

CITY OF ASKOV

PERFORMANCE STANDARDS

CHAPTER 2 PERFORMANCE STANDARDS

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2.01. PERFORMANCE STANDARDS.

The performance standards established in this Chapter are designed to encourage a high standard of development. The standards are designed to prevent and eliminate those conditions that cause blight and to assure that neighboring land uses are compatible. All future

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development in all Districts shall be required to meet these standards and the standards shall also apply to existing development where so stated.

2.01(1) DEVELOPMENT STANDARDS.

(A) GENERAL STANDARDS.

- a. All lots or uses will be subject to these general standards as well as other specific regulations which apply to the lot or the proposed use.
- b. All agricultural and livestock operations being conducted in compliance with the terms of this Zoning Ordinance shall not be deemed a violation of this Zoning Ordinance notwithstanding the fact that there may have been changes in the surrounding character of the area. All such operations existing upon the effective date of this Ordinance will be grandfathered in.
- c. All applicants for a Certificate of Compliance or Conditional Use Permit in the Commercial/Business District must explain their business and any manufacturing processes involved. Any business/use storing or using hazardous substances as defined in Title 49 CFR, the Clean Water Act, Hazardous Waste Rules or Department of Transportation Rules must meet all applicable Environmental Standards.
- d. Sloping or Erodible Building Sites. No structure shall be constructed on sites with slopes of greater than twenty-five percent (25%) or on easily erodible soils as defined on the community soils maps and compiled by the Pine County Soil and Water Conservation District.
- e. Permitted Encroachments into Required Setbacks. The following shall be permitted encroachments into setback requirements:
 1. flutes, eaves, and awnings up to three (3) feet in width;
 2. steps, chimneys, sidewalks, and stoops up to four (4) feet in width;
 3. exposed wheelchair ramps, bay windows, and doors up to four (4) feet in width.
- f. Corner Lots. In all districts except the Commercial/Business District, nothing shall be placed or allowed to grow, with the exception of seasonal crops, in such a manner as to materially impede vision between a height of one and one-half (1 – 1 ½) and ten (10) feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of 20 feet from the intersection of the right-of-way lines.
- g. Minimum Width and Foundations. In all Districts where single family dwellings are permitted, the following standards shall apply for single family dwellings:

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1. The minimum width of the main portion of the structure shall be not less than twenty (20) feet, as measured across the narrowest portion.
2. All dwellings shall be placed on a permanent foundation and anchored to resist overturning, uplift, and sliding in compliance with the Minnesota State Building Code.

h. Code Compliance. All principal buildings shall meet or exceed the minimum standards of the Minnesota Building Code, the Minnesota State Fire Code, the Minnesota Department of Health, the Minnesota Pollution Control Agency, and shall be connected to City of Askov water and sewer system, except that manufactured home shall meet or exceed the requirements of HUD or of the State of Minnesota Manufactured Home Building Code.

i. Number of structures. There shall be no more than one (1) principal structure on any one (1) parcel of land, unless otherwise authorized by the Zoning Ordinance.

j. Certain Dwelling Units Prohibited. No cellar, garage, recreational vehicle or trailer, basement with unfinished exterior above, accessory building, or manufactured home older than 10 years at the date of application shall be used at any time as a dwelling unit.

k. Traffic Control. The traffic generated by any use shall be controlled so as to prevent congestion of the public streets, traffic hazards and excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be regulated so as to ensure its safe and orderly flow. Traffic into and out of commercial, business, and industrial areas in all cases shall be forward moving with no backing into streets. Traffic patterns established before the adoption date of this ordinance are exempt.

l. 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 proceedings.

m. Access Drives, Access, and Service Roads. Access drives onto County roads shall require an access permit from the Pine County Public Works Department. This permit shall be issued prior to the issuance of any land use permits. 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. Access drives onto State roads shall require an access permit from the Minnesota Department of Transportation. This permit shall be issued prior to the issuance of any land use permits. The Minnesota Department of Transportation shall determine the appropriate

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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.

n. Private Roads. Private roads are not allowed in any new subdivisions created after the effective date of this Zoning Ordinance.

o. No structure shall exceed the maximum height permitted for the Zoning District in which it is located except for church spires, chimneys, flag poles, and home-use antennas. Any other structures greater than the maximum height permitted shall be subject to Conditional Use Permits in all Districts. Wireless Communication Facilities are regulated in accordance to Chapter 4 of the Askov Zoning Ordinance.

p. Structures must be set back a minimum of 50' from a major underground pipeline easement.

q. Unclassified Water Bodies. All lots having frontage on or containing an unclassified water body as defined in the Pine County Shoreland Management Regulations shall be subject to the setback regulations in those regulations.

2.01(2) ACCESSORY STRUCTURES.

(A) REQUIRED PERMITS. A land use permit is required to proceed with the construction, placement, alteration, repair, enlargement, demolition, or removal of any building or structure, of more than eighty (80) square feet or ten (10) feet in height with a fixed ground location, or part thereof or change in use of a building, structure or land.

2.01(3) ENVIRONMENTAL REGULATIONS.

(A) HAZARDOUS MATERIALS.

a. All uses associated with the bulk storage of over two thousand (2,000) gallons of oil or motor oil shall require a Conditional Use Permit. Storage of any other regulated material in other than consumer quantities for personal use shall require a Conditional Use Permit.

b. All existing, above ground liquid storage tanks having a capacity in excess of two thousand (2,000) gallons shall secure a Conditional Use Permit within twelve (12) months following the enactment of the Zoning Ordinance.

c. Secondary containment shall be provided for hazardous materials which are stored above ground and for all areas where hazardous materials are loaded or unloaded. Above-ground liquid storage tanks must have secondary containment, suitably sealed to hold a leakage capacity equal to one-hundred -ten percent (110%) of the tank's capacity.

d. Any area used for the storage of hazardous materials shall not contain interior floor drains. If floor drains are essential to business operation, then the facility shall:

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1. Connect the floor drain to a closed holding tank; or
 2. Obtain a groundwater discharge permit from the Minnesota Department of Natural Resources.
- e. The storage and/or preparation area for hazardous materials with more than 25 gallons or 100 pounds dry weight must be set back a minimum of 150' from a water supply well.
 - f. Hazardous materials stored in an above ground storage tank with containment must be set back a minimum of 100' from a water supply well.
 - g. Dry commercial fertilizers must not be located in areas where storm water runoff from stockpiles could enter storm sewers, sanitary sewer, or other surface or ground water.
 - h. Dry bulk pesticides with a dry weight of 100 pounds or more shall be stored under a roof or tarpaulin that excludes precipitation from reaching the pesticide.
 - i. Closed holding tanks shall be used for the collection of wastewater from vehicle maintenance and other related operations.
 - j. Primary containment of hazardous materials shall be product-tight and all hazardous materials shall be stored in compliance with the rules and regulations of Federal, State, County, and Local agencies.
 - k. The Minnesota Pollution Control Agency and Federal agency requirements for storage leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.
 - l. Underground storage tanks shall comply with the requirements of the Minnesota Pollution Control Agency and Federal agencies.

