6000 sq. ft.
Minimum Lot Width	200 feet	200 feet	~~100 feet~~	80 feet	Two Family Dwellings: 100 feet Multiple Family Dwellings: 150 feet with 15 feet of separation Villa: 55 feet
Minimum Lot Depth	200 feet	200 feet			150 feet Villa: 105 feet
Minimum ~~Single Family~~Single-Family Detached Home Floor Area	1000 sq. ft.	1000 sq. ft.	~~1000 sq. ft.~~	1000 sq. ft.	1000 sq. ft.
Maximum Building Height (except church spires and chimneys)	2.5 stories, or 35 feet, whichever is less	2.5 stories, or 35 feet, whichever is less	~~2.5 stories, or 35 feet, whichever is less~~	2.5 stories, or 35 feet, whichever is less	2.5 stories, or 35 feet, whichever is less

Performance Standard	AG	~~R-A~~RR	~~R-1~~	R1~~-A~~	R-2
Front yard setback	50 feet	50 feet	~~35 feet~~	30 feet	25 feet Villa: 20 feet
Side yard setback	20 feet	20 feet	~~15 feet~~	10 feet	15 feet Villa: 7.5 feet
Side yard on Corner lot abutting Street	Same as front yard setback	Same as front yard setback	~~Same as front yard setback~~	Same as front yard setback	Same as front yard setback
Rear yard setback	35 feet	35 feet	~~35 feet~~	30 feet	30 feet Villa: 20 feet
Arterial road setback	50 feet	50 feet	~~50 feet~~	50 feet	50 feet
Collector road setback	45 feet	45 feet	~~45 feet~~	45 feet	45 feet
Wetland setback	30 feet	30 feet	~~30 feet~~	30 feet	30 feet
Bluff setback (from top of bluff)	30 feet	30 feet	~~30 feet~~	30 feet	30 feet
GD and RD waters setback	75 feet	75 feet	~~75 feet~~	75 feet	75 feet
NE waters setback	200 feet	200 feet	~~200 feet~~	200 feet	200 feet
Impervious coverage in shoreland area	25%	25%	~~25%~~	25%	30%
Minimum garage size	576 sq. ft.	576 sq. ft.	~~576 sq. ft.~~	576 sq. ft.	

SEC. 10.27. NON-RESIDENTIAL DISTRICT USE CHART

A. ALLOWABLE LAND USES WITHIN NON-RESIDENTIAL DISTRICTS

The uses permitted or authorized with a conditional use permit are listed below:

P = Permitted Use A = Accessory Use CUP =Conditional Use Blank space indicates Not Permitted							
Type of Land Use	Qualifier	B-1	B-1A	B-2	I-1	I-2	I-3
Apartment dwellings	Fewer than 9 units	PUD	PUD	PUD			
Apartment dwellings	Greater than 9 units	PUD	PUD	PUD			
Art, photographic, music and dance studios	For instructional purposes	P	P	P			
Auction houses (excluding livestock)				C	C	C	C
Automobile sales				P			
Automobile repair and tire and battery shops	Within building			C			
Bakeries, retail		P	P	P	C	C	
Bakeries, wholesale					P	P	P
Banks		P	P	P			
Bed and breakfasts	Licensed	C	C	C			
Blacksmith shops						P	P
Bottling establishments					P	P	P

P = Permitted Use A = Accessory Use CUP =Conditional Use Blank space indicates Not Permitted							
Type of Land Use	Qualifier	B-1	B-1A	B-2	I-1	I-2	I-3
Building material sales and showrooms	Interior storage only			P	P	P	P
Business, commercial or trade schools				PUD	PUD		
Cabinet, carpenter, upholstery or furniture repair shops	Employs four persons or less per shift	P	P	P	P	P	P
Canning factories						P	
Canopies		A	A	A	A	A	A
Car wash	Not accessory to a convenience store with motor fuel			C			
Cartage businesses						P	P
Conference center/ Reception Hall		C	C	P			
Contractor's offices, shops, yards					P	P	P
Contractor's operation	Enclosed within building			P	P	P	P
Contractor's operation	Located outside					P	P
Convenience stores with motor fuel station				C			
Creameries						P	P

P = Permitted Use A = Accessory Use CUP =Conditional Use Blank space indicates Not Permitted							
Type of Land Use	Qualifier	B-1	B-1A	B-2	I-1	I-2	I-3
Daycare Facility		C	C	C			
Drive-thru lanes		C	C	C			
Drive-thru restaurants				C			
Dry cleaning, retail		P	P	P	P	P	P
Dry Cleaning, processing					P	P	P
Fences		A	A	A	A	A	A
Freight terminals						P	P
Funeral homes/properties				C			
Garden stores				P	P	P	
Government or public buildings, utilities and/or structures necessary for the health, safety and general welfare of the City	Public Schools and City use	P	P	P	P	P	P
Grocery, fruit, vegetable , candy stores	Not drive-in	P	P	P			
Health Club		P	P	P			
Highway maintenance shops							P
Hospitals				C			

P = Permitted Use A = Accessory Use CUP =Conditional Use Blank space indicates Not Permitted							
Type of Land Use	Qualifier	B-1	B-1A	B-2	I-1	I-2	I-3
Indoor Commercial Recreation		P	P	P	P	P	P
Laboratories/ clinics	Medical or dental, employing four persons or less per shift	P	P	P	P		
Laundromats		C	C	C			
Light Industrial					P	P	P
Limited Industrial	Subject to conditions listed following table	C					
Liquor stores –off-on sale		P	P	P	P		
Long term care facilities (nursing home)		C	C	C	C		
Lumber yards	If enclosed by fence					P	P
Manufacturing/assembly		C	C	C	P	P	P
Marine and boat sales and services				C			
Meat market	Not processing for locker	P	P	P			
Mechanic shops				P	P	P	P
Medical Services		P	P	P			

P = Permitted Use A = Accessory Use CUP =Conditional Use Blank space indicates Not Permitted							
Type of Land Use	Qualifier	B-1	B-1A	B-2	I-1	I-2	I-3
Millworking					P	P	P
Mineral Extraction		I	I	I	I	I	I
Mini storage	No explosives or hazardous materials				P	P	P
Miniature golf courses		C	C	P	P		
Mixed Use	Consisting of blend of residential/retail	PUD	PUD	PUD			
Monument sales					P	P	P
Motels, hotels				P	P		
Newsstands		A	A	A			
Office and professional buildings and services		P	P	P	P	P	P
Off-street loading		A	A	A	A	A	A
Other business, retail		P	P	P			
Outdoor dining	Must be on the same lot as the principal use and cannot by in the right-of-way, sidewalk areas, or drainage and utility easements	A	A	A	A	A	A

P = Permitted Use A = Accessory Use CUP =Conditional Use Blank space indicates Not Permitted							
Type of Land Use	Qualifier	B-1	B-1A	B-2	I-1	I-2	I-3
Open and outdoor storage	Fenced and screening from neighboring residential and public right-of-way, storage area is paved or surfaced to control dust or erosion, does not take up parking space as required.			C	C	P	P
Parking lots		A	A	A	A	A	A
Parking ramps		C	C	C	C	C	C
Plumbing, heating, air conditioning shops	Material and vehicles stored indoors			P	P	P	P
Printing and publishing shops		P	P	P	P	P	P
Radio, TV transmitting stations studios					P	P	P
Research laboratories					P	P	P
Restaurants, tea rooms, coffee shops	Not drive-in	P	P	P			
Restaurants, tea rooms, coffee shops	Drive-through			P			
Retail		P	P	P			

P = Permitted Use A = Accessory Use CUP =Conditional Use Blank space indicates Not Permitted							
Type of Land Use	Qualifier	B-1	B-1A	B-2	I-1	I-2	I-3
Retail sales of products assembled/manufactured on site				A	A	A	A
Service businesses		P	P	P	P	P	P
Sexually-oriented businesses							C
Theatres		PUD	PUD	P			
Veterinary Clinics		C	C	C	C		
Video rentals		P	P	P			
Warehousing					P	P	P
Wholesale businesses	Not more than 25% of building area used for office/administration			P	P	P	P
Wholesale showrooms				P	P	P	P

B. CONDITIONS RELATED TO USES SUBJECT TO CONDITIONAL USE PERMIT

Limited Industrial. Certain types of Limited Industrial use may be permitted by Conditional Use Permit in the B-1 zoning district provided that:

1. The Limited Industrial uses that may be permitted are limited to office, wholesale, retail trade, warehousing, display of goods or products and limited processing. Manufacturing and fabricating may only be permitted in this district if the use does not produce odors or noise.

2. Street Access. The site and related parking and service entrances are served by a street of sufficient capacity to accommodate the type of traffic that will be generated.

3. The total square footage of the buildings on the property subject to the Conditional Use Permit shall not exceed 10,000 square feet.

4. The Limited Industrial uses must not operate later than 9:00 p.m. nor earlier than 6:00 a.m.

5. No outside storage is permitted.

6. The use must be contained inside the building.

7. Hazardous materials may not be used on the premises.

SEC. 10.28. NON-RESIDENTIAL DISTRICT PERFORMANCE STANDARD CHART

LAND USES DIMENSIONAL REQUIREMENTS AND PERFORMANCE STANDARDS
BUSINESS INDUSTRIAL DISTRICTS

Performance Standard	B-1	B1A	B-2	I-1	I-2	I-3
Minimum Lot Area	12,000 sq. ft.	12,000 sq.ft./ 15,000 ft. residential plus 2,000 sq. ft for each dwelling in excess of 2	20,000 sq. ft.	1 acre	32,670 sq. ft.	32,670 sq. ft.
Minimum Lot Width	50 ft.	50 ft./	100 ft.	100 ft.	100 ft.	
Minimum Lot Depth						

Performance Standard	B-1	B1A	B-2	I-1	I-2	I-3
Maximum building height (except permitted by CUP)	2 ½ stories or 35 ft.	2 ½ stories or 35 ft.	2 ½ stories or 35 ft.	2 ½ stories or 35 ft.	2 ½ stories or 35 ft.	3 stories or 45 ft.
Front yard setback and Corner Side Setback	30 ft. (20 ft. on River Road and Main Street)	30 ft. (20 ft. on River Road and Main Street)	30 ft. (20 ft. on River Road and Main Street)	30 ft. (20 ft. on River Road and Main Street)	30 ft. (100 ft if across from residential)	30 ft. (100 ft if across from residential)
Side yard setback	None (50 ft. where adjacent to residential district)	None (50 ft. where adjacent to residential district); Residential structures 15 ft.	Ten Feet (10) (50 ft. where adjacent to residential district)	None (50 ft. where adjacent to residential district)	20 ft. (100 ft. where adjacent to residential district)	20 ft. (100 ft. where adjacent to residential district)
Rear yard setback	None except no building shall be located within twenty (20) feet of a rear lot line abutting any residential district.	None except no building shall be located within twenty (20) feet of a rear lot line abutting any residential district.	20 ft. (50 ft. where adjacent to residential district)	20 ft. (50 ft. where adjacent to residential district)	20 ft. (50 ft. where adjacent to residential district)	20 ft. (50 ft. where adjacent to residential district)
Wetland setback	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.

Performance Standard	B-1	B1A	B-2	I-1	I-2	I-3
Bluff setback	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
GD and RD waters setback	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.
NE waters setback	200 ft.	200 ft.	200 ft.	200 ft.	200 ft.	200 ft.
Impervious coverage	75% (~~30~~25% in shoreland area)	75% (~~30~~25% in shoreland area)	75% (~~30~~25% in shoreland area)	75% (~~30~~25% in shoreland area)	75% (30% in shoreland area)	75% (~~30~~25% in shoreland area; 25% of lot must be green space)

~~SEC. 10.29. CONSERVATION DESIGN OVERLAY DISTRICT~~

~~A. The Conservation Design Overlay District is established for the purposes of regulating development consistent with the city Comprehensive Plan and Surface Water Management Plan. The Conservation Design Overlay District is intended:~~

~~1. To maintain the City's rural character by protecting and enhancing important landscape elements, including woodlands, hedgerows, drainage corridors, wetlands, floodplains, shorelands, meadows, pastures, steep slopes and viewsheds as described in the city's conservation design guidance document.~~

~~2. To conserve land for the purpose of creating ecological corridors (contiguous managed landscapes) to protect existing wildlife habitat and to connect patches of wildlife habitat to support greater biodiversity and maintain ecosystem processes.~~

~~3. To create a system of interconnected ecological and trail corridors throughout the community for the benefit of current and future residents.~~

~~4. To allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses.~~

5. Conserve existing landscape character by minimizing views of new development from existing roads, thereby reducing perceived density.

6. Provide development flexibility for landowners to reflect their varying circumstances and individual characteristics of their properties.

7. Provide greater efficiency in the siting of services and infrastructure, including the opportunity to reduce road length and width, utility runs, and the impervious cover required for residential development.

8. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences.

9. Protect water quality and reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes

10. To reduce traffic speeds and pedestrian safety.

11. To cluster houses and roads in less environmentally sensitive areas and on soils less conducive to infiltration.

12. Incorporate stormwater management practices that reduce runoff and treat runoff through disperse treatment facilities located close to the source of runoff.

All development with the Conservation Design Overlay District shall be by planned unit development according to: 1) the platting procedures as established in the Subdivision Ordinance (Chapter 11); 2) the planned unit development procedures established in Section 10.31 of this Chapter; and 3) the provisions found in this article.

B. APPLICABILITY

1. The Conservation Design Overlay District, further defined herein, is hereby established as a part of this chapter. The Conservation Design Overlay District shall be an overlay district such that any parcel lying in the overlay district shall also lie within one or more of the underlying zoning districts. Regulations and procedures set forth in underlying zoning districts shall apply unless specifically addressed in Section 10.31 of this chapter, or this article, or if determined by the City Council to be inconsistent with the purpose and intent outlined in Section 10.03 of this Chapter, approved by the City Council as part of the final planned unit development plans.

2. For purposes of determining the application of this article, the boundaries of the Conservation Design Overlay District shall be established and shown

~~on the official zoning map of the city, on file in the office of the city clerk and Administrator.~~

~~3. Structures existing on or before the effective date hereof shall be exempt from the standards set forth with the Conservation Design Overlay District until such time as the parcel is subdivided.~~

~~4. Parcels lying in the Conservation Design Overlay District may be developed according to the regulations of the underlying or base zoning district or according to the regulations of this article.~~

~~C. GENERAL DESIGN STANDARDS~~

~~1. All development under this article shall be pursuant to an approved final PUD plan. The procedures and regulations set forth in Section 10.31 (PUD) apply unless specifically addressed in this section. If a final PUD plan is approved by the City Council, the underlying zoning for the subject property shall be rezoned to the PUD zoning district though the overlay district shall remain the conservation design overlay district. The permitted uses and all other regulations governing uses on the subject land shall then be those found in the PUD zoning district and documented by the PUD plans and agreement. The following subsections are requirements for all PUDs in the Conservation Design Overlay District unless exceptions, as part of a PUD, are otherwise approved by the City Council. The City Council must determine that the exceptions are consistent with the goals, policies, and plans of the Comprehensive Plan and the Surface Water Management Plan; the exceptions are generally compatible and would not be materially injurious to existing or future uses of surrounding properties; and the exceptions do not have an undue adverse impact on existing or planned city facilities and services, including streets, utilities, parks, police and fire and the reasonable ability of the city to provide such service in an orderly, timely manner.~~

~~2. Ownership: the tract of land may be held in single and separate ownership or in multiple ownerships. However, when a tract is held in multiple ownerships, it shall be planned as a single entity with common authority and common responsibility as demonstrated through all property owners being signatories on the PUD application.~~

~~3. Density and calculation of allowed dwelling units.~~

~~a. The maximum net density is 1.6 dwelling units per net buildable acre.~~

~~b. The number of dwelling units permitted on a site shall be based on net buildable area (NBA) using the following method:~~

~~From the gross acreage of the site, subtract the unbuildable areas:~~

~~Gross Acreage of Site: _____acres~~

~~Unbuildable Area:~~

~~Land within existing road right of way: _____acres~~

~~Land within existing utility[1] and railroad right of way _____acres~~

~~Land within the 100-year floodplain _____acres~~

~~Land within wetlands, ponds and _____acres~~

~~Land having a slope of 18 percent or greater _____acres~~

~~Total unbuildable area _____acres~~

~~Net buildable Area (NBA) _____acres~~

~~Where two or more categories overlap, the overlapping area shall be counted only once.~~

~~To determine the number of dwelling units permitted, the net buildable area shall be multiplied by the maximum net density, rounding to the nearest whole number.~~

~~____Acres NBA multiple by _____(max. net density) = permitted dwelling units~~

~~4. Allowed Residential Uses: PUD developments in the conservation design overlay district are allowed to have a mixture of housing types, provided that the provisions of this article are met. The total number and location of housing units and housing types for each PUD shall be established by the City Council at the time of final PUD plan approval for the specific property.~~

~~5. Dimensional standards: there are no minimum standards for:~~

~~1. Lot size~~

~~[1] Power and fuel pipeline easements are considered unbuildable areas. Existing drainage and sewer.water utility easements are not considered unbuildable.~~

~~2. Lot width (flag and butt lots permitted)~~
~~3. Lot frontage~~
~~4. Lot depth~~
~~5. Structure size (square feet):~~
~~6. Structure width~~
~~7. Structure setbacks (except as specified in Subsection 7 below).~~

~~6. In no instance may a building (principal or accessory) lie within an area of the lot encumbered by an easement.~~

~~7. Separation Distances.~~

~~The property lines of all lots shall conform to the following setbacks in order to allow for buffer screening or to minimize conflicts:~~

~~a. Existing or proposed arterial street rights-of-way: 50 feet.~~

~~b. Existing or proposed collector street rights-of-way: 45 feet~~

~~c. Subdivision perimeter boundaries: 25 feet.~~

~~d. Cropland or pasture land: 50 feet.~~

~~e. Buildings or barnyards housing livestock: 100 feet.~~

~~f. Wetlands: 30 feet from the ordinary high water mark (if public wetland) or delineated wetland edge.~~

~~8. Open Space~~

~~a. Required Open Space. The City Council may require that up to 50% of the total area of each PUD shall be designated as open space. The required amount of open space is in addition to any land that would be used to satisfy the public park dedication requirements found in the subdivision chapter.~~

~~b. Open Space Priorities. Open space shall generally be located and designed to incorporate the following areas listed in order of priority:~~

~~1) Existing high and medium quality ecological resources identified in the city's comprehensive plan ecological resources map.~~

~~2) Land within ecological corridors identified in the comprehensive plan ecological resources map. Corridors shall be designed according to the standards herein.~~

~~3) Slopes over 12 percent, particularly those adjoining rivers, streams wetlands, and drainage areas, due to the potential for soil disturbance leading to erosion that is detrimental to water quality.~~

~~4) Natural drainageways.~~

~~c. Other Open Space Areas. Depending on the individual parcel and its location, these areas may also be important areas for open space designation.~~

~~1) Other healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.~~

~~2) Areas where precipitation and stormwater treatment are most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.~~

~~3) Hedgerows, groups of trees, specimen trees, and other unique or significant vegetation features.~~

~~4) Historic or culturally important structures and sites.~~
~~i.e. Visually prominent topographic features such as knolls, hilltops and ridges, and scenic views as seen from public roads.~~

~~d. Open Space Design Standards. The following open space design standards shall also be considered in designing the PUD:~~

~~1) Open space should be interconnected wherever possible to provide a continuous network of open space land within the PUD and throughout the City. It should coordinate and maximize boundaries with open space on adjacent tracts.~~

~~2) The four-step design process described in the comprehensive plan shall be used to designate and lay out the open space area.~~

~~3) Incorporate public trails and/or public open space designated in the comprehensive plan. Active recreation facilities may contribute to applicable park dedication requirements.~~

~~4) Designated public access trails shall be protected by an access easement owned by the city.~~

~~5) Open space uses may include: natural/passive and active recreation areas, agriculture, stormwater management facilities, neighborhood greens, trail links, boulevards (e.g. with infiltration facilities), and cul-de-sac islands.~~

~~6) Open space should be distributed throughout the development to serve and enhance as many dwelling units as possible. Non-adjoining lots shall be provided with convenient access to the open space through access strips at least 30 feet wide. Access to open space used for agriculture may be restricted or prohibited for public safety and to prevent interference with agricultural operations.~~

~~7) Use of single loaded roads (e.g. parcels on one side only) shall be minimized.~~

~~8) Views of new dwellings from exterior roads and abutting properties should be minimized by the use of changes in topography, existing vegetation, or additional landscaping. Ridge and hilltops should be contained within open space areas wherever possible. Trees should not be removed from ridge and hilltops.~~

~~9) The entire area set aside as open space shall be maintained in perpetuity. This restriction shall run with the land and be binding on successors and assigns of the landowner.~~

~~10) The boundaries of designated open space areas shall be clearly delineated and labeled on PUD plans. These areas shall be delineated in the field with signage or other measures approved by the city.~~

~~11) Agricultural open space uses should use conservation practices consistent with those described in the "National Handbook of Conservation Practices," published by the United States Department of Agriculture Natural Resources Conservation Service, or "Alternative Stormwater Best Management Practices Guidebook" published by the Valley Branch Watershed District.~~

