

**TITLE XV: LAND USAGE**

**TITLE XV: LAND USAGE**

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**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
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**CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION**

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**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / STATE BUILDING AND FIRE CODE**

**STATE BUILDING AND FIRE CODE**

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / STATE BUILDING AND FIRE CODE / § 150.001 APPLICATION,  
ADMINISTRATION, AND ENFORCEMENT.**

**§ 150.001 APPLICATION, ADMINISTRATION, AND ENFORCEMENT.**

(A) The application, administration, and enforcement of this subchapter shall be in accordance with Minn. Rules, Ch. 1300, as it may be amended from time to time. This subchapter shall be enforced within the extraterritorial limits permitted by M.S. § 16B.62(1), as it may be amended from time to time, when so established by this subchapter.

(B) The code enforcement agency is the city.

(C) This subchapter shall be enforced by the state certified Building Official designated by the City Council to administer the code (M.S. § 16B.65(1)).

(1976 Code, § 15.01) (Ord. 339, passed 7-7-2003)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / STATE BUILDING AND FIRE CODE / § 150.002 PERMITS; FEES.**

**§ 150.002 PERMITS; FEES.**

(A) The issuance of permits and the collection of fees shall be as authorized in M.S. § 16B.62(1), as it may be amended from time to time.

(B) Permit fees shall be assessed for work governed by this subchapter in accordance with a fee schedule adopted from time to time by the City Council. In addition, a surcharge fee shall be collected on any permits issued for work governed by this subchapter in accordance with M.S. § 16B.70, as it may be amended from time to time.

(1976 Code, § 15.02) (Ord. 339, passed 7-7-2003)

(C) Permit fees established by any other section not in conflict with the provisions herein shall be continued in force and effect.

(1976 Code, § 15.04)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / STATE BUILDING AND FIRE CODE / § 150.003 VIOLATIONS.**

**§ 150.003 VIOLATIONS.**

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A violation of this subchapter is a misdemeanor (M.S. § 16B.69) and Minn. Rules, Ch. 1300, as those statutes and rules may be amended from time to time.

(1976 Code, § 15.03) (Ord. 339, passed 7-7-2003) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / STATE BUILDING AND FIRE CODE / § 150.004 STATE  
BUILDING CODE ADOPTED.**

**§ 150.004 STATE BUILDING CODE ADOPTED.**

(A) The State Building Code, established pursuant to M.S. §§ 16B.59 - 16B.75, as they may be amended from time to time, is hereby adopted as the building code for the city. That code is hereby incorporated in this chapter as if fully set out herein.

(B) The State Building Code includes the following chapters of Minn. Rules:

- (1) Ch. 1300, Administration of the State Building Code;
- (2) Ch. 1301, Building Official Certification;
- (3) Ch. 1302, State Building Code Construction Approvals;
- (4) Ch. 1303, State Provisions;
- (5) Ch. 1305, Adoption of the 2000 International Building Code;
- (6) Ch. 1306, Special Fire Protection Systems;
- (7) Ch. 1307, Elevators and Related Devices;
- (8) Ch. 1309, Adoption of the 2000 International Residential Code;
- (9) Ch. 1311, Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings;
- (10) Ch. 1315, Adoption of the 2002 National Electrical Code;
- (11) Ch. 1325, Solar Energy Systems;
- (12) Ch. 1330, Fallout Shelters;
- (13) Ch. 1335, Floodproofing Regulations;
- (14) Ch. 1341, State Accessibility Code;

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- (15) Ch. 1346, Adoption of the State Mechanical Code;
- (16) Ch. 1350, Manufactured Homes;
- (17) Ch. 1360, Prefabricated Structures;
- (18) Ch. 1361, Industrialized/Modular Buildings;
- (19) Ch. 1370, Storm Shelters (Manufactured Home Parks);
- (20) Ch. 4715, State Plumbing Code;
- (21) Ch. 7510, Administration of the State Fire Code; and
- (22) Ch. 7670, 7672, 7674, 7676, and 7678, State Energy Code.

(C) This municipality may adopt by reference any or all of the following optional chapters of Minn. Rules: Ch. 1306, Special Fire Protection Systems; and Ch. 1335, Floodproofing Regulations, parts 1335.0600 - 1335.1200.

(D) This municipality may adopt by reference Appendix Ch. K (Grading), of the 2001 Supplements to the International Building Code.

(E) The following optional provisions identified in divisions (C) and (D) are hereby adopted and incorporated as part of the building code for this city: option E1 of Minn. Rules, Ch. 1306.0030.

(1976 Code, § 15.04) (Ord. 339, passed 7-7-2003)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CONTRACTOR LICENSING**

**CONTRACTOR LICENSING**

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CONTRACTOR LICENSING / § 150.015 LICENSES REQUIRED.**

**§ 150.015 LICENSES REQUIRED.**

Before any person, firm, or corporation shall engage in the business of doing or performing any of the various types of work listed in this section, he or she shall first obtain a license to do so as hereinafter provided:

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- (A) Cement work, cement block work, cement block laying, or brick work;
- (B) General construction, including erection, alteration, or repair of buildings;
- (C) The moving or wrecking of buildings;
- (D) Plastering, outside stucco work, or lathing;
- (E) Plumbing, including installation of outside sewage disposal plants;
- (F) Heating, gas piping, ventilating, or air conditioning;
- (G) Gas installation, including heating appliances, devices, or machinery, and the like;
- (H) Well drilling;
- (I) Roofing, siding, gutter, and other specialty work such as trim;
- (J) Sign and billboard erecting;
- (K) Excavators (for basements, foundations, grading of lots, and the like); and
- (L) Blacktop driveways and parking lots.

(1976 Code, § 15.05) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CONTRACTOR LICENSING / § 150.016 EXEMPTIONS.**

**§ 150.016 EXEMPTIONS.**

Any person, firm, or corporation that has obtained a state license pursuant to M.S. Ch. 326, as it may be amended from time to time, is exempt from the city licensing requirements hereunder, except that those contractors shall pay the city a surcharge in the amount set from time to time by Council resolution for the purpose of license verification.

(1976 Code, § 15.051) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CONTRACTOR LICENSING / § 150.017 APPLICATION AND  
FEE.**

**§ 150.017 APPLICATION AND FEE.**

All licenses shall be obtained from the Administrator, Clerk/Treasurer of the municipality. Applications for licenses shall be filed with the Administrator, Clerk/Treasurer on the forms furnished by the municipality. The annual fee for each license shall be in the amount set from time to time by Council resolution.

(1976 Code, § 15.06) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CONTRACTOR LICENSING / § 150.018 EXPIRATION.**

**§ 150.018 EXPIRATION.**

All licenses shall expire on April 1 following the date of issuance unless sooner revoked or forfeited. If a license granted hereunder is not renewed previous to its expiration, then all rights granted by the license shall cease and any work performed after the expiration of the license shall be in violation of this code.

(1976 Code, § 15.07) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CONTRACTOR LICENSING / § 150.019 RENEWAL.**

**§ 150.019 RENEWAL.**

Persons, firms, or corporations renewing their licenses after the expiration date shall be charged the full annual license fee. No pro rata license fee shall be allowed for renewals.

(1976 Code, § 15.08) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CONTRACTOR LICENSING / § 150.020 RIGHTS OF LICENSEE.**

**§ 150.020 RIGHTS OF LICENSEE.**

A license granted to a general contractor shall include the right to perform all of the work included in his or her general contract. The license shall include any or all of the persons performing the work which is classified and listed in § 150.015, providing that each person performing that work is in the regular employ of the general contractor and qualified under state law and the provisions of this building code to perform that work. In these cases, the general contractor shall be responsible for all of the work so performed. Subcontractors on any work shall be required to comply with the sections of this code pertaining to license, bond, qualifications, and the like, for his or her particular type of work.

(1976 Code, § 15.09) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CONTRACTOR LICENSING / § 150.021 QUALIFICATIONS OF  
LICENSEE.**

**§ 150.021 QUALIFICATIONS OF LICENSEE.**

Each applicant for a license shall satisfy the governing body that he or she is competent by reason of education, special training, and experience, and that he or she is equipped to perform the work for which a license is requested in accordance with all state or city laws.

(1976 Code, § 15.10)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CONTRACTOR LICENSING / § 150.022 SUSPENSION OR  
REVOCAION; NOTICE AND HEARING.**

**§ 150.022 SUSPENSION OR REVOCATION; NOTICE AND HEARING.**

The governing body shall have the power to suspend or revoke the license of any person, partnership, firm, or corporation, licensed under the regulations of this code, whose work is found to be improper or defective or so unsafe as to jeopardize life or property, providing the person holding the license is given 20 days' notice and granted the opportunity to be heard before that action is taken. If and when the notice is sent to the legal address of the licensee and he or she fails or refuses to appear at the hearing, the license will be automatically suspended or

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revoked five days after date of hearing.

(1976 Code, § 15.11)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CONTRACTOR LICENSING / § 150.023 SUSPENSION PERIOD.**

**§ 150.023 SUSPENSION PERIOD.**

When a license is suspended, the period of suspension shall be not less than 30 days nor more than one year, the period being determined by the governing body.

(1976 Code, § 15.12)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CONTRACTOR LICENSING / § 150.024 MANDATORY  
REVOCATION.**

**§ 150.024 MANDATORY REVOCATION.**

When any person, partnership, firm, or corporation holding a license as provided herein has been convicted for the second time by a court of competent jurisdiction for violation of any of the provisions of this code, the governing body shall revoke the license of the person, partnership, firm, or corporation so convicted. That person, partnership, firm, or corporation may not make application for a new license for a period of one year.

(1976 Code, § 15.13) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CONTRACTOR LICENSING / § 150.025 MOVING BUILDING;  
BOND REQUIRED.**

**§ 150.025 MOVING BUILDING; BOND REQUIRED.**

Any person, firm, or corporation when applying for a permit to move a building (the fee as established in the city's fee schedule), may be required by the governing body of the municipality to furnish the municipality with a surety bond, the amount of which may be

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established by the governing body prior to the issuance of the permit. This bond shall guarantee that any damage of any kind to the public property, rights-of-way, streets, or utilities shall be promptly and completely repaired or replaced in a manner satisfactory to the municipality at the expense of the applicant.