(B) EXPLOSIVES. Uses involving the commercial storage, use, or manufacture of materials or products which could detonate by decomposition are not permitted.

(C) RADIATION AND ELECTRICAL INTERFERENCE. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of ordinary business or household equipment and appliances. Any such omissions are hereby declared to be a nuisance.

(D) NUISANCES. No noise, odors, vibration, smoke, air pollution, liquid, or solid wastes, heat, glare, dust or other such adverse influences shall be permitted in any District that will have an objectionable effect upon adjacent or nearby property owners and residents. Minimum standards shall be as follows:

- a. Noise, Air and Water Pollution. Notwithstanding anything contained herein to the contrary, the standards of the Minnesota Pollution Control Agency for noise, air, and water pollution shall be the standards applied in those areas.

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- b. Vibration. The following vibrations are prohibited:
1. Any vibration discernible (beyond the property line) to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.
 2. Any vibration resulting in any combination of amplitudes and frequencies beyond the “safe” range of the most current standards of the United States Bureau of Mines on any structure. These standards shall not apply to vibrations created during the process of construction.
- c. Public Health. The following are declared to be nuisances endangering public health and are prohibited:
1. Causing or allowing the effluent from any cesspool, septic tank, drain field, or human sewage disposal system to discharge upon the surface of the ground, or dumping the contents thereof at any place except as authorized by the Minnesota Pollution Control Agency.
 2. Causing or allowing the pollution of any public well or cistern, stream or lake, canal, or body of water by sewage, industrial waste, or other substances.
 3. Failing to dispose of carcasses of animals within twenty four (24) hours after death.
 4. Any use shall be so operated as not to discharge across the boundaries of the lot or through evaporation into the atmosphere or the subsoil beyond the boundaries of the lot wherein such use is located toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, or welfare, or cause injury or damage to property or business.
 5. The ownership, possession, or control of any unused refrigerator or other container, with doors which fasten automatically when close, of sufficient size to retain any person and which is exposed and accessible to the public, without removing the doors, lids, hinges or latches, or providing locks to prevent access by the public.
- d. 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.
- e. Inoperable Vehicles. Passenger vehicles and trucks in an inoperable state shall not be parked in any District, except in a location authorized as a vehicle reduction yard or enclosed building, for a period exceeding seven consecutive days.

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(E) HAZARDOUS WASTE Any use which generates, processes or disposes of hazardous waste shall comply with the standards and regulations of the Pine County Hazardous Waste Management Ordinance, Minnesota Pollution Control Agency, and any other federal, state, and local agencies.

2.01(4) EXTERIOR STORAGE ALONG MAJOR HIGHWAYS AND COUNTY ROADS.

(A) APPLICABILITY. These standards are applicable in all Districts to all property with frontage on a major highway or county road or within ¼ mile of the major highway or county road.

(B) PERFORMANCE STANDARDS.

- a. In all districts, all useable personal property shall be stored within a building or fully screened so as not to be visible from major highways and county road, except for the following: recreational equipment, construction, and landscaping materials and equipment currently (within a period of twelve (12) months) being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking of licensed and operable passenger automobiles and pickup trucks.
- b. In Commercial Districts, exterior storage of useable personal property along county roads 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 Zoning Ordinance and will not be contrary to the intent and purpose of this Zoning Ordinance.

2.01(5) FENCES.

(A) APPLICABILITY. These standards shall apply in all districts.

(B) GENERAL PERFORMANCE STANDARDS.

- a. Fences are permitted in accordance with the following regulations:
 1. That side of the fence considered to be the face (finished side as opposed to the structural supports) shall face the abutting property.
 2. No fence shall be constructed on public rights-of-way.
 3. Fences shall not impede the vision of the roadway from a driveway providing access to the road.
 4. Where a property line is not clearly defined, a certificate of survey may be required by the Zoning Administrator to establish the location of the property line.
 5. Fences which exceed six (6) feet in height are permitted provided a land use permit is received.

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6. Fences may be placed along a property line provided no physical damage of any kind results to abutting property. Fences on or within one (1) foot of the property line shall require a Certificate of Compliance.
 7. Signatures of Approval from all adjacent property owners must be obtained and recorded with the Zoning Administrator if a fence is going to be constructed within 1-foot of a surveyed property line or 2 feet from an assumed property line.
- b. Fences are permitted along a property line abutting a road right-of-way in accordance with the following:
1. On properties where the primary use is residential, commercial, or industrial, fences shall not exceed six (6) feet in height. Fences within the non-buildable setback area and less than twenty (20) feet from the front property line shall not exceed four (4) feet in height.
 2. Fences on all other parts of the property shall be subject to the regulations of the local unit of government.

2.01(6) LAND ALTERATION AND GRADING.

(A) REQUIRED. Land alteration and grading of two hundred (200) cubic yards or more and/or the disturbance of land area of 1,000 square feet or more shall be permitted with a grading permit. A permit is not required for the following: grading activities associated with a construction project provided a land use permit is issued and there is a minimal amount of land disturbance, subdivisions that have received final plat approval and driveways permitted in conjunction with a land use permit.

- a. The application for a grading permit shall include an existing and a finished grade plan. The finished grade plan shall show no adverse effects on adjacent land. The Zoning Administrator may require information in addition to this plan, including but not limited to, a plan for fire control, general maintenance of site, control of vehicle ingress and egress, drainage and control of material disbursed from wind or hauling of material to or from the site.
- b. Grading permit applications will be reviewed by the Zoning Administrator. When deemed necessary they shall also be reviewed by the Pine County Soil and Water Conservation District, the City Engineer and/or the Minnesota Department of Natural Resources. Costs incurred from this additional review shall be paid by the applicant prior to the review unless billing arrangements are agreed upon in advance.
- c. A grading, drainage, and erosion control plan may be required if, in the judgment of the Zoning Administrator, significant soil erosion, vegetation destruction or drainage damage may occur during the land alteration process. This plan shall be prepared by the Soil and Water Conservation District and shall

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contain specific recommendations regarding soil protection, preservation of vegetation and drainage patterns during the land alteration process.

d. The Zoning Administrator may recommend/require the applicant to post a bond or other financial guarantee to ensure compliance with the grading permit. Costs incurred by outside agencies are the responsibility of the applicant.

e. The Minnesota Pollution Control Agency requires a Storm Water Control Permit when over one acre of land is going to be disturbed. When required, this permit must be part of the grading permit application.