~~e. Landscape Design Standards.~~

~~1) Street trees may be planted, but are not required, along internal streets passing through common open space.~~

~~2) Irregular spacing encouraged for street trees, to avoid the urban appearance that regular spacing may invoke.~~

~~3) The selection of vegetation should be guided by the "ecological system summaries and class factsheets" for native plant communities published by the Minnesota Department of Natural Resources. Selected factsheets representing desired native plant communities are available from the City.~~

~~4) A planted buffer area at least 25 feet in width shall be established within all separation areas between exterior arterial or major collector roads and property lines.~~

~~5) Planted buffers between clusters of residential lots are encouraged to enhance privacy and a rural appearance between lots.~~

~~6) Buffers consisting of an informal arrangement of native plant species combined with infrequent mowing are strongly encouraged, to create a low-maintenance, natural landscape. Planted buffers are also encouraged along natural drainage areas to minimize erosion.~~

~~7) Mass grading for open space and other common landscaped areas and stormwater management areas shall be avoided to reduce compaction and impacting water infiltration rates. Soil testing and decompaction may be required if site construction activities negatively impact soil permeability.~~

~~9. Low Impact Design Standards~~

~~a. Low impact development (LID) site design and stormwater management techniques shall be incorporated into all proposed developments. The primary goal of LID is to reduce the amount of stormwater runoff and to mimic the pre-settlement site hydrology through storage, infiltration, evaporation, and maintenance of natural drainage patterns.~~

~~1) Site Planning and design methods include:~~

~~a) Disconnecting impervious surfaces~~

~~b) Treatment of water close to the source~~

~~c) Avoiding mass grading and soil compaction~~

~~d) Reducing road widths. Road edges shall have concrete edge.~~

~~e) Use of joint/shared parking facilities/driveways~~

~~f) Reducing the length and width of driveways~~

~~g) Preserving areas with highly permeable soils for infiltration~~

~~h) Reduced parking spaces~~

~~i) One-way boulevards with infiltration swales.~~

~~j) Use alternatives to the traditional cul de sac as appropriate depending on site conditions and public safety needs.~~

~~k) Avoidance of environmentally sensitive features.~~

~~2) Stormwater management techniques include~~

~~a. Reduce volume through use of infiltration practices such as bioinfiltration (raingardens), vegetated swales, permeable pavement, infiltration basins and trenches.~~

~~b. Reduce volume through on-site storage for reuse (irrigation, gray water)~~

~~c. Make stormwater treatment facilities visible and attractive site amenities.~~

~~d. Use flat or slotted curbing to convey water into the stormwater system.~~

~~3) Better Site Design/Low Impact Development practices as identified in the Minnesota Stormwater Manual published by the Minnesota Pollution Control Agency and the Alternative Stormwater Best management Practices~~

~~Guidebook published by the Valley Branch Watershed District shall be used to design sites and meet the performance standards~~

~~SEC. 10.30. ECOLOGICAL CORRIDOR OVERLAY DISTRICT~~

~~A. PURPOSE AND INTENT~~

~~1. The Ecological Corridor Overlay District is established to implement the natural environmental and open space goals of the comprehensive plan. It is intended:~~

~~a. To preserve and create natural corridors that can connect existing high and medium quality ecological resources to support wildlife habitat movement, greater biodiversity and ecosystem processes.~~

~~b. To create a system of interconnected trail corridors throughout the community for the benefit of current and future residents.~~

~~c. Conserve existing landscape character by minimizing views of new development from existing roads, thereby reducing perceived density.~~

~~B. GENERAL DESIGN STANDARDS~~

~~1. Ecological corridors shall be located within the broad corridor zones shown on the Future Land Use Map and the Ecological Resources Map in the city's comprehensive plan. Areas designated as ecological corridors contribute towards the open space requirements of Section 10.29 – Conservation Design Overlay District.~~

~~2. Siting the location of specific ecological corridors should be aligned with natural drainage ways, floodplains, wetlands, existing woodlands/hedgerows, and/or hydric soils where they exist.~~

~~3. The corridor width will be at least 100 feet, and may be more, depending on topography, natural features, and the purposes of the specific corridor segment.~~

~~4. The selection of corridor vegetation should be guided by the "ecological system summaries and class factsheets" for native plant communities published by the Minnesota Department of Natural Resources. Selected factsheets representing desired native plant communities for ecological corridor development are available from the City.~~

5. Invasive species shall be removed from the designated corridor and practices implemented for long-term management of the corridor to control for invasive species.

6. Establishment of corridor vegetation may be through a combination of successional growth management (from existing remnant patches where they exist) and planting of appropriate native plant communities as guided by the ecological system summaries and class factsheets).

7. The corridor should be buffered on both sides to the greatest extent possible with compatible open space uses. In order of compatibility these uses are: old successional fields (meadows), pasture, row crops, community gardens, lawn.

8. Recreational trails should be placed at the edge of ecological corridors or in the adjacent compatible open space buffer in order to reduce human disturbance within the core area of the corridor and conflicts with wildlife. Where the comprehensive plan indicates the location of a trail within the corridor, the trail corridor should be at least 10 feet wide and covered by an access easement dedicated to the city.

9. Alignments for corridor sections that intersect with existing and future arterial roads should be selected where topography presents opportunities for grade separation where movement under the road can be accommodated.

C. ECOLOGICAL CORRIDOR OWNERSHIP AND MANAGEMENT

1. Ecological corridors are a special type of open space and shall be owned and managed consistent with the provisions of this Chapter.

2. If ecological corridors lie within a parcel developed as a conservation design subdivision under Sec. 10.29 hereof, the open space within an ecological corridor shall not be counted towards applicable park dedication requirements.

3. If ecological corridors lie within a parcel developed consistent with underlying zoning district standards, the open space within the ecological corridor shall be counted towards park dedication requirements.

4. No building permit may be issued for a structure that would conflict with or be located in an ecological corridor.

D. ECOLOGICAL CORRIDOR MAINTENANCE

1. A land stewardship plan describing the long-term use, management, and insurance of all open areas or common facilities, including provisions for

~~funding, shall be submitted with the preliminary plan or plat. Such plan shall be consistent with the provisions of this chapter.~~

SEC. 10.31. PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

A. PURPOSE AND INTENT

This article is intended to:

1. Provide the means for greater creativity and flexibility in environmental design and efficient land development than is proposed under the strict application of this C~~c~~hapter and Chapter 11~~chapter 30~~ ~~(~~(the subdivision ordinance) while at the same time preserving the health, safety, order, convenience, prosperity and general welfare of the city and its inhabitants.

2. Recognize the economic and cultural advantages that will accrue to the residents of a planned community.

~~3. Encourage better overall development through a process of collaboration and partnership with landowners and developers as described in the city's collaboration guidance document.~~

4. Encourage the preservation and enhancement of desirable site characteristics and open space.

5. Encourage a development pattern in harmony with land use density, transportation facilities and community facilities, and objectives of the comprehensive plan.

6. Encourage a high standard of site and building design for residential, commercial and industrial uses that integrate well into the community.

B. APPLICABILITY

The provisions of this article shall be applied in accordance with the following:

1. Planned unit developments may be excluded from certain requirements of this Chapter and Chapter 11 when specifically approved as part of the planned unit development. Such exclusions shall only be granted for the purpose of creating better overall design, environmental protection, and an improved living environment and not solely for the economic advantage of the developer. All provisions of this ~~c~~Chapter or Chapter 11 not specifically excluded in the preliminary and/or final plan shall apply to the PUD.

2. If a final PUD plan is approved by the City Council, it shall be implemented by the adoption of a planned unit development ordinance and the ~~underlying zoning for the~~ subject property shall be rezoned to overly the PUD zoning district on the underlying zoning district. Such ordinance shall have precedence over this chapter. The permitted uses and all other regulations governing uses on the subject land shall then be those found in the PUD zoning district ordinance and documented by the PUD plans and agreements.

3. All approved final developments shall be so designated on the city zoning map, as it is revised from time to time. The map shall refer by number or other means to an approved final development plan of a PUD on file with the city. Said plans shall be available for the general public to review.

4. Except as provided ~~in~~ herein of this article, no building permit shall be issued for any building on land for which a plan for which a planned unit development has been approved which does not conform to the approved final plan. No grading, development or construction on the site may occur unless it conforms with the approved final development plan.

5. Except as provided ~~in~~ herein of this article, development of land for which a planned unit development has been approved which does not conform to the approved final plan shall only be allowed after one of the following:

   a. Amendment to the approved final plan of the planned unit development by the City Council in the same manner as required for approval of a planned unit development.

   b. Vacation of the approved planned unit development by the City Council after notice and public hearing in the same manner as required for approval of the planned unit development. The council may further condition the vacation of a planned unit development in order to better protect the public health, safety and welfare.

6. If a planned unit development is not completed within the required time period, the planned unit development district classification shall automatically terminate as to that portion of the district, which has not been developed. The requirements and provisions of the underlying zoning classification in its entirety shall thereafter apply to the undeveloped area. Any factual disputes arising under this section shall be presented to and determined by a majority vote of the City Council.

C. RELATIONSHIP OF PUD TO ADJACENT AREAS

1. The design of a PUD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed to

minimize undesirable impact of the development on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PUD.

D. ALLOWED USES

1. Uses approved and permitted under a planned unit development shall only include permitted, conditional and accessory uses allowed in ~~residential~~ the underlying zoning district~~s~~ in the city and in accordance with standards herein provided.

. ~~and those b~~Business, industry and institutional uses specifically approved as a part of ~~the~~ a PUD in a residential zoning district may also be approved by the City Council. ~~and in accordance with standards herein provided.~~

2. A PUD may provide for a variety of housing types in any one of the basic residential zoning districts.

E. RESIDENTIAL UNIT DENSITIES

1. The total number of dwelling units allowed in a development shall be determined by either:

a. The standards of the applicable base zoning or overlay district in which the proposed development is to be located; or

b. The density specified by the City Council consistent with the intent of the comprehensive plan. A plan may provide for a greater number of dwelling units per acre than would otherwise be permitted by the regulations otherwise applicable to the site; however, the applicant shall show that such excess will not have an undue and adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. The council, in determining the reasonableness of the increase in the authorized dwelling units per acre, shall recognize that increased density may be compensated for by a design that incorporates some or all of these goals: ~~additional private amenities and by increase efficiency in public facilities and services to be achieved by:~~

~~1) The location, amount and proposed use of common open space;~~

~~2) The location, design and type of dwelling units; and~~

~~3) The physical characteristics of the site.~~

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1. Preservation of desirable site characteristics and open space and protection of sensitive environmental features, including steep slopes, mature trees, creeks, wetlands, lakes and scenic views.
2. More efficient and effective use of land, open space and public facilities through mixing of land uses and assembly and development of land in larger parcels.
3. High quality of design and design compatible with surrounding land uses, including both existing and planned. Site planning, landscaping and building architecture should reflect higher quality design than is found elsewhere in the community.
4. Sensitive development in transitional areas located between different land uses and along significant corridors within the city.
5. Provision of housing suitable for different stages of the life-cycle.
6. Energy conservation through the use of more efficient building designs and sightings and the clustering of buildings and land uses.

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F. SETBACK REQUIREMENTS

1. The structure setbacks of every lot in a PUD abutting the perimeter shall conform to the setback requirements of the underlying district.

G. OPEN SPACE OWNERSHIP & MANAGEMENT

1. Any land and improvements in areas designated as open space in a PUD shall be established, managed and maintained in accordance with the following guidelines:

a. Designated open space shall be surveyed and subdivided as separate parcels or outlots.

b. ~~Designated open space must be restricted from further development by a permanent conservation easement running with the land. The conservation easement must be submitted with the preliminary site plan and approved by the City Attorney.~~

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~~1) The permanent conservation easement may be held by any combination of the following entities, but in no case may the holder of the conservation easement be the same as the owner of the underlying fee:~~

~~a) The City of Hanover, or other governmental agency~~

~~b) A private nonprofit organization that has been designated by the Internal Revenue Service as qualifying under section 501 (c) (3) of the Internal Revenue Code.~~

~~c) A common ownership association, which owns open and non-open space land within the subdivision and in which membership in the association by all property owners in the subdivision shall be mandatory.~~

~~2) The permanent conservation easement must specify:~~

~~a) The entity that will maintain the designated open space.~~

~~b) The purposes of the conservation easement and the conservation values of the property.~~

~~c) The legal description of the land under the easement.~~

~~d) The restrictions on the use of the land (e.g. who may use and in what manner). Conservation easements shall not prohibit drainage and utility easements.~~

~~e) To what standards the open space will be maintained (reference to an approved land stewardship plan).~~

~~f) Who will have access to the open space.~~

c. Ownership of the underlying fee of each designated open space parcel may be held by any combination of the following entities:

1) A common ownership association, subject to the following provisions:

a) The applicant shall provide a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities. Such documents shall be approved by the City Attorney.

b) The association must be established prior to any sale.

c) Membership must be mandatory for each owner and any successive buyer.

d) The association shall be responsible for maintenance and insurance of common facilities.

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e) Common facilities shall be held in common ownership as undivided proportionate interests by the member of the association.

f) A method of assessment of the common facilities shall be established which will allocate to each tax parcel in the development a share of the total assessment for such common facilities.

g) Landowners must pay their pro rata share of the cost and the assessment levied by the association that can become a lien of the property in accordance with Minnesota statutes.

h) The association must be able to adjust the assessment to meet changing needs.

2) An individual or corporation who will use the land in accordance with the ~~permanent conservation easement~~purposes for which the open space was established.

3) The City of Hanover or other government agency.

4) A private nonprofit organization that has been designated by the Internal Revenue Service as qualifying under section 501 (c) (3) of the Internal Revenue Code.

H. LAND STEWARDSHIP PLAN

1. Where a PUD has designated open spaces, a plan and narrative for the development, and the long-term use, maintenance, and insurance of all open areas or common facilities, including provisions for funding, shall be submitted with the preliminary plan. Such plan shall:

a. Define ownership and other methods of land protection. If ownership is to be held by a Homeowner's Association, then proposed association documents shall also be submitted which obligate the Association for maintenance of the open spaces.

b. Establish necessary regular and periodic operation and maintenance responsibilities.

c. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.

~~d. A draft Land Stewardship Plan shall be submitted with a preliminary plan, and a final Stewardship Plan shall be submitted with the final plan. The Land Stewardship Plan shall include a narrative, based on the Resource Inventory, describing:~~

~~1) Existing conditions, including all natural, cultural, historic, and scenic elements in the landscape;~~

~~2) Objectives for each open space area, including:~~

~~a) The proposed end state for the area and the measures proposed for achieving the end state.~~

~~b) Proposed restoration measures, including:~~

~~i. Measures for correcting increasingly destructive conditions, such as erosion.~~

~~ii. Measures for restoring historic features (if applicable).~~

~~c) A maintenance and operations plan identifying activities needed to maintain the stability of the resources, including mowing and burning schedules, weed control measures, planting schedules, and clearing and cleanup measures and schedules.~~

~~d) An estimate of the annual on-going (post vegetation establishment) operating and maintenance costs.~~

e. At the discretion of the City, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to two years.

f. Documents suitable to provide for the permanent protection of the open space shall be recorded. Said documents shall be provided for the review and approval of the City prior to recording. Suitable documents may include Homeowner's Association documents, easements, or other documents that serve to permanently protect the open space as determined suitable in the sole opinion of the City.

2. In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the City may serve written notice upon such association setting forth the manner

in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor organization, shall be considered in violation of this Ordinance, in which case the City shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the City shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

I. PROCEDURE

1. PUD Procedures. ~~The processing steps for a PUD are intended to encourage the development of a unique collaborative process specific to each project.~~ The following process outlines the general steps within which a PUD ~~project specific collaborative process~~ can be is developed. These procedures supplement those in Chapter ~~30~~ 11 (Subdivision Ordinance).

~~a. Collaborative process and project goal setting~~

~~b~~a. Concept Plan submission and review

~~c~~b. Preliminary Plan submission and review.

~~d~~c. Final Plan submission and review.

~~2. Collaborative process and project goal setting~~

~~a. Purpose: The purpose of this step is to assess the opportunities for collaborating. If the city and prospective developer determine that opportunities exist, then project goals are developed and specific collaborative principles and a project schedule are negotiated and agreed to. These agreements are documented in a project guidance document and guide the remaining process. This step is detailed in the City's collaborative process guidance document.~~

~~3~~2. Concept Plan

a. Purpose: The concept plan provides both the applicant and the City with an opportunity to assess a conceptual design for alignment with the project vision, goals and expectations determined in the prior step before significant design, engineering and review funds are expended. ~~The Concept Plan is particularly critical for projects that incorporate ecological corridors to insure that the long-term vision for ecological corridors is implemented.~~

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b. Procedure:

1) Application made and fees paid. Submission of a concept plan application does not constitute formal filing of a plan with the city and shall not commence the statutory review period as required by Minnesota Law.

2) Planning commission reviews plan and makes a recommendation to the City Council ~~holds a public hearing.~~

3) ~~Planning commission makes a recommendation to the City Council~~

~~4)~~ City Council reviews recommendation and approves or denies concept plan as presented or amended.

4. Preliminary Plan

a. Purpose: The preliminary plan provides specific plans on which the planning commission will base its recommendation to the City Council and with which substantial compliance is necessary for the preparation of the final plan. Submission of the preliminary plan is concurrent with an application for a preliminary plat.

b. Procedure:

1) Application made and fees paid within one year of an approved concept plan. Submission of a preliminary plan application constitutes a formal filing of a plan with the city and shall commence the statutory review period as required by Minnesota Law.

2) Planning commission reviews plan and ~~a~~ holds a public hearing

3) Planning commission makes a recommendation to the City Council.

4) City Council reviews recommendation and approves or denies preliminary plan as presented or amended.

c. The approved PUD will expire within one year. The developer may request and the council may extend the approval period at its discretion for up to three years with annual reviews.

5. Final Plan

a. Purpose: The final plan serves as a complete and permanent public record of the PUD and the manner in which it is to be developed. Submission of the final plan is concurrent with an application for a final plat.

b. Procedure:

1) Application made and fees paid within one year of an approved preliminary plan. Submission of a final plan constitutes a formal filing of a plan with the city and shall commence the statutory review period as required by Minnesota Law.

2) City Council reviews and approves or denies final plan as presented or amended.

3) Recording of final plan with the county within ~~60~~ 90 days of council approval.

c. The terms of the PUD as approved by the City Council shall be embodied in a PUD ~~District~~ ordinance, and through an Agreement and/or development contract to be ~~filled~~ recorded with the county at the expense of the applicant.

J. SUBMITTAL REQUIREMENTS

1. Pre-application meeting

a. Resource Inventory. The resource inventory documents the location of many of the natural resources on and near the subject site and is an essential tool for guiding design that address city development goals. The inventory is assembled from resources available from public resources and the city and generally includes:

1) Aerial photo of site and surrounding area

2) Location of existing property lines

3) Topography with ~~10 foot~~10-foot contours, 2 foot if available.

4) Approximate location of slopes over 12 percent.

5) Location of all surface water resources, ~~100 year~~100-year floodplains, and natural drainageways.

6) Existing high and medium quality ecological resources

7) Soil types (e.g. A, B, C, D)

2. Concept Plan

a. Resource Inventory

b. Narrative

1) Describing how the concept addresses the project vision and goals.

2) Number and type of units and proposed net density

c. Concept drawing showing

1) The general location of different uses and approximate area for each

2) Circulation elements.

3) Location of key resources from resource inventory.

4) Development staging (if applicable)

3. Preliminary Plan

a. All information required for a preliminary plat.

b. A general development plan indicating:

1) The proposed site and existing development and adjacent properties

2) The proposed use of all areas of the site.

3) The proposed density, type, size and location of all dwelling units

4) The general size, location and use of proposed business, industrial or institutional buildings.

5) Public streets, entrance and exit drives, and trail and walkways.

6) Parking areas and stall arrangement

7) Landscaping

8) Park and open space lands

9) Dimensions

10) Proposed drainage and utility systems

c. A summary sheet indicating:

1) Area of land in each use or each separate intensity of use

2) Number of residential dwelling units proposed in each area.

3) Impervious surface amount

4) Number of acres of common open space

5) Modifications to any provisions of this chapter or chapter ~~30~~11.

d. A grading and stormwater management plan

e. An erosion control plan

f. A land stewardship plan

g. A landscape plan showing the location, species and size of all plant materials

h. A staging plan indicating the spatial sequence and timing of development of the plan or portions thereof, including the date of beginning and completion of each stage. The staging plan shall also include the number of dwelling units, commercial structure, public streets, utilities and recreation areas.

i. A detailed plan of first phase of development indicating buildings, parking areas, driveways and similar detail on the site plan and including architectural elevation drawings of all buildings.

~~j. A preliminary plat may be required by the city for those areas where development is imminent, and a concept plan shall be required for the remaining areas.~~

~~k~~j. A written narrative stating how the proposed PUD conforms to the stated objectives and purposes of this article and why the proposal is in the public interest.

k. Proposed zoning changes with legal descriptions of any district boundary changes.