(1976 Code, § 15.14) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CONTRACTOR LICENSING / § 150.026 MOVING BUILDING;  
INSURANCE REQUIRED.**

**§ 150.026 MOVING BUILDING; INSURANCE REQUIRED.**

Each applicant for a permit to move a building over any street or public right-of-way must satisfy the Building Inspector that he or she is provided with sufficient and adequate insurance to protect the municipality and the public from any and all damages which may result, either directly or indirectly, from the moving of the building.

(1976 Code, § 15.15) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CONTRACTOR LICENSING / § 150.027 PUBLIC LIABILITY AND  
PROPERTY DAMAGE INSURANCE.**

**§ 150.027 PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE.**

The Administrator, Clerk/Treasurer shall not issue a license to any person, firm, or corporation until the applicant shall file with the Administrator, Clerk/Treasurer, policies of public liability and property damage insurance, which shall remain and be in force and effect during the entire term of the license. The policies shall contain a provision that they shall not be canceled without ten days' written notice to the city. The insurance policies shall contain and provide limits of not less than \$300,000 for injuries, including accidental death to any one person, and, subject to the same limit for each person, in an amount of not less than \$1,000,000 on account of any one accident. The policy shall provide property damage coverage of not less than \$100,000 for any one accident.

(1976 Code, § 15.16) (Am. Ord. 331, passed 3-18-2002) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CERTIFICATE OF OCCUPANCY**

**CERTIFICATE OF OCCUPANCY**

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CERTIFICATE OF OCCUPANCY / § 150.040 PURPOSE.**

**§ 150.040 PURPOSE.**

The purpose of this subchapter is to protect the public health, safety, and general welfare of the people who live, work, and conduct business in the city. The general objectives include the protection of the character and stability of all industrial and commercial districts within the city and to correct and prevent structure conditions that adversely affect life, safety, health, and general welfare.

(Ord. 337, passed 2-3-2003)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CERTIFICATE OF OCCUPANCY / § 150.041 APPLICATION.**

**§ 150.041 APPLICATION.**

Every building or structure, its premises used in whole or in part within a commercial or industrial district, and buildings used for public assembly, shall conform to the requirements of this subchapter, irrespective of when the building or structure may have been constructed, altered, or repaired.

(Ord. 337, passed 2-3-2003) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CERTIFICATE OF OCCUPANCY / § 150.042 COMPLIANCE;  
OWNER RESPONSIBILITY.**

**§ 150.042 COMPLIANCE; OWNER RESPONSIBILITY.**

It shall be the responsibility of the owner of any above-described building or structure to ensure that all requirements of this subchapter are met and maintained.

(Ord. 337, passed 2-3-2003) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CERTIFICATE OF OCCUPANCY / § 150.043 DEFINITIONS.**

**§ 150.043 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BUILDING.*** Any structure used or intended for supporting or sheltering any use or occupancy.

***BUILDING CODE.*** The Uniform and/or International Building Code as adopted by reference in this chapter.

***BUILDING OFFICIAL.*** The city building code administrative authority certified under M.S. §§ 16B.65(2) and 16B.65(3), as they may be amended from time to time.

***CERTIFICATE OF OCCUPANCY.*** A certificate stating that the building or structure meets the requirements of the building, fire, and zoning codes enforced within the city.

***FIRE CODE.*** The Uniform and/or International Fire Code as adopted by reference in this chapter.

***HAZARDOUS MATERIAL.*** Those chemicals or substances which are physical hazards or health hazards as defined by the State Fire Code, whether the materials are in usable or waste condition.

***STRUCTURE.*** Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. When a structure is divided into separate parts by a separation wall, each part shall be deemed a separate ***STRUCTURE***.

***ZONING CHAPTER*** or ***CH. 156.*** Ch. 156 of this code, as it may be amended; the

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approved zoning ordinances of the city.

(Ord. 337, passed 2-3-2003)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CERTIFICATE OF OCCUPANCY / § 150.044 CERTIFICATE OF  
OCCUPANCY REQUIRED.**

**§ 150.044 CERTIFICATE OF OCCUPANCY REQUIRED.**

(A) Commencing March 1, 2003, no person, corporation, partnership, or any other business entity shall occupy, operate, or conduct business within any building or structure located within a commercial or industrial district, or a building designed for public assembly, without first obtaining a certificate of occupancy from the city. A certificate of occupancy shall be required whenever:

- (1) Any structure or building is erected or moved;
- (2) Any portion of an existing industrial or commercial structure or building is structurally altered or remodeled;
- (3) Any existing industrial or commercial structure or building changes occupancy classification; or
- (4) Any existing industrial or commercial structure or building is occupied by a new tenant or owner.

(B) No structure or building, or portion thereof, shall be occupied prior to obtaining a certificate of occupancy. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this or any associated codes.

(Ord. 337, passed 2-3-2003) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CERTIFICATE OF OCCUPANCY / § 150.045 INSPECTION  
REQUIRED.**

**§ 150.045 INSPECTION REQUIRED.**

(A) The Building Official shall inspect the structure or building and determine

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whether the structure or building is in compliance with all fire, building, and zoning codes.

(B) Upon the Building Official's determination of compliance, he or she shall issue a certificate of occupancy containing the following information:

- (1) The license number;
- (2) The address of the structure;
- (3) The date of the inspection;
- (4) The name and address of the owner;
- (5) A description of the portion of the structure for which the certificate is issued;
- (6) A statement that the described portion of the structure has been inspected for compliance with the requirements of this subchapter;
- (7) The date issued;
- (8) The date for expiration; and
- (9) The name and signature of the Building Official.

(Ord. 337, passed 2-3-2003) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CERTIFICATE OF OCCUPANCY / § 150.046 TEMPORARY  
CERTIFICATE.**

**§ 150.046 TEMPORARY CERTIFICATE.**

If the Building Official finds that no substantial hazard will result from occupancy of any structure or building as defined by this subchapter, a temporary certificate of occupancy may be issued for the use of a portion or portions of a structure or building prior to completion.

(Ord. 337, passed 2-3-2003)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CERTIFICATE OF OCCUPANCY / § 150.047 POSTING.**

**§ 150.047 POSTING.**

The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

(Ord. 337, passed 2-3-2003) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CERTIFICATE OF OCCUPANCY / § 150.048 RENEWAL  
REQUIREMENTS.**

**§ 150.048 RENEWAL REQUIREMENTS.**

Certificates of occupancy shall require renewal as follows:

(A) Existing buildings possessing a certificate of occupancy within a commercial or industrial district shall be renewed every three years; and

(B) Existing buildings containing hazardous materials, or buildings used for public assembly, shall be renewed every 12 months.

(Ord. 337, passed 2-3-2003) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CERTIFICATE OF OCCUPANCY / § 150.049 APPLICATION;  
FEE.**

**§ 150.049 APPLICATION; FEE.**

(A) *Application fees.* The City Council shall adopt, from time to time by resolution, a fee schedule that will reflect the cost to be collected at the time of application and renewal for each certificate of occupancy.

(B) *Owner or agent to apply.* The owner, or his or her legally constituted agent, of any building listed in § 150.015 of this code, shall make application or renewal for a certificate of occupancy. Application forms may be acquired from and subsequently filed with the Administrator, Clerk/Treasurer. Application and renewal forms shall contain the following

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information:

- (1) The name, address, and telephone number(s) of the owner, partners if a partnership, managing partner, officers of a corporation, or a duly authorized agent of any other legally constituted entity;
- (2) The name, address, and telephone number(s) of the designated agent, if any;
- (3) The legal name and address of the building or structure;
- (4) A description of use for the building or structure, or portions thereof; and
- (5) Any pertinent information that may be deemed necessary by the Building Official.

(Ord. 337, passed 2-3-2003) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CERTIFICATE OF OCCUPANCY / § 150.050 ENFORCEMENT  
AND INSPECTION AUTHORITY.**

**§ 150.050 ENFORCEMENT AND INSPECTION AUTHORITY.**

The Building Official or designated agent(s) shall be the compliance official who shall administer and enforce the provisions of this subchapter and is authorized to cause inspections on a scheduled basis. Inspections shall be conducted during reasonable hours and the compliance official shall present evidence of official capacity to the person(s) in charge of any respective building or structure.

(Ord. 337, passed 2-3-2003)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CERTIFICATE OF OCCUPANCY / § 150.051 INSPECTION  
ACCESS.**

**§ 150.051 INSPECTION ACCESS.**

Should an owner, agent, or person in charge of any building or structure governed by this subchapter refuse to permit free access and entry to the premises under his or her control for inspection pursuant to this subchapter, the Building Official may seek a court order authorizing

the inspection.

(Ord. 337, passed 2-3-2003) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CERTIFICATE OF OCCUPANCY / § 150.052 COMPLIANCE  
ORDER.**

**§ 150.052 COMPLIANCE ORDER.**

(A) When the Building Official, or his or her designee, determines that any building or structure fails to meet the provisions of this subchapter, the Building Official shall issue a compliance order setting forth the violations and ordering the owner to correct the violations.

(B) This compliance order shall:

- (1) Be in writing;
- (2) Describe the location, nature, and code section of the violation;
- (3) Establish a reasonable time for the correction of the violation;
- (4) Notify the owner, or his or her designated agent, of appeal recourse; and
- (5) Be personally served upon the owner or his or her designated agent.

(Ord. 337, passed 2-3-2003)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CERTIFICATE OF OCCUPANCY / § 150.053 APPEAL.**

**§ 150.053 APPEAL.**

(A) *Right of appeal.* Any person to whom a compliance order is directed may appeal the compliance order to the City Council sitting as the Board of Appeals. The appeal must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee in the amount set from time to time by Council resolution, and must be filed with the City Administrator, Clerk/Treasurer within ten business days after service of the compliance order. The filing of an appeal shall postpone all proceedings of any action of the violation in which the appeal is filed, unless such a postponement would cause imminent peril to life, health, or

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property.