(B) GENERAL STANDARDS. The following general standards shall apply for grading, drainage, and erosion control:

a. All development shall conform to the natural limitations presented by the topography and soil so as to create the best potential for preventing soil erosion.

b. Slopes over twenty five percent (25%) (4:1) shall be carefully reviewed to ensure adequate measures have been taken to prevent soil erosion, sedimentation, vegetative, and structural damage.

c. Development on slopes with a grade between thirteen (13%) (8:1) and twenty five (25%) (4:1) percent shall be carefully reviewed to ensure adequate measures have been taken to prevent soil erosion, sedimentation, vegetative, and structural damage.

d. Erosion and siltation measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.

e. The drainage system shall be constructed and operational as quickly as possible during construction.

f. Whenever possible, natural vegetation shall be retained and protected.

g. Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the disturbed area. The soil shall be restored to a depth of three (3) inches and shall be quality at least equal to the soil quality prior to development.

h. When soil is exposed, the exposure shall be for the shortest feasible period of time. No exposure shall be planned to exceed sixty (60) days. Said time period may be extended with approval of the Zoning Administrator provided measures have been established for erosion and sedimentation control.

i. The natural drainage system shall be used as far as feasible for the storage and flow of runoff. Storm water drainage shall be discharged to sediment, detention or retention basins or other treatment facilities. Prior to discharge to wetlands, diversion of storm water to marshlands or swamps shall be considered for existing and planned surface drainage. Wetlands used for stormwater shall

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provide for natural or artificial water level control. Storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flow, erosion damage, and construction cost.

(C) EROSION CONTROL. The following measures shall be taken to control erosion during the construction process.

- a. Exposed slopes shall not be steeper in grade than four (4) feet horizontal to one (1) foot vertical (25%).
- b. Exposed slopes shall be protected by whatever means effective to prevent erosion considering the degree of the slope, soil material, and expected length of exposure. Slope protection may consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast-growing grasses, or temporary seeding of annual grasses.
- c. Control measures, other than those stated above may be used in place of the above measures to control if it can be demonstrated that they will as effectively protect exposed slopes.

(D) SEDIMENT CONTROL. The following measures shall be taken to control sediment from leaving the construction site:

- a. Temporary barriers shall be constructed to prevent sediment from leaving the site. These barriers may consist of silt fences or straw bale sediment traps or rock dams.
- b. Temporary sediment basins or traps may be required to remove medium and large-sized sediment particles from runoff and reduce discharge velocity.
- c. The Zoning Administrator may require a temporary rock driveway at the site entrance to prevent sediment from leaving the site on the tires of vehicles.
- d. The Zoning Administrator may require that mud, concrete, and debris be removed from the road surface.

(E) RESTORATION. All permits shall contain a restoration plan providing for the use of land after project completion. The following are minimum standards for restoration.

- a. All disturbed areas shall be restored at the completion of the project.
- b. All restoration shall include the application of a minimum of four (4) inches of a mineral topsoil or similar material that will support plant growth.
- c. Final grades shall be in conformity with the permit and topography of the surrounding land.
- d. If the land is to be restored to crop production, no slope shall exceed five (5) feet horizontal to one (1) foot vertical (20%).
- e. If the restoration is not for crop production, no grade shall exceed four (4) feet horizontal to one (1) foot vertical (25%).

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f. All restored areas shall be seeded with a mixture recommended by the Soil and Water Conservation District or returned to crop production.

g. The standards in b, c, d, and e above may be raised or modified to accommodate a specific restoration plan.

(F) FLOODPLAINS. Land alteration in floodplains shall also be in accordance with floodplain regulations.

(G) DRAINAGE.

a. No land shall be developed or altered and no use shall be permitted that results in surface water runoff causing unreasonable flooding, erosion, or deposit of materials on adjacent properties or waterbodies. Such runoff shall be properly channeled into a storm drain, a natural watercourse or drainageway, a ponding area or other public facility.

b. Upon inspection of any site which has created drainage problems or could create a drainage problem with proposed new development, the owner of said site or contractor may be required to complete a grading plan and apply for a grading permit.

c. The owner or contractor of any natural drainage improvement or alteration may be required to obtain a grading permit.

d. On any slope in excess of thirteen percent (13%) (8:1) where the natural drainage pattern may be disturbed or altered, the owner or contractor may be required to obtain a grading permit.

(H) WETLAND PRESERVATION. The alteration of wetlands shall comply with the rules and regulations of federal, state, and local agencies.

(I) PRESERVATION OF NATURAL DRAINAGEWAYS/WATERWAYS. The regulation of this subsection shall be administered by the Zoning Administrator unless the Watershed Management Organization has permitting authority. In that event, the regulations of the Watershed Management Organization shall take precedence.

a. Storm sewers may be used where it can be demonstrated that the use of the above-ground natural drainage system will inadequately dispose of runoff. Surface water drainage systems may be constructed to augment the natural drainage system.

b. The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.

c. No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.

d. The banks of the waterway shall be protected with permanent turf vegetation.

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- e. The banks of the waterway should not exceed five (5) feet horizontal to one (1) foot vertical.
- f. The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks and waterway.
- g. The bed of the waterway should be protected with turf or sod. If turf or sod will not function properly, riprap may be used. Riprap shall consist of quarried limestone or field stone (if random riprap is used). The riprap shall be no smaller than (2) inches square nor larger than two (2) feet square.
- h. The flow velocity of runoff waterways shall be controlled to a velocity that will not cause erosion of the waterway. If the flow velocity in the waterway is such that erosion of the turf sidewall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the side walls. Riprap would be allowed to prevent erosion at these points.
- i. Flow velocity should be controlled through the installation of diversions, berms, slope drains, and other similarly effective velocity control structures.
- j. To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.
- k. Temporary pervious sediment traps could consist of a construction of hay bales with a low spillway embankment section of sand and gravel that permits slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the construction state of the development. Development of housing and other structures shall be restricted from the area on either side of the waterway to channel a twenty five (25) year storm.
- l. Permanent impervious sediment control structures consist of sediment basins (debris basins, desiltation basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.
- m. The erosion and velocity control structures shall be maintained in a condition that will ensure continuous functioning according to the provisions of this Zoning Ordinance.
- n. Sediment basins shall be maintained as the need occurs to ensure continuous desilting action.
- o. The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly condition. The banks of the sediment basin shall be landscaped.

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p. Prior to the approval of a plat for development, the developer shall make provisions for continued maintenance on the erosion and sediment control system.