4. Final Plan

a. All information required for a final plat.

b. Legal description of the total property.

c. A final site plat adopted in accordance with the requirements of Chapter ~~30~~ 11 of this code, except as otherwise specifically provided in this article.

d. A final site plan showing the locations of all structures, including placement, size and type, as well as streets, parking areas, walkways, trails and open space and similar detail areas on a scaled and dimensional drawing.

e. A landscape plan showing the location, specifies and size of all plant materials. Landscape information shall be located on the grading plan.

f. A utility plan showing the location and size of all utilities and easements. The utility plan shall include sanitary sewer, water, storm sewer and drainage, and electrical

g. Conservation easements, deed restrictions, covenants, agreements, bylaws or proposed ownership association documents or contracts controlling the use or maintenance of property. Where such information is lacking, the council may require a bond or similar guarantee to ensure that areas held in common will be developed and maintained.

~~h. Proposed zoning changes with legal descriptions of any district boundary changes.~~

i. A final staging plan indicating the spatial sequence and timing of development of the plan or portions thereof, including the date of beginning and completion of each stage.

~~j. Private stormwater facilities maintenance Agreement~~

j~~k~~. Any other information necessary to fully represent the intentions of the preliminary plan.

K. STANDARDS AND CRITERIA FOR PLANNING COMMISSION AND COUNCIL ACTION

The planning commission may recommend and the council may act to approve, approve with conditions, or deny a preliminary or final plan for a PUD. The planning commission, in making a recommendation, and the council, in acting upon a plan, shall consider the following factors:

1. The consistency of the proposed PUD with the comprehensive plan.

2. The extent to which the proposed PUD is designed to form a desirable and unified environment within its own boundaries in terms of relationship of structure and open space, circulation patterns, visual character and sufficiency of drainage and utilities.

3. The extent to which the proposed uses will be compatible with present and planned uses in the surrounding area.

4. That any exceptions to this article are justified by the design o~~r~~f the development.

5. The sufficiency of each planned unit development phase's size, composition, and arrangement in order that its construction, and operation is feasible without dependence upon subsequent phases.

6. The burden or impact created by the PUD on parks, schools, streets, and other public facilities and utilities.

7. The impact of the PUD on environmental quality and on the reasonable enjoyment of the surrounding properties.

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SEC. 10.32 FLOODPLAIN OVERLAY DISTRICT

SUBSECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

1.1 **Statutory Authorization:** The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Hanover, Minnesota, does ordain as follows.

1.2 **Purpose:**

1.21 This ordinance regulates development in the flood hazard areas of the City of Hanover. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

1.22 National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

1.23 This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

SUBSECTION 2.0 GENERAL PROVISIONS

2.1 **How to Use This Ordinance:** This ordinance adopts the floodplain maps applicable to the City of Hanover and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain.

2.11 Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Subsections 4 or 5 will apply, depending on the location of a property.

2.12 Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Subsection 4 apply unless the floodway boundary is determined, according to the process outlined in Subsection 6. Once the floodway boundary is determined, the Flood Fringe District standards in Subsection 5 may apply outside the floodway.

2.2 **Lands to Which Ordinance Applies:** This ordinance applies to all lands within the jurisdiction of the City of Hanover shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.

2.21 The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.

2.3 **Incorporation of Maps by Reference:** The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016 and the Flood Insurance Rate Map panels for Hennepin County, enumerated below, dated November 4, 2016; all prepared by the Federal Emergency Management Agency. These materials are on file in City Hall.

Effective Flood Insurance Rate Map panels:

27053C0014F
27053C0016F
27053C0017F
27053C0018F
27053C0019F
27053C0025F

2.4 **Regulatory Flood Protection Elevation:** The regulatory flood protection elevation (RFPE) is an elevation no lower than two feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

2.5 **Interpretation:** The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.

2.51 Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.

2.52 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Board of Adjustment and Appeals and to submit technical evidence.

2.6 **Abrogation and Greater Restrictions:** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

2.7 **Warning and Disclaimer of Liability:** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Hanover or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

2.8 **Severability:** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

2.9 **Annexations:** The Flood Insurance Rate Map panels adopted by reference into Subsection 2.3 above may include floodplain areas that lie outside of the corporate boundaries of the City of Hanover at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Hanover after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

2.10 **Detachments.** The Flood Insurance Rate Map panels adopted by reference into Subsection 2.3 above will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of the City of Hanover after the date of adoption of this ordinance, the newly detached floodplain lands will be subject to the provisions of this ordinance immediately upon the date of detachment.

SUBSECTION 3.0 ESTABLISHMENT OF ZONING DISTRICTS

3.1 **Districts:**

3.11 Floodway District. The Floodway District includes areas within Zones AE delineated as floodway as shown on the Flood Insurance Rate Map adopted in Subsection 2.3.

3.12 Flood Fringe District. The Flood Fringe District includes areas within Zones AE as designated on the Flood Insurance Rate Map adopted in Subsection 2.3, but located outside of the floodway.

3.13 RESERVED FOR GENERAL FLOODPLAIN DISTRICT (GF)

3.2 **Applicability:** Within the floodplain districts established in this ordinance, the use, size, type and location of development must comply with the terms of this ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in Subsections 4.0,

5.0 and 6.0 are prohibited. In addition, critical facilities, as defined in Section 2.915, are prohibited in all floodplain districts.

SUBSECTION 4.0 FLOODWAY DISTRICT (FW)

4.1 **Permitted Uses:** The following uses, subject to the standards set forth in Subsection 4.2, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

4.11 General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

4.12 Industrial-commercial loading areas, parking areas, and airport landing strips.

4.13 Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.

4.14 Residential lawns, gardens, parking areas, and play areas.

4.15 Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.

4.2 **Standards for Floodway Permitted Uses:**

4.21 The use must have a low flood damage potential.

4.22 The use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.

4.23 Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

4.3 **Conditional Uses:** The following uses may be allowed as conditional uses following the standards and procedures set forth in Subsection 10.4 of this ordinance and further subject to the standards set forth in Subsection 4.4, if otherwise allowed in the underlying zoning district or any applicable overlay district.

4.31 Marinas, boat rentals, docks, piers, wharves, and water control structures
.

4.32 Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in section 2.918, are permitted uses.

4.33 Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

4.4 **Standards for Floodway Conditional Uses:**

4.41 All Uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.

4.42 Fill; Storage of Materials and Equipment:
(a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
(b) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
(c) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood is not allowed.

4.43 Reserved.

4.44 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.

4.45 A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

4.46 Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

SUBSECTION 5.0 FLOOD FRINGE DISTRICT (FF)

5.1 **Permitted Uses:** Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Subsections 5.2.

5.2 **Standards for Flood Fringe Permitted Uses:**

5.21 All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.

5.22 Accessory Structures. As an alternative to the fill requirements of subsection 5.21, structures accessory to the uses identified in Subsection 5.1 may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:

(a) the accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.

(b) All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be: (i) adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, (ii) be constructed with materials resistant to flood damage, and (iii)must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation.

(c) Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

(1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

5.23 The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Subsection 5.21 of this ordinance, or if allowed as a conditional use under Subsection 5.33 below.

5.24 The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

5.25 All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.

5.26 The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

5.27 All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

5.28 Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

5.29 Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.

5.30 Manufactured homes and recreational vehicles must meet the standards of Subsection 9 of this ordinance.

5.3 **Conditional Uses:** The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Subsection 10.4 of this ordinance.

5.31 Any structure that is not elevated on fill or floodproofed in accordance with Subsections 5.21 and 5.22 of this ordinance.

5.32 The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Subsection 5.21 of this ordinance.

5.33 The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in Subsection 5.46.

5.4 **Standards for Flood Fringe Conditional Uses:**

5.41 The standards listed in Subsections 5.24 through 5.30 apply to all conditional uses.

5.42 Basements, as defined by Subsection 2.913 of this ordinance, are subject to the following:

(a) Residential basement construction is not allowed below the regulatory flood protection elevation.

(b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Subsection 5.43 of this ordinance.

5.43 All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

5.44 The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.

(a) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.

(b) The plan must be prepared and certified by a registered professional engineer.

(c) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

5.45 Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

5.46 Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(b) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

(1) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

(2) That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

SUBSECTION 6.0 RESERVED FOR GENERAL FLOODPLAIN DISTRICT (GF)

SUBSECTION 7.0 LAND DEVELOPMENT STANDARDS

7.1 **In General:** Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this subsection apply to all land within the City of Hanover.

7.2 **Subdivisions:** No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

7.21 All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.

7.22 All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City of Hanover. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.

7.23 For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

7.24 In the General Floodplain District, applicants must provide the information required in Subsection 6.2 of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

7.25 If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:

(a) All such proposals are consistent with the need to minimize flood damage within the flood prone area,

(b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

(c) Adequate drainage is provided to reduce exposure of flood hazard.

7.3 **Building Sites.** If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

(a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(b) Constructed with materials and utility equipment resistant to flood damage;

(c) Constructed by methods and practices that minimize flood damage; and

(d) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

SUBSECTION 8.0 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

8.1 **Public Utilities:** All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

8.2 **Public Transportation Facilities:** Railroad tracks, roads, and bridges to be located within the floodplain must comply with Subsections 4.0 and 5.0 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

8.3 **On-site Water Supply and Sewage Treatment Systems:** Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

SUBSECTION 9.0 MANUFACTURED HOMES, MANUFACTURED HOME PARKS, AND RECREATIONAL VEHICLES.

9.1 **Manufactured Homes:** New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:

9.11 Placement or replacement of manufactured home units is prohibited in the Floodway District.

9.12 If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Subsection 5 of this ordinance and the following standards.

(a) New and replacement manufactured homes must be elevated in compliance with Subsection 5 of this ordinance and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(b) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Subsection 7.22.

9.2 **Recreational Vehicles:** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.

9.21 Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Subsection 9.22:

(a) Individual lots or parcels of record.
(b) Existing commercial recreational vehicle parks or campgrounds.
(c) Existing condominium-type associations.

9.22 Criteria for Exempt Recreational Vehicles:

(a) The vehicle must have a current license required for highway use.

(b) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.

(c) No permanent structural type additions may be attached to the vehicle.

(d) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.

(e) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Subsection 9.22.

(f) An accessory structure must constitute a minimal investment

9.23 Recreational vehicles that are exempt in Subsection 9.22 lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of Subsection 5.0 of this ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

SUBSECTION 10.0 ADMINISTRATION

10.1 **Zoning Administrator:** A Zoning Administrator or other official designated by the City of Hanover must administer and enforce this ordinance.

10.2 **Permit Requirements:**

10.21 Permit Required. A permit must be obtained from the Zoning Administrator prior to conducting the following activities:

(a) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.

(b) The use or change of use of a building, structure, or land.

(c) The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance.

(d) The change or extension of a nonconforming use.

(e) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.

(f) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.

(g) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.

(h) Any other type of "development" as defined in this ordinance.

10.22 Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:

(a) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.

(b) Location of fill or storage of materials in relation to the stream channel.

(c) Copies of any required municipal, county, state or federal permits or approvals.

(d) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

10.23 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.

10.24 Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.

10.25 Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

10.26 Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

10.27 Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

10.3 **Variances:**

10.31 Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section 10.13 of the zoning ordinance/code.

10.32 Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

10.33 Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

(a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(b) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

10.34 Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

10.35 General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

(a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;

(b) The danger that materials may be swept onto other lands or downstream to the injury of others;

(c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;

(d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;

(e) The importance of the services to be provided by the proposed use to the community;

(f) The requirements of the facility for a waterfront location;

(g) The availability of viable alternative locations for the proposed use that are not subject to flooding;

(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

(i) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;

(j) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

10.36 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The City Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.37 Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.38 Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

10.4 **Conditional Uses:**

10.41 Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section 10.11 of the zoning ordinance/code.

10.42 Factors Used in Decision-Making. In passing upon conditional use applications, the City of Hanover must consider all relevant factors specified in other subsections of this ordinance, and those factors identified in Subsection 10.35 of this ordinance.

10.43 Conditions Attached to Conditional Use Permits. The City of Hanover may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

(a) Modification of waste treatment and water supply facilities.

(b) Limitations on period of use, occupancy, and operation.

(c) Imposition of operational controls, sureties, and deed restrictions.

(d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

(e) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

10.44 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The City Administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.45 Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

SUBSECTION 11.0 NONCONFORMITIES

11.1 **Continuance of Nonconformities:** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.941(b) of this ordinance, are subject to the provisions of Subsections 11.11 – 11.16 of this ordinance.

11.11 A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 11.12 below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

11.12 Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 11.13 and 11.17 below.

11.13 If the cost of proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure over the period of one year, that shall be considered substantial improvement, and the entire structure must meet the standards of Subsection 4.0 or 5.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.

11.14 If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.

11.15 If any nonconformity is substantially damaged, as defined in Section 2.940 of this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Subsections 4.0 or 5.0 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

11.16 If any nonconforming use or structure experiences a repetitive loss, as defined in Section 2.936 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.

11.17 Any substantial improvement, as defined in Section 2.941 of this ordinance, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Subsection 4.0 or 5.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

SUBSECTION 12.0 PENALTIES AND ENFORCEMENT

12.1 **Violation Constitutes a Misdemeanor:** Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

12.2 **Other Lawful Action:** Nothing in this ordinance restricts the City of Hanover from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

12.3 **Enforcement:** Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section 10.02 of the zoning ordinance/code. In responding to a suspected ordinance violation, the Zoning Administrator and City of Hanover may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City of Hanover must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

SUBSECTION 13.0 AMENDMENTS

13.1 **Floodplain Designation – Restrictions on Removal:** The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

13.2 **Amendments Require DNR Approval:** All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

13.3 **Map Revisions Require Ordinance Amendments.** The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Subsection 2.3 of this ordinance.

SEC. 10.33 SHORELAND MANAGEMENT OVERLAY DISTRICT

A. PURPOSE: The intent of the SD, Shoreland Management Overlay District is to guide the wise development and utilization of Shorelands of public waters for the preservation of water quality, natural characteristics, economic values, and the general health, safety and welfare of all public waters in the City. The provisions of the SD, Shoreland Management Overlay District shall, in effect, be applied as an "overlay" to other Districts, except for the FP Floodplain Overlay District.

B. PUBLIC WATERS CLASSIFICATION: The Public Waters Classification for City of Hanover, as approved by the Commissioner of Natural Resources, are listed and described herein:

Lake or Stream No.	Lake or Stream Name	Classification
	Crow River	General Development
86-24	Unnamed Wetland	Natural Environment

C. PERMITTED USES: The following uses are permitted within the SD, Shoreland Management Overlay District provided the use is permitted in the underlying Zoning District.

1. Agricultural uses such as pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, and wild crop harvesting.

2. Parks and wayside, which do not maintain overnight camping facilities.

3. Nature areas, hiking and riding trails, wildlife preserves, and designated official wetland areas.

4. Designated historical sites.

5. Permitted uses allowed in the following zoning districts:

~~RA~~ AG ~~Residential /~~ Agricultural District
RR Rural Residential
R-1 Neighborhood Residential District
~~R-1A A Single Family Residential District~~
R-2 Multiple Family Residential District
B-1 Downtown River Commercial District
B-2 Highway Business District
I-1 Limited Industrial District
I-2 General Industrial District
I-3 Industrial Park

INS Institutional District
~~CD Conservation Design Overlay~~
FP Floodplain Overlay District
FW Floodway District
FF Flood Fringe District
PUD Planned Unit Development Overlay District
SD Shoreland Management Overlay District
W Wetlands Overlay District

D. CONDITIONAL USES: The following uses are permitted by conditional use permit within the SD; Shoreland Management Overlay District provided the use is permitted as a conditional use in the underlying zoning district

1. All approved aerial or underground utility line crossings such as electrical, telephone, telegraph or gas lines that cannot be reasonably located in other than an SD, Shoreland Management Overlay District.

2. ~~Non-residential structures used solely in conjunction with raising wild animals or fish provided the structures are of a design approved by the Commissioner and City as being compatible with other general allowable uses of the district.~~

3. Other uses of the same general character as listed in Section 10.33(C) (Shoreland Management Overlay District – Permitted Uses) of this Article.

4. Conditional uses allowed in the following zoning districts:

~~RA~~ AG ~~Residential /~~ Agricultural District
RR Rural Residential
R-1 Neighborhood Residential District
~~R-1A A Single Family Residential District~~
R-2 Multiple Family Residential District
B-1 Downtown River Commercial District
B-2 Highway Business District
I-1 Limited Industrial District
I-2 General Industrial District
I-3 Industrial Park
INS Institutional District
~~CD Conservation Design Overlay~~
FP Floodplain Overlay District
FW Floodway District
FF Flood Fringe District
PUD Planned Unit Development Overlay District
SD Shoreland Management Overlay District
W Wetlands Overlay District

5. Signs permitted by conditional use identified in Section10.67 (Signs) of this Chapter

6. Organized group camps.

7. Water supply buildings, reservoirs, wells, elevated tanks, regional pipe lines and power lines, public sewage treatment facilities, sanitary landfill operation and similar essential public utility and service structures.

8. Public swimming pool, private swimming pools serving more than one family.

E. ACCESSORY USES: The following uses shall be permitted accessory uses within the SD, Shoreland Management Overlay District:

1. Private garage.

2. Park structures, including shelter, toilets, storage buildings, garages, observation towers or buildings, caretakers living quarters, parking, etc.

3. Other accessory uses customarily incidental to the uses permitted in Section 10.32(C) (Shoreland Management Overlay District - Permitted Uses) and Section10.32 (D) (Shoreland Management Overlay District - Conditional Uses) of this Article.

4. Boathouses, docks and piers.

F. SPECIAL LAND USE PROVISIONS

1 Commercial, Industrial, Public, and Semipublic Use Standards.

A. Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:

a. The use complies with provisions of Section 7.0;

b. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;

c. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

d. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:

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(1) Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and

(2) Signs placed within the shore impact zone are:

(a) No higher than ten feet above the ground, and no greater than 32 square feet in size; and

(b) If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and

(3) Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.

B. Commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

2. Agriculture Use Standards.

A. Buffers.

a. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

b. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan ~~that includes alternative riparian water quality practices~~ consistent with the field office technical guides of the local soil and water conservation district or the Natural Resource Conservation Service, and as approved by the local soil and water conservation district.

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B. New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:

a. Feedlots must be designed consistent with Minnesota Rules, Chapter 7020;

b. Feedlots must not further encroach into the existing ordinary high water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,

c. Old feedlots not currently in operation may resume operation consistent with Minnesota Statutes, Section 116.0711.

3. Forest Management Standards.

A. The harvesting of timber and associated reforestation must be conducted consistent with the applicable provisions of the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers.

B. Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the soil and water conservation district.

4 Mining and Extractive Use Standards. Mining and extractive uses are not permitted.

~~F~~G. ~~HEIGHT, YARD AND LOT REGULATIONS: The height, yard and lot regulations shall be:~~

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Lot Area and Width Standards. After the effective date of this ordinance, all new lots must meet the minimum lot area and lot width requirements in Sections 6.25 and 6.26, subject to the following standards:

1.Only lands above the ordinary high water level can be used to meet lot area and width standards;

2. Lot width standards must be met at both the ordinary high water level and at the building line;

3. The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property;

4. Residential subdivisions with dwelling unit densities exceeding those in Sections 6.25 and 6.26 are allowed only if designed and approved as residential PUDs under Section 10.0 of this ordinance; and

5. Lake Minimum Lot Area and Width Standards;

General Development – No Sewer				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	20,000	100	40,000	150
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490
General Development – Sewer				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	15,000	75	10,000	75
Duplex	26,000	135	17,500	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245
Natural Environment – No Sewer				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800
Natural Environment – Sewer				
	Riparian		Nonriparian	

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General Development – No Sewer				
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

6. River/Stream Minimum Lot Width Standards. There are no minimum lot area requirements for rivers and streams. The lot width standards in feet are:

	Remote	Forested	Transition	Agricultural	Urban & Tributary	
					No Sewer	Sewer
Single	300	200	250	150	100	75
Duplex	450	300	375	225	150	115
Triplex	600	400	500	300	200	150
Quad	750	500	625	375	250	190

1. ~~RA – Shoreland Management Overlay District Requirements:~~

~~a. Lot Area: 2.5 acres (all uses)~~

~~2. R-1 – Shoreland Management Overlay District Requirements:~~

~~a. Lot Area: 20,000 sq. ft. for all uses (General Development Waters)~~

~~b. Lot Area: 80,000 sq. ft. for all uses (Natural Environment Water)~~

~~c. Lot Width at Building Line: 200 feet (Natural Environment Water)~~

~~3. R-1A – Shoreland Management Overlay District Requirements:~~

~~a. Lot Area: 12,000 sq. ft. for all uses (General Development Waters)~~

~~b. Lot Area: 15,000 sq. ft. for all uses (Natural Environment Water)~~

~~c. Lot Width at Building Line: 100 feet (Natural Environment Water)~~

4. ~~R-2 – Shoreland Management Overlay District Requirements:~~

~~a. Lot Area: 20,000 sq. ft. for multiple residences (General Development Water)~~

~~b. Lot Area: 80,000 sq. ft. for multiple residences (Natural Environment Water)~~

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~~e. Lot Width at Building Line: 200 feet (Natural Environment Water)~~

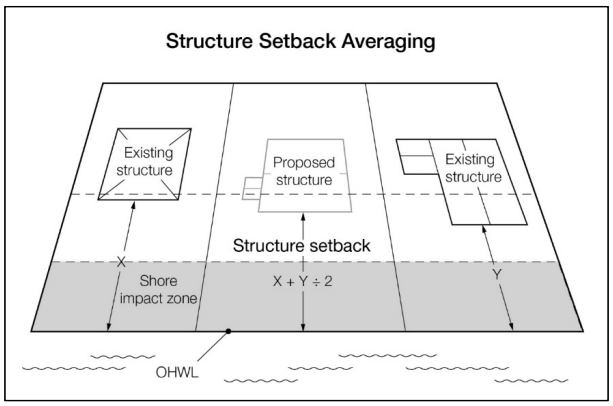
H. Placement, Height, and Design of Structures.