(B) *Hearing; Board of Appeals decision.* Upon at least five business days' notice to the owner or designated agents of the time and place for hearing the appeal, and within 30 days after the appeal is filed, the Board of Appeals shall hold a hearing thereon, taking into consideration advice and recommendations from the Building Official or other city staff. The Board of Appeals may reverse, modify, or affirm, in whole or in part, the compliance order, and may order return of all or part of the filing fee, if the appeal is upheld.

(Ord. 337, passed 2-3-2003)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / CERTIFICATE OF OCCUPANCY / § 150.054 VIOLATIONS.**

**§ 150.054 VIOLATIONS.**

Violation of any provisions of this subchapter shall be a misdemeanor.

(Ord. 337, passed 2-3-2003) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY**

**HOUSING MAINTENANCE AND OCCUPANCY**

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.065  
PURPOSE.**

**§ 150.065 PURPOSE.**

The purpose of this subchapter is to protect the public health, safety, and the general welfare of the people of the city. The general objectives include the protection of the character and stability of all residential areas within the city; to correct and prevent housing conditions that adversely affect life, safety, general welfare, and health, including the physical, mental, and social well-being of persons occupying rental dwelling units within the city; to provide minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of occupants of rental dwelling units; to provide minimum standards for light and ventilation

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necessary to health and safety; to provide minimum standards for the maintenance of existing private and rental residential buildings and to thus prevent slums and blight; and to preserve the value of land and buildings throughout the city.

(1976 Code, § 18A.01)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.066  
APPLICATION.**

**§ 150.066 APPLICATION.**

Every building and its premises used in whole or in part as a rental dwelling unit for a single family or person, and every building used in whole or in part as a rental dwelling unit for two or more persons or families living in separate units, shall conform to the requirements of this subchapter, irrespective of when the building may have been constructed, altered, or repaired. This subchapter establishes minimum standards for rental building units, accessory structures, and the care and maintenance of private and rental building units within the city.

(1976 Code, § 18A.02) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.067  
DEFINITIONS.**

**§ 150.067 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY STRUCTURE.** A structure subordinate to the main or principal dwelling or dwellings and which is not used nor authorized to be used for living or sleeping by human occupants and which is located on or partly on the premises.

**BUILDING.** Any structure erected for the support, shelter, or enclosure of persons, animals, chattels, or moveable property of any kind.

**DWELLING.** A building, or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including single-family dwellings, two-family

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dwellings, and multiple- family dwellings; but not including hotels and motels.

**DWELLING UNIT.** A single residential accommodation which is arranged, designed, used, or if vacant, intended for use, exclusively as a domicile for one family.

**FLUSH WATER CLOSET.** A toilet with a bowl and trap, made in one piece, which is connected to the city water and sewer system, or other approved water supply and sewer system.

**GARBAGE.** Putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

**HABITABLE BUILDING.** Any building or part thereof that meets minimum standards for use as a home or place of abode by one or more persons.

**HEATED WATER.** Water heated to a temperature of not less than 120°F, or a lesser temperature required by governmental authority, measured at faucet outlet.

**HOUSING INSPECTOR.** The Administrator, Clerk/Treasurer and his or her designated agents authorized to administer and enforce this subchapter.

**KITCHEN.** A space which contains a sink with counter, working space, adequate space for installing cooking and refrigeration equipment, and adequate space for the storage of cooking utensils.

**MULTIPLE-FAMILY DWELLING.** A dwelling or portion thereof containing three or more dwelling units.

**OCCUPANT.** Any person (including owner or operator) living, sleeping, cooking, and eating in a dwelling unit.

**OPERATOR.** The owner or his or her agent who has charge, care, control, or management of a building or part thereof, in which dwelling units or rooming units are let.

**OWNER.** Any person, firm, or corporation who, alone, jointly, or severally with others, shall be in actual possession of, or have charge, care, or control of, any dwelling, dwelling unit, or rooming unit within the city.

**PERMISSIBLE OCCUPANCY.** The maximum number of persons permitted to reside in a dwelling unit or rooming unit.

**PERSON.** An individual, firm, partnership, association, corporation, or joint venture or organization of any kind.

**PLUMBING.** All of the following supplied facilities and equipment in a dwelling: gas pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, catch basins,

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drains, vents, and any other similar fixtures and the installation thereof, together with all connections to water, sewer, and gas lines.

**PREMISES.** A platted lot or part thereof or unplatted parcel of land, including either an occupied or unoccupied structure, accessory structure, or any other structure thereon.

**PUBLIC HALL.** A hall, corridor, or passageway for providing egress from a dwelling unit to a public way and not within the exclusive control of one family.

**REFUSE.** All putrescible and non-putrescible waste solids, including garbage and rubbish.

**RENTAL DWELLING UNIT.** A dwelling unit let for rent or lease.

**REPAIR.** To restore to a sound and acceptable state of operation, serviceability, or appearance.

**RODENT HARBORAGE.** Any place where rodents can live, nest, or seek shelter.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit used or intended to be used for rooming or sleeping, but not for cooking and eating purposes.

**RUBBISH.** Non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, bricks, plaster, bedding, and crockery and similar materials.

**SAFETY.** The condition of being reasonably free from danger and hazards which may cause accidents or disease.

**SUBSTANDARD DWELLING.** Any dwelling which does not conform to the minimum standards established by city ordinance.

(1976 Code, § 18A.03)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.068  
OWNER RESPONSIBILITY; DWELLING UNITS; SHARED OR PUBLIC AREAS.**

**§ 150.068 OWNER RESPONSIBILITY; DWELLING UNITS; SHARED OR PUBLIC AREAS.**

(A) *Responsibility of owners.* No owner or other person shall let to another person any dwelling, dwelling unit, or rooming unit unless it and the premises are clean, sanitary, and fit

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for human occupancy and comply with all applicable legal requirements of the state and the city.

(1976 Code, § 18A.04)

(B) *Maintenance of shared or public areas.* Every owner of a dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(1976 Code, § 18A.05)

Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.069  
RUBBISH AND GARBAGE; STORAGE AND DISPOSAL; RESPONSIBILITY.**

**§ 150.069 RUBBISH AND GARBAGE; STORAGE AND DISPOSAL;  
RESPONSIBILITY.**

(A) *Storage and disposal of rubbish.* Every occupant of a dwelling, dwelling unit, or rooming unit shall store and dispose of all his or her rubbish in a clean, sanitary, and safe manner as prescribed by Ch. 51 of this code.

(1976 Code, § 18A.06)

(B) *Storage and disposal of garbage.* Every occupant of a dwelling, dwelling unit, or rooming unit shall store and dispose of all his or her garbage and any other organic waste which might provide fruit for insects or rodents in a clean, sanitary, and safe manner as prescribed by Ch. 51 of this code.

(1976 Code, § 18A.07)

(C) *Responsibility for facilities.* Every owner of a multiple-family dwelling shall supply facilities for the sanitary and safe storage and disposal of rubbish and garbage. In the case of single- or two- family dwellings, it shall be the responsibility of the occupant to furnish facilities of this type.

(1976 Code, § 18A.08)

Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.070**

**STORM AND SCREEN DOORS AND WINDOWS; RESPONSIBILITY.**

**§ 150.070 STORM AND SCREEN DOORS AND WINDOWS; RESPONSIBILITY.**

The owner of a rental dwelling unit shall be responsible for providing and hanging all screens and storm doors and storm windows whenever the same are required under the provisions of this subchapter, except where there is written agreement otherwise between the owner and the occupant.

(1976 Code, § 18A.09) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.071 PEST  
EXTERMINATION; RESPONSIBILITY.**

**§ 150.071 PEST EXTERMINATION; RESPONSIBILITY.**

Every owner of a rental dwelling unit shall be responsible for the extermination of vermin infestations and rodents on the premises. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for extermination whenever his or her dwelling unit is the only one infested. Notwithstanding, however, whenever infestation is caused by the failure of the owner to maintain a dwelling in a reasonable rodent-proof or reasonable vermin-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(1976 Code, § 18A.10) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.072  
RODENT HARBORAGES PROHIBITED.**

**§ 150.072 RODENT HARBORAGES PROHIBITED.**

(A) *Private dwelling areas.* No occupant of a dwelling or dwelling unit shall accumulate boxes, lumber, scrap metal, or any other similar materials in a manner that may provide a rodent harborage in or about a dwelling or dwelling unit. Stored materials shall be

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stacked neatly in piles.

(1976 Code, § 18A.11)

(B) *Public areas.* No owner of a dwelling containing two or more dwelling units shall accumulate or permit the accumulation of boxes, lumber, scrap metal, or any other similar material in a manner that may provide a rodent harborage in or about shared or public areas of a dwelling or its premises. Materials stored by the owner or permitted to be stored by the owner shall be stacked neatly in piles.

(1976 Code, § 18A.12)

Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.073  
SANITARY FIXTURES AND FACILITIES.**

**§ 150.073 SANITARY FIXTURES AND FACILITIES.**

Every owner of a rental dwelling unit shall provide that all supplied fixtures and facilities thereof are in a clean and sanitary condition at the beginning of the rental, and every occupant of a rental dwelling shall be responsible for the exercise of reasonable care in the proper use, operation, and maintenance thereof.

(1976 Code, § 18A.13) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.074 SNOW  
AND ICE REMOVAL.**

**§ 150.074 SNOW AND ICE REMOVAL.**

The owner of a multiple-family dwelling or dwellings shall be responsible for the removal of snow and ice from parking lots, driveways, steps, and walkways on the premises. Individual snowfalls of three inches or more, or excessive snowfalls accumulating to a depth of three inches, shall be removed from parking lots and driveways within 24 hours after cessation of the snowfall. Individual snowfalls of one inch or more, or successive snowfalls accumulating to a depth of one inch, shall be removed from steps and walkways within eight hours after

cessation of the snowfall.

(1976 Code, § 18A.14) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.075  
MINIMUM EXTERIOR LIGHTING.**

**§ 150.075 MINIMUM EXTERIOR LIGHTING.**

The owner of a multiple-family dwelling or dwellings shall be responsible for providing and maintaining effective illumination in all exterior parking lots and walkways.