2.01(7) LIGHTING.

(A) NONCONFORMING USES. Whenever an outdoor light fixture that was existing on the effective date of this Zoning Ordinance is replaced by a new outdoor light fixture, the new fixture must meet the standards of this Zoning Ordinance.

(B) PERFORMANCE STANDARDS.

a. In all Districts, any lighting used to illuminate an off-street parking area or other structure or area shall be arranged as to deflect light away from the adjoining residential property or from the public street.

1. Shielding. The light source shall be hooded or controlled so as not to light adjacent property in excess of the maximum intensity defined in Section 2.01(7)(B)a.2. Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way except when enclosed in decorative light fixtures.

2. Intensity. No light source or combination thereof which casts light on a public street shall exceed one (1) footcandle meter reading as measured from the centerline of said street nor shall any light source or combination thereof which cast light on adjacent property exceed four-tenths (0.4) footcandle as measured at the property line.

b. Commercial Business District. Any lighting used to illuminate an off-street parking area or other structure or area shall be arranged as to deflect light away from any adjoining property or from the public street.

1. Shielding. The luminaire shall contain a cutoff which directs and cuts off the light at an angle of 90 degrees or less. In order to achieve a total cutoff at ninety (90) degrees, such a luminaire will emit maximum (peak) candle power at an angle not exceeding seventy-five (75) degrees.

2. Intensity. No light source or combination thereof which casts light on a public street shall produce more than one (1) footcandle at the centerline of said street nor shall any light source or combination thereof which casts light on adjacent property produce more than four-tenths (0.4) footcandles as measured at the property line.

3. Height. The maximum height above the ground grade permitted for light sources mounted on a pole is 20' except by Conditional Use Permit. A light source mounted on a building shall not exceed the height of the building and no light sources shall be located on the roof unless said light

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enhances the architectural features of the building and is approved by the Zoning Administrator.

4. Location. The light source of an outdoor light fixture shall be setback a minimum of 10' from a street right-of-way.

5. Hours. The use of outdoor lighting for parking lots serving Commercial businesses is restricted according to the following: Outdoor lighting which serves businesses that do not operate after dark must be turned off one (1) hour after closing except for approved security lighting. For those businesses which offer services after dark, outdoor lighting may be utilized during the night time hours provided the business is open for service. Once the business closes, the outdoor lighting must be turned off one (1) hour after closing except for security lighting.

c. Outdoor Recreation. Outdoor recreational uses such as, but not limited to, baseball fields, football fields, tennis courts, and soccer fields, have special requirements for night time lighting. Due to these unique circumstances, a Conditional Use Permit shall be required for all new outdoor lighting fixtures which do not meet the regulations stated above.

1. No outdoor recreation facility whether public or private shall be illuminated after 11:00 PM, unless the lighting fixtures conform to this Zoning Ordinance.

2. Off-street parking areas for outdoor recreation uses which are illuminated shall meet the requirements stated in Section 2.01(7)(B)a.2.

(C) PROHIBITIONS. The following outdoor light fixtures are prohibited within the City of Askov.

a. Search lights shall not be used.

b. Flashing lights.

c. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding shall be directed into any adjoining property.

2.01(8) PARKING.

(A) SURFACING 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 surface may include crushed rock, recycled concrete and/or asphalt, class 5 gravel, asphalt, concrete, or other materials 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:

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- a. Spaces accessory to dwellings shall be on the same parcel as the principal use served.
- b. Spaces accessory to uses located in Commercial District shall be on the same lot as the principal building or an adjacent lot. Parking as required by the Americans with Disabilities Act (ADA) for the handicapped shall be provided.
- c. Spaces accessory to commercial/industrial use shall be set back five (5) feet from any street right-of-way or any property line.

(C) GENERAL PROVISIONS.

- a. Existing off-street parking spaces and loading spaces upon the effective date of this Zoning Ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar use.
- b. No motor vehicle over three (3) tons capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored on residential properties except when loading, unloading or rendering service.
- c. A parking space shall be no less than ten (10) feet wide. Parking spaces for the handicapped shall be in accordance with the Americans with Disabilities Act (ADA).

	<u>Stall Length</u>	<u>Drive Width Behind</u>
Parallel	22'	N/A
45°	22'	13'
60°	21'	18'
90°	19'	24'

**Parking spaces for the handicapped shall be in accordance with the Americans with Disabilities Act (ADA)

- d. Off-street parking facilities accessory to residential uses shall be utilized solely for the parking of passenger automobiles and trucks none of which exceed three (3) tons. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to employees, owners, tenants, or customers of nearby businesses or manufacturing establishments.
- e. 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.
- f. 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

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same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, the owner of the principal use shall file a recordable document with Pine County requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

g. Required off-street parking space in any District shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for sale or for rent.

h. Off-street parking spaces recommended shall be as follows for:

Place of Worship and Other Places of Assembly	One (1) space for each three (3) seats or for each five (5) feet of pew length. Based upon maximum design capacity.
Offices	One (1) space for each two hundred (200) square feet of gross floor space.
Hotel, Motel	One (1) space per unit, plus one (1) space per employee.
Schools, Elementary & Junior High	Three Spaces for each classroom.
Schools, High School through College	One (1) space for each four (4) students based on design capacity plus three (3) additional spaces for each classroom.
Community Residence	One (1) space for each bed plus one (1) space for each three (3) employees other than doctors.
Health Club	One (1) space for each 200 square feet of floor area.
Motor Vehicle Service Station	Two (2) spaces plus three (3) spaces for each service stall.
Retail Store	Four (4) spaces for each one thousand (1,000) square feet of gross floor area.
Medical or Dental Clinic	Six (6) spaces per doctor or dentist.
Restaurants, Cafes, Bars, Taverns, or Night Clubs	One (1) space for each two and one half (2 ½) seats, based on capacity design.
Funeral Homes	Eight (8) spaces for each one thousand (1,000) square feet of gross floor area.
Furniture Store, Wholesale, Auto Sales, Repair Shops	Three (3) spaces for each one thousand (1,000) square feet of gross floor area. Open sales lots shall provide two (2) spaces for each five thousand (5,000) square feet of lot area, but not less than three (3) spaces.
Uses Not Specifically	As determined by the Zoning Administrator.

Parking spaces for uses outlined above may be reduced if a detailed parking analysis is provided and approved by the Zoning Administrator or City Council

(D) DESIGN AND MAINTENANCE OF OFF-STREET PARKING AREAS IN COMMERCIAL/BUSINESS DISTRICT.

a. 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

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State of Minnesota Highway Department Standards, but in no case shall they exceed thirty-two (32) feet in width or less than twenty-four (24) feet in width. Driveway access shall be located so as to cause the least interference with traffic movement.