1. Placement of Structures and Sewage Treatment Systems on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions:

Classification	Structures		Sewage Treat System
	No Sewer	Sewer	
Lakes			
Natural Environment	150	150	150
Recreational Development	100	75	75
General Development	75	50	50
Rivers and Streams			
Remote	200	200	150
Forested and Transition	150	150	100
Agriculture, Urban and Tributary	100	50	75

A. OHWL Setbacks. Structures, impervious surfaces, and sewage treatment systems must meet setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with Section 7.3 of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL:

B. Setback averaging. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from



the OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone;

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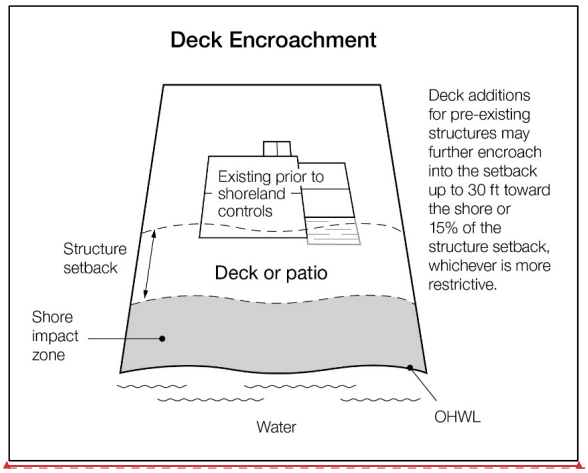
C. Setbacks of decks. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria are met:

(1) The structure existed on the date the structure setbacks were established;

(2) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;

(3) The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or is no closer than 30 feet from the OHWL, whichever is more restrictive; and

(4) The deck is constructed primarily of wood, and is not roofed or screened.



D. Additional structure setbacks. Structures must also meet the following setbacks, regardless of the waterbody classification:

Setback from:	Setback
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, or other roads not classified	20

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E. Bluff Impact Zones. Structures, impervious surfaces, and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

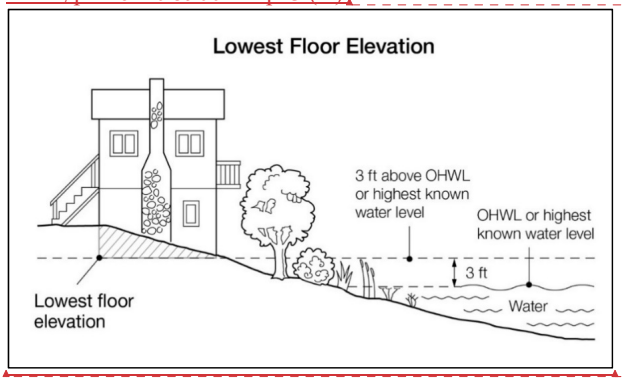
2. Height of Structures. All structures in residential districts in cities, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.

3. Lowest Floor Elevation. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

A. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;

B. For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

C. If the structure is floodproofed instead of elevated under items A and B above, then it must be floodproofed in accordance with Minnesota Rules, part 6120.5900 Subp. 3 (D).



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4. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

5 Water Supply and Sewage Treatment.

6.51 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.

6.52 Sewage treatment. Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with Minnesota Rules, Chapters 7080 – 7081.

5. ~~Commercial, Industrial or Institutional Structures - Shoreland Management Overlay District Requirements:~~

~~a. Lot Area: 20,000 sq. ft. (General Development Water)~~

~~b. Lot Width at Building Line: 100 feet (General Development Water)~~

~~c. Lot Area: 80,000 sq. ft. (Natural Environment Water)~~

~~d. Lot Width at Building Line: 200 feet (Natural Environment Water)~~

~~6. Shoreland Setback Requirements.~~

~~a. General Development Waters: 75 feet from ordinary high-water mark~~

~~b. Natural Environment Waters: 200 feet from ordinary high water mark~~

~~c. Industrial and permitted open space uses requiring location on public waters may be allowed by conditional use permit closer to the public waters than identified in items 1 and 2 above.~~

~~d. Boathouses foundations shall be located a minimum of ten (10) feet landward from the ordinary high water mark further provided that said boathouses are not used for habitation and do not contain sanitary facilities.~~

~~7. Building Coverage Regulations. Not more than thirty (30) percent of the lot shall be occupied by buildings.~~

8. ~~Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.~~

9. ~~Impervious Surface Coverage. The total area of all impervious surfaces on a lot shall not exceed thirty (30) percent of the total lot area.~~

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~~a. Exceptions.~~

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~~1) Boathouses may be located landward of the ordinary high water mark by conditional use permit provided they are not used for habitation and they do not contain sanitary facilities.~~

~~2) Location of piers and docks shall be controlled by applicable state and local regulations.~~

~~3) Where development exists on both sides of a proposed building site, structural setbacks may be altered to take setbacks of existing structures into account.~~

~~11. Floor Elevation Regulations. The elevation of the lowest floor of all structures except boathouses, docks, and piers shall be at least four (4) feet above the highest known water level.~~

G. ~~GENERAL REGULATIONS:~~

~~1. Front Yard Street and Shoreland Setback Adjustments. When more than seventy-five (75) percent of the frontage along a shoreline development or on a side of a street or between intersections is occupied by structures having setbacks from street centerlines or shorelines of a greater or lesser amount than herein required, the average setback of all existing buildings between street intersections or the shoreline development boundaries shall be maintained by all new or relocated principal structures even though such average setback may be different from the setback requirements stipulated in this Article.~~

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2. Substandard Lots. Lots of record in the office of the County Register of Deeds on June 16, 2003, the date of enactment of the Article governing the SD, Shoreland Management Overlay District, which do not meet the requirements of that Chapter, may be allowed as building sites provided such use is permitted in the zoning district, the lot is in separate ownership from abutting lands and sanitary and dimensional requirements of the SD, Shoreland Management Overlay District provisions are complied with insofar as practicable. The City Council will, consistent with these standards and criteria, set a minimum size for substandard lots or impose other restrictions on the development of substandard lots, including the prohibition of development until the substandard lot(s) are served by public sewer and water.

3. Shoreland Alterations.

a. Natural vegetation in shoreland areas shall be preserved insofar as practical and reasonable in order to retard surface runoff and soil erosion, and to utilize excess nutrients. The removal of natural

vegetation shall be controlled in accordance with the following criteria:

1) Clear cutting shall be prohibited, except as necessary for placing public roads, utilities, structures, and parking areas.

2) Natural vegetation shall be restored insofar as feasible after any construction project.

3) Selective cutting of trees and underbrush shall be allowed as long as sufficient cover is left to screen motor vehicles and structures when viewed from the water.

b. Grading and filling in Shoreland areas or any other substantial alteration of the natural topography shall be controlled by the following criteria:

1) The smallest amount of bare ground shall be exposed for as short a time as feasible.

2) Temporary ground cover, such as mulch, shall be used and permanent vegetation cover, such as sod, shall be provided.

3) Methods to prevent erosion and trap sediment shall be employed.

4) Fill shall be stabilized to accepted engineering standards.

c. Alterations of Beds of Public Waters.

1) Any work that will change or diminish the course, current, or cross section of any public water shall be approved by the Commissioner before the work is begun. This includes construction of channels and ditches, lagooning, dredging of lakes or stream bottom for removal of muck, silt or weeds, and filling in the lake or stream bed. Approval shall be construed to mean the issuance by the Commissioner of a permit under the procedures of Minnesota Statutes Section 105.42 and other related statutes, as may be amended, supplemented or replaced from time to time.

2) Excavations on shorelands where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, shall be controlled by this Article. Permission for such excavations may be given only after the Commissioner has approved the proposed connection to

public waters. Approval shall be given only if the proposed work is consistent with applicable state regulations for work in beds of public waters.

H. PARKING REGULATIONS, PLACEMENT OF ROADS AND PARKING AREAS:

1. In granting permits as allowed in Section 10.33 (Shoreland Management Overlay District - Permitted Uses) of this Chapter, the parking regulations of the underlying zoning district shall apply.

2. Placement and Design of Roads, Driveways, and Parking Areas. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters and comply with the following standards:

A. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts;

B. Watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met;

C. Private facilities must comply with the grading and filling provisions of Section ____ of this ordinance; and

D. For public roads, driveways and parking areas, documentation must be provided by a qualified individual that they are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

~~The placement of roads and parking areas shall be controlled in order to retard the runoff of surface waters and excess nutrients. The placement of roads and parking areas shall be controlled in accordance with the following criteria:~~

~~a. No impervious road or parking surface shall be placed within fifty (50) feet of the ordinary high water mark.~~

~~b. Where feasible and practical, all roads and parking areas shall meet the setback requirements established for structures in this Chapter.~~

~~c. Natural vegetation or other natural materials shall be used in order to screen parking areas when viewed from the water.~~

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~~I. SANITARY PROVISIONS:~~

~~1. Water Supply.~~

~~a. Any public or private supply of water for domestic purposes shall conform to the laws and regulations of the State of Minnesota.~~

~~2. Sewage and Waste Disposal.~~

~~a. Any premises used for human occupancy shall be provided with an adequate method of sewage disposal to be maintained in accordance with City standards and Minnesota Rule 7080 as may be amended, supplemented or replaced from time to time. Municipal collection and treatment facilities used where available or feasible.~~

a. ~~Public sewage disposal and commercial solid waste, and industrial waste disposal shall be subject to the standards, criteria, rules, and regulations of the Minnesota Pollution Control Agency.~~

I. Planned Unit Developments (PUDs)

1. Density Determination. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.

Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

Classification	Tier Depth	
	No Sewer (ft)	Sewer (ft)
General Development Lakes – 1st tier	200	200
General Development Lakes – all other tiers	267	200
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All Rivers	300	300

Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters.

Step 3. Determine Base Density:

A. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For

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rivers, if a minimum lot area is not specified, divide the tier width by the minimum single residential lot width.

B. For commercial PUDs:

(1) Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.

(a) For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.

(b) For dwelling sites (campgrounds), determine the area of each dwelling site as follows:

(c) For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.

I. For recreational vehicles, campers or tents, use 400 sf.

II. Select the appropriate floor area/dwelling site area ratio from the following table for the floor area or dwelling site area determined in Section

Inside Living Floor Area or Dwelling Site Area (sf)	Floor Area/Dwelling Site Area Ratio		
	General Development Lakes w/Sewer – all tiers General Development Lakes w/no sewer – 1st tier Agricultural, Urban and Tributary Rivers	Gene Develop Lakes w sewer other tiers Recreational Development Lakes Forested and Transition Rivers	
< 200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021

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Inside Living Floor Area or Dwelling Site Area (sf)	Floor Area/Dwelling Site Area Ratio		
	General Development Lakes w/Sewer – all tiers General Development Lakes w/no sewer – 1st tier Agricultural, Urban and Tributary Rivers	General Develop Lakes w sewer – all other tiers Recreational Development Lakes Forested and Transition Rivers	Natural Environment
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	
1,100	.116	.058	
1,200	.125	.064	
1,300	.133	.068	
1,400	.142	.072	
> 1,500	.150	.075	

Multiply the suitable area within each tier determined in Section ____ by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.

Divide the total floor area or dwelling site area for each tier calculated in Section ____ by the average inside living floor area for dwelling units or dwelling site area determined in ____. This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.

C. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.

D. All PUDs with densities at or below the base density must meet the design standards in Section ____.

Step 4. Determine if the Site can Accommodate Increased Density:

E. The following increases to the dwelling unit or dwelling site base densities determined Section ____ are allowed if the design criteria in

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Section ____ of this ordinance are satisfied as well as the standards in Section ____ item ____:

Shoreland Tier	Maximum density increase within each tier (percent)
1st	50
2nd	100
3rd	200
4th	200
5th	200

Structure setbacks from the ordinary high water level:

Are increased to at least 50 percent greater than the minimum setback; or

The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

2. Design Criteria. All PUDs must meet the following design criteria.

A. All residential planned unit developments must contain at least five dwelling units or sites.

B. On-site water supply and sewage treatment systems must be centralized and meet the standards in Section ____ of this ordinance. Sewage treatment systems must meet the setback standards of Section ____ item ____ of this ordinance.

C. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.

D. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Sections ____ and ____:

(2) Shore recreation facilities:

(3) Must be centralized and located in areas suitable for them based on a suitability analysis.

(4) The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).

(d) Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

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(e) Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

(f) Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.

I. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 7.3 of this ordinance and are centralized.

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SEC. 10.34 WETLANDS OVERLAY DISTRICT

A. FINDINGS, INTENT AND INCORPORATION BY REFERENCE:

1. The City of Hanover has determined that wetlands serve to maintain water quality by filtering water that is discharged into ground water aquifers and by retaining inorganic sediments, toxicants, and nutrients. They also retain and reduce the discharge of phosphorous and transform nutrients from their inorganic to organic forms, thereby protecting streams and water bodies from eutrophication and contamination. Wetlands also store runoff and reduce the velocity of and magnitude of flood peaks. In addition, some wetlands receive the upward discharge of ground water. These wetlands tend to support more stable biological communities since their water temperatures and water levels tend to be more stable.

2. Wetland vegetation also reduces the energy of waves, currents, and other erosive forces and serves to prevent the erosion of shoreline areas. In addition, aquatic vegetation provides food, shelter, and special habitat for wildlife. All of these wetland characteristics provide valuable recreation and education resources.

3. The City of Hanover has also found that wetlands vary significantly in the degree that they have been altered. Wetlands within the City of Hanover exhibit great variations in their floral diversity, quality of wildlife and fishery habitat, degree of fluctuation in response to storms, the extent to which their shorelines have been altered or eroded, and their relative value in protecting water quality. Therefore, the City of Hanover has found that it is in the best interest of the general health and welfare of the City of Hanover to achieve no net loss of wetlands within the community.

4. The City recognizes that a substantial amount of wetland degradation results from sedimentation and nutrient loading related to construction projects. Therefore, the City finds it necessary to require extraordinary measures to prevent such construction related degradation.

5. In addition to having regulations that affect the physical impacts within wetland areas, the City also finds it is necessary to regulate the use of lands surrounding wetlands. Buffer strips, as defined by Section 10.01 (Rules and Definitions), are necessary and beneficial to maintaining the health of wetlands. Buffer strips surrounding wetlands protect their shorelines from erosion, while serving to filter sediment, chemicals and other nutrients before storm water discharges into the wetland. Buffer strips are also beneficial in providing habitat for wildlife.

6. This Article hereby incorporates by reference the Wetland Conservation Act of 1991 (Minnesota Statutes 103G.221 et. seq. adopted by the

Legislature, as amended, supplemented or replaced from time to time (hereinafter referred to as the WCA)). Any activities exempted from the provisions of the WCA are also exempted from the requirements of this Article, insofar as they relate to the WCA. All wetlands, as defined in Section 10.01 (Rules and Definitions) of this Chapter, including those governed by the Department of Natural Resources, are covered by the other provisions of this Article. Also, there are circumstances under which the strict enforcement of these regulations may be unreasonable and in circumstances that meet the criteria established in Article 20-18-0 (Variances) of this Chapter, departures from the strict application of these standards may be permitted.

7. It is the intent of this Article to avoid the alteration and destruction of wetlands. When wetlands are altered or destroyed, mitigation must be provided to recreate the functions and values of the lost wetland.

B. PURPOSE AND IMPLEMENTATION:

1. Through the adoption and enforcement of this Article, the City shall promote the general health, safety and welfare of its residents by both conserving and protecting wetlands and requiring sound management practices and mitigation as provided for in the WCA when development occurs in the vicinity of wetlands. Through the implementation of this Article, the City seeks to accomplish the following purposes:

   a. To satisfy the requirements of the WCA as it may be amended, supplemented or replaced from time to time thereby achieving no net loss of wetlands within the City.

   b. To balance the needs to preserve and protect natural resources and systems with both the rights of private property owners and the need to support the efficient use of developable land within the City.

   c. To preserve the natural character of the landscape through the maintenance of wetland ecosystems.

   d. To promote water quality by maintaining the ability of wetlands to recharge ground water and receive the discharge of ground water, to retain sediment and toxicants and filter and strip nutrients from surface water runoff before it discharges into community lakes and streams, thus avoiding the contamination and eutrophication of these water features.

   e. To provide wildlife habitat and thereby support the maintenance of diversity of both plant and animal species within the City.

2. To accomplish these purposes, the City will:

   a. Maintain a comprehensive set of official maps identifying the location and classification of all wetlands designated on the National Wetlands Inventory within the City.

   b. Establish wetland regulations that are coordinated with Floodplain Overlay District and Shoreland Management Overlay District protection regulations.

   c. Require sound management practices to protect, conserve, maintain, enhance, and improve the quality of wetlands within the community.

   d. Enforce standards for the alteration of wetlands when alteration is allowed, including standards and procedures for the mitigation of the loss of wetland areas and their functions and values, when alteration or destruction occurs.

   e. Obtain protective easements over or acquire fee title to wetlands as appropriate.

C. GENERAL PROVISIONS:

1. Identification and Delineation of Wetlands.

   a. This Article shall apply to all land containing wetlands and land within the setback and buffer areas required by this Article. Wetlands shall be subject to the requirements established herein, as well as restrictions and requirements established by other applicable Federal, State, and City ordinances and regulations. These wetland protection regulations shall not be construed to allow anything otherwise prohibited in the zoning district where the wetland area is located.

   b. A wetland is land that meets the definition of "wetlands" set forth in Section 10.01 (Rules and Definitions) of this Chapter. The presence or absence of a wetland on the National Wetlands Inventory Map does not represent a definitive determination as to whether a wetland covered by this Article is or is not present. Wetlands that are identified during site specific delineation activities but do not appear on the official National Wetlands Inventory Map are still subject to the provisions of this Article. It will be the responsibility of an applicant to delineate the exact wetland boundary or to determine that no wetland exists on a subject property. All delineations must be reviewed and approved by the City. If an applicant questions whether a wetland exists or disputes its classification, the applicant

shall have the burden to supply detailed information for review supporting the applicant's assertion, including but not limited to, topographic, hydrologic, floristic and/or soil data deemed necessary by the City to determine the jurisdictional status of the wetland, its exact boundary and its classification. Wetland delineations supplied by applicants shall be certified by a qualified wetland delineator. Wetland delineators must satisfy any certification requirements that may be established by the U.S. Army Corps of Engineers or the Minnesota Board of Water and Soil Resources.

c. Only that portion of a property within the boundaries of a wetland shall be subject to the provisions of this Article.

D. GENERAL STANDARDS: The following standards apply to all lands within and/or abutting a wetland:

1. Septic and soil absorption systems must be set back a minimum of fifty (50) feet from the City approved boundary of the wetland.

2. The lowest ground floor elevation shall be two (2) feet above the 100-year flood elevation or four (4) feet above the ordinary high water mark of public waters regulated by Section 10.33 (Shoreland Management Overlay District) of this Chapter, whichever is greater.

3. Structures intended to provide access across a wetland shall be prohibited unless a permit is obtained in conformance with State regulations. D. The MPCA's Best Management Practices shall be followed to avoid erosion and sedimentation during the construction process.

4. City inspection schedules and fines for erosion control will double on projects abutting wetlands.

5. Before the City issues a building permit for a lot with a required wetland buffer, the lot owner shall:

a. Record a notice of the wetland buffer requirement against the title to the lot with the office of the Wright or Hennepin County Recorder or Registrar of Titles, and

b . Install the wetland monuments required by Section 10.34 (G) (Wetlands Overlay District - Monument Required).

E. WETLAND BUFFER STRIPS AND SETBACKS:

1. For lots of record created after June 16, 2003, a buffer strip shall be maintained abutting all wetlands. The setback and buffer provisions of this

Article shall not apply to lots of record created prior to June 16, 2003. The City does however strongly encourage the use of a wetland buffer and setback on all lots in the City.

2. Thirty (30) foot wetland buffer strips and structure setbacks shall apply to all parcels of land whether or not the wetland is on the same parcel as a proposed development.