(1976 Code, § 18A.15) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.076 BASIC  
EQUIPMENT AND FACILITIES; MINIMUM STANDARDS.**

**§ 150.076 BASIC EQUIPMENT AND FACILITIES; MINIMUM STANDARDS.**

(A) *Minimum standards.* No owner of a rental unit shall let to another for occupancy any dwelling or dwelling unit, for the purposes of living, sleeping, cooking, and eating therein, which does not comply with the following requirements.

(B) *Kitchen facilities.* Every dwelling unit shall have a room or portion of a room in which food may be prepared and cooked, and which shall have adequate circulation area, and which shall be equipped with the following:

(1) A kitchen sink in good working condition and properly connected to an approved water supply system and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to an approved sewer system;

(2) Cabinet or shelves for the storage of eating, drinking, and cooking equipment and utensils and food that does not require refrigerating for safekeeping; and a counter or table for food preparation; and

(3) A stove or similar device for cooking food, and a refrigerator or similar device for the safe storage of food, which are properly installed with all necessary connections for safe, sanitary, and efficient operation. Provided that the stove, refrigerator, or similar devices

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need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, in which case sufficient space and adequate connections for the installation and operation of the stove and refrigerator or similar device must be provided.

(C) *Toilet facilities.* Within every dwelling unit there shall be a non-habitable room which is equipped with a flush water closet in good working condition. In a rental dwelling unit, this room shall have an entrance door which affords privacy. The flush water closet shall be equipped with easily cleanable surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water and under pressure to cause the water closet to be operated properly, and shall be connected to an approved sewer system.

(D) *Lavatory sink.* Within every dwelling unit there shall be a lavatory sink. The lavatory sink may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which the water closet is located. The lavatory sink shall be in good working condition and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated running water under pressure, and shall be connected to an approved sewer system.

(E) *Bathtub or shower.* Within every dwelling unit there shall be a non-habitable room which is equipped with a bathtub or shower in good working condition. In a rental dwelling unit, this room shall have an entrance door which affords privacy. The bathtub or shower may be in the same room as the flush water closet, or in another room, and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure, and shall be connected to an approved sewer system.

(F) *Stairways, porches, and balconies.* Every stairway inside or outside of a dwelling and every porch or balcony shall be kept in a safe condition and sound repair. Every stairwell and every flight of stairs which is more than four rises high shall have handrails approximately 30 inches high. Every porch which is more than four rises high and every balcony shall have handrails approximately 30 inches above the floor of the porch or balcony. Every handrail shall be firmly fastened and maintained in good condition. No flight of stairs shall have settled out of its intended position or have pulled away from the supporting or adjacent structures enough to cause a hazard. No flight of stairs shall have rotting, loose, or deteriorating supports. Stairways shall be capable of supporting a live load of 100 pounds per square foot of horizontal projection.

(G) *Access.* Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

(H) *Door locks.* Within every dwelling unit, all exterior doors of the dwelling or dwelling unit shall be equipped with safe, functioning locking devices. Multiple-family dwellings shall be furnished with door locks as follows:

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(1) For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multiple-family dwellings in excess of four units constructed after March 24, 1978, an approved security system shall be maintained for each multiple-family dwelling to control access. The security system shall consist of foyer doors, and locked doors leading from hallways into individual dwelling units. Dead-latch door locks shall be provided with lever knobs on the inside of the building entrance doors and with key cylinders on the outside of building entrance doors. Building entrance door latches shall be the type that are permanently locked from the outside and permanently unlocked from the inside; and

(2) Every door that is designed to provide ingress or egress for a dwelling unit within a multiple-family building shall be equipped with an approved lock that has a deadlocking bolt that cannot be retracted by hand pressure; provided, however, that this door shall be openable from the inside without the use of a key or any special knowledge or effort.

(I) *Electric service, outlets, and fixtures.* Every dwelling unit and all public and common areas shall be supplied with an electrical service system, electrical outlets, and electrical fixtures which are properly installed, which shall be maintained in good and safe working condition and shall comply with the ordinances, rules, and regulations of the city and the laws of the state.

(J) *Hall and stairway lighting.* Every public hall and stairway in every multiple-family dwelling shall be adequately lighted by natural or electric light at all times, so as to provide effective illumination in all parts thereof. Every public hall and stairway in structures containing not more than two dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting. The convenient switch or equivalent device for turning on light in each dwelling unit shall be located near the point of entrance to the unit.

(K) *Minimum thermal standards.* No owner of a rental dwelling unit shall let to another for occupancy in a dwelling or dwelling unit, for the purpose of living therein, which does not have heating facilities which are properly installed, and which are maintained in safe and good working condition, and which are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 68°F or at a lesser temperature required by governmental authority, at a distance of three feet above floor level and three feet from exterior walls at an outside temperature of -25°F.

(1) Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this division.

(2) Portable heating equipment employing flame and the use of liquid fuel does not meet the requirements of this division and is prohibited.

(L) *Foundations, exterior walls, and roofs.* The foundation, exterior walls, and

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exterior roof shall be substantially watertight and protected against vermin and rodents and shall be kept in sound condition and repair. The foundation element shall adequately support the building at all points. Every exterior wall shall be free of deterioration, holes, breaks, or loose or rotting boards or timbers and any other condition which might admit rain or dampness into the interior portion of the walls or the exterior spaces of the dwelling. The roof shall be right and have no defects which admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment.

(M) *Windows, doors, and screens.* Every window, exterior door, and hatchway shall be substantially tight and shall be kept in sound condition and repair. Every window, other than a fixed window or storm window, shall be capable of being easily opened. Every window, door, and frame shall be constructed and maintained in a relation to the adjacent wall construction so as to completely exclude rain, wind, vermin, and rodents from entering the building. Every openable window shall be supplied with a 16-gauge mesh screen during the insect season.

(N) *Floor, interior walls, and ceilings.* Every floor, interior wall, and ceiling shall be adequately protected against the passage and harborage of vermin and rodents, and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding, or rotted flooring materials. Every interior wall and ceiling shall be free of holes and large cracks and loose plaster and shall be maintained in a tight weather-proof condition.

(O) *Fire warning system.* No owner of a rental dwelling unit or rooming unit shall let to another any dwelling unit or rooming unit that does not have an approved smoke detector alarm, properly located and in good working condition at all times. All smoke detectors shall be clearly audible in any sleeping area. More than one smoke detector alarm may be required, and in no case shall a required smoke detector alarm be located more than five feet from any doorway leading to a sleeping area. The Building Inspector shall approve the location, type, and number of smoke detector alarms within any rental dwelling unit.

(1976 Code, § 18A.16) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.077  
FACILITIES TO FUNCTION.**

**§ 150.077 FACILITIES TO FUNCTION.**

Every supplied facility, piece of equipment, or utility required under city ordinances and every chimney and flue shall be installed and maintained and shall function effectively in a safe,

sound, and working condition.

(1976 Code, § 18A.17) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.078  
ACCESSORY STRUCTURES; MAINTENANCE.**

**§ 150.078 ACCESSORY STRUCTURES; MAINTENANCE.**

Accessory structures on the premises of a rental dwelling unit shall be structurally sound, and be maintained in good repair and appearance. The exterior of these structures shall be made weather-resistant through the use of decay-resistant materials such as paint or other preservatives.

(1976 Code, § 18A.18) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.079  
RENTAL UNITS; OPERATING LICENSE REQUIRED.**

**§ 150.079 RENTAL UNITS; OPERATING LICENSE REQUIRED.**

No person shall operate a rental dwelling without first obtaining a license to do so from the city as hereinafter provided. The license shall be issued for a period of three years. Each operating license shall expire on December 31 in the third year after issuance. License renewals shall be filed at least 60 days prior to the license expiration date. Rental dwelling units existing on the effective date of this subchapter shall have 30 days to make application for a license. Those existing rental dwelling units shall have 90 days to comply with the standards set forth in this subchapter.

(1976 Code, § 18A.19) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.080  
LICENSE FEES.**

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**§ 150.080 LICENSE FEES.**

(A) The following license fees, in amounts as set from time to time by Council resolution, shall be due 60 days prior to the license expiration date. In cases of new unlicensed dwellings, license fees shall be due upon issuance of the certificate of occupancy:

- (1) For each single-family dwelling rented;
- (2) For each unit rented within a two-family dwelling; and
- (3) For each unit in a multiple-family dwelling.

(B) After the Building Inspector has issued a violation notice or compliance order, there shall be a fee, in an amount set from time to time by Council resolution, charged for each additional inspection necessitated by a failure of the owner to comply with the violation notice or compliance order.

(C) A delinquency penalty of 5% of the license fee for each day of operation without a valid license shall be charged operators of rental dwellings. Once issued, a license is non-transferable and the licensee shall not be entitled to a refund of any license fee upon revocation or suspension; however, the licensee shall be entitled to a license fee refund, prorated monthly, upon proof of transfer of legal control or ownership.

(1976 Code, § 18A.20) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.081  
LICENSE APPLICATION.**

**§ 150.081 LICENSE APPLICATION.**

(A) License application or renewal shall be made by the owner of rental units or his or her legally constituted agent. Application forms may be acquired from and subsequently filed with the City Administrator, Clerk/Treasurer.

(B) The applicant shall supply:

- (1) The name, address, and telephone number of the dwelling owner, owning partners if a partnership, or corporate officers if a corporation;
- (2) The name, address, and telephone number of the designated resident

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agent, if any;

- (3) The name, address, and telephone number of the vendee, if the dwelling is being sold through a contract for deed;
- (4) The legal address of the dwelling; and
- (5) The number of dwelling units within the dwelling.

(1976 Code, § 18A.21) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.082  
RESIDENT AGENT REQUIRED.**

**§ 150.082 RESIDENT AGENT REQUIRED.**

No operating license shall be issued or renewed for a non-resident owner of rental dwelling units unless the owner designates in writing to the City Administrator, Clerk/Treasurer the name of his or her resident agent, or non-resident agent located within the Twin City area, who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of city ordinances, to receive orders, and to accept all service of process pursuant to law. The Administrator, Clerk/Treasurer shall be notified in writing of any change of resident or non-resident agent.