- b. When the calculation of number of off-street parking spaces required results in a fraction, such fraction shall require a full space.
- c. Any lighting used to illuminate an off-street parking area shall be in accordance with Section 2.01(7) of this Zoning Ordinance.
- d. All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than five (5) feet from the side property line.
- e. It shall be the joint responsibility of the operator and owner of the principal use or building to reasonably maintain the parking space, accessways, landscaping and required fencing.
- f. All off-street parking spaces shall have access from driveways and not directly from the public street.
- g. No parking space shall be closer than five (5) feet to any building.
- h. Fire access lanes shall be provided as required by the building or fire code.

2.01(9) SCREENING.

(A) APPLICABILITY. These standards apply to Commercial uses and other non-residential uses.

- a. Prior to a commercial/business use or any other non-residential use, receiving a permit to build or add to an existing structure, a proposal for screening must be presented and approved.
- b. The screening installed shall be maintained by the property owner.

2.01(10) DRIVEWAYS, DAMAGE TO PUBLIC ROADS AND EROSION CONTROL.

(A) EROSION CONTROL MEASURES. Prior to commencement of any excavation or construction activity, the property owner shall cause silt fence or a substitute material approved by the City Zoning Administrator to be placed on all areas of the property where runoff will occur onto City roads or easements, wetlands or adjoining property. The silt fence or substitute material shall be placed in a manner to prohibit discharge of soil or sediment from the excavation or construction site onto City roads, easements, wetlands, or adjoining property.

(B) PERMITS. No driveway shall be constructed, moved or widened in the City unless a permit for such construction has been obtained from the City Clerk unless the driveway is being constructed to serve as the sole entrance to a structure for which a land use permit has been obtained. Any driveway which connects to the street in more than one location shall require a permit. Prior to issuance of a permit the applicant may be required to provide information requested by the City to ensure that the proposed driveway will not create a traffic safety

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hazard, will meet the setback provisions of the City Code and will not create an undue burden on neighboring property in terms of noise, dust or drainage. Compliance with this Section will not relieve the property owner from the obligation to obtain a permit from Pine County to construct a driveway accessing a county road. The applicant shall pay a fee as established by the Council for the permit or such other amount as may be determined from time to time by Resolution of the City Council.

- a. A variance is applied for through the Planning Commission. The City Council has the final action as with any other variance.

(C) DRIVEWAY SETBACK. Driveway shall be set back 10 feet as measured from the nearest edge of the driveway to the property line. On 2.5 acre and larger parcels, driveways must be set back at least 20 feet. Setbacks must be 40 feet from a property corner at an intersection in residential districts and 60 feet in commercial districts. The City Council may, upon application from a property owner, vary this requirement in accordance with the standards set forth in Section 2.01(10) of the Performance Standards.

(D) SAFETY SPECIFICATIONS. All driveways within the City which provide access to residences or other structures shall be constructed and maintained to a minimum width of 10' and shall be free from overhanging obstructions, including but not limited to tree limbs, to a minimum height of 14' above the driveway surface.

(E) ENFORCEMENT OF SAFETY SPECIFICATIONS. The City Official shall not issue a Certificate of Compliance for any structure unless it is served by a driveway meeting the safety specifications set forth in Section 2.01(12)(D).

2.01(11) SIGNS. OUTDOOR ADVERTISING. Only official identification, directional or traffic control signs shall be allowed within the public right-a-way unless approved by the Zoning Administrator.

(A) ON-SITE SIGNS. On-site signs at industrial, commercial or service establishments shall be limited to three (3) display units not to exceed twenty-five (25) square feet for each twenty-five (25) linear feet of total street frontage, advertising only goods or services for sale or produced on the property. For home occupation (cottage industries), only one unlighted sign not exceeding six (6) square feet in area may be displayed.

(B) OFF-SITE ADVERTISING.

- a. Off-site advertising signs shall be permitted in C and I Zone districts only as conditional uses. Off-site advertising signs shall be permitted at tourist service areas and visitor information centers designed for the purpose of informing the motoring public of services available within the city or the nearby area.
- b. Off-site advertising structures shall not be erected which exceed 350 square feet in advertising area. The maximum size limitation stated herein shall apply to

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each facing of an off-site advertising sign. Two outdoor advertising signs not exceeding 30 square feet each may be erected in a facing (end to end).

c. The change in advertising message, maintenance and repair, or the use of extensions, cut-outs or embellishments upon an existing advertising structure, or structural alteration provided that thereby the advertising structure is not caused to exceed any size limitation imposed by this ordinance.

d. Off-site advertising signs shall not obscure safe sight distances or conflict with official signs or safety devices.

e. Off-site advertising signs shall not be erected which contain, include or are illuminated by any flashing light or lights, except those giving public service information, such as time and temperature. Lighted signs shall be shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of any street or highway and shall not be of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle or obscure any official traffic sign, device, or signal.

f. A canopy may project to within two (2) feet of the curb of the street or to within three (3) feet of the end of the paved portion of any street, provided that the base of any such canopy is at least fourteen (14) feet above the grade of the street.

2.02 STANDARDS FOR USES.

2.02(1) ACCESSORY APARTMENTS.

(A) **REQUIRED PERMITS.** Accessory apartments are allowed in the R-1, and R-2 Districts.

(B) **OTHER REQUIREMENTS.** The accessory apartment must comply with the State Building Code.

(C) **PERFORMANCE STANDARDS.** An accessory apartment must comply with all of the following standards:

a. There shall be no more than one accessory apartment within the single family dwelling unit.

b. The structure in which an accessory apartment is located shall be owner occupied.

c. No separate curb cut shall be permitted for the accessory apartment unit.

d. The Certificate of Compliance will be reviewed annually. The owner shall obtain a Certificate of Compliance once a year in the month of January for the duration of the use, presenting at the time of such renewal, proof in the form of an affidavit that the circumstances for which the Certificate of Compliance was issued have not changed.

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2.02(2) CAR WASH.

(A) REQUIRED PERMITS. A car wash is permitted in the Commercial District with a Conditional Use Permit.

(B) OTHER REQUIREMENTS. The car wash must comply with all Rules and Regulations of Federal, State, County, and City agencies.

(C) PERFORMANCE STANDARDS. A car wash must comply with all of the following requirements:

- a. The site shall be designed to provide additional parking or car stacking space to accommodate that number of vehicles which can be washed during a 15 minute period.
- b. The car wash shall be serviced with a public sanitary sewer system or with an on-site recycling water system that meets or exceeds State requirements and that assures protection of the surface water and groundwater in the City and its environs.