3. Buffer strip vegetation shall be established and maintained in accordance with the requirements found in this Article. During the first two (2) years, any buffer vegetation that does not survive must be replanted. After two (2) years, if the condition of the buffer area changes through natural processes not caused by the property owner, the owner shall not be required to re-establish the buffer area to meet the standards contained in Section 10.34 (H) (Wetlands Overlay District - Buffer Strip Vegetation Performance Standards) of this Article. Buffer strips shall be identified within each lot by permanent monuments approved by the City.

4. For roadways that must be aligned either adjacent to or across wetlands and are subject to WCA replacement requirements, additional wetland filling to create a buffer strip shall not be required. Trails that are intended to serve an interpretive function may also be exempted from the buffer requirement.

5. The use of a meandering buffer strip to maintain a natural appearance is encouraged but not required in areas of flat topography.

6. The thirty (30) foot buffer width and setback shall apply to structures, roadways and trails in all zoning districts.

7. Wetland buffer strips not required by this Article may be voluntarily created in conformance with the requirements of this Article and upon approval of an administrative permit.

8. Example of Buffer and Setback Applied to a Wetland.

F. ALTERNATIVE WETLAND BUFFER STRIPS AND SETBACKS WITH EXTRAORDINARY MANAGEMENT MEASURES:

1. Recognizing that there are instances where because of the unique physical characteristics of a specific parcel of land, narrower buffer strips may be necessary to allow for the reasonable use of the land, the City has developed alternative buffer strip standards that may be applied in these instances.

2. The City Council may approve alternative standards, based on an assessment of the following:

a. Size of the parcel.

b. Existing roads and utilities.

c. Percentage of parcel impacted by wetlands.

d. Configuration of wetlands on the parcel.

e. Quality of the affected wetland(s).

3. The City Council will evaluate the appropriateness of using the alternative standards as part of its review of a sketch plan. An applicant must receive Council approval through either of these review processes prior to submitting a preliminary plan or plat application that applies the alternative buffer strip standards.

4. In instances where the City Council approves alternative buffer standards, an applicant will be required to apply extraordinary management measures to control erosion, sedimentation and nutrient loading during and for two years and after construction. The applicant must demonstrate that the proposed measures will limit dissolved phosphorous concentration to one (1) milligram per liter (mg/l) or less.

5. Extraordinary management measures that may be permitted in conjunction with and up-slope from the above buffer strip and setback requirement include, but are not limited to measures that add redundant protections to normal required Best Management Practices.

6. The applicant shall be responsible to submit all of the necessary information to document that the proposed extraordinary construction and stormwater management practices (hereinafter referred to as "Extraordinary Management Practices") will at least duplicate the performance of the required buffers and setbacks, if not exceed it. The applicant shall also have the burden of proving that the purpose and objectives of the Article will be met through the use of these Extraordinary Management Practices.

G. MONUMENT REQUIRED: A monument is required at each lot line where it crosses a wetland buffer with a maximum spacing of two hundred (200) feet of wetland edge.

H. BUFFER STRIP VEGETATION PERFORMANCE STANDARDS.

1. Where acceptable natural vegetation exists in buffer strip areas, the retention of such vegetation in an undisturbed state is preferred. A buffer strip has acceptable natural vegetation if it:

a. Has a continuous, dense layer of perennial grasses that have been uncultivated or unbroken for at least ten (10) consecutive years; or

b. Has an over story of trees and/or shrubs with at least eighty (80) percent canopy closure that have been uncultivated or unbroken for at least ten (10) consecutive years; or

c. Contains a mixture of the plant communities described in this Section, that have been uncultivated or unbroken for at least ten (10) consecutive years.

2. Notwithstanding the above performance standards, the City may determine existing buffer vegetation to be unacceptable if:

a. It is composed of undesirable plant species (including, but not limited to reed canary grass, common buckthorn, purple loosestrife, leafy spurge and noxious weeds); or

b. It is lacking a layer of organic thatch or duff; or

c. Has topography that tends to channelize the flow of surface runoff; or

d. For some other reason it is unlikely to retain nutrients and sediment.

3. Where buffer areas, or a portion thereof, are not vegetated or have been cultivated or otherwise disturbed within ten (10) years of the permit application, such areas shall be re-planted and maintained according to each of the following standards:

a. Buffer zones shall be planted with a seed mix containing one hundred (100) percent perennial native plant species, except for a one-time planting of an annual nurse or cover crop such as oats or rye.

b. The seed mix to be used shall consist of at least twelve (12) pounds pure live seed (PLS) per acre of native prairie grass seed and five (5) pounds PLS per acre of native forbs. Native prairie grass and native forb mixes shall contain no fewer than four (4) and five (5) species respectively.

c. The annual nurse or cover crop shall be applied at a rate of twenty (20) pounds per acre.

d. Native shrubs may be substituted for forbs. Such shrubs may be bare root seedlings and shall be planted at a rate of sixty (60) plants per acre. Shrubs shall be distributed so as to provide a natural appearance and shall not be planted in rows.

e. Any ground cover or shrub plantings installed in buffer areas are independent of landscaping requirements set forth elsewhere in the City Code and City policy.

f. Native prairie grasses and forbs shall be planted by a qualified contractor using a drill designed for native prairie grass seedlings, such as a Truax or Nesbitt Native Grass Drill or a John Deere 1550 Power-Till Seeder.

g. No fertilizer shall be used in establishing new buffer zones, except on highly disturbed sites where deemed necessary to establish acceptable buffer vegetation and then limited to amounts indicated by an accredited soil testing laboratory.

h. All seeded areas shall be mulched immediately with a mulch material approved by the City Engineer. Mulch shall be anchored with a disk or tackifier.

i. Buffer zones (both natural and created) shall be protected by silt fence during construction and the fence shall remain in place until the area crop is established.

j. Applicants may obtain from the City a set of standard seeding and planting specifications for buffer zones that meet all the City requirements.

4. During the first two (2) years, the developer shall replant any buffer vegetation that does not survive. After two (2) years, if the condition of the buffer area changes through natural processes not caused by the property owner, the owner shall not be required to re-establish the buffer area to meet the standards established in this Article.

SEC. 10.35 PERFORMANCE STANDARDS/PURPOSE.

A. 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. All future development in all districts shall be required to meet these standards. The standards shall also apply to existing

development where so stated. The city shall be responsible for enforcing the standards.

B. Before any building permit is approved, the Administrator shall determine whether the proposed use will conform to the performance standards. The developer or landowners shall supply data necessary to demonstrate such conformance. Such data may include description of equipment to be used, hours of operation, method of refuse disposal and type and location of exterior storage.

SEC. 10.36 EXTERIOR STORAGE; APPLICABILITY.

The following standards are applicable to all property within the City:

A. *Personal property.* Except as provided herein, in all agricultural and residential districts, all personal property shall be stored within a building or fully screened so as not to be visible from adjoining properties and public streets, except for the following: construction and landscaping materials and equipment being currently used (within a period of six months) on the premises on which they are located, off-street parking of licensed passenger automobiles and pickup trucks and the parking of such other vehicles as may be permitted by this code , pertaining to parking.

B. *Storage on lot with no permanent dwelling.* No personal property, vehicles, campers, travel trailers, recreational vehicles, equipment, lumber or building materials (except during the process of construction of a structure) shall be kept or maintained on any lot or property on which a permanent dwelling is not located.

C. *Recreational equipment.* The exterior storage of no more than three items of recreational equipment is permitted, provided that any such side yard storage shall not be adjacent to a street and all setbacks are met. Additional recreational equipment must be stored inside a building. Recreational equipment shall include: snowmobiles; boats and canoes; all-terrain vehicles; campers; trailers for the transportation of boats, canoes, all-terrain vehicles, snowmobiles, and automobiles; all travel trailers or motor vehicles designed, constructed, or used to provide temporary, movable living quarters for recreational use, or similar transportation devices. The maximum length of recreational equipment to be stored in the front yard shall be limited to the back half of the front yard. Recreational vehicles shall not be located in the front half of the front yard; or that half of the front yard closest to the street. All recreational vehicles shall be located on a paved or dustless surface and shall not be located on a drainage or utility easement. Paved surfaces will be bituminous, concrete or concrete pavers. A dustless surface must consist of compacted bituminous millings or crushed rock. The crushed rock must all be similar in size with no fines. Aggregate material similar state DOT class 5 is not permitted. All other recreational equipment shall be stored off-site or within a completely enclosed building or garage that meets all other City Codes requirements.

D. *Use of camper, travel trailer, etc., as a dwelling.* Campers, travel trailers and motor vehicles designed or used to provide temporary, movable living quarters for recreational use shall not, while parked, be used as a human dwelling place, living abode or living quarters, except that such a vehicle owned by a nonresident guest or visitor may be parked or occupied by said guest or visitor on property on which a permanent dwelling is located, for a period not to exceed 30 days per year while visiting the resident of said property. The recreational vehicle or trailer shall have self-contained sanitary facilities or standard on-site facilities as required by the building official. Campers, travel trailers and motor vehicles designed or used to provide temporary living quarters shall not be permanently stored on commercial or industrial properties, except for those properties whose intended purpose is the storage of these types of vehicles.

E. *Nonresidential areas.* In the commercial and industrial districts, exterior storage of useable personal property may be permitted by conditional use permit provided any such property is so stored for purposes relating to a use of the property permitted by this development code and will not be contrary to the intent and purpose of this development code. In all districts, a conditional use permit may be required should the Administrator determine the outdoor storage is a hazard to the public health, safety, convenience, morals, or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes a threat to living amenities.

F *Exemptions.* The following items are exempt from these guidelines for residential properties:

1. Compost bins with sealed covers.

2. Clothes lines.

3. Firewood, up two cords.

4. Other similar uses as determined by the Administrator.

SEC. 10.37 REFUSE.

In all districts, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse. Existing uses shall comply with this provision within six months following enactment of the ordinance from which this chapter is derived.

SEC. 10.38 GLARE.

In all districts, any lighting used to illuminate an off-street parking area, sign, or other structure shall be arranged so as to deflect light away from the adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding, shall not be directed into any adjoining property. 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.

SC. 10.39 PARKING.

A. *Surface and drainage.* Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area. Durable and dustless surfaces shall utilize asphalt, concrete or a reasonable substitute surface as approved by the city engineer. All surfacing must be completed prior to occupancy of the structure unless other arrangements have been made with the city.

B. *Location.* All accessory off-street parking facilities required herein shall be located as follows:

1. Spaces accessory to one-family and two-family dwellings shall be on the same lot as the principal use served.

2. Spaces accessory to multiple-family dwellings shall be on the same lot as the principal use served. Parking as required by the Americans with Disabilities Act (ADA) for the disabled shall be provided.

3. Spaces accessory to uses located in the commercial and industrial districts shall be on the same lot as the principal building. Parking as required by the Americans with Disabilities Act (ADA) for the handicapped shall be provided.

4. Spaces accessory to multiple-family dwellings or commercial or industrial uses shall be set back ten feet from any street right-of-way or any property line.

C. *General provisions.*

1. Existing off-street parking spaces and loading spaces upon the effective date of the ordinance from which this development code is derived shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar use.

2. Ninety-degree parking spaces shall not be less than nine feet wide and 18 feet in length exclusive of an adequately designed system of access drives.

Parking lots that separate vehicles based on size may be designed with parking spaces less than or greater than nine feet wide and 18 feet in length depending upon the size of the vehicle, as long as adequate space is provided for easy and safe ingress and egress for the vehicle. Proposed reductions in or additions to the parking space size must be submitted in a dimensioned site plan with size of vehicle to use parking spaces indicated for review and approval. Signs specifying the vehicle size to use the parking space shall be required. Parking spaces for the handicapped shall be in accordance with the Americans with Disabilities Act (ADA). Parallel parking spaces shall be at least eight feet wide, and a minimum length of 20 feet in length. Forty-five-degree parking shall be a minimum of nine feet in width and 19 feet in length.

3. Off-street parking facilities for a combination of mixed buildings, structures or uses may be provided collectively in any district (except residential districts) in which separate parking facilities for each separate building, structure or use would be required, provided that the total number of spaces provided shall equal the sum of the separate requirements of each use during any peak hour parking period.

4. When required accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with the county requiring the owner and his heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

5. Required off-street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable, for sale or for rent.

6. For every 12 parking spaces in a row, a landscape island or infiltration basin shall be provided. Each required landscape island is to contain at least one tree; and is required to be a minimum size of nine feet by 18 feet. Additional landscaping may be provided, but each required island shall be at least nine feet by 18 feet in size. No interference between on-site utilities and landscaping is permitted, including, but not be limited to, fire equipment or on-site lighting. Requests for modifications to this requirement shall be approved by City Council.

7. Off-street parking spaces required shall be as follows:

Single-family detached and duplex dwellings	Two spaces per dwelling unit. The first two spaces of a home shall be fully enclosed; either detached or attached to the

	principal structure. Additional parking spaces are not required to be enclosed.
Multiple-dwelling units	Two spaces per dwelling unit. At least one-half of the required spaces shall be enclosed.
Place of worship and other places of assembly	One space for each three seats or for each five feet of pew length. Based on maximum design capacity.
Offices	One space for each 200 square feet of gross floor space.
Hotel, motel	One space per unit, plus one space per employee.
Schools, preschool or daycare centers	One space for each 450 square feet of floor area.
Schools, elementary and junior high	Three spaces for each classroom.
Schools, high school through college	One space for each four students based on design capacity plus three additional spaces for each classroom.
Community residence/assisted living center	One space for each bed plus one space for each three employees other than doctors.
Health and/or fitness club	One space for each 200 square feet of floor area.
Bowling alley	Six spaces for each alley, plus additional spaces as may be required for related uses such as a restaurant.
Motor vehicle service station	Two spaces plus three spaces for each service stall.
Motor vehicle sales	One space for each 450 square feet of floor area.
Convenience store	One space for each 200 square feet of gross floor area.
Retail store	Five spaces for each 1,000 square feet of gross floor area.
Small animal hospital or clinic	One space for each 300 square feet of floor area.
Medical or dental clinic	Six spaces per doctor or dentist at maximum build out of the facility; but limited to the maximum number of doctors or dentists able to work on a single shift.
Drive-in or drive-through restaurant	At least one parking space for each 15 square feet of gross floor space in building allocated to drive-in operation.
Restaurants (sit down), cafes, bars, taverns or nightclubs	One space for each 2 1/2 seats, based on capacity design.

Funeral homes	Eight spaces for each chapel plus one space for each funeral vehicle maintained on the premises. Aisle space shall also be provided off the street for making funeral procession.
Furniture store, wholesale, auto sales, repair shops	Three spaces for each 1,000 square feet of gross floor area. Open sales lots shall provide two spaces for each 5,000 square feet of lot area, but not less than three spaces.
Manufacturing	One space for each 1,000 square feet of floor area for buildings under or equal to 10,000 square feet of floor area, One space per 1,500 square feet of floor area for those buildings larger than 10,000 square feet.
Industrial, warehouse, storage, handling of bulk goods	One space for each two employees on maximum shift or one for each 2,000 square feet of gross floor area, whichever is greater.
Uses not specifically noted	As determined by the Administrator.

a. Parking spaces for uses outlined above may be reduced if a detailed parking analysis is provided and approved by the Administrator.

b. When one building is planned to contain multiple uses, the minimum required parking shall be determined by calculating the separate floor area for each use.

D. *Design and maintenance of off-street parking areas in all commercial and industrial districts.*

1. Parking areas shall be designed so as to provide adequate means of access to a public street. Such driveway access widths shall be in accordance with the state highway department standards, but in no case shall they exceed 32 feet in width or less than 24 feet in width. Driveway access shall be so located as to cause the least interference with traffic movement.

2. When the calculation of the number of off-street parking spaces required results in a fraction, such fraction shall require a full space.

3. All lighting used to illuminate an off-street parking area shall be in accordance with the requirements of this Code. In addition, all parking lot lighting shall be full cut off and downward facing. Lighting plans shall be submitted showing a light loss factor of 1.0, and shall have no light spillage onto adjacent properties.

4. All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than ten feet from the property line.

5. When a required off-street parking space for six or more cars is located adjacent to a residential district, a fence or screening not less than four feet in height shall be erected along the residential district property line.

6. All off-street parking spaces shall have access from driveways and not directly from the public street.

7. No parking space shall be closer than ten feet to any building.

8. Fire access lanes shall be provided as required by the building or fire code.

9. Maintenance of off-street parking space. It shall be the joint and several responsibility of the operator and owner of the principal use, uses and/or building to maintain, in a neat and adequate manner, the parking space, access ways, landscaping and required fences.

10. Handicap accessible parking shall be provided in accordance with all requirements of the Americans with Disabilities Act (ADA).

11. No vehicles for display or sale shall be located in a parking lot where the intended purpose of the lot is not vehicle sales.

12. Campers, trailers and similar recreational living quarters shall not be permitted as residences within commercial and industrial zoning districts unless these areas are depicted on the approved site plan submitted for a project.

E. *Design and maintenance of off-street parking areas in all residential districts.*

1. Motor vehicles over ~~one ton~~one-ton capacity bearing a commercial license and commercially licensed trailers shall not be parked or stored on residential properties except when loading, unloading, or rendering service.

SEC. 10.40 TRAFFIC CONTROL.

The traffic control generated by any use shall be channelized and controlled in a manner that will avoid congestion on the public streets, traffic hazards, and excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure the safe and orderly flow. Traffic into and out of business areas shall in all cases flow. Traffic into and out of business areas shall in all cases be forward moving with no backing into street. On corner lots, (including rural areas) nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of 2.5 feet and ten feet above the centerline grades of the intersecting streets to a distance such

that a clear line of vision is possible of the intersecting streets from a distance of 50 feet from the intersection of the right-of-way lines.

SEC. 10.41 TREE AND WOODLAND PRESERVATION.

The following restrictions shall apply to all new and existing residential development occurring in wooded areas:

A. Structures shall be located in such a manner that the maximum number of trees shall be preserved.

B. Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the clear-cutting of trees on the site and that if trees are cut, the person will restore the density of trees to that which existed before development but in no case shall the person be compelled to raise the density above ten trees per acre.

C. Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.

D. Trees Lost Prior to Annexation or Development. Property owners and developers are discouraged from reducing significant trees and forested areas on their property in advance of development or annexation to the city. In the event that the city determines that significant tree loss has occurred in the three years prior to a petition for annexation or application for development, or anytime after environmental review has commenced for a subject property, the city may take measures at its discretion including but not limited to:

1. Tree replacement as a condition of annexation or site plan approval

2. Denial of the annexation request.

3. Denial of site plan, if applicable.

In making the determination that significant tree loss has occurred, the city may utilize available data to make estimates of the loss and is not required to rely upon a tree survey.

SEC. 10.42. FENCE AND LANDSCAPE MAINTENANCE.

In all districts, all structures requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

SEC. 10.43. SOIL EROSION AND SEDIMENT CONTROL.

The following general standards shall apply to all development and activity that necessitates the grading, stripping, cutting, filling or exposure of soils:

A. The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

B. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to the development when necessary to control erosion.

C. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

D. The drainage system shall be constructed and operational as quickly as possible during construction.

E. Whenever possible, natural vegetation shall be retained and protected.

SEC. 10.44. EXPLOSIVES.

No activities involving the storage, utilization or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted unless permitted as an Interim Use Permit by the City Council.

SEC. 10.45. DRIVE-IN AND DRIVE-THROUGH ESTABLISHMENT BUSINESS DEVELOPMENT STANDARDS.

A. The entire area of any drive-in or drive-through business shall have a drainage system approved by the city engineer.

B. The entire area other than that occupied by structures or planting shall be surfaced with a hard surface material which will control dust and drainage.

C. General requirements.

1. Any drive-in or drive-through business serving food or beverages may also provide, in addition to vehicular service areas, indoor food and beverage service seating area.

2. The hours of operation shall be set forth as a condition of any Conditional Use Permit for drive-in or drive-through business.

3. Each food or beverage drive-in or drive-through business shall place refuse receptacles at all exits, as well as one refuse receptacles per ten vehicle parking spaces within the parking area.

E. Locations.

1. No drive-in or drive-through business shall be located within 400 feet of a public or parochial school, church, public recreation area or any residential zoning district or use.

2. No drive-in or drive-through business shall be located such that it may increase traffic volumes on nearby residential streets.

3. No drive-in or drive-through business shall be located on any street other than one designated as a thoroughfare or business service road in the Comprehensive Plan.

F. Site plan.

1. The site plan shall clearly indicate suitable storage containers for all waste material. All commercial refuse containers shall be screened.

2. A landscaping plan shall be included and shall set forth complete specifications for plant materials and other features.

3. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.

4. The design of any structure shall be compatible with other structures in the surrounding area.

5. Electronic devices such as loudspeakers, automobile service order devices, drive-in theater car speakers and similar instruments shall not be located within 400 feet of any residentially zoned or used property, nor within 50 feet of any adjacent lot regardless of use or zoning district.

6. No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structures.

7. No permanent or temporary signs visible from the public street shall be erected without specific approval in the permit.

8. No plan shall be approved which will in any way constitute a hazard to vehicular or pedestrian circulation. No access drive shall be within 50 feet of intersecting street curblines.