(1976 Code, § 18A.22) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.083  
CONFORMANCE TO LAWS.**

**§ 150.083 CONFORMANCE TO LAWS.**

No operating license shall be issued or renewed unless the rental dwelling and its premises conform to the ordinances of the city and the laws of the state.

(1976 Code, § 18A.23)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.084**

**INSPECTION CONDITION.**

**§ 150.084 INSPECTION CONDITION.**

No operating license shall be issued or renewed unless the owner of rental units agrees in his or her application to permit inspections, at all reasonable times, pursuant to this subchapter.

(1976 Code, § 18A.24)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.085  
LICENSE NOT TRANSFERABLE.**

**§ 150.085 LICENSE NOT TRANSFERABLE.**

No operating license shall be transferable to another person or to another rental dwelling. Every person holding an operating license shall give notice in writing to the Administrator, Clerk/Treasurer within ten days after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. This notice shall include the name and address of the person succeeding to the ownership or control of the rental dwelling or dwellings.

(1976 Code, § 18A.25) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.086  
ENFORCEMENT AND INSPECTION AUTHORITY.**

**§ 150.086 ENFORCEMENT AND INSPECTION AUTHORITY.**

The Administrator, Clerk/Treasurer and his or her designated agents shall be the compliance official who shall administer and enforce the provisions of this subchapter and who is hereby authorized to cause inspections on a scheduled basis for rental units, or otherwise when reason exists to believe that a violation of this subchapter has been or is being committed. Inspections shall be conducted during reasonable daylight hours and the compliance official shall present evidence of official capacity to the occupant in charge of the respective dwelling units.

(1976 Code, § 18A.26)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.087  
INSPECTION ACCESS.**

**§ 150.087 INSPECTION ACCESS.**

Any owner, occupant, or other person in charge of a dwelling or dwelling unit may refuse to permit free access and entry to the structure or premises under his or her control for inspection pursuant to this subchapter, whereupon, the compliance official may seek a court order authorizing the inspection.

(1976 Code, § 18A.27)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.088  
COMPLIANCE ORDER.**

**§ 150.088 COMPLIANCE ORDER.**

(A) When the compliance official determines that any dwelling, dwelling unit, or rooming unit, or the premises surrounding any of these, fails to meet the provisions of this subchapter, he or she shall issue a compliance order setting forth the violations of the code provisions and ordering the owner, occupant, operator, or agent to correct the violations.

(B) This compliance order shall:

- (1) Be in writing;
- (2) Describe the location and nature of the violation of this subchapter;
- (3) Establish a reasonable time for the correction of the violation, and notify of appeal recourse; and
- (4) Be served upon the owner, or his or her agent, or the occupant, as the case may require.

(1976 Code, § 18A.28) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.089**

**APPEAL.**

**§ 150.089 APPEAL.**

(A) When it is alleged by any person to whom a compliance order is directed that the compliance order is based upon erroneous interpretation of this subchapter, the person may appeal the compliance order to the City Council sitting as a Board of Appeals. Appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee, in an amount as set from time to time by Council resolution, in cash or cashier's check, and must be filed with the City Administrator, Clerk/Treasurer within ten business days after service of the compliance order. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless a stay would cause imminent peril to life, health, or property.

(1976 Code, § 18A.29)

(B) Upon at least five business days' notice to the appellant of the time and place for hearing the appeal, and within 30 days after the appeal is filed, the Board of Appeals shall hold a hearing thereon, taking into consideration any advice and recommendations from the compliance official or city staff. The Board of Appeals may reverse, modify, or affirm, in whole or in part, the compliance order and may order return of all or part of the filing fee if the appeal is upheld.

(1976 Code, § 18A.30)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.090  
LICENSE SUSPENSION OR REVOCATION.**

**§ 150.090 LICENSE SUSPENSION OR REVOCATION.**

Every operating license issued under the direction of this subchapter is subject to suspension or revocation by the City Council should the licensed owner or his or her duly authorized resident agent fail to operate or maintain licensed rental dwellings and units therein consistent with the provisions of the ordinances of the city and the laws of the state. In the event that an operating license is suspended or revoked by the City Council for just cause, it shall be unlawful for the owner or his or her duly authorized agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as a valid operating license may be restored by the City Council.

(1976 Code, § 18A.31) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.091  
RESTRICTIONS ON OWNERSHIP TRANSFER.**

**§ 150.091 RESTRICTIONS ON OWNERSHIP TRANSFER.**

It shall be unlawful for the owner of any dwelling, dwelling unit, or rooming unit upon whom a pending compliance order has been served to sell, transfer, mortgage, or otherwise dispose thereof to another person until the provisions of the tag or compliance order have been complied with, unless the owner shall furnish to the grantee, lessee, or mortgage a true copy of any notice of violation or compliance order and shall obtain and possess a receipt of acknowledgment. Anyone securing an interest in the dwelling, dwelling unit, or rooming unit who has received a notice of the existence of a violation tag or compliance order shall be bound by same without further service of notice upon him or her and shall be liable to all penalties and procedures provided by this subchapter.

(1976 Code, § 18A.32) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.092  
COMPLIANCE ORDERS; REMEDIES.**

**§ 150.092 COMPLIANCE ORDERS; REMEDIES.**

Upon failure to comply with the compliance order within the time set therein and no appeal having been taken, or upon failure to comply with a modified compliance order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council may by resolution cause the cited deficiency to be remedied as set forth in the compliance order. The cost of the remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by M.S. Ch. 429, as it may be amended from time to time, that the assessment shall be payable in a single installment.

(1976 Code, § 18A.33)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.093  
VIOLATIONS.**

**§ 150.093 VIOLATIONS.**

Any person who fails to comply with a compliance order after right of appeal has expired, and any person who fails to comply with a modified compliance order within the time set therein, upon conviction therefor shall be punished as for a misdemeanor. Each day of failure to comply shall constitute a separate punishable offense.

(1976 Code, § 18A.34) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / HOUSING MAINTENANCE AND OCCUPANCY / § 150.094  
RESPONSIBILITY FOR A LICENSEE RELATING TO THE CONDUCT OF  
OCCUPANTS OR GUESTS.**

**§ 150.094 RESPONSIBILITY FOR A LICENSEE RELATING TO THE CONDUCT OF  
OCCUPANTS OR GUESTS.**

(A) *Conduct on licensed premises.* It shall be the responsibility of the licensee to take appropriate action following conduct by occupant(s) or guest(s) of the occupants which is in violation of any of the following statutes or ordinances:

- (1) M.S. §§ 609.75 through 609.76, as they may be amended from time to time, which prohibit gambling;
- (2) M.S. §§ 609.321 through 609.324, as they may be amended from time to time, which prohibit prostitution and acts relating thereto;
- (3) M.S. §§ 152.01 through 152.025 and 152.027, subs. 1 and 2, as they may be amended from time to time, which prohibit the unlawful sale or possession of controlled substances;
- (4) M.S. § 340A.401, as it may be amended from time to time, which regulates the unlawful sale of alcoholic beverages;
- (5) M.S. § 609.33, as it may be amended from time to time, which prohibits owning, leasing, operating, managing, maintaining, or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house;
- (6) M.S. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, as they may be amended from time to time;

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(7) M.S. § 609.72, as it may be amended from time to time, which prohibits disorderly conduct;

(8) Sections 94.15 through 94.20, §§ 130.01, 130.02, 130.15 through 130.20, 130.35, 130.21 and Chapter 131 regulating nuisances, disorderly conduct, prostitution, weapons violations and similar conduct; or

(9) M.S. §§ 609.221, 609.222, 609.223, 609.2231, and 609.224, as they may be amended from time to time, regarding assaults in the first, second, third, fourth and fifth degree.

(B) *Enforcement and administration.*

(1) The Chief of Police or his/her designee shall be responsible for enforcement and administration of this section.

(2) Upon determination by the Chief of Police that a licensed premises or dwelling unit was involved in a violation of division (A), the Chief of Police shall notify the licensee by first class mail of the violation and direct the licensee to take steps to prevent further violations. A copy of the notice shall be sent by first class mail to the occupant in violation of division (A).

(3) Upon a second violation within 12 months of division (A) involving the same occupant, or a guest of the same occupant of a dwelling unit, the notice provided under subsection (2) of this division shall require the licensee to submit a written report of the action taken to prevent further violations on the premises. This written report shall be submitted to the Chief of Police within ten business days of request of the report and shall detail all actions taken by the licensee in response to all notices regarding violations to division (A) within the preceding 12 months. If the licensee fails to comply with the requirements of this division, the rental dwelling license for the individual rental unit, may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the City Council at the request of the Chief of Police in a manner described in this subchapter providing that licensees shall have notice requirements and opportunity for hearing as provided under the Administrative Procedures Act.

(4) If a third or subsequent violation of division (A) involving the same occupant, or a guest of the same occupant, of a dwelling unit occurs within 12 months after any two previous instances for which notices (pursuant to this section) were sent to the licensee regarding the same dwelling unit, the rental dwelling license for the individual rental unit, may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the City Council at the request of the Chief of Police in a manner described in this subchapter providing that licensees shall have notice requirements and opportunity for hearing as provided under the Administrative Procedures Act.

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(5) All notices sent by the city to the licensee shall be by first class mail to the address given by the licensee to the city in the license application process. The city shall retain affidavits of service by first class mail in its file for each violation notice.

(6) No adverse license action shall be imposed if the violation to division (A) occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to an occupant to vacate the premises, where the violation was related to conduct by that occupant, other occupants, or the occupant's guests. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further violations to division (A).

(7) A determination that the licensed premises or dwelling unit has been used in violation of division (A) shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought to support a determination of violation to division (A), nor shall the fact of dismissal or acquittal of criminal charges operate as a bar to adverse license action under this section.

(Ord. 350, passed 12-19-2005) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / ADDRESS NUMBERS**

**ADDRESS NUMBERS**

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / ADDRESS NUMBERS / § 150.105 PURPOSE.**

**§ 150.105 PURPOSE.**

It is the finding of the City Council that the placement of numerical address numbers on all houses and buildings within the city will promote the general welfare of the community, including fire and police protection and general city administration.