2.02(3) ESSENTIAL SERVICES – GOVERNMENT USES, BUILDINGS AND STORAGE.

(A) REQUIRED PERMITS. Essential services – government uses, buildings, and storage are allowed in all Zoning Districts with a Certificate of Compliance.

(B) OTHER REQUIREMENTS. The essential service must comply with all rules and regulations of federal, state, county and City agencies.

(C) PERFORMANCE STANDARDS. The essential service must comply with all of the following standards:

- a. Structures must be set back in accordance with the required setbacks of the Zoning District.
- b. The site shall be landscaped to screen the facility from view from property lines and road.

2.02(4) ESSENTIAL SERVICES – UTILITY SUBSTATION.

(A) REQUIRED PERMITS. Essential services – utility substations are allowed in all Zoning Districts with a Certification of Compliance.

(B) OTHER REQUIREMENTS. The essential service must comply with all rules and regulations of federal, state, county and City agencies.

(C) PERFORMANCE STANDARDS. The essential service must comply with all of the following standards:

- a. Notwithstanding the prohibition against two or more uses on an individual parcel, the lot area for essential service-utility substation can be acquired by lease provided, however, the lot shall be large enough so all structures/facilities comply with the required setbacks for the Zoning District.

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- b. If the approved lot, if no longer needed or used by the utility, the applicant shall return the property to its original state. The Zoning Administrator may require a bond to ensure compliance with this standard.
- c. A Certificate of Compliance shall be recorded with the County Recorder.
- d. Utility substations to any other essential service as defined above containing antennas and towers greater than 45' in height must comply with Chapter 4 of the Zoning Ordinance.

2.02(5) HOME OCCUPATIONS.

(A) REQUIRED PERMITS. Home occupations are allowed in all Residential Districts.

(B) PURPOSE. The City Council of the City of Askov finds that there is a need in the City for a process to allow certain limited business uses in R-1 and R-O Districts where such use is accessory to the primary residential use of the property. The City Council finds that home occupation uses should be allowed by Conditional Use Permit subject to annual review and renewal.

(C) HOME OCCUPATION USE DEFINED. A home occupation use for purposes of this Chapter shall mean a business or commercial use of a residential property where the residential use is the primary use and the following conditions are met:

- a. The home occupation use is operated by persons who reside full time on the property for which the home occupation permit is issued, except that the home occupation use may include one person who is not a resident of the property.
- b. The home occupation use shall be carried on wholly within the principal and accessory structure on the property except not more than a total of two vehicles, pieces of heavy equipment, or trailers may be stored outside.
- c. No stock in trade or business inventory shall be stored or kept outside.
- d. The home occupation use shall not include any retail or over the counter sales.
- e. The home occupation use shall not generate noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare which creates a public nuisance or interferes with the reasonable use of surrounding properties.
- f. The home occupation use, including, but not limited to vehicles, equipment or trailers shall be screened from adjoining property. Adjoining property shall include property separated only by a public road. Screened shall mean that the stored property cannot be seen from adjoining lots. Screening material shall include trees, shrubbery, or other vegetation which screens the use from adjoining property as approved prior to issuance of a permit.
- g. Hours and intensity of the operations may be limited by the CUP so as not to unreasonably impact neighboring property and shall be set forth in the Conditional Use Permit.

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- h. On-site storage of significant quantities of hazardous, bio-hazardous or flammable material for use by or as a by-product of the home occupation shall not be permitted.
- i. No home occupation shall be permitted that creates the need for more than three (3) parking spaces at any given time in addition to the parking spaces required by the occupants of the building. All parking spaces must be off-street. No parking associated with the use will be allowed on public roads or right-of-way. No street access shall be allowed for a home occupation use which would not be allowed for a purely residential use of the same property.
- j. On-site signage will be prohibited except as follows:
 - 1. One sign per dwelling, exclusive of mail box identification
 - 2. Maximum size of 18 x 24 inches (432 square inches)
 - 3. Professional in appearance and installation
 - 4. Non-illuminated
 - 5. Adequately maintained
 - 6. The purpose of a sign shall be to identify the location of the business. Direct advertising is not permitted purpose of the sign. Temporary signs, roof signs, non-conforming sign, banners, and pennants will not be allowed.
- k. CUP is needed for any home occupation. If the home occupation requires a license from any other civil authority, the conditions imposed in the CUP shall become a part of such license. The nature and conduct of the home occupation shall at times be legal within the laws of the Federal, State, or local government in order to maintain the CUP. Violations of either the license or requirements of the CUP shall cause the City to terminate the CUP.
- l. The home occupation must comply with all stipulations of the approved CUP. Failure to do so will result in a revocation of the permit. Additionally, any change in the use may result in permit revocation. The city must be notified to any changes in use.

(D) PROCEDURE. A CUP permit is a permit granted by the Askov City Council allowing a “conditional” use to occur on a specified parcel of land subject to compliance with certain enumerated conditions. The granting of the CUP is the responsibility of the Askov City Council. A public hearing for the CUP must be held by the Planning Commission and a recommendation from this forwarded to the City Council. Fee schedules for the CUP shall be set by the City Council.

(E) CERTAIN USES EXCEPTED.

- a. Occasional business activity conducted by individuals at their homes or non-profit organizations, (i.e. churches, schools) at their building sites within the City

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are exempt from the provision of this ordinance so long as the business activity is closely limited in time (15 days per year) or extent (on-street parking). Examples of these activities include:

1. Garage or yard sales
2. Craft sales
3. Sale of individual vehicles or equipment
4. Dinners
5. Pot-luck meals

(F) EXAMPLES OF HOME OCCUPATION USES.

- a. Professional Office
 1. Hair dressing
 2. Teaching – limited to five students at any one time
 3. Franchise sales of home and beauty products delivered to the customer
 4. Limited day care
 5. Pet care and grooming
 6. Lawn mower or small engine repair
 7. Self-employed contractor
 8. Snow-plowing
 9. Lawn maintenance service
 10. Hobby and craft

(G) EXAMPLES OF ACTIVITIES NOT CONSIDERED HOME OCCUPATION USES.

- a. Retail store front shops
- b. Restaurants or similar uses
- c. Bed and breakfast
- d. Public storage

2.02(6) KENNELS – COMMERCIAL

(A) REQUIRED PERMITS. In the R-O and I Districts, a Conditional Use Permit is required for commercial kennels. Commercial kennels are not allowed in any other District.

(B) OTHER REQUIREMENTS. Commercial kennels must comply with all rules and regulations of federal, state, county and City agencies.

(C) PERFORMANCE STANDARDS. Commercial kennels must comply with all of the following standards.