9. In the case of a drive-in theater, a solid fence not less than eight feet in height and extending at least to within two feet of the ground shall be constructed around the property.

10. The lighting shall be designed so as to have no direct source of light visible from the public right-of-way or adjacent land in residential use.

SEC. 10.46. AUTO SERVICE STATIONS.

The following shall be applicable to auto and truck service stations in all districts:

A. A drainage system, subject to approval by the city engineer, shall be installed. The entire site, other than that taken up by a structure or planting, shall be surfaced with concrete or other material approved by the City Council. Pump islands shall not be placed in the required yards. The area around the pump island to a distance of eight feet on each side shall be concrete. A box curb not less than six inches above grade shall separate the public right-of-way from the motor vehicle service areas, except at approved entrances and exits. No driveways at a property line shall be less than 50 feet from the intersection of two street right-of-way lines. Each service station shall have at least two driveways with a minimum distance of 170 feet between centerlines when located on the same street.

B. No vehicles shall be parked on the premises other than those utilized by employees or waiting service. No vehicle shall be parked or be waiting service longer than 15 days. Existing service stations shall comply with this requirement within 45 days of the effective date of the ordinance from which this chapter is derived.

C. Exterior storage besides vehicles shall be limited to service equipment and items offered for sale on pump island; exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as racks, metal trays, and similar structures designed to display merchandise. Existing service stations shall comply with the requirement within three months of the effective date of the ordinance from which this chapter is derived.

D. All areas utilized for the storage, disposal, or burning of trash, debris, discarded parts, and similar items shall be fully screened. All structures and grounds shall be maintained in an orderly, clean, and safe manner. Existing service stations shall

comply with this requirement within nine months of the effective date of the ordinance from which this chapter is derived.

E Business activities not listed in the definition of service stations in the ordinance from which this chapter is derived are not permitted on the premises of a service station unless a conditional use permit is obtained specifically for such business. Such activities include, but are not limited to, the following:

1. Automatic car and truck wash;

2. Rental of vehicles, equipment, or trailers; and

3. General retail sales.

SEC. 10.47. BULK STORAGE (LIQUID).

All underground storage tanks (USTs) and aboveground storage tank (AST) systems shall remain in compliance at all times with all applicable statutes and rules as amended from time to time including but not limited to the State Fire Code and the Minnesota Pollution Control Agency Regulations.

SEC. 10.48. ACCESSORY BUILDINGS AND STRUCTURES.

A. *Residential districts.* In residential districts:

1. No accessory buildings installed on slab or with footings may be located within ten feet of the side lot lines nor within ten feet of the rear lot lines or within a drainage and utility easement; and provided that if the accessory building is moveable, in such event, the side and rear setbacks shall not be less than five feet.

2. No detached accessory storage type building (excluding garages) shall be located in any yard other than a rear yard. For properties located in the ~~Residential Ag~~Agariculture District (~~RA~~AG) or Rural Residential District (RR) accessory buildings may be allowed in the side yard upon receiving a Conditional Use Permit (CUP).

3. No accessory building shall exceed the height of the principal building. For properties located in the ~~Residential~~ Agriculture District (~~RA~~AG) accessory buildings may be allowed to exceed the height of the principal building upon receiving a Conditional Use Permit (CUP).

4. An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered, enclosed

Commented [CN1]: Do you also want to allow in RR? For discussion, have it in here.

Commented [CN2]: Did not carry the height exception over to RR….can change if that is what the city wants

passageway built on a slab or other suitable foundation. If detached, it shall not be located closer than six feet from the principal structure.

5. One-family and two-family dwellings constructed after November 1, 1989, are required to have two enclosed spaces per unit attached to the dwelling.

6. A site plan shall be submitted with all requests for an accessory detached building permit in all residential districts, and shall include the following information (and other information required by zoning officials):

   a. Existing buildings and their relationship to property lines.

   b. Indication of location for well, septic system and driveways.

   c. Any easements.

   d. Property lines and setback requirements.

.

8. All detached accessory buildings shall be both designed and constructed to meet minimum standards as required for residential accessory structures under the state building code and shall be compatible with the principal building and general neighborhood environments, including, but not limited to, exterior finish, materials, overhangs, soffits and fascia. Properties located in the ~~RA~~ AG and RR Districts are allowed to construct accessory structures with steel siding as long as it is compatible with the principal structure color. Prefabricated sheds not exceeding 120 square feet are allowed in all districts.

Commented [CN3]: Do you want to allow RR homes to have steel siding on accessory buildings?

9. All accessory buildings shall be constructed to comply with the following side wall height, eaves and overhang restrictions:

Side Wall Heights (feet)	Eaves (inches)	Overhang (inches)
10 or less	12	12
12 or less	12	18
~~RA~~ AG and RR District only: 20 or less	12	18

(A sidewall height greater than 12 feet in any zoning district except ~~RA~~AG and RR, and greater than 20 feet in the ~~RA~~ AG and RR zoning district, shall not be constructed except after obtaining a conditional use permit authorizing the same.)

10. In all districts except the ~~RA~~ AG and RR District, an accessory building shall not be a pole barn nor of pole barn type construction. As used in this subsection, pole barn is defined as a structure, the basic support and

framework of which is provided by wooden poles inserted vertically into the ground similar to telephone poles. A permitted accessory building exceeding 120 square feet in size shall be an on-site custom-made stick-built structure, and is to mean a building which is wholly constructed on the lot. A building shall be deemed constructed on the lot if 90 percent of the value of the building is constructed on the lot from individual block, board, plywood, siding, roofing, finishing and other individual construction materials. Value shall be measured on the basis of the cost of the materials used in the construction of the building.

11. The combination of all accessory structures, including detached garages, shall not exceed the following area limitations:

Parcel Size	**Maximum Floor Area (sq. ft.)**
Smaller than ¾ acre	1,000 *
¾ - 2.49 acres	1,500 *
2.5 – 5 acres	3,000 *
Greater than 5 acres	Up to the floor area of the principal structure, but may exceed the floor area of the principal structure if a Conditional Use Permit is obtained.

- *Provided that the total maximum floor area of all accessory structures is not greater that the floor area of the principal structure. The total maximum floor area of all accessory structure may exceed the floor area of the principal structure if approved by Conditional Use Permit, but the Conditional Use Permit may not permit a total maximum floor area for accessory structures that is greater than that allowed for the parcel size as shown in the table above.

12. An accessory building constructed on Farms, for the exclusive use of sheltering agricultural machinery and storage of agricultural products shall be exempt from building permit requirements. Description of the proposed use must be submitted in writing, and signed by the property owner. Administrative review of the site plan is required.

13. An accessory building constructed for the use of a shelter or stabling facility shall provide a minimum of one hundred (100) square feet of enclosure per "Animal Unit Equivalent" and shall be located a minimum of seventy-five (75) feet from any adjacent lot. This type of building shall be exempt from building permit fees and agricultural standards. Administrative review of the application and site plan are required.

B. *Interpretation; abrogation and greater restrictions.* It is not the intention of this section to interfere with, advocate or annul any covenant or any other agreement between any parties; provided, however, where this section imposes a greater

restriction upon the use of the premises for detached accessory buildings than are imposed or required by other ordinances, rules or regulations or permits, or by covenants or agreements, the provisions of this ordinance shall govern.

C. *In commercial and industrial districts.*

1. No accessory building shall exceed the height of the principal building except by conditional use permit.

2. Accessory buildings may be located any place to the rear of the principal building subject to the building code and the fire zone regulations.

D. *In all districts.*

1. No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building.

2. Accessory structures located on properties subject to the Section 10.33 related to the shoreland district may be located between the public road and the principal structure provided it is clearly demonstrated that physical conditions require such a location. In no event, however, shall the structure be located closer than 20 feet to the public road right-of-way.

3. An accessory building may be located within the rear yard setback provided that the lot is not a through lot and said accessory building does not occupy more than the allowed maximum floor area for the lot size.

4. No accessory building may be used as a dwelling unit except as may be permitted in the ~~RA~~ AG District.

Commented [CN4]: Propose to only allow this in AG. Desire to allow in RR as well?

SEC. 10.49. DWELLING UNITS PROHIBITED.

No basement, garage, tent, trailer, or accessory building shall at any time be used as a dwelling. The basement portion of finished home or apartment may be used for normal eating and sleeping purposes provided it is properly damp-proofed, has suitable fire protection and exits, and is otherwise approved by the building inspector.

SEC. 10.50. VACATED STREETS.

Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceeding.

SEC. 10.51. PLATTING.

All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features or proper subdivision and land planning.

SEC. 10.52. ACCESS DRIVES AND ACCESS.

A. Access drives may not be placed closer than five feet 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.

B. 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.

C. 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 Administrator shall review all access drives (driveways) for compliance with accepted community access drive standards.

D. Driveway standards. All driveways shall have a minimum width of ten (10) feet and a maximum width of twenty-eight (28) feet in the area located between the curb cut and the property line.

E. All lots or parcels shall have direct adequate physical 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.

F. The number of access points to a residential lot shall be restricted to one driveway, unless the following conditions are met. If the following conditions are met, no more than two access points shall be allowed.

1. The lot is within the ~~RA~~AG , RR, or R1~~, or R1A~~ District.

2. The lot has a minimum of two hundred and fifty (250) feet of road frontage.

3. If the property has two street frontages, the driveways must be on separate frontages. If the property has only one street frontage, then the driveways must be located not less than 50 feet apart.

4. If the driveway is proposed to connect from a County road, the applicant must first obtain a permit from the County.

5. All other driveway requirements of Section 10.52 are met.

SEC. 10.53. HOUSING PERFORMANCE STANDARDS.

A. *Intent.* Housing performance standards are hereby established for the purpose of promoting residential energy conservation, preserving and protecting desired architectural and aesthetic characteristics of housing in the community, and protecting the health, safety and welfare of residents of the community.

B. *Residential structures.*

1. All residential structures in the community shall be firmly anchored to a concrete foundation.

2. All residential structures shall possess a minimum width of 24 feet

3. All residential structures shall possess wall and ceiling joist construction consisting of framing materials of at least 1 3/4-inch by 3 1/2-inch dimensions, and shall be of sufficient weight to properly withstand damage from high winds and storms.

4. All residential structures, except earth sheltered homes, shall possess pitched roofs, with at least a five percent slope.

5. All residential structures, except earth-sheltered homes, shall possess a minimum height of 14 feet, measured form the top of the foundation to the peak of the roof, excluding any heights attributed to chimneys.

6. All residential structures shall be composed of materials that minimize the risk of hazards to the occupants of the structure.

SEC. 10.54. EXTERIOR LIGHTING.

A. Exterior lighting shall be designed and arranged to limit direct illumination and glare upon or into any contiguous parcel. Reflected glare or spill light shall not exceed five-tenths footcandle as measured on the property line when abutting any residential parcel and one ~~footcandle~~foot-candle on any abutting commercial or

industrial parcel. Streetlights installed in public right-of way shall be excepted from these standards.

B. Mitigative measures shall be employed to limit glare and spill light to protect neighboring parcels and to maintain traffic safety on public roads. These measures shall include lenses, shields, louvers, prismatic control devices and limitations on the height and type of fixtures. The city may also limit the hours of operation of outdoor lighting if it is deemed necessary to reduce impacts on the surrounding neighborhood.

C. No flickering or flashing lights shall be permitted.

D. Direct, off-site views of the light source shall not be permitted except for globe and/or ornamental light fixtures approved in conjunction with a site and building plan. Globe and ornamental fixtures shall only be approved when the developer can demonstrate that off-site impacts stemming from direct views of the bulb are mitigated by the fixture design and/or location.

E. The City may require submission of a light distribution plan if deemed necessary to ensure compliance with the intent of this section.

SEC. 10.55. NOISE AND VIBRATION.

A. Noises emanating from any use shall be in compliance with and regulated by the standards of the state pollution control agency. Any use established or remodeled after the effective date of the ordinance from which this section is derived shall be so operated as to prevent vibration discernable at any point beyond the lot line of the site on which such use is located. The city may also limit the hours of operation of outdoor noise if it is deemed necessary to reduce impacts on the surrounding neighborhood.

B. Ground vibration and noise caused by motor vehicles, trains, aircraft operations or temporary construction or demolition shall be exempt from these regulations. However, if deemed appropriate, the City may establish limits on the hours of operation of temporary construction or demolition operation to limit off-site impacts.

SEC.10.56. SMOKE AND PARTICULATE MATTER.

No use shall produce or emit smoke, dust or particulate matter exceeding applicable regulations established by the state pollution control agency.

SEC. 10.57. ODOR.

No use shall produce unreasonable or disturbing odors beyond the property line exceeding applicable regulations established by the state pollution control agency. Any use creating periodic odors, such as what may be created from incinerators and chemical processes, shall be prohibited if such odors are perceptible beyond the lot line of the site on which the use is located.

SEC. 10.58. TOXIC OR NOXIOUS MATTER.

No use or operation shall emit a concentration of toxic or noxious matter across the property line which exceeds applicable regulations of the state pollution control agency.

SEC. 10.59. RADIATION.

No operation shall be conducted which exceeds the standards established by applicable regulations of the state department of health.

SEC. 10.60. HEAT AND HUMIDITY.

No use shall produce any unreasonable, disturbing or unnecessary emissions of heat or humidity beyond the property line which cause material distress, discomfort or injury to persons of ordinary sensitivity.

SEC. 10.61. ELECTROMAGNETIC INTERFERENCE.

No use shall produce electromagnetic interference with normal radio or television reception in any residential district, or exceed applicable standards established by any applicable federal or state regulations.

SEC. 10.62. FIRE AND EXPLOSIVE HAZARDS.

All uses shall be subject to the fire prevention code of the city.

SEC. 10.63. LIQUID OR SOLID WASTE.

All uses shall be subject to applicable regulations of the city and the Minnesota Pollution Control Agency governing discharge into a public storm or sanitary sewer, waterway or stream.

SEC. 10.64. SCREENING

A. Where any nonresidential use (i.e., structure, parking or storage) abuts property zoned for residential use, the nonresidential use shall provide screening along its boundary with the residential property. Screening shall also be provided where the nonresidential use is across the street from a residential use, but not on the side of a nonresidential use considered to be the front (as determined by the Administrator). All the fencing and screening specifically required by this subdivision shall be subject to the provisions of this subdivision, and shall consist of either a fence or a green belt planting strip. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual buffer.

B All storage shall be screened. The exceptions are as follows:

1. Merchandise being displayed for sale;

2. Materials and equipment presently being used for construction on the premises; and

3. Merchandise located on service station pump islands.

C. Screening may be required in cases where commercial or industrial uses are adjacent to or across the street from property zoned or developed for residential or public use. Screening may also be required in residential districts for any off-street parking area containing more than six parking spaces.

D. Except where fencing is specifically required or erected, screening required in subsections (a) through (c) of this section may consist of a fence or a greenbelt planting strip not less than five feet high but shall not extend within 15 feet of any street or driveway. Alternatively, earth mounding or berms may be used to achieve all or a part of the buffer.

E. The screening shall be placed along the property lines, or in case of screening along a street, 15 feet from the street right-of-way with landscaping between the screening and pavement. The screening shall be designed to provide complete visual screening. The City Council may also require plantings or shrubs or trees in association with required fencing provided for in this division.

F. There shall be no restrictions on natural hedges or plantings utilized as fences in any residential zoning district, except that no such hedges or plantings shall be located within the Traffic Visibility Triangle as set forth in Section 10.01

SEC. 10.65. SWIMMING POOLS.

A. *Required permits; application.*

1. A building permit shall be obtained prior to construction or installation of any swimming pool.

2. An application for a building permit shall include a site plan showing the type and size of pool, location of pool, location of house, garage, fencing and other improvements on the lot, location of structures on all adjacent lots, location of filter unit, pump and writing indicating the type of such units, location of back-flush and drainage outlets, grading plan, finished elevations and final treatment (decking, landscaping, etc.) around the pool, location of existing overhead and underground wiring, utility easements, trees and similar features, and location of any water heating units.

B. *Performance standards.*

1. Pools shall not be located within 20 feet of any septic tank/drainfield nor within six feet of any principal structure or frost footing. Pools shall not be located within any required front- or side-yard setbacks.

2. Pools shall not be located beneath overhead utility lines nor over underground utility lines of any types.

3. Pools shall not be located within any private or public utility, walkway, drainage or other easement.

4. In the case of in-ground pools, necessary precautions shall be taken during the construction to avoid damage, hazards or inconvenience to adjacent or nearby property and assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust or other infringements upon adjacent property.

5. All access for construction shall be over the owner's land and due care shall be taken to avoid damage to public streets and adjacent private or public property.

6. All back-flush water or pool drainage water shall be directed onto the property of the owner, or onto approved drainage ways. No pool water shall be drained into the City's sanitary sewer. Drainage onto public streets or other drainage ways shall require the permission of the City. The person who drains a swimming pool must regulate the volume and rate of the discharge to prevent damage to public or private property.

7. The filter unit, pump, heating unit and any other noise-making mechanical equipment shall be located at least 35 feet from any adjacent or neighboring residential structure and not closer than ten feet to any lot line.

8. Lighting for the pool shall be directed toward the pool and not toward adjacent property. Any lighting on poles shall be downward facing and full cut off. There shall be no light spillage onto adjacent properties.

9. A structure or safety fence at least four feet in height, but not greater than eight feet in height shall completely enclose the pool. As an alternative to a safety fence, an automatic pool cover may be utilized if it meets the standards of F1346-91 (Reapproved 1996) of the American Society of Testing and Materials (ASTM), as such standards may be revised, modified, superseded or replaced by other pertinent ASTM standards.

10. Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type. Such water shall be subject to periodic inspection by the local health officer.

11. All wiring, installation of heating units, grading, installation of pipes and all other installations and construction shall be subject to inspection.

12. All access gates for pool enclosures shall contain self-closing and self-latching hardware in accordance with the adopted building code. Spacing between the bottom of the access gate and the ground shall not exceed 2.5 inches.

13. Pools shall have safety fences installed prior to filling with water.

14. Should a property have a fence in the backyard that meets the height provisions as stated above, then an additional fence shall not be required around the pool. Such a fence shall be required to have a self-latching mechanism on the interior side of the fence.

15. All requirements of the state building code shall be met. A building permit shall be issued by the building inspector that verifies state code requirements have been met.

16. All swimming pools with removable ladders shall have the ladder removed when the pool is not in use.

SEC. 10.66. FENCES

A. Permit required. Except as otherwise provided herein, no person shall erect, alter or relocate any fence within the City without first having been issued a permit therefore.

B. Permit fee. A fee as set forth by resolution of the City Council shall be charged for a permit under this subdivision for new fences, as well as the replacement of fences in the same location.

C. Application procedures.

1. Residential, single-family and two-family. Each application for a permit under this subdivision shall be submitted to the Administrator or his designee on forms provided for by the city. Each application shall include a site plan drawn to scale showing the location of the houses, garages and other structures on the lot and location of the fencing to be erected, altered or relocated. Fences six (6) feet tall and higher shall be processed as a building permit. Fences less than six (6) feet tall shall be processed as an administrative permit.

2. Commercial, Industrial, and Residential, other than single-family and two-family. Commercial and industrial uses. Request for fencing shall be processed as part of and according to the procedures of site plan review. Fences six (6) feet tall and higher shall require a building permit. Fences less than six (6) feet tall shall be processed as an administrative permit.

3. Agricultural Properties. Fences constructed on properties used for agricultural purposes are exempt from the provisions of this Section 10.66.

D. Intent of fence regulations. The purpose of this section is to enact minimum restrictions on fencing necessary to ensure orderly and attractive development, to enhance "curb appeal" from city streets, to protect the health and welfare of the citizens, and to allow a free flow of air.

E. General requirements.

1. New construction, maintenance, and design requirements.

a. Fencing shall be constructed and maintained so as not to endanger life or property. Any fence which through lack of repair, type of construction, or which otherwise imperils health, life, property, or the aesthetic quality of a neighborhood shall be deemed a public nuisance.

b. The side of the fence considered to be the face shall face abutting property. The face shall be defined as the finished side of the fence rather than the side with structural supports.

c. If fencing is built away from a property line, property on both sides of the fence must be maintained so as not to create a public nuisance.

2. Fence location requirements.

a. All fences shall be located entirely upon the private property of the person constructing the fence.

b. When driveway, trail, access, or walkway easements are located on private property, fences shall not be constructed on the easement. No fence shall be constructed which obstructs the flow of water upon a drainage or utility easement or which would cause the City to be unable to access the easement. The City may require that obstructions to easements be removed at the property owner's expense. Privacy fences and other types of fences that have the potential to restrict the flow of water within a drainage and utility easement shall be constructed to allow not less than three inches of clear area from the ground to the bottom of the fence to allow the passage of water.

c. Fences shall not be permitted within any right-of-way or within the 100-year floodplain of any lake, river or wetland. Fences shall also not be permitted within the Ordinary High Water Level of any lake, river, pond or wetland.

3. Traffic visibility requirements. On any corner lot, no fence shall be erected in the triangle formed by the front lot line, side street lot line, and a third straight line joining points on such property lines 30 feet from their intersection at the corner of the lot when such action would impede vision above a height of 2 1/2 feet above the centerline grades of the adjacent streets.