(1976 Code, § 71B.01)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / ADDRESS NUMBERS / § 150.106 NUMBER REQUIREMENTS.**

**§ 150.106 NUMBER REQUIREMENTS.**

All persons, firms, partnerships, corporations, or business entities whatsoever, owning homes or commercial or industrial buildings within the city, shall affix numerical numbers on the front of the building so as to indicate the street address. These numerical numbers shall be conspicuously placed on the building and must be legible from the street. The city shall assign the proper numerical designation for all buildings within the city.

(1976 Code, § 71B.02) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / ADDRESS NUMBERS / § 150.107 COMPLIANCE REQUIRED.**

**§ 150.107 COMPLIANCE REQUIRED.**

All buildings that do not presently conform with the terms of this subchapter shall have 90 days following receipt of notice of non-compliance from the city to comply with this subchapter.

(1976 Code, § 71B.03) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / MOVING BUILDINGS OR STRUCTURES**

**MOVING BUILDINGS OR STRUCTURES**

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / MOVING BUILDINGS OR STRUCTURES / § 150.120 PERMIT  
REQUIRED.**

**§ 150.120 PERMIT REQUIRED.**

No person shall move a building into or within the city or on the streets or highways in the city of which the city has jurisdiction, without first having obtained a permit therefor. A permit for the movement of a building may not be granted to a building mover who does not

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possess a current license issued by this state under M.S. § 221.81, as it may be amended from time to time. A permit as required by this section may be issued by the Building Inspector, provided the building mover shall meet all requirements of this subchapter. The permit may reasonably regulate the hours, routing, movement, parking, or speed limit for a building mover operating on the streets or highways under the jurisdiction of the city. The city may further charge a permit fee for the regulation of activities which do not involve the use of public streets or highways within the jurisdiction of the city.

(1976 Code, § 16.01)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / MOVING BUILDINGS OR STRUCTURES / § 150.121  
DEFINITIONS.**

**§ 150.121 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BUILDING.*** A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes.

***BUILDING INSPECTOR.*** The Building Inspector of the city.

***BUILDING MOVER.*** A person, corporation, or other entity who raises, supports off the foundation, and moves buildings on and over public streets and highways. ***BUILDING MOVER*** does not include a person who moves manufactured homes or modular homes, farmers moving their own farm buildings, or persons moving buildings which are less than 16 feet wide by 20 feet long.

(1976 Code, § 16.02)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / MOVING BUILDINGS OR STRUCTURES / § 150.122 PERMIT  
APPLICATION; ACCOMPANYING PAPERS.**

**§ 150.122 PERMIT APPLICATION; ACCOMPANYING PAPERS.**

(A) *Application.* A building mover seeking issuance of a permit hereunder shall file

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an application for the permit with the Building Inspector.

(1) *Form.* The application shall be made in writing, upon forms provided by the Building Inspector, and shall be filed in the office of the City Administrator, Clerk/Treasurer.

(2) *Contents.* The application shall set forth:

(a) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms, and condition of exterior and interior, together with a photograph thereof that fairly portrays the building;

(b) A legal description of the lot from which the building is to be moved, giving the lot, block, and tract number;

(c) A legal description of the lot to which it is proposed the building be moved, giving lot, block, and tract number;

(d) The portion of the lot to be occupied by the building when moved;

(e) The highways, streets, and alleys over, along, or across which the building is proposed to be moved;

(f) Proposed moving date and hours; and

(g) Any additional information which the Building Inspector shall find necessary to make a fair determination of whether a permit should be issued.

(1976 Code, § 16.03)

(B) *Accompanying papers.*

(1) *Tax certificate.* The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes and charges against the same are paid in full.

(2) *Certificate of ownership or entitlement.* The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence that he or she is entitled to move the building.

(3) *Fee.* The application shall be accompanied by a fee for services performed, including the expense of the Building Inspector to travel to the site of the building proposed to be moved, to inspect the building to assure the building is suitable to be moved to the city, and the return trip. The fee shall be based on an hourly rate and the current city rate per mile for travel, to be established from time to time by resolution of the City Council.

(1976 Code, § 16.04)

Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / MOVING BUILDINGS OR STRUCTURES / § 150.123 DEPOSIT  
FOR CITY EXPENSE.**

**§ 150.123 DEPOSIT FOR CITY EXPENSE.**

(A) Upon receipt of any application, it shall be the duty of the Building Inspector to estimate the expense that will be incurred in removing and replacing any electric wires, street lamps, or pole lines belonging to the city or any other property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials necessary to be used in making those removals and replacements. The Building Inspector shall also estimate the cost of repairs and alterations to the site and building to insure state and city code compliance.

(B) Prior to issuance of the permit, the Building Inspector shall require of the applicant a deposit of a sum of money equal to twice the amount of the estimated expense.

(1976 Code, § 16.05)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / MOVING BUILDINGS OR STRUCTURES / § 150.124 DUTIES OF  
BUILDING INSPECTOR.**

**§ 150.124 DUTIES OF BUILDING INSPECTOR.**

(A) *Inspection.* The Building Inspector shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a permit are met.

(B) *Standards for issuance.* The Building Inspector shall refuse to issue a permit if he or she finds:

- (1) Any application requirement or any fee or deposit requirement has not been complied with;
- (2) The building is too large to move without endangering persons or property in the city;
- (3) The building is in such a state of deterioration or disrepair or is otherwise

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so structurally unsafe that it could not be moved without endangering persons and property in the city;

(4) The building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;

(5) The applicant's equipment is unsafe, and persons and property would be endangered by its use;

(6) Zoning or other ordinances would be violated by the building in its new location;

(7) For any other reason, persons or property in the city would be endangered by the moving of the building;

(8) The building would for any reason be not equal to the standards provided for in the building code of the city; or

(9) The building does not conform to the general design or architecture of other buildings within 250 feet of the new location.

(C) *Fees and deposits.*

(1) *Deposit.* The Building Inspector shall deposit all fees and deposits with the City Administrator, Clerk/Treasurer.

(2) *Return upon non-issuance.* Upon refusal to issue a permit, the Building Inspector shall return to the applicant all deposits and insurance policies. Permit fees filed with the application shall not be returned.

(3) *Refund upon allowance for expense.* After the building has been moved, the Building Inspector shall furnish the Administrator, Clerk/Treasurer with a written statement of all expenses incurred in returning and replacing all property belonging to the city, and of all material used in the making of the removal and replacement, together with a statement of all damage caused to or inflicted upon property belonging to the city. Provided, however, that if any wires, poles, lamps, or other property are not located in conformity with governing ordinances, the permittee shall not be liable for the cost of removing the same. The City Council shall authorize the Administrator, Clerk/Treasurer to return to the applicant all deposits after the Administrator, Clerk/Treasurer deducts the sum sufficient to pay for all of the costs and expenses and for all damage done to property of the city by reason of the removal of the building. Permit fees deposited with the application shall not be returned.

(D) *Designate streets for removal.* The Building Inspector shall designate streets over which the building may be moved. The Building Inspector shall have the list approved by the Administrator, Clerk/Treasurer and shall reproduce the list upon the permit in writing. In

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making their determinations, the Building Inspector and Administrator, Clerk/Treasurer shall act to assure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets.

(1976 Code, § 16.06)

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / MOVING BUILDINGS OR STRUCTURES / § 150.125 DUTIES OF  
PERMITTEE.**

**§ 150.125 DUTIES OF PERMITTEE.**

Every permittee under this subchapter shall:

- (A) *Use designated streets.* Move a building only over streets designated for that use in the written permit;
- (B) *Notify of revised moving time.* Notify the Building Inspector in writing of a desired change in moving date and hours as proposed in the application;
- (C) *Notify of damage.* Notify the Building Inspector in writing of any and all damage done to property belonging to the city within 24 hours after the damage or injury has occurred;
- (D) *Lights and barricades.* Cause red lights to be displayed during the nighttime on every side of the building while standing on a street, in a manner so as to warn the public of the obstruction; and at all times erect and maintain barricades across the streets in a manner so as to protect the public from damage or injury by reason of the removal of the building;
- (E) *Street occupancy period.* Remove the building from the city streets after one day of that occupancy unless an extension is granted by the Building Inspector;
- (F) *Comply with governing law.* Comply with the building code, the fire zone, and Ch. 156 regarding zoning, and all other applicable ordinances and laws upon relocating the building in the city;
- (G) *Pay expense of officer.* Pay the expense of a traffic officer ordered by the Building Inspector to accompany the movement of the building to protect the public from injury;
- (H) *Clear old premises.* Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition; and
- (I) *Remove service connection.* The permittee shall notify the gas and electric

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service companies and the City Public Works Department to remove their services.

(1976 Code, § 16.07) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 150: BUILDING REGULATIONS;  
CONSTRUCTION / MOVING BUILDINGS OR STRUCTURES / § 150.126  
ENFORCEMENT; VIOLATIONS.**

**§ 150.126 ENFORCEMENT; VIOLATIONS.**

(A) *Enforcing officers.* The Building Inspector and the Police Department shall enforce and carry out the requirements of this subchapter.

(B) *Permittee liable for expense above deposit.* The permittee shall be liable for any expense, damages, or costs in excess of deposited amounts or securities, and the City Attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of excessive amounts.

(C) *Original premises left unsafe.* The city shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition, where the permittee does not comply with the requirements of this subchapter, and the cost thereof shall be charged against the general deposit.

(D) *Violations.* Any person, firm, or corporation who moves any building into or within the city without a permit as provided for herein shall be construed to have committed a misdemeanor for each day that the building remains within the city in violation of this subchapter.

(1976 Code, § 16.08) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC  
RIGHTS-OF-WAY**

**CHAPTER 151: CONSTRUCTION ON PUBLIC  
RIGHTS-OF-WAY**

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Section

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***Public Rights-of-Way; Construction; Permits***

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**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS**

## **PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS**

### **TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.01 MANAGEMENT OF RIGHTS-OF-WAY; AUTHORITY.**

#### **§ 151.01 MANAGEMENT OF RIGHTS-OF-WAY; AUTHORITY.**

(A) To provide for the health, safety, and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights-of-way, the city strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances.

