

SECTION VI

PERFORMANCE STANDARDS

---GENERAL---

6.1 Bond.

Before any construction shall commence on any improvements that are going to be maintained by the City, the developer shall post with the City a Performance Bond or other financial security satisfactory to the City in the amount of 125% of the total cost of the water, sanitary sewer, storm sewer, sewage disposal and street construction as estimated by the Engineer giving the City the ability to remove or complete the construction with the security if the developer defaults on his plans for any reason. For PUD's, the developer shall also post with the City a Performance Bond or other financial security satisfactory to the City in the amount of 10% of the total cost of the construction of common items that are included in the development as estimated by the Engineer giving the City the ability to remove or complete the construction with the security if the developer defaults on his plans for any reason.

The City may, at its discretion, allow construction and approval of the utilities and streets after preliminary approval, but before final approval in lieu of the bond.

6.2 Signs.

1. Purpose. The purpose of this provision is to protect the general welfare and safety of the City by providing a policy of aesthetic development to prevent signs from intruding on the rural and residential character of the City; to provide adequate signs for direction and property identification purposes; to provide adequate signs for commercial use.
2. General.
 - A. Unmentioned signs or signs for discontinued business will be removed 60 days after notification by the Zoning Administrator or after discontinuance of the business.
 - B. Conditional Use Permits and Zoning Permits shall consider protecting sight distance at intersections, driveways and curves.
 - C. All flashing, revolving and intermittently lighted signs are prohibited.
 - D. Temporary signs pertaining only to the construction, sale or rental

of the premises allowable provided they do not exceed 9 square feet in any zone and are removed within 30 days of the completion of construction, sale or rental.

- E. A non-conforming sign may be refaced, removed and replaced for maintenance purposes, however it shall not be increased in size, the support system shall not be improved and the sign shall be removed in its entirety upon the determination by the Zoning Administrator that the sign is in disrepair or the support system is failing.
 - F. Residential and commercial signs may not contain elements commonly used by highway departments to alert, direct or caution traffic such as, but not limited to, octagonal stop signs or speed limit signs.
- 3. All signs are considered structures and require a Zoning Permit.
 - 4. Public Signs and Name Directory Signs at Intersections. Signs placed by the City, County, businesses or residents to relate the laws or ordinances, to provide direction, shall be considered exempt from the provision.
 - 5. Residential directory signs shall be wood, no more than 6 inches high and 2 square feet and all use common posts. Commercial directory signs shall be no more than 6 square feet at major intersections and shall all be stacked on a common post.
 - 6. Onsite Signs.
 - A. Residential Districts.
 - 1. Signs shall not be internally or externally lighted but may be reflective.
 - 2. No sign shall be larger than 3 square feet, except as provided in (4) below.
 - 3. Only one sign per principal use shall be allowed.
 - 4. Signs for home occupations shall not exceed 6 square feet.
 - B. Commercial Waterfront and Commercial Districts.
 - 1. Signs flush on a building and not protruding shall cover a maximum of 15% of any face of the building.
 - 2. Each lot shall have the choice of one of the following for a second onsite sign:
 - a. A sign protruding from the front of the building not more than 4 feet a maximum area of 24 square feet.

- b. A roof mounted sign not more than 6 feet above the roofline with a maximum sign area of 24 square feet per face.
 - c. A free standing sign with a sign area not larger than 48 square feet 10 additional square feet per additional business in same building or development complex under one ownership. Maximum height shall be 10 from ground to top of sign.
3. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards.
- a. No advertising signs or supporting facilities for signs may be placed upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or a permit issued by the county sheriff.
 - b. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than 10 feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
 - c. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent illumination out across public waters. This does not preclude use of navigational lights.

C. Recreational District

- 1. Each Recreationally zoned development may be allowed on-site signage as regulated by a conditional use permit. Unless otherwise allowed, the size of any single sign shall not exceed 48 square feet in area. The sign may be back to back with up to 48 square feet per face. No sign shall

- exceed 10 feet from ground to the top of the sign.
- 2. A parcel of land may have internal directional signs that are not visible from the public road or adjacent parcels of land.
- 3. No roof-mounted signs shall be allowed.
- 4. All signage attached to a building shall not cover more than 10% of any face of a building.
- 5. No signage shall be allowed to direct any light on to an adjacent parcel of land or cause a traffic hazard.