F. Requirements for residential areas.

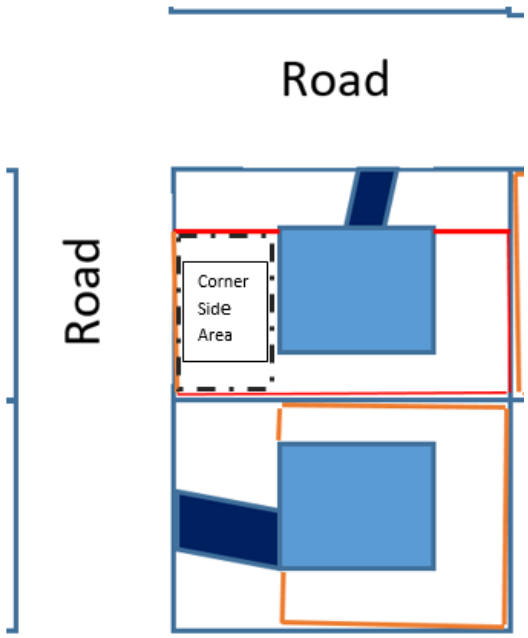
1. General design requirements.

a. The use of barbed wire, or of any electrical current is prohibited.

2. Rear and side yard fence.

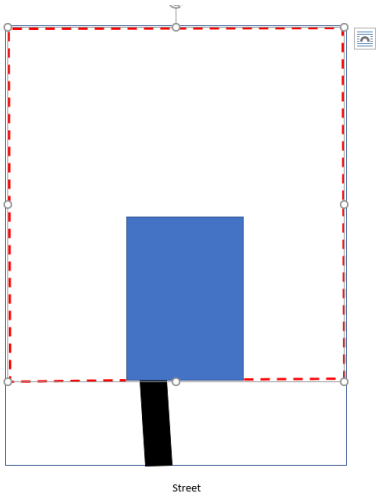
a. Corner Side Yard. Corner side yard fences where the rear lot line is adjacent to the side lot line of a neighboring lot is

permitted to have a fence that shall not exceed 4 feet in height and shall have at least 75 percent open area for passage of air and light. Chain link fences with a minimum gauge of 11 are permitted within this area. The area of a lot that is the corner side yard subject to these requirements is shown in the figure below.



b. Height restrictions. A rear and side yard fence shall not exceed six feet in height, except for fences located in certain corner side yards as described in paragraph F.2.a. above.

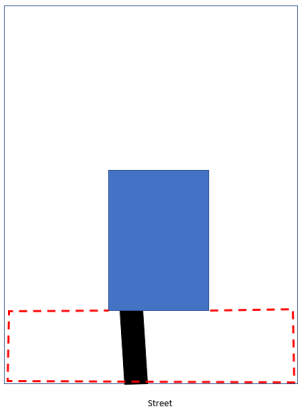
c. Required yard location. A rear yard fence shall be permitted only within the rear and side yards, not extending forward of a line drawn from the front corners of the primary building to the side lot lines as shown in the figure below. If a ~~chainlink~~chain-link fence is constructed, it shall have a minimum gauge of 11.



3. Front fences.

   a. Height restrictions. A fence shall not exceed four feet in height within the limits of the front and side yards.

   b. Design requirements. A decorative fence is the only type of fence allowed within the limits of the front yard as shown in the figure below. The decorative fence shall not exceed four (4) feet in height and shall have at least seventy-five (75) percent open area for passage of air and light. A fence meeting these design requirements may be erected in the front forward of a line drawn across the front line of the principal building. Decorative fences shall include split rail, wrought iron, picket and other similar types of fences that meet the design requirements. Chain link fences are not decorative fences.



4. Screening Fence. Lots within Residential Districts which are developed with single family homes may erect an eight (8) foot high privacy fence along the side or rear of the lot that is adjacent to commercial or industrial lots provided the fence is not located in an area that obstructs traffic visibility with relation to any road or driveway.

G. Requirements for commercial and industrial areas.

1. Fences for screening outdoor storage areas.

a. Height restrictions. All fences required for the screening of outdoor storage areas shall be at least six but not more than eight feet in height.

b. Construction and design requirements.

1) All fences required for screening open storage areas shall have an opacity of at least 90 percent.

2) Screening fences shall be architecturally harmonious with the principal building and shall be compatible with the natural surroundings.

2. Fences for the separation of incompatible land uses.

a. Explanation. Fences used for screening may be required at locations where commercial or industrial uses are adjacent to or across the street from property zoned or developed for residential or public use.

b. Height restrictions. The screening required shall consist of a continuous fence or wall at least six but not more than eight feet in height.

c. Construction and design requirements.

1) The screening fence required shall have an opacity of at least 90 percent.

2) A louvered fence shall be considered adequate if it blocks vision from a 90-degree angle to the fence.

3) Plant materials of a type approved by the City Council may also be required in addition to, or in lieu of, fencing.

d. Required location on property.

1) The screening fence shall not extend to within 15 feet of any street or driveway opening onto a street.

2) The fence shall be placed along property lines or, in case of screening along a street, five feet off the property line with landscaping (trees, shrubs, grass, and other plant materials) between the screening fence and the property line.

3. Fences for protection from danger and of valuable private property. It may be necessary for a commercial or industrial use to construct fences specifically to protect people from danger or to guard valuable private property. Such uses may be enclosed with an industrial ~~chainlink~~chain-link fence of at least six feet but not more than eight feet in height topped with three strands of barbed wire, provided they project over the property on the interior side of the fence.

SECTION 10.67 SIGNS

A. PURPOSE AND FINDINGS.

1. Purpose: The purpose of this Chapter is to create a comprehensive and balanced system of signs which will facilitate communication. It is the intent of the Section to authorize the use of signs which:

a. Encourage a desirable character.

b. Preserve and improve the appearance of the city as a place to live, work and visit.

c. Work to eliminate confusing, distracting, or dangerous sign displays which interfere with vehicular traffic.

d. Promote commerce.

e. Provide for fair and equal treatment of sign users.

f. Promote efficient administration of the sign ordinance through a complete and understandable sign ordinance.

g. Provide for eventual elimination of pre-existing non-conforming signs on a fair and equitable basis.

2. Findings:

a. Signs are an essential element of any community. Their location, number, size, design and relationship to each other and to other structures have a significant influence upon a community's appearance and welfare, and a resultant effect upon a viewer's perception of the community. Signs serve a useful purpose in communicating a message, whether commercial or otherwise.

b. Where signs are not properly regulated, they contribute to visual clutter, confusion, aesthetic blight, and create an unpleasant impression. They may cause traffic hazards and impede rather than enhance commerce. In such situations, signs may fail to achieve their original objective of communication. Failure to appropriately regulate signs may adversely affect the public health, safety and welfare.

c. Property and facilities located within the public right-of-way, such as utility poles, benches, hydrants, bridges, sidewalks, traffic sign posts, and similar structures are not by tradition or designation a forum for communication by the general public. The city wishes to preserve these structures for their intended purpose, which is the safe, efficient and pleasant movement of vehicular and pedestrian traffic, and the safe operation of utility systems.

d. The regulations and prohibitions of the chapter are necessary to preserve items and structures located within the public right-of-way for their intended purposes, and to prevent the visual clutter, blight, and traffic hazards caused by signs.

B. SCOPE OF REGULATIONS.

1. It shall be unlawful for any person to erect, construct, enlarge, move, alter or convert any sign or cause the same to be done within the City except in accordance with the provisions of this Section.

2. Any sign provided for in any zoning district may contain non-commercial messages. To the extent any conflict arises between this provision and any other language found in this Section, this provision shall control.

For purposes of this Section, a "non-commercial message" or "non-commercial speech" shall mean any message or speech that does not meet the definition of "Commercial Message or Commercial Speech" as set forth in this Section. Nothing herein shall be construed to permit display of any message which is obscene, illegal or speech which is otherwise unprotected under the First Amendment of the United States Constitution. Nothing herein shall be construed to prohibit a prosecution for violation of a criminal statute by the City or other duly constituted government authority or a civil action by the City or other private person or entity.

C. GENERAL PROVISIONS:

1. Diagrams: The inclusion of diagrams is for illustrative purposes only. Where a diagram conflicts with text, the text shall control.

2. Prohibited Signs: The following signs are prohibited in all zoning districts: Any sign not specifically allowed by this Ordinance is strictly prohibited in all zoning districts, including flashing signs, roof signs, rotating signs, painted signs, and billboard signs. The following signs are permitted in residential districts for non-commercial purposes only: Banner signs, balloons, pennants, spinners, windsocks, streamers, ribbons, whirling devices, or light bulb strings.

3. Signs Conflicting With Traffic Signals: No sign shall be erected that, by reason of position, shape or color, would interfere in any way with the proper functioning or purpose of a traffic sign or signal. All displays shall be shielded to prevent light from being directed at oncoming traffic in such brilliance as to impair the vision of any driver. This includes indoor signs which are visible from public streets.

4. Dilapidated or neglected signs. A sign will be dilapidated or neglected if it does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign or structures holding the sign, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign Copy.

5. Placement of Signs: Signs are subject to all height requirements listed in Sections 10.26 and 10.28 (charts) of this Chapter and in no case shall a

building sign extend above the height of a building to which it is attached or be placed on the roof of a structure. Signs are not allowed within the public right of way, except for signs installed by the responsible governmental authority.

D. PERMITS:

1. Building permits may be required for signs. **Sign** permits are not required for signage, except that the following types of signs require permission from the City as follows:

   a. Governmental Signs: Except for traffic related signage, all signs on publicly-owned property must be approved by the City Council.

   b. Banner signs on ball field fences may be permitted subject to the following:
      a. Must be approved by the city staff. City staff may bring to Council for final approval at their discretion.
      b. Signs may be permitted on the outfield fencing only and must face the infield.
      c. The number, location, and materials for each proposal shall be determined on an individual basis, and shall be based on the park layout, natural surroundings, and potential visual impact to surrounding properties and scenic views.
      d. To the extent possible, signs shall only be installed for the playing season for which the signs are intended.
      e. The signs shall be kept in good repair, and the City shall have the right to order signs removed if they are not properly maintained.
      f. All signs on a given ball field shall be of the same size and dimensions.

E. Signage Allowed in Any Zoning District

1. The following types of signs are allowed in any zoning district:
   a. One noncommercial sign no larger than 4 square feet and no higher than 4 feet tall may be displayed on any lot in all zoning districts without obtaining a permit provided the sign is setback at least five (5) feet from the property line.

   b. Signs including electronic message devices within the interior of buildings, or signs which are not intended to be visible beyond the premises on which the signs are located are not subject to the regulations set forth in this Section.

   c. Nameplate Signs

d. Construction Signs: Construction signs shall be confined to the site of construction, alteration or repair and shall be constructed of high-quality material maintained in good repair. No more than one sign is permitted on each street frontage the project abuts. The sign shall be removed within 180 days of the date of the issuance of a building permit for the work. A conditional use permit is required for a contractor sign to remain in place longer than allowed by this subsection. Construction signs are allowed in zoning districts in accordance with the following criteria:

ZONING DISTRICT	SIZE	HEIGHT	PLACEMENT/SETBACK
R-1 & R-2	**16 sq. ft. (on vacant property) or 4 sq. ft (for existing single-family home**	**8 foot maximum**	**5 feet from property line/zero if attached to security fence**
All other Districts	**32 sq. ft. per street frontage**	**12 foot maximum**	**5 feet from property line/zero if attached to security fence**

e. Directional Signs: Directional signs may be incorporated into a development including information such as traffic directions, house numbers, management office location or other information necessary to direct persons to facilities or areas within the development; provided however, that such signs shall not exceed 4 square feet in size and 6 feet in height and are not closer than 1 foot from a public street right of way. They shall not be located within the traffic visibility triangle.

f. Flags

g. Temporary Signs: Temporary signs shall be comprised/constructed of durable all-weather materials (such as but not limited to plywood, coreaplast (plastic foam-core) alumacore, and polycarbonate (Lexan) mounted to the building wall or be freestanding. Mobile signs are considered temporary signs.

i. Not more than four temporary signs are allowed per lot zoned commercial and not more than one temporary sign is allowed in lots with other zoning designations, whether mounted to a building or free-standing.

ii. Size: The surface area of any temporary sign shall not exceed 32 square feet. This area shall be in addition to permanent, window or other signage allowed elsewhere in this Chapter.

iii. Location: Freestanding temporary signs shall be setback at least five feet from the property line and not located within a Traffic Visibility Triangle

iv. For signs associated with an event, the sign shall not be installed more than thirty (30) days prior to the event, and shall be removed not more than three days following the event.

h. Signs in compliance with the Fair Campaign Practices Act contained in MINN. STAT. 211.B.045, as amended from time to time

j. Real estate signs to the extent that the following criteria are met and that are removed no later than seven days following the lease or real estate closing:

i. Single and Two-Family Residential Property: For the purpose of selling, renting or leasing any single or two family residential property, a real estate sign not in excess of ten square feet in gross surface area in single and two-family districts may be placed within the front yard or in the public street right of way beyond the front yard. No part of the sign shall be closer than 5 feet from the property line... Only one sign is permitted per street frontage.

ii. Business and Industrial Property: For the purpose of selling, renting, and or leasing business/industrial properties, the following shall apply:

a) Single tenant buildings shall be allowed a real estate sign not exceeding 32 sq. ft. mounted on the building all or incorporated into an existing freestanding sign.

b) Multi-tenant buildings where new signage is requested, said real estate/leasing sign shall be made part of the required Master Sign Plan in this Section.

c) In situations where the selling, renting and/or leasing sign is desired on vacant land/property, a freestanding sign not exceeding 32 sq. ft. shall be allowed.

iii. New Single-Family Neighborhood: For the purpose of selling or promoting a single- or two-family residential neighborhood of six or more lots, a sign not to exceed 32 square feet and not more than eight feet in height may be erected upon the subdivision not less than 5 feet from a property line. One sign shall be permitted for each entrance into a neighborhood. Signs shall be removed within two weeks of the last sale closing. In the event the subdivision is platted in multiple phases or additions, all phases that have been final platted shall be treated as one neighborhood under this section for purposes of determining locations of signage, total number of signs permitted, and completion of neighborhood provisions. Only one sign is permitted per development.

iv. Multiple-Family Residential Property: For the purpose of selling or promoting a multiple-family residential property of six or more dwelling units, a sign not to exceed 32 square feet and not more than eight feet in height or a combination of a freestanding sign and wall mounted signs not to exceed 50 square feet may be erected upon the site not less than 5 feet from a property line. Only one sign is permitted per lot.

k. Security System Signs: Signs identifying the presence of a security or alarm system are allowed not to exceed two square feet.

l. Window Signs: Signs affixed to or painted on windows or placed within 36 inches of a window to be viewed from the exterior of the building shall not occupy more than 25% of the total window area for each window that contains signage. Under no circumstances shall the total area of window signage exceed ½ the allowable area of wall signage for the affected building.

3. Master Sign Plan:

a. Purpose. The purpose of the Master Sign Plan is to establish fair and equitable criteria for complex signage situations that accommodate the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification.

b. Effect of Master Sign Plan. Upon approval of a Master Sign Plan, all future signs shall conform to the Master Sign Plan. Modifications to the provisions of the Master Sign Plan may be granted only with the approval of a new Master Sign Plan.

c. Required. A Master Sign Plan is required for:

i. Building complexes

ii. Multi-tenant structures

iii. Covered mall buildings, shopping centers or strip malls

iv. Planned unit developments

v. Area identification signs

vi. Churches/places of worship/institutions/schools

d. Criteria. The following criteria should be used when developing a Master Sign Plan.

i. Guideline. If possible, the underlying zoning district regulations should be used as a guideline with minimum variations as needed to meet the intent of this Section.

ii. Location. No freestanding sign shall be located closer than five feet to a property line, roadway easement, of other public easement. No freestanding sign shall be erected that, by reason of position, shape or color, would interfere in any way with the proper functioning or purpose of a traffic sign or signal. No freestanding sign shall be located within the Traffic Visibility Triangle. No freestanding sign shall impede/impair traffic.

iii. Quality. All signage shall improve the aesthetics or functional use of the site. All freestanding signs shall include materials that complement the architectural design/existing building materials, including but not limited to face brick, natural or cut stone, integrally colored concrete masonry units/rock faced block, glass, pre-finished metal stucco or similar cementation coating, and/or factory finished metal panels. Landscaping may be integrated into any freestanding sign.

iv. Type. All types of signs are permitted except those prohibited by Section 10.67 (C) (2).

v. Size. The size of all signage (building wall and free standing) shall be limited to 1.5 times the maximum allowed under Section 10.67 (I) (Wall Signage).

vi. Height. The height of any ~~free standing~~free-standing sign shall be limited to a height of 40 feet.

vii. Number. The number of freestanding signs shall be reasonably related to the number of access points to public streets and/or the number of tenants within the multi-tenant structure.

e. Approval Process: Submittal of a Master Sign Plan application, appropriate/applicable information, and fee ~~($250 residential and $350 commercial/industrial)~~ is required with the City Administrator. The City Administrator shall hold an administrative hearing and take appropriate action on requests for Master Sign Plan approvals. The following shall apply:

i. The City Administrator shall schedule an administrative hearing the time and place for which shall be set by the City Administrator, to consider the proposed Master Sign Plan with respect to the criteria in this Section.

ii. The applicant and contiguous/effected property owners shall be notified by the City Administrator of such time and place in writing not less than ten days prior to such hearing. The City Administrator may notify additional property owners if a determination is made that such additional notification is merited.

iii. The City Administrator shall hold the administrative hearing.

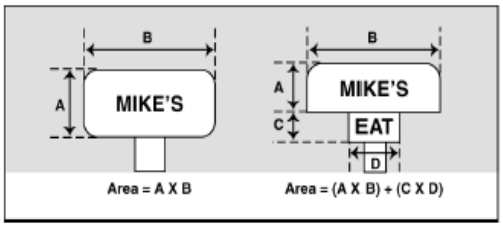
iv. The City Administrator shall render a final decision.

v. Should the applicant or a contiguous property owner object to the decision on the Master Sign Plan, an appeal may be filed within 10 days following the administrative decision. The appeal shall be made in writing and shall be addressed to the City Council. The City Council shall take up the appeal at a regular board meeting within 45 days on the appeal. The Master Sign Plan appeal shall follow notice requirements and other procedures contained in Section 10.12 of this Ordinance.

F. SIGN AREA COMPUTATION

1. Computation of Sign Surface Area of Individual Cabinet or Panel Sign: To compute the area for a cabinet or panel sign face: Compute by means of the smallest square, rectangle, circle, triangle, or combination thereof that will encompass the extreme limit of the copy, representation, logo, emblem, or

other display, together with any material or color forming an integral part of the background or the display or used to differentiate the sign from the backdrop or structure against which it is attached or affixed, but not including any support framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the pertinent zoning regulations and is clearly incidental to the display itself.



2. Computation of Sign Surface Area of Awning or Canopy or Wall Sign: To compute the area of an awning or canopy sign: compute by means of the smallest square, rectangle, circle, triangle or combination thereof that will encompass the extreme limits of the copy, representation, logo, emblem or other display, together with any material or color forming an integral part of the background or the display or used to differentiate the sign from the backdrop.

G. RESIDENCE DISTRICT SIGNS

1. Sign Regulations: The following signs are permitted in residence districts (also refer to chart on next page):

a. Single-Family, Duplex: Exclusive of house numbers, 1 nameplate sign for each single-family or duplex dwelling unit which shall not exceed three square feet in area per surface and no sign shall be so constructed as to have more than two display surfaces and must be at least ten feet from the street right-of-way line..

b. Multiple-Family Units: Exclusive of house numbers, one nameplate sign for each dwelling group of 6 to 12 units which shall not exceed 6 square feet in area per surface. One nameplate sign for each dwelling group of 12 to 24 units which shall not exceed 24 square feet in area per surface. One nameplate sign for each dwelling unit group above 24 units which shall not exceed 1 square foot per unit in the dwelling group to a maximum of 100 square feet in area per surface. Such nameplate signs may be attached to the wall of a building or may be freestanding. In no case shall more than 1 sign be allowed for each dwelling group. All such signs shall conform to setback requirements of the Code. No sign shall be constructed so as to have more than two display surfaces. Said signs may indicate

the names of the buildings, project names, may be a directory for occupants or state any combination of the permitted information.

2. Institutional Uses: Churches, schools and other permitted institutional uses in residence districts may have an illuminated nameplate sign not greater than 50 square feet in gross surface area.

SIGNS ALLOWED IN RESIDENCE DISTRICTS				
	~~RA~~RR, R-1~~2~~, ~~R-1A~~, R-2 Districts			
Type	***Maximum Number Allowed***	***Maximum Sign Area Allowed***	***Placement, Location & Height***	***Restrictions***
Home Occupation	1	2 sq. ft.	In front yard. ~~2 foot~~2-foot maximum height for freestanding sign.	Non-illuminated
Complex "project" Signage	1 per complex or residential developme nt.	50 sq. ft.	5 foot minimum from a property line. ~~6-foot~~6-foot maximum height.	Can be located on building front or be freestanding.
Institutional Use Signs (school/church)	1 per specified use within the structure or campus. EXCEPT on corner lot where a Master Sign Plan is required.	50 sq. ft. maximum on a single sided sign or 100 sq. ft. maximum on a ~~double sided~~double-sided sign.	5 foot minimum from a property line. ~~6-foot~~6-foot maximum height.	Illumination allowed.