- a. The minimum lot area required for commercial kennels is five (5) acres.
- b. Any outdoor structures used for the confinement, care, or breeding of animals shall be setback a minimum of one hundred (100) feet from any property line and fifty (50) feet from any water supply well.

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- c. An individual sewage treatment system shall be installed with the capacity to handle waste and hoses from the kennel and kennel runs.

2.02(7) LIVESTOCK AND LIVESTOCK OPERATIONS.

(A) REQUIRED PERMITS.

- a. Refer to Chapter 3 ZONING REGULATIONS for which Districts are allowed livestock and livestock operations

(B) OTHER REQUIREMENTS. Livestock and livestock operations must comply with all rules and regulations of federal, state, county and City agencies.

20.2(8) MOTOR VEHICLE REPAIR.

(A) REQUIRED PERMITS. A Conditional Use Permit is required for motor vehicle repair establishments in the Commercial District.

(B) OTHER REQUIREMENTS. Motor vehicle repair establishments must comply with all rules and regulations of federal, state, county and City agencies.

(C) PERFORMANCE STANDARDS. Motor vehicle repair establishments must comply with all of the following standards:

- a. Lots and structures utilized for motor vehicle repair must meet the minimum standards of the Zoning District in which the use is located.
- b. A drainage system for collection of any hazardous material run-off must be installed. Such system shall be subject to approval by the Zoning Administrator.
- c. The entire site, other than that devoted to structures and landscaped areas, shall be an impervious surface and maintained for control of dust, erosion, and drainage.
- d. Location and number of access driveways shall be approved by the State if located along a state highway, County Engineer if such establishment is located along a county road and by the local City Engineer, if located along a City road.
- e. No vehicles shall be parked on the premises other than those utilized by employees, customers awaiting service or as allowed through a Conditional Use Permit. Storage of salvage vehicles shall be prohibited.
- f. All areas utilized for the storage and disposal of trash, debris, discarded parts, and similar items shall be fully screened. All structures and ground shall be maintained in an orderly, clean and safe manner.
- g. Landscaping shall be planted to buffer the use from adjacent residential land uses. A landscape plan shall be submitted to the Zoning Administrator at the time of application for a Conditional Use Permit.

2.02(9) MOTOR VEHICLE SERVICE STATION.

(A) REQUIRED PERMITS. A Conditional Use Permit is required for motor vehicle service stations in the Commercial District.

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(B) OTHER REQUIREMENTS. Motor vehicle service stations must comply with all rules and regulations of federal, state, and county agencies.

(C) PERFORMANCE STANDARDS. Service stations must comply with all of the following standards:

- a. A minimum lot width of 150 feet is required.
- b. The setbacks of all buildings, canopies and pump islands shall be in compliance with the standards of the Commercial District.
- c. A drainage system for collection of hazardous materials must be installed. Such installation is subject to approval by the Zoning Administrator.
- d. The entire site other than that devoted to structures and landscaped areas, shall be an impervious surface and maintained for control of dust, erosion, and drainage.
- e. Wherever fuel pumps are installed, pump islands shall be installed. Pump islands shall not be placed in the required yards.
- f. Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curb shall be six inches in height, except at approved entrances and exits.
- g. Access drives onto a county road must be approved by the County Engineer. Access drives onto a City road must be approved by the City of Askov Engineer.
- h. No vehicles shall be parked on the premises other than those utilized by employees, customers awaiting service, or as allowed through a Conditional Use Permit. Storage of salvage vehicles shall be prohibited.
- i. Exterior storage shall be limited to vehicles, service equipment, and items offered for sale on pump islands; exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays, and similar structures designed to display merchandise, or as indicated by the Conditional Use Permit.
- j. All areas utilized for the storage and disposal of trash, debris, discarded parts, and similar items shall be fully screened. All structures and ground shall be maintained in an orderly, clean, and safe manner.
- k. Landscaping shall be planted to buffer the use from adjacent residential land uses. A landscape plan shall be submitted to the Zoning Administrator at the time of application for a Conditional Use Permit.

2.02(10) PUBLIC RECREATION FACILITY.

(A) REQUIRED PERMITS. A Conditional Use Permit is required for Public recreational facilities in all Zoning Districts.

(B) OTHER REQUIREMENTS. Public recreational facilities must comply with all rules and regulations of federal, state, and county agencies.

(C) PERFORMANCE STANDARDS.

- a. All structures (including backstops, goalposts, etc.) shall meet the required setbacks for the District in which it is located.
- b. There shall be no overnight accommodations provided for the guests or visitors of the recreation area.
- c. A concession or temporary food stand may be permitted on the property provided it only serves food and refreshments to guests and visitors of the facility.
- d. Information shall be provided regarding the recreational activities provided, number of members, and participants in the recreation programs, sanitary facilities and waste disposal, security, lighting, and hours of operation. As deemed necessary the City Council may restrict the operation of the facility.
- e. Exterior lighting will be designed in compliance with City of Askov ordinances. Any lighting shall not exceed one-half foot candle at the nearest existing residential home.
- f. The noise levels on the sight shall not exceed the levels allowed by the Minnesota Pollution Control Agency regulations. In the event that there are noise complaints, the Applicant agrees to meet with the Askov City Council to discuss ways of alleviating the noise complaints.
- g. The hours of operation shall be limited to 9:00 a.m. to 10:00 p.m. Monday through Thursday and 7:00 a.m. to 10:00 p.m. Friday through Sunday. Everyone will be off the property by the designated closing time except for persons attending meetings inside a structure and all field lights will be shut off by the designated closing time.
- h. Screening may be required to buffer the use from adjacent residential land use.
- i. A transportation management plan shall be submitted to the Zoning Administrator at the time of application. This plan shall address off-street parking and traffic control, including the mitigation of overflow parking and traffic movement to the public street system and impact on the surrounding roadways. The transportation management plan shall include periodic monitoring of traffic to and from the facility.
- j. A grading and drainage plan shall be submitted. The standards of the Watershed Management Organization or Watershed District and the Pine County Soil and Water Conservation District must be met.
- k. The Applicant shall execute and deliver to the City a developer's agreement in a form approved by the City Attorney. The developers agreement shall provide security which, in the opinion of the City Engineer, will be sufficient to restore

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the property to a condition which should not cause surface water runoff to neighboring properties or create other nuisances to adjoining properties and which would allow for removal of any partially constructed site improvements in the event the Applicant failed to complete the project.

I. The Applicant shall pay all reasonable expenses of the City in connection with the review of its plan and the inspection and approval of all improvements to be made by the Applicant.

2.02(11) SCHOOLS

(A) REQUIRED PERMITS. A Conditional Use Permit is required for schools in all Districts.