D. General - Onsite Signs.

- 1. Present non-conforming onsite signs are considered permissible non-conforming uses except portable units or flashing lights, which shall be eliminated upon enactment of this Ordinance.
- 2. Portable advertising such as streamers, banners and portable signs shall not be allowed.
- 3. A sign for a multi-business complex may be addressed separately in the C.U.P. for the principal use to allow innovations and may be allowed to have a sign area exceeding the maximums if found compatible with the surrounding area by the Planning Commission.

6. Offsite Signs.

- A. Off-site signs are prohibited. Any existing off-site signs are considered non-conforming structures.

6.3 Nuisance Standards.

1. Performance Standards.

- A. Compliance required. Every use permitted by this Ordinance shall be so established and maintained as to comply with the provisions of this section. The Council may require the complaining party to provide such tests or investigations by an independent testing organization satisfactory to the Council as are necessary to show non-compliance with these standards. The entire cost of such investigations and tests shall be paid for by the complaining party unless the results disclose non-compliance with these standards; in the event, the entire cost shall be borne by the owner or operator. This provision does not preclude the City from making any

investigations and tests it finds appropriate to determine compliance with these standards.

- B. Noise. Noises emanating from any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NCP 7010. In no instance shall noise emanations constitute a nuisance.
- C. Odor. No use shall cause the discharge of toxic, noxious or odorous matter beyond the limits of the site where it is located in such concentrations as to be obnoxious or otherwise detrimental to the public health, safety, comfort or welfare or cause injury to property or business.
- D. Glare. Direct or reflected glare, such as from floodlights, spotlights or high temperature process, and as differentiated from general illumination, shall not be visible beyond the sight of origin at any property line. Any lights used for exterior illumination shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted where in view of adjacent property or public right-of-way. Except for public street lights, any light or combination of lights which cast light on a public street shall not exceed one foot-candle as measured from the property line of said street. Any light or combination of lights which cast light on residential property shall not exceed one foot-candle as measured from the property line of said property.
- E. Vibration. Vibration at any property line shall not be discernible to the human sense of feeling for three (3) minutes or more duration in any one (1) hour period. Vibration of any kind shall not produce at any time an acceleration of more than one-tenth (1/10) gravities or result in any combination of amplitudes and frequencies beyond the "safe" range of Table VII United States Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting" on any structure. The methods and equations of that bulletin shall be used to compute all values for the enforcement of this provision.
- F. Smoke. The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations APC 7017. Open burning shall

require a DNR burning permit.

- G. Dust and Other Particulate Matter. The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7011.
- H. Fumes or Gases. Fumes or gases shall not be emitted at any point in concentrations that are noxious, toxic or corrosive. The values given in Table I (Industrial Hygiene Standards - Maximum Allowable Concentration for eight hour day, five days per week), Table III (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Damage to Vegetation) in the latest revision of Chapter 5, "Physiological Effects" that contains such tables, in the "Air Pollution Abatement Manual" published by the Manufacturing Chemists' Association, Inc., Washington D.C., are hereby established as guides for the determination of permissible concentration and amounts. The City may require detailed plans for the elimination of fumes or gases before the issuance of a Zoning Permit.
- I. Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of such materials. Such hazards shall be kept removed from adjacent activities to a distance that is compatible with the potential danger involved.
- J. Wastes.
 - 1. All waste generated shall be disposed of in a manner consistent with all Minnesota Pollution Control Agency rules.
 - 2. Any accumulation of waste generated on any premises not stored in containers which comply with Minnesota Pollution Control Agency rules, or any accumulation of mixed solid waste generated on any premises which has remained thereon for more than one week, or any accumulation of infectious, nuclear, pathological, or hazardous waste which is not stored or disposed in a manner consistent with Minnesota Pollution Control Agency rules, is a nuisance and may be abated and the cost of abatement may be addressed against the property

where the nuisance is found.

3. The accumulation, storage, processing, and disposal of waste on any premises, which is not generated on that premises, is prohibited, except as specifically provided in this Ordinance.

K. Air Pollution. Every activity shall conform to State regulations relating to air quality standards and air pollution control.