(B) Pursuant to the authority granted to the city under state and federal statutory, administrative, and common law, the city hereby elects pursuant to M.S. § 237.163(2)(b), as it may be amended from time to time, to manage rights-of-way within its jurisdiction.

(1976 Code, § 18C.01) (Ord. 328, passed 10-16-2000)

### **TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.02 DEFINITIONS.**

#### **§ 151.02 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Defined terms remain defined terms whether or not capitalized.

**ABANDONED FACILITY.** A facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility that is in use or still carries service. A facility is not **ABANDONED** unless declared so by the right-of-way user.

**APPLICANT.** Any person requesting permission to excavate or obstruct a right-of-way.

**COMMISSION.** The State Public Utilities Commission.

**CONGESTED RIGHT-OF-WAY.** A crowded condition in the subsurface of the public right-of-way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand

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digging to expose the existing lateral facilities in conformance with M.S. § 216D.04(3), as it may be amended from time to time, over a continuous length in excess of 500 feet.

**DEGRADATION.** A decrease in the useful life of a right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct the right-of-way earlier than would be required if the excavation or disturbance did not occur.

**DEGRADATION COST.** Subject to Minn. Rules, part 7819.1100, as it may be amended from time to time, the cost to achieve a level of restoration as determined by the city at the time the permit is issued, not to exceed the maximum restoration shown in Plates 1 - 13, set forth in Minn. Rules, parts 7819.9900 - 7819.9950, as they may be amended from time to time.

**DEGRADATION FEE.** The estimated fee established at the time of permitting by the city to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation cost.

**CITY INSPECTOR.** Any person authorized by the city to carry out inspections related to the provisions of this subchapter.

**DELAY PENALTY.** The penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as established by permit.

**EMERGENCY.** A condition that:

- (1) Poses a danger to life or health, or of a significant loss of property; or
- (2) Requires immediate repair or replacement of facilities in order to restore service to a customer.

**EQUIPMENT.** Any tangible asset used to install, repair, or maintain facilities in any right-of-way.

**EXCAVATE.** To dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

**EXCAVATION PERMIT.** The permit which, pursuant to this subchapter, must be obtained before a person may excavate in a right-of-way. An **EXCAVATION PERMIT** allows the holder to excavate that part of the right-of-way described in the permit.

**EXCAVATION PERMIT FEE.** Money paid to the city by an applicant to cover the costs as provided in § 151.06(A) of this code.

**FACILITY or FACILITIES.** Any tangible asset in the right-of-way required to provide utility service.

**HOLE.** An excavation in the right-of-way, with the excavation having a length less than

the width of the pavement.

**MANAGEMENT COSTS.** The actual costs the city incurs in managing its rights-of-way, including such costs, if incurred, as those associated with issuing, processing, and verifying right-of-way permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of-way permits. **MANAGEMENT COSTS** do not include payment by a telecommunications right-of-way user for the use of the right-of-way, the fees and cost of litigation relating to the interpretation of Laws 1997, Ch. 123, as it may be amended from time to time, being M.S. §§ 237.162 or 237.163, as they may be amended from time to time, or any ordinance enacted under those sections, or the city fees and costs related to appeals taken pursuant to § 151.21 of this code.

**OBSTRUCT.** To place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

**OBSTRUCTION PERMIT.** The permit which, pursuant to this subchapter, must be obtained before a person may obstruct a right-of-way, allowing the holder to hinder free and open passage over the specified portion of that right-of-way, for the duration specified therein.

**OBSTRUCTION PERMIT FEE.** Money paid to the city by a permittee to cover the costs as provided in § 151.06(B) of this code.

**PATCH or PATCHING.** A method of pavement replacement that is temporary in nature. A **PATCH** consists of:

- (1) The compaction of the sub-base and aggregate base; and
- (2) The replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A **PATCH** is considered full restoration only when the pavement is included in the city's five-year project plan.

**PAVEMENT.** Any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

**PERMIT.** Has the meaning given "right-of-way permit" in M.S. § 237.162, as it may be amended from time to time.

**PERMITTEE.** Any person to whom a permit to excavate or obstruct a right-of-way has been granted by the city under this subchapter.

**PERSON.** An individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or

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non-profit, and whether natural, corporate, or political.

**PUBLIC RIGHT-OF-WAY.** The area on, below, or above a public roadway, highway, street, cart- way, bicycle lane, and public sidewalk in which the city has an interest, including other dedicated rights- of-way for travel purposes and utility easements of the city. A **RIGHT-OF-WAY** does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service.

**RESTORATION COST.** The amount of money paid to the city by a permittee to achieve the level of restoration according to Plates 1 - 13 of State Public Utilities Commission rules.

**RESTORE or RESTORATION.** The process by which an excavated right-of-way and surrounding area, including pavement and foundation, is returned to the same condition and life expectancy that existed before excavation.

**RIGHT-OF-WAY PERMIT.** Either the excavation permit or the obstruction permit, or both, depending on the context, required by this subchapter.

**RIGHT-OF-WAY USER.**

(1) A “telecommunications right-of-way user” as defined by M.S. § 237.162(4); or

(2) A person owning or controlling a facility in the right-of-way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right-of-way.

**SERVICE or UTILITY SERVICE.** Includes:

(1) The services provided by a public utility as defined in M.S. §§ 216B.02(4) and 216B.02(6), as they may be amended from time to time;

(2) Services of a telecommunications right-of-way user, including transporting of voice or data information;

(3) Services of a cable communications system as defined in M.S. Ch. 238, as it may be amended from time to time;

(4) Natural gas or electric energy or telecommunications services provided by the city;

(5) Services provided by a cooperative electric association organized under M.S. Ch. 308A, as it may be amended from time to time; and

(6) Water, sewer, steam, cooling, or heating services.

**SUPPLEMENTARY APPLICATION.** An application made to excavate or obstruct

more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

**TELECOMMUNICATIONS RIGHT-OF-WAY USER.** A person owning or controlling a facility in the right-of-way, or seeking to own or control a facility in the right-of-way, that is used or is intended to be used for transporting telecommunications or other voice or data information. A cable communication system defined and regulated under M.S. Ch. 238, as it may be amended from time to time, and telecommunications activities related to providing natural gas or electric energy services whether provided by a public utility as defined in M.S. § 216B.02, as it may be amended from time to time, a municipality, a municipal gas or power agency organized under M.S. Ch. 453 and 453A, as they may be amended from time to time, or a cooperative electric association organized under M.S. Ch. 308A, as it may be amended from time to time, are not **TELECOMMUNICATIONS RIGHT-OF-WAY USERS**.

**TEMPORARY SERVICE.** The compaction of sub-base and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation. It is temporary in nature except when the replacement is of pavement included in the city's capital improvement plan, and is scheduled for completion within two years, in which case it is considered full restoration.

**TRENCH.** An excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

(1976 Code, § 18C.02) (Ord. 328, passed 10-16-2000)

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.03 OBSTRUCTION OR EXCAVATION; PERMIT REQUIRED.**

**§ 151.03 OBSTRUCTION OR EXCAVATION; PERMIT REQUIRED.**

(A) *Permit required.* Except as otherwise provided in this subchapter, no person may obstruct or excavate any right-of-way without first having obtained the appropriate permit from the city.

(1) *Excavation permit.* An excavation permit is required to excavate the part of the right-of-way described in the permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.

(2) *Obstruction permit.* An obstruction permit is required to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. An obstruction permit is

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not required if a person already possesses a valid excavation permit for the same project.

(B) *Permit extensions.* No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless that person:

(1) Makes a supplementary application for another right-of-way permit before the expiration of the initial permit; and

(2) A new permit or permit extension is granted.

(C) *Delay penalty.* In accordance with Minn. Rules, part 7819.1000(3), as it may be amended from time to time, and notwithstanding division (B) of this section, the city shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by City Council resolution.

(D) *Permit display.* Permits issued under this subchapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the city.

(1976 Code, § 18C.03) (Ord. 328, passed 10-16-2000) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.04 PERMIT APPLICATION; JOINT APPLICATION.**

**§ 151.04 PERMIT APPLICATION; JOINT APPLICATION.**

(A) *Permit applications.* Application for a permit shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

(1) Submission of a completed permit application form, including all required attachments, scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities, and the following information:

(a) Each applicant's name, Gopher One-Call registration certificate number, address and e-mail address, if applicable, and telephone and facsimile numbers;

(b) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times;

(c) A certificate of insurance or self insurance:

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1. Verifying that an insurance policy has been issued to the permittee by an insurance company licensed to do business in this state, or a form of self insurance acceptable to the city;
2. Verifying that the permittee is insured against claims for personal injury, including death, as well as claims for property damage; including, but not limited to, protection against liability arising from completed operations, damage of underground facilities, and collapse of property; arising out of:
  - a. The use and occupancy of the right-of-way by the permittee, its officers, agents, employees, and permittees; and
  - b. The placement and use of facilities and equipment in the right-of-way by the permittee, its officers, agents, employees, and permittees.
3. Naming the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;
4. Requiring that the city be notified 30 days in advance of cancellation of the policy or material modification of a coverage term; and
5. Indicating comprehensive liability coverage, automobile liability coverage, worker's compensation, and umbrella coverage established by the city in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this subchapter.
  - (d) The city may require a copy of the actual insurance policies;
  - (e) If the person is a corporation, a copy of the certificate required to be filed under M.S. § 300.06, as it may be amended from time to time, as recorded and certified to by the Secretary of State;
  - (f) A copy of the person's order granting a certificate of authority from the State Public Utilities Commission or other applicable state or federal agency, where the person is lawfully required to have the certificate from the Commission or other state or federal agency; and
  - (g) Prior to commencement of work, the permittee must deposit with the city security in the form of letter of credit or construction bond, in a sufficient amount as determined by the City Council for the completion of the work. The security will be held until the work is completed plus a period of three months thereafter satisfactorily completed. The security will then be returned to the permittee with interest if held for a sufficient length of time to be required by law and then interest at the applicable statutory rate.