(B) OTHER REQUIREMENTS. Schools must comply with all rules and regulations of federal, state, county and City agencies.

(C) PERFORMANCE STANDARDS. Schools must comply with all the following standards:

- a. The minimum lot area required for schools is two and one half (2-1/2) acres.
- b. Landscaping may be required to be installed to buffer the use from adjacent land uses and to provide screening. A landscape plan shall be submitted at the time of application for a Conditional Use Permit, if requested by the Zoning Administrator.

2.02(12) MULTIPLE USE COMMERCIAL CENTERS (MUCC)

(A) REQUIRED PERMITS. Multiple Use Commercial Centers are permitted in the Commercial District with the issuance of a Conditional Use Permit.

(B) OTHER REQUIREMENTS. Multiple Use Commercial Centers must comply with all rules and regulations of federal, state, and county agencies.

(C) PERFORMANCE STANDARDS. Multiple Use Commercial Centers must comply with all of the following requirements:

- a. Multiple Use Commercial Centers shall have direct access to an arterial, or collector street, or local street as designated in the Comprehensive Plan.
- b. The Multiple Use Commercial Centers must comply with the use requirements and dimensional standards of the Commercial District.

2.02(13) WIND ENERGY CONVERSION SYSTEMS.

(A) PURPOSE AND INTENT. The purpose is to establish regulations for wind energy conversion systems. A wind energy conversion system is defined as one (1) tower with rotors and motors with one conversion generator.

- a. Required Permits. A Conditional Use Permit is required for a wind energy conversion system in all zoning districts.
- b. Other Requirements. Wind Energy Conversion Systems shall comply with all rules and regulations of Federal, State, County, and local agencies.
- c. Performance Standards. Wind Energy Conversion Systems must comply with the following standards:

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1. If the wind energy conversion system is 40 feet or less in height, it may be located on a parcel 2.5 acres or greater in size.
2. A wind energy conversion system greater than 40 feet must be located on a parcel at least ten (10) acres in size.
3. One wind energy conversion system is permitted on a parcel
4. The maximum height of a wind energy conversion system shall be 100 feet. The system height shall be measured from the base of the tower to the highest possible extension of the rotor.
5. No lights, flashers, reflectors, or any other illuminated devices shall be affixed to the wind energy conversion system.
6. The wind energy conversion system shall be located so as to have the least impact on adjoining parcels.
7. No wind energy conversion system shall be located within any required setback and shall have a minimum setback from any property line a distance equal to the height of the tower.
8. Rotors shall not exceed 26 feet in diameter and shall have a clearance of 10 feet above the ground. Each wind conversion system shall be equipped with both a manual and automatic breaking device capable of stopping the wind energy conversion system in high winds (40 MPH or greater).
9. All State, County and local noise standards must be met. Applicable electrical permits/inspections must be obtained.
10. To prevent unauthorized climbing, wind energy conversion system towers must comply with one of the following provisions:
 - i) Tower climbing apparatus shall not be located within 12 feet of the ground.
 - ii) A locked anti-climb device shall be installed on the tower.
 - iii) A protective fence at least 6 feet in height shall be erected.
11. The color of the structure shall be either gray or off-white.
12. In the event of permit revocation or if the wind generator is no longer used, the wind generator must be removed and the site restored to its original condition within 120 days.

2.02(14) PUD (PLANNED UNIT DEVELOPMENT)

(A) Planned Unit Developments. The Council, after receiving the recommendations of the Planning Commission, may authorize departures from the requirement of this ordinance for any planned unit development (PUD) if the Planning Commission and the Council determine, after reviewing a complete plan for the PUD, that the proposal is consistent with the Comprehensive Plan of the City and is consistent with the general purposes of this ordinance

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and the project complies with the requirement of this section. A PUD may consist of residential, commercial or industrial development or any combination thereof.

(B) Ownership. The tract of land included in the PUD shall be under unified control at the time of application and shall be scheduled to be developed as one unit.

(C) Minimum Lot Size. The minimum lot size requirements of this ordinance do not apply to a PUD except that the minimum lot size requirements for the district corresponding to the main use of the PUD (for residential, R-1, etc.) shall serve as the criterion to determine the maximum dwelling unit density of the total development. The City may, however, authorize a greater dwelling unit density if the City determines that the proposed PUD is consistent with the Comprehensive Plan of the City.

(D) Set-back and Side Yard Requirements. The PUD plan shall be consistent with the set-back, side yard, and rear yard requirements of the zoning district corresponding to the PUD's principal use. For example, a PUD planned for commercial purposes shall meet the set-back, side yard, and rear yard requirements of the commercial district.

(E) Open Space. A minimum of ten percent of each PUD shall be reserved for open space. For industrial or commercial PUDs, a parking lot conforming to the off-street parking requirement of Chapter 2.01(8) shall be provided and shall satisfy the open space requirement.

(F) Procedure.

1. Preliminary Development Plan. An application for approval of a preliminary development plan for a proposed PUD shall be filed with the Planning Commission by an owner or lessee of the property. The application shall be accompanied by a filing fee as required by the City's Master Fee Schedule plus any expenses incurred by the city. The application with accompanying statement shall be submitted in three copies and shall include, in addition to such information as the Planning Commission may require, a vicinity map showing in such a manner as the Planning Commission may require the relationship of the proposed PUD to the Comprehensive Plan of the City, to existing public facilities and services, and to the surrounding area; a preliminary plan of the PUD area showing proposed uses, densities, proposed street and off street parking areas, the specifics of the development plan and the proposed schedule for development. The Planning Commission shall, after holding a public hearing in the same manner as required for amendments to this ordinance, recommend approval or disapproval of the preliminary proposal with such changes and conditions as it may suggest and shall transmit its recommendations to the City Council.
2. Action by the Council. The Council shall thereupon consider the application and, after holding such public hearing as it deems desirable, shall approve or

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disapprove the application with such changes and conditions, if any, as it may deem appropriate.

3. Final Review and Approval. Within twelve months of such approval by the City Council, the applicant shall file an application for review and approval of the final development plan. The final application shall be accompanied by a filing fee as indicated on the Master Fee Schedule plus expenses incurred by the City. A final application and its supporting documentation shall give the same information required to plats under the subdivision control ordinance of the City of Askov in addition to such other information as required by this Ordinance and the Planning Commission for approval of the preliminary plan. In addition, the application shall be accompanied by such other documentation as specifically required by the Planning Commission and the Council for the particular PUD.

4. Action on Final Application. Procedure for action by the Planning Commission and the City Council on an application for review and approval of the final PUD plan shall be the same as prescribed for action on the preliminary proposal. The final development plan shall conform to the preliminary development plan as approved.