L. Erosion and Drainage.

1. No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of sediment on adjacent properties.
2. All storm sewer inlets and drainage ways that are functioning during construction shall be protected so that sediment laden water does not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
3. All on-site storm water conveyance systems must be designed and constructed to withstand the design volume of storm water with appropriate stabilization to prevent scour and erosion. Erosion controls must be provided at the outlets of all storm sewer pipes or drainage ways.
4. All temporary and permanent erosion and sediment control practices shall be maintained and repaired to assure the continued performance of their intended function.
5. All disturbed ground left inactive for seven or more days shall be stabilized by seeding or sodding or by mulching or covering or other equivalent control measure.
6. All temporary erosion control devices, including silt fence, gravel, hay bales or other measures shall be removed from the construction site and properly disposed of or recycled. This removal and disposal must occur within 60 days of the establishment of permanent vegetative cover on the disturbed area.

M. Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

N. Fertilizers, herbicides and pesticides. No person shall place, spread

or store fertilizers, herbicides and/or pesticides in any manner other than that recommended by the manufacturer or in any manner which allows any escape of nutrients or toxins into the air, ground water or surface water of the City.

- O. Buildings. No person shall allow a building, mobile home/manufactured house, or other structure to be abandoned, deteriorated or a safety hazard. All abandoned, deteriorated or unsafe structures shall be removed. If the owner fails to remove the structure, the City shall do so and assess the cost against the property through the County taxation method.
- P. Bulk Storage (liquid). All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with County, State and Federal agency requirements, and have documents from those respective agencies stating the use is in compliance.

6.4 Fences.

1. Fences not exceeding 60 inches in height may be constructed on a property line except within the Waterfront setback area of R-2, R-3 or C-W District. Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road.
2. Fences not meeting the requirements of 6.4 (1) shall require a Conditional Use Permit.
3. Fences shall not be erected where they create a visual safety hazard in the opinion of the Zoning Administrator.
4. Fences shall consist of usual fencing materials with posts and fence of metal, wood, concrete, brick or smooth wire.

6.5 Storage.

1. Exterior Storage.
 - A. All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: Laundry drying, recreational equipment, construction and landscaping materials and equipment currently being used for construction of the premises, woodpiles, agricultural equipment and materials if these are used or intended

for use on the premises, off-street parking except as otherwise regulated herein. Boats, recreational vehicles, less than 30 feet in length and fish houses are permissible if stored in the rear yard not less than 10 feet distance from any property line.

- B. Abandoned vehicles shall not be stored outside in any District. Existing abandoned vehicles shall be removed within 30 days after the adoption of this Ordinance.
2. Bulk Storage.
- A. All uses associated with the bulk storage of oil, gasoline, liquid propane, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the Minnesota State Fire Marshall, the Minnesota Pollution Control Agency and Minnesota Department of Agriculture Office and when in excess of normal domestic requirements shall have documents from those offices stating that the use is in compliance. No storage facility shall be constructed or placed where spillage from the facility would drain to a drainageway or public waters without providing complete containment.

6.6 Visual Standards - Screening.

1. No use shall create, maintain or continue any activity or structure which has a strong negative visual impact or offends the morals or violates the standards of the City.
2. Where any business or industry is adjacent to property zoned residential or any use cannot meet the visual standards of the City, screening shall be provided by the business or offending use.
3. Screening required shall be in addition to normal landscaping and planting, and consist of a visual obstruction completely containing the activity on the commercial or offending use property assuming off-leaf conditions.
4. Screening may consist of dense evergreen planting 8 feet or more in height, wood walls with 100% obstruction, a building wall consisting of aesthetically pleasing materials (with no signing) or similar structures. All structural elements shall meet required setbacks.

6.7 Sanitation Standards.

1. Solid Waste. All solid waste shall be disposed of in accordance with the standards of Cass County.
2. Domestic Sewage.

- A. All structures shall discharge into a municipal sanitary system if available.
 - B. All structures shall have an individual or common sewage disposal system meeting the requirements as provided in 4.5(2) MPCA Rules Chapter 7080.
 - C. All non-conforming systems shall be brought into conformance.
 - D. Sewage tanks being abandoned shall be thoroughly pumped and filled with soil.
3. Agriculture or Animal Wastes.