H. REGULATIONS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS

1. Within the Business, Shopping Center and Industrial Districts the following requirements pertaining to wall and freestanding signs shall apply:

SIGNS ALLOWED IN BUSINESS, SHOPPING CENTER & INDUSTRIAL DISTRICTS				
	-1, I-2,AND I-3 Districts			
Type	***Maximum Number Allowed***	***Maximum Sign Area Allowed***	***Placement, Location & Height***	***Restrictions***
Wall Sign	Multiple	1 sq. ft. per lineal foot of tenant space or building front (main public entry).	Installed on exterior building wall or facade	Sign area for all sides of building (including fuel canopy) is capped at the Maximum Size Allowed (column 3).
Freestanding Signs	1 on interior lot, 2 on through lot or multiple frontage lot; or as approved w/master sign plan.	75 sq. ft. maximum for single sided sign or 150 sq. ft. maximum on a ~~double sided~~double-sided sign.	5 foot minimum from a property line. ~~20 foot~~20-foot maximum height	

2. CHANGEABLE COPYBOARD AND DYNAMIC DISPLAY SIGNS

Unless specifically prohibited elsewhere in this ordinance, any sign permitted within any Business, Shopping Center and Industrial Districts may contain up to 35% changeable copyboard or dynamic display subject to the following conditions:

a. Dynamic displays may occupy no more than 35 percent of the actual copy area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on the sign face.

b. The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects.

c. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.

d. Every line or copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under clause 1 above, then no dynamic display is allowed.

e. Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign Owner must immediately stop the dynamic display when notified by the City that it is not complying with the standards of this ordinance.

I. THROUGH AND CORNER LOTS

In the case of through lots and/or corner lots, the square footage of signs shall be allowed for all wall areas facing said street based on the requirements as outlined in Section 10.67 (I), except that one freestanding sign shall be allowed per interior or corner lot and two freestanding signs for through lots or multi-fronted lots.

J. NONCONFORMING SIGNS

All nonconforming signs in existence on July 2, 2013 may continue subject to the provisions of Section 10.15 of this Chapter and State Law.

SEC. 10.68. HOME OCCUPATIONS.

Home Occupations are permitted by this Ordinance but must be established and maintained so as to comply with the provisions of the following standards:

A. HOME OCCUPATIONS ALLOWED AS PERMITTED USE

1. No Home Occupation shall require internal or external alterations or involve construction features not customarily found in a Dwelling Unit except where required to comply with local and State fire and police recommendations.

2. Conduct of the Home Occupation does not generate more noise, vibration, glare, fumes, odors, or electrical interference than normally associated with residential occupancy in the neighborhood.

3. The Home Occupation is not of a scale requiring the use of commercial vehicles that are different from those typically used for routine deliveries to homes (FedEx, USPS, or similar home delivery commercial vehicles) for the delivery of materials to or from the premises.

4. The use shall not generate sewage of a nature or rate greater than that normally associated with residential occupancy nor shall it generate hazardous waste or solid waste at a rate greater than that normally associated with residential occupancy.

5. The Home Occupation may increase vehicular traffic flow and parking by no more than one additional vehicle at a time and any need for parking generated by the conduct of a Home Occupation shall be met off the street, other than in a required front yard, and, if in a driveway, in such a manner that access to the garage is not eliminated.

6. No more than one person other than those living in the residence may be employed in the Home Occupation.

7. No outdoor display of goods or outside storage of equipment or materials shall be permitted.

8. No accessory building may be used for operations, display of goods or the storage of equipment or materials used in the Home Occupation.

9. No Home Occupation will be allowed that jeopardizes the health and safety of residents of the City.

10. There shall be no renting of space in a residence for non-residential purposes.

11. Retail is not a permitted home occupation.

12. There shall be no exterior display or exterior signs or interior display or interior signs that are visible from outside the dwelling with the exception of one (1) directional or identification/business sign not to exceed two (2) square feet in area.

B. HOME OCCUPATIONS ALLOWED AS INTERIUM USE

1. Only properties that are zoned ~~RA~~ AG or RR consisting of at least 2 acres and having a driveway access to a county road may be permitted for a home occupation as an interim use under the conditions outlined below.

Commented [CN5]: Need to address those properties that are no longer any of these with new map

2. No Home Occupation shall require internal or external alterations or involve construction features not customarily found in a Dwelling Unit except where required to comply with local and State fire and police recommendations.

3. Conduct of the Home Occupation does not generate more noise, vibration, glare, fumes, odors, or electrical interference than normally associated with residential occupancy in the neighborhood.

4. The Home Occupation is not of a scale requiring the use of commercial vehicles that are different from those typically used for routine deliveries to homes (FedEx, USPS, or similar home delivery commercial vehicles) for the delivery of materials to or from the premises.

5. The use shall not generate sewage of a nature or rate greater than that normally associated with residential occupancy nor shall it generate hazardous waste or solid waste at a rate greater than that normally associated with residential occupancy.

6. The Home Occupation may increase vehicular traffic flow and parking by no more than two additional vehicles at a time and any need for parking generated by the conduct of a Home Occupation shall be met off the street, other than in a required front yard, and, if in a driveway, in such a manner that access to the garage is not eliminated.

7. No more than one person other than those living in the residence may be employed in the Home Occupation.

8. No outdoor display of goods or outside storage of equipment or materials shall be permitted.

9. Accessory buildings may be used for operations, display of goods or the storage of equipment or materials used in the Home Occupation.

10. No Home Occupation will be allowed that jeopardizes the health and safety of residents of the City.

11. There shall be no renting of space in a residence for non-residential purposes.

12. Retail is not a permitted home occupation.

13. There shall be no exterior display or exterior signs or interior display or interior signs that are visible from outside the dwelling with the exception of one (1) directional or identification/business sign not to exceed two (2) square feet in area.

SEC. 10.69. BEEKEEPING.

A. PURPOSE OF ORDINANCE

1. The purpose of this ordinance is to establish certain requirements for beekeeping within the City, to avoid issues which might otherwise be associated with beekeeping in populated areas.

2. Compliance with this ordinance shall not be a defense to a proceeding alleging that a given colony constitutes a nuisance, but such compliance may be offered as evidence of the beekeeper's efforts to abate any proven nuisance.

3. Compliance with this ordinance shall not be a defense to a proceeding alleging that a given colony violates applicable ordinances regarding public health, but such compliance may be offered as evidence of the beekeeper's compliance with acceptable standards of practice among hobby beekeepers in the State of Minnesota.

B. STANDARDS OF PRACTICE

1. Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.

2. Each beekeeper shall ensure that a convenient source of water is available to the colony so long as colonies remain active outside of the hive.

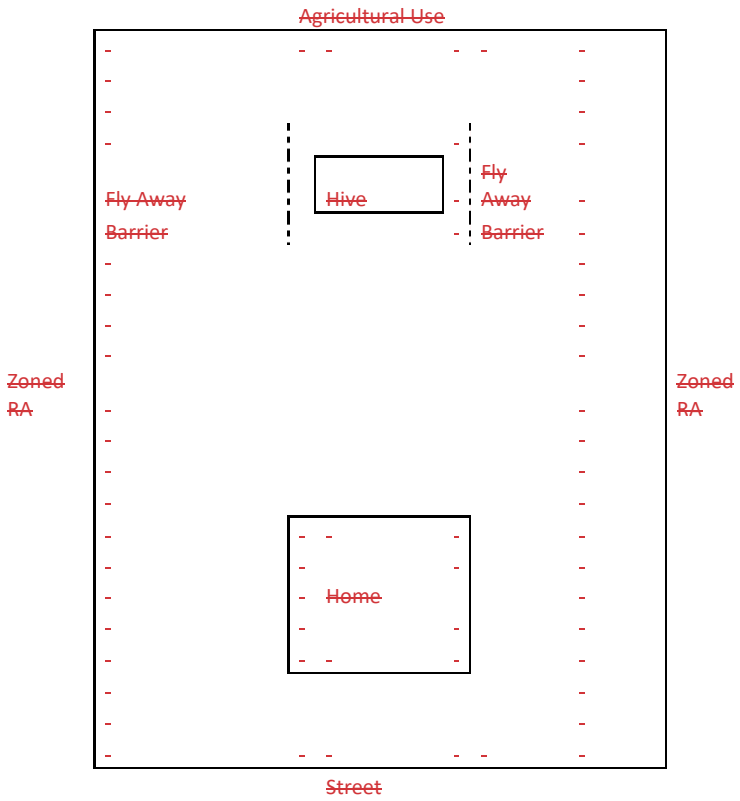
3. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect proof container.

4. For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same apiary lot, one nucleus colony in a hive structure not to exceed one standard 9-5/~~8 inch~~8-inch depth lO-frame hive body with no supers.

5. Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall not be a defense to this ordinance that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.

C. COLONY DESITY

A colony must be kept not less than 50 feet from the property line of the lot upon which it is located. Except as otherwise provided in this ordinance, the beekeeper shall establish and maintain a flyway barrier at least 6 feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination there of, such that bees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be 4 feet in height, so long as the vegetation normally reaches 6 feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for 10 feet in either direction from the hive, or contain the hive or hives in an enclosure at least 6 feet in height. A flyway barrier is not required if the property adjoining the apiary lot line (1) is used for agricultural uses and is not less than twenty acres in size, or (2) is a wildlife management area or naturalistic park land with no horse or foot trails located within 50 feet of the apiary lot line.



1. No person is permitted to keep more than the following numbers of colonies on any lot within the ~~RA~~ AG and RR Zoning District of the City, based upon the size or configuration of the apiary lot:

a.	Less than 2.5 acres:	not permitted
b.	2.5 acres but less than 5 acres:	4 colonies
c.	5 acres to less than 10 acres:	8 colonies
d.	Larger than 10 acres:	no restriction

2. If the beekeeper serves the community by removing a swarm or swarms of honey bees from locations where they are not desired, the beekeeper shall not be considered in violation the portion of this ordinance limiting the number of colonies if he temporarily houses the swarm on the apiary lot in compliance with the standards of practice set out in this ordinance for no more than 30 days from the date acquired.

D. INSPECTION

A designated City official shall have the right to inspect any apiary for the purpose of ensuring compliance with this ordinance between 8 a.m. and 5 p.m. once annually upon prior notice to the owner of the apiary lot, and may inspect without prior notice upon complaint.

SEC. 10.70. OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593.

Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Hanover opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

SEC. 10.71. SINGLE FAMILY DESIGN STANDARDS

A. BUILDING ORIENTATION

1. The placement of a principle building in a perpendicular or sideways orientation on an interior lot or through lot is prohibited.

2. All ~~single-family~~single-family detached dwellings shall be designed such that a primary entrance and windows face street right-of-way, except when the lot is within the ~~RA~~ AG or RR zoning district.

SEC. 10.72. ACCESSORY APARTMENT

Accessory apartments must comply with the following standards:

A. The accessory apartment shall be clearly a subordinate part of the principal single-family dwelling. In no case shall it be more than thirty (30) percent of the building's total floor area nor greater than eight hundred (800) square feet nor have more than two (2) bedrooms.

B. The principal ~~single-family~~single-family dwelling shall have at least 1000 square feet of living space remaining exclusive of garage area after creation of the accessory. Accessory apartments shall have at least 500 square feet of living space. Living space square footage for the accessory apartment shall be exclusive of utility rooms, common hallways, entryways or garages. Living space for the accessory apartment shall include a kitchen or cooking facilities, a bathroom and a living room.

C. No front entrances shall be added to the principal single-family dwelling as a result of the accessory apartment.

D. The principal single-family dwelling must be owner-occupied.

E. A minimum of three off-street parking spaces must be provided, two of which must be enclosed.

F. The accessory apartment and principal single-family dwelling must meet the applicable standards and requirements of the Building Code.

G. The building and property shall remain in single ownership and title shall only have one mailing address.

H. Only one accessory apartment is permitted per detached ~~single family~~single-family home.

SEC. 10.73 MINERAL EXTRACTION

A. PURPOSE

The purpose of this Section is to control mining operations so as to minimize conflicts with adjacent land uses and to ensure that the mining area is reclaimed with a use compatible with the Comprehensive Land Use Plan and completely restored at the completion of the mining operation.

B. ADMINISTRATION

1. Permit Review. An interim use permit shall be required for all mining operations. All existing operations shall obtain a permit within five (5) years following adoption of this Ordinance. The City Council may also require a financial guarantee in a form acceptable to the City from the landowner to ensure that the conditions in this Section are met.

2. Portable asphalt and concrete mixing plants are not allowed as an accessory use to a mining operation.

3. Asphalt and concrete recycling facilities may be allowed under a separate Interim Use Permit subject to conditions including, but not limited to, the following:

   a. The Interim Use Permit for asphalt and concrete recycling facilities may only be issued as an accessory use to an Interim Use Permit for mining operations.

b. A Wright or Hennepin County Solid Waste License is issued for the facility (conditions may be placed on the license limiting volumes, stockpile height, stockpile location, crushing hours, or any other conditions the County considers necessary to protect the interest of the surrounding area).

c. A financial surety in a form acceptable to the City is established to ensure the removal of stockpiled recycle material. The amount of the financial surety shall be established by the City based on the volume of material approved in the IUP to be stored on-site.

d. Processing of recycled material shall be done in compliance with paragraph D of this Section.

e. The maximum volume of recycle material on the site shall not exceed 50,000 cubic yards at any one time.

f. Payment of a road use fee as determined by the City Council.

4. The operations covered by this Section shall be the mining, crushing, washing, refining, or processing of sand, gravel, rock, black dirt, peat, and soil and the removal thereof from the site.

5. For the purposes of this Section, mining shall not include the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats, utility or highway construction, agricultural improvements within the property, sod removal and minor wetland impacts under 20,000 square feet of cumulative impacts (previous and proposed) that have received an approved "no loss" or "exemption" determination from the local government unit administering the Wetland Conservation Act.

6. Renewal of Mining Interim Use Permits. All property owners and residents within one quarter (1/4) mile of the mining operation shall be notified of a proposed mining interim use permit renewal request.

7. Annual Certificate of Permit Compliance. As a condition of any mining interim use permit, the property owner and/or applicant shall annually submit graphic and/or narrative information on the mining operation demonstrating compliance with the approved interim use permit, progress on reclamation plans, and related conditions. Said compliance information shall be submitted thirty (30) days prior to the anticipated opening date of the mine each spring. The Zoning Administrator shall review the compliance information and conduct a field inspection to certify that the mining operation is in compliance with the approved interim use permit and the financial surety are adequate to complete the restoration. The

certification shall be completed before mining begins. Failure to submit the annual compliance information or violations of the interim use permit may be grounds for revocation of the interim use permit.

C. INFORMATION REQUIRED

The following information shall be provided by the person or agency requesting the interim use permit:

1. Name and address of person or agency requesting the interim use permit.

2. The legal property description and acreage of area to be mined.

3. The following maps of the entire site and including all areas within three hundred fifty (350) feet of the site. All maps shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below.

   Map A - Existing conditions to include:
   - a. Contour map (two (2) foot intervals).
   - b. Existing vegetation.
   - c. Wetlands and existing surface water drainage patterns.
   - d. Existing structures.
   - e. Existing wells.

   Map B - Proposed Operations to include:
   - a. Structures to be erected.
   - b. Location of sites to be mined showing depth of proposed excavation.
   - c. Location of machinery to be used in the mining operation.
   - d. Location of storage of mined materials, showing maximum height of storage deposits.
   - e. Location of vehicle parking, access roads and local routes to truck routes.
   - f. Staging of mining activity.

   Map C - End Use Plan to include:
   - a. Final grade of proposed site showing elevations and contour lines at two (2) foot intervals.
   - b. Location and species of vegetation to be replanted.
   - c. Reclamation staging plan.
   - d. Proposed land use and development plan.

4. A plan for dust and noise control.

5. A complete description of all phases of the proposed operation to include an estimate of duration of the mining operation, location and approximate acreage of each stage, and time schedule for reclamation.

6. A description of haul routes to be utilized.

7. Any other information requested by the Zoning Administrator, Planning Advisory Commission and City Council.

D. PERFORMANCE STANDARDS

For mining operations approved after the date of adoption of this Ordinance:

1. General Provisions. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to minimize seeding on adjacent property. All equipment used for mining and extraction operations shall be constructed, maintained and operated in a manner to minimize, as far as practical, noise, dust and vibrations adversely affecting the surrounding property.

2. Water Resources. The mining operation shall be conducted in such a manner as to minimize interference with the surface water drainage outside of the boundaries of the mining operation.

3. Safety Fencing. Safety fencing may be required around all or portions of the mining operation at the discretion of the City.

4. Haul Roads. Haul roads shall have direct access to public roads that are classified as a collector and that do not require access through an area utilized for residential purposes or through downtown Hanover. The location of the intersection of haul roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed with a margin of safety as determined by the Zoning Administrator.

5. Haul Routes. Haul routes on city collector roads shall be identified and shall be located in a manner that provides the closest proximity from a haul road to the nearest county or state road. The city collector road designated as the haul route must be constructed as 10-ton roads. In the event that a collector road does not meet these requirements, the project proposer shall upgrade the roads at their sole expense.

6. Screening Barrier. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier shall be required

between the mining site and adjacent properties. A screening barrier shall also be required between the mining site and any public road located within five hundred (500) feet of any mining, stockpiling or processing operation. A viewshed analysis shall be submitted with the application includes the development of a model of ~~site-specific~~site-specific conditions such as topography, vegetation, equipment, stockpiles and proposed site structures. Key view areas shall be represented through drawings, photos, cross-sections or other imaging methods. The screening barrier shall consist of berms which shall be planted with a species of ~~fast growing~~fast-growing trees. The tree species must be approved by the Zoning Administrator.

7. Dust. Operators shall utilize all practical means to reduce the amount of dust caused by the operation. In no case shall the amount of dust or other particulate matter exceed the standards established by the Minnesota Pollution Control Agency.

8. Setback. Processing of minerals including recycle materials shall not be conducted closer than two hundred fifty (250) feet to the property line, nor closer than five hundred (500) feet to any residential structures.

   a. Mining operations shall not be conducted closer than two hundred (200) feet to any residence or residential zoning district boundary existing on the approval date of the mining interim use permit.

   b. Mining operations shall not be conducted closer than one hundred (100) feet to any property line, or within one hundred feet (100) feet of the right-of-way line of any existing or platted street, road or highway, except that the City Council may permit excavating to be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway engineering plans. Side slopes of the mining operation shall be in conformance with the site plan.

10. Appearance. All buildings, structures and equipment shall be maintained in such a manner as is practical and according to acceptable industrial practice to assure that such buildings, structures and equipment will not become dilapidated.

11. Hours of Operation. All mining operations shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. on weekdays only.

12. Haul Roads. All haul roads from mining operations to public highways, roads or streets shall be paved for a distance of not less than five hundred (500) feet from the point of intersection of the haul road with the public highway, road or street.

13. Mining Operations Within the Shoreland District. Mining and processing operations shall not be located in the shoreland district.

14. Mining Operations Within the Floodplain or Floodway. Mining and processing operations shall not be located in the floodplain or floodway.

15. Mining Operations Near Water Table. Not less than ten (10) feet of separation shall be maintained between the lowest grade mining at which mining is permitted and the water table.

16. Blasting/Explosives. Blasting is prohibited.

17. Noise. The operator shall exercise its best efforts to control noise to minimum practical levels. Backup horns, bells, strobe lights, and other warning devices shall be adjusted to the minimum level required by law. Operator shall use broadband or white noise backup alarms on all its mobile equipment.

E. LAND RECLAMATION

All mining sites shall be reclaimed immediately after mining operations cease. Reclamation shall be completed within one (1) year. The following standards shall apply:

1. Within a period of three (3) months after the final termination of a mining operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of a mining permit, 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. An extension may be granted for those buildings, structures, machinery and plants required to process previously mined materials stored on the site. Security acceptable to the City shall be required. Such extension may apply for only one (1) year, after which said buildings, structures, machinery and plants shall be removed.

2. No part of the reclamation area which is planned for utilization for uses other than open space shall be at an elevation lower than the minimum required for gravity connection to sanitary and storm sewer. Provision for surface water run-off shall be made. All property shall be graded to properly drain. The peaks and depressions of the area shall be graded and back-filled 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 twenty (20) percent grade.

3. Reclamation shall begin after the mining of twenty-five percent (25%) of the total area to be mined or ten (10) acres, whichever is less. Once these areas have been depleted of the aggregate deposit they shall be sloped and seeded in compliance with the end use plan.

4. Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least six (6) inches. The topsoil shall be seeded, sodded, or planted. Such planting shall adequately retard soil erosion.

5. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site and shall be consistent with the end use plan.

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