Within the shoreland area, 1000 feet from a lake or 300 feet from a watercourse, no waste products from agriculture or animal husbandry operations shall be deposited by man at any greater rate than the plant and soil system can absorb the nutrients; nor shall any wastes be allowed to accumulate where surface waters flow directly to public waters or watercourses.

4. Water Supply.
- A. All structures shall be connected to a municipal water supply, if made available.
 - B. All domestic and agricultural wells shall conform to the Minnesota Department of Health Standards for wells.
 - C. All water systems shall meet the requirements of the Minnesota Department of Health Standards for water systems.
 - D. All wells being abandoned shall be sealed according to Minnesota Department of Health Standards and report to Minnesota Department of Health and the City.

6.8 Animals.

- 1. Pets shall be properly cared for, shall not be allowed to create problems for neighbors or the City, or become a nuisance, and shall have sanitary standards maintained, see 6.7(3) above.
- 2. Livestock may be raised as provided in Zoning Districts with proper permits provided that the standards of each District are not compromised.
- 3. Livestock shall be properly cared for, shall not create problems for neighbors or the City and shall have sanitary standards maintained, see 6.7(3) above.
- 4. Livestock shall not be allowed to water directly in a stream or lake.

6.9 Tree Removal/Woodland Preservation/Soil Erosion Prevention.

1. Diseased trees shall be removed immediately and disposed of.
2. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.
3. Limited clearing of trees and shrubs and cutting, pruning and trimming of trees to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, as well as providing a view to the water from the principle dwelling site, in shore and bluff impact zones and on steep slopes is allowed, provided that:
 - a. Screening of structures, vehicles and other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
 - b. Along rivers, existing shading of water is preserved.
4. Vegetation Removal, Clear Cutting, if allowed, must include removal of all debris. Soil erosion must be prevented and replanting is encouraged.
5. Vegetation Removal, Select or Open Cutting, if allowed, must include removal of all debris. Replanting is encouraged.
6. Natural areas designated by conditions on Conditional Use Permits for screening or woodland preservation purposes shall be left natural except for removal of diseased trees. Replanting or thickening with native species is encouraged.
7. Any area disturbed during any grading operation shall have the native topsoil replaced and be seeded.
8. Vegetation alterations necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities are exempt from the above standards except (5).

6.10 Parking and Loading.

1. Onsite parking or garage space shall be provided in all Districts, except as specifically exempted, with adequate drive access to prevent the need to back onto collector streets or County Highways. Onsite parking spaces shall not be used for storage.
2. Parking sites shall be a minimum of 20 feet long and 10 feet wide.
3. Parking shall be provided at the following ratios unless modified in the Conditional Use Permit for the principal structures:
 - a. 2 stalls per dwelling unit
 - b. 1 additional stall per employee in home occupation
 - c. 1.5 stalls per dwelling unit, multi-family over 20 units per

- complex, Motel/Hotel units
 - d. 1 stall per 3 seats-churches and other assembly places
 - e. 1 stall per 100 square feet of office space
 - f. 1 stall per 100 square feet of retail space
 - g. 1 stall per 3 seats for restaurants
4. Onsite parking shall not be closer than 10 feet from a lot line.
 5. All parking shall be paved or provided with all weather surface and be adequately drained to a pervious surface designed to allow entrapment of silts and nutrients prior to discharge to a public water.
 6. More than 5 parking stalls contiguously located and any commercial parking adjacent to residential shall be landscaped according to a plan approved by the City.
 7. Loading – General. All required loading berths shall be offstreet and shall be located on the same lot as the principal use served. Loading shall not occupy front yard space. Berths shall not be used for storage.
 8. Loading Berth Size and Surface. Loading berth shall be 15 feet in width and 50 feet long with 14 feet of vertical clearance. Berths shall have all weather surface and be well drained.

6.11 Drainage.

1. General.
 - A. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 - B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities and methods used to retain sediment on the site.
 - C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds must be used. Preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.
3. All development shall contain provisions for adequate surface or subsurface runoff of storm water and snow melt directed to natural

drainageways. A storm frequency of a 5-year, 24-hour storm period shall be provided for with no structural flooding or ponding.

4. All development shall provide for the continuance of natural drainageways, and structures shall be so constructed as to be 1 foot above the water level in the drainageway created by a storm of a 100 year return period or a 1% chance of occurrence.
5. All drainage structures provided shall be sufficient in size to pass a 5-year, 24 hour storm to a natural drainageway and to pass a 100-year, 24-hour storm along a drainageway.
6. The use of natural or manmade stormwater storage areas is encouraged. These areas should be vegetated and designed to naturally lower after a storm.
7. No filling of areas inundated by the 100-year, 24-hour storm along drainageways shall be allowed, except by Conditional Use Permit.
8. All parking areas, heavy areas, storage areas and impervious areas shall be designed to allow entrapment of silts and nutrients prior to discharge to a natural drainage way or public water. Newly constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming or surface debris before discharge.

6.12 Grading in Shoreland Areas.

1. Grading and filling in shoreland areas, wetland or in the bed of public waters, or any alterations of the natural topography when the slope of the land is toward a public water or watercourse involving the movement of more than 10 cubic yards of material in a bluff or shore impact zone or more than 50 cubic yards of material anywhere else within a shoreland area, must be authorized by permit except for excavation for permitted structures, drives sewer systems and parking areas. The following conditions shall apply:
 - A. The smallest amount of bare ground is exposed for as short a time as feasible.
 - B. 4 inches of topsoil is replaced and temporary ground cover such as mulch is used and permanent ground cover such as sod is planted.
 - C. Methods to prevent erosion and trap sediment are employed.
 - D. Fill is stabilized to acceptable engineering standards and must not create an unstable slope.
 - E. Plans to place fill or excavated material on steep slopes must be reviewed by a qualified professional for continued slope stability and must not create finished slopes of 30% or greater.

- F. Fill or excavated material must not be placed in bluff impact zones.
 - G. Fill placed in a public water below the ordinary high water line requires a DNR Waters Permit and a Corps of Engineers Permit.
 - H. Excavation in the bed of public waters requires a DNR Waters Permit and a Corps of Engineers Permit.
 - I. Only clean fill consisting of sand, gravel or rock will be allowed where contact with water is anticipated. Mineral soil may be allowed elsewhere.
 - J. Alterations to topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
 - K. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket is permitted if the finished slope does not exceed 3 feet horizontal to 1 foot vertical, the landward extent of the riprap is within 10 feet of the ordinary high water level and the height of the riprap above the ordinary high water level does not exceed 3 feet.
2. Grading or filling in any type 2, 3, 4, 5, 6, 7, 8 wetland is prohibited.
 3. Connections to public waters of boat slips, canals, lagoons, harbors and similar inland excavations are prohibited.
 4. Public and private roads, driveways and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from public waters.
 - A. Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zone, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and shall be designed to minimize adverse impacts.
 - B. Public and private 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. For private facilities, the grading and filling provision of Sec. 8.06, subd. 12(A) must be met.

6.13 Exterior Design Standards.

1. Purpose. The purpose of this section is to establish minimum standards for exterior architecture of residential buildings to ensure high quality of development, redevelopment and compatibility with evolving

architectural or planning themes that contribute to a community image of quality, visual aesthetics, permanence and stability which are in the best interest of the citizens of the city. These standards are intended to prevent use of materials that are unsightly, rapidly deteriorate, or contribute to depreciation of area property values.

These standards are further intended to ensure coordinated design of building exteriors, additions and accessory structure exteriors in order to prevent visual disharmony; minimize adverse impacts on adjacent properties from buildings which are or may become unsightly, and buildings that detract from the character and appearance of the area. It is not the intent of this division to unduly restrict design freedom when reviewing and approving project architecture in relationship to the proposed land use, site characteristics and interior building layout.

2. General Requirements. This division shall apply to all residential structures, commercial structures, additions, exterior remodeling and accessory structures, unless different exterior materials are specifically approved as part of an overall planned unit development (PUD) that creates a theme or blends with other elements of the PUD. The review and approval process shall be the same as outlined in Section 7.1 of this Ordinance.
3. Exterior Design Standards Zones
 - A. Residential and Recreation Districts.
 1. R-1 Wooded Residential District: Principal and accessory structures in Wooded Residential and Recreation Districts of the City on parcels over 3 acres in size are not subject to the exterior design standards.
 2. All other residential accessory buildings must comply with Section 6.13 of this Ordinance.
 3. All temporary structures are exempt from Section 6.13 of this Ordinance.