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- (2) Payment of money due the city for:
  - (a) Permit fees, estimated restoration costs, security, and other management costs;
  - (b) Prior obstructions or excavations;
  - (c) Any undisputed loss, damage, or expense suffered by the city because of the applicant's prior excavations or obstructions of rights-of-way or any emergency actions taken by the city; and
  - (d) Franchise fees or other charges, if applicable.
- (3) Submission of a schedule for the proposed work, including a start date and completion date. The city reserves the right to modify the schedule as necessary in the issuance of the permit; therefore, the dates stated on the permit may not necessarily match those on the applicant's proposed schedule.

(1976 Code, § 18C.04)

(B) *Joint application.* Applicants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.

(1) *Shared fees.* Applicants who apply for permits for the same obstruction or excavation, which the city does not perform, may share in the payment of the obstruction or excavation permit fee. In order to obtain a joint permit, applicants must agree among themselves as to the portion each will pay and indicate the same on their applications.

(2) *With city projects.* Applicants who join in a scheduled obstruction or excavation performed by the city, whether it is a joint application by two or more applicants or a single application, are not required to pay the excavation or obstruction and degradation portions of the permit fee, but a permit would still be required.

(1976 Code, § 18C.05)

(Ord. 328, passed 10-16-2000) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.05 PERMIT ISSUANCE; CONDITIONS.**

**§ 151.05 PERMIT ISSUANCE; CONDITIONS.**

(A) *Permit issuance.* If the applicant has satisfied the requirements of this subchapter,

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the city shall issue a permit.

(B) *Conditions.* The city may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety, and welfare, or when necessary to protect the right-of-way and its current use.

(1976 Code, § 18C.06) (Ord. 328, passed 10-16-2000)

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.06 PERMIT FEES.**

**§ 151.06 PERMIT FEES.**

(A) *Excavation permit fee.* The city shall establish an excavation permit fee in an amount sufficient to recover the following costs:

- (1) The city management costs; and
- (2) Degradation costs, if applicable.

(B) *Obstruction permit fee.* The city shall establish the obstruction permit fee and it shall be in an amount sufficient to recover the city management costs.

(C) *Payment of permit fees.* No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The city may allow the applicant to pay the fees within 30 days of billing.

(D) *Non-refundable.* Permit fees that were paid for a permit that the city has revoked for a breach as stated in § 151.14 of this code are not refundable.

(E) *Application to franchises.* Unless otherwise agreed to in a franchise, management costs may be charged separately from, and in addition to, the franchise fees imposed on a right-of-way user in the franchise.

(F) *State law applies.* All permit fees shall be established consistent with the provisions of Minn. Rules, part 7819.1000, as it may be amended from time to time.

(1976 Code, § 18C.07) (Ord. 328, passed 10-16-2000) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.07 PATCHING AND RESTORATION.**

**§ 151.07 PATCHING AND RESTORATION.**

(A) *Timing.* The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under § 151.20(B) of this code.

(B) *Patch and restoration.* The permittee shall patch its own work. The city may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.

(1) *City restoration.* If the city restores the right-of-way, the permittee shall pay the costs thereof within 30 days of billing. If, following the restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the city, within 30 days of billing, all costs associated with having to correct the defective work.

(2) *Permittee restoration.* If the permittee restores the right-of-way itself, it shall, at the time of application for an excavation permit, post a construction performance bond in accordance with the provisions of Minn. Rules, part 7819.3000, as it may be amended from time to time.

(3) *Degradation fee in lieu of restoration.* In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the costs to accomplish these responsibilities.

(C) *Standards.* The permittee shall perform patching and restoration according to the standards and with the materials specified by the city and shall comply with Minn. Rules, part 7819.1100, as it may be amended from time to time.

(D) *Duty to correct defects.* The permittee shall correct defects in patching or restoration performed by the permittee or its agents. The permittee, upon notification from the city, shall correct all restoration work to the extent necessary, using the method required by the city. This work shall be completed within five calendar days of the receipt of the notice from the city, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonal or unreasonable under § 151.20(B) of this code.

(E) *Failure to restore.* If the permittee fails to restore the right-of-way in the manner and to the condition required by the city, or fails to satisfactorily and timely complete all restoration required by the city, the city, at its option, may do the work. In that event, the permittee shall pay to the city, within 30 days of billing, the cost of restoring the right-of-way. If

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the permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

(1976 Code, § 18C.08) (Ord. 328, passed 10-16-2000) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.08 SUPPLEMENTARY PERMIT APPLICATIONS.**

**§ 151.08 SUPPLEMENTARY PERMIT APPLICATIONS.**

(A) *Limitation on area.* A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated before working in that greater area shall:

- (1) Make application for a permit extension and pay any additional fees required thereby; and
- (2) Be granted a new permit or permit extension.

(B) *Limitation on dates.* A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

(1976 Code, § 18C.09) (Ord. 328, passed 10-16-2000) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.09 DENIAL OF PERMIT.**

**§ 151.09 DENIAL OF PERMIT.**

The city may deny a permit for failure to meet the requirements and conditions of this subchapter or if the city determines that the denial is necessary to protect the health, safety, and

welfare, or when necessary to protect the right-of-way and its current use.

(1976 Code, § 18C.10) (Ord. 328, passed 10-16-2000)

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.10 INSTALLATION REQUIREMENTS.**

**§ 151.10 INSTALLATION REQUIREMENTS.**

The excavation, backfilling, patching, restoration, and all other work performed in the right-of-way shall be done in conformance with Minn. Rules, part 7819.1100, as it may be amended from time to time, and other applicable local requirements, in so far as they are not inconsistent with M.S. §§ 237.162 and 237.163, as they may be amended from time to time.

(1976 Code, § 18C.11) (Ord. 328, passed 10-16-2000) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.11 NOTICE; INSPECTION.**

**§ 151.11 NOTICE; INSPECTION.**

(A) *Notice of start and completion.* The permittee shall notify the city when the work under any permit hereunder begins. When the work under any permit hereunder is completed, the permittee shall furnish the city with a completion certificate in accordance with Minn. Rules, part 7819.1300, as it may be amended from time to time.

(B) *Site inspection.* The permittee shall make the work site available to city personnel and to all others as authorized by law for inspection at all reasonable times during the execution of, and upon completion of, the work.

(C) *Authority of city.*

(1) At the time of inspection, the city may order the immediate cessation of any work which poses a serious threat to the life, health, safety, or well-being of the public.

(2) The city may issue an order to the permittee for any work which does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within

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ten days after issuance of the order, the permittee shall present proof to the city that the violation has been corrected. If this proof has not been presented within the required time, the city may revoke the permit pursuant to § 151.14 of this code.

(1976 Code, § 18C.12) (Ord. 328, passed 10-16-2000) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.12 WORK DONE WITHOUT PERMIT.**

**§ 151.12 WORK DONE WITHOUT PERMIT.**

(A) *Emergency situations.* Each person with facilities in the right-of-way shall immediately notify the city of any event regarding its facilities which it considers to be an emergency. The owner of the facilities may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency, the owner shall apply for the necessary permits, pay the fees associated therewith, and fulfill the rest of the requirements necessary to bring itself into compliance with this subchapter for the actions it took in response to the emergency. If the city becomes aware of an emergency regarding facilities, the city will attempt to contact the local representative of each facility owner affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the person whose facilities occasioned the emergency.

(B) *Non-emergency situations.* Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, and as a penalty pay double the normal fee for that permit, pay double all the other fees required by this subchapter, deposit with the city the fees necessary to correct any damage to the right-of-way, and comply with all of the requirements of this subchapter.

(1976 Code, § 18C.13) (Ord. 328, passed 10-16-2000) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.13 SUPPLEMENTARY NOTIFICATION.**

**§ 151.13 SUPPLEMENTARY NOTIFICATION.**

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If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, the permittee shall notify the city of the accurate information as soon as this information is known.

(1976 Code, § 18C.14) (Ord. 328, passed 10-16-2000) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.14 PERMIT REVOCATION.**

**§ 151.14 PERMIT REVOCATION.**

(A) *Substantial breach.* The city reserves its right, as provided herein, to revoke any right-of-way permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule, or regulation, or any material condition of the permit. A substantial breach by the permittee shall include, but shall not be limited to, the following:

- (1) The violation of any material provision of the right-of-way permit;
- (2) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;
- (3) Any material misrepresentation of fact in the application for a right-of-way permit;
- (4) The failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control; or
- (5) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued by the city.

(B) *Written notice of breach.* If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation, or any condition of the permit, the city shall make a written demand upon the permittee to remedy the violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

(C) *Response to notice of breach.* Within 24 hours of receiving notification of the breach, the permittee shall provide the city with a plan, acceptable to the city, that will cure the breach. The permittee's failure to contact the city, or the permittee's failure to submit an

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acceptable plan, or the permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit.

(D) *Reimbursement of city costs.* If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with the revocation.

(1976 Code, § 18C.15) (Ord. 328, passed 10-16-2000) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.15 MAPPING DATA REQUIRED.**

**§ 151.15 MAPPING DATA REQUIRED.**

Each permittee shall provide mapping information required by the city in accordance with Minn. Rules, parts 7819.4000 and 7819.4100, as they may be amended from time to time.

(1976 Code, § 18C.16) (Ord. 328, passed 10-16-2000) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.16 LOCATION AND RELOCATION OF FACILITIES.**

**§ 151.16 LOCATION AND RELOCATION OF FACILITIES.**

(A) *Regulations apply.* Placement, location, and relocation of facilities must comply with this chapter, with other applicable law, and with Minn. Rules, parts 7819.3100, 7819.5000, and 7819.5100, as these statutes and rules may be amended from time to time, to the extent the rules do not limit authority otherwise available to cities.

(B) *Corridors.* The city may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the city expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the city involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue. Any permittee who has facilities in the right-of-way in a position at variance with the corridors established by the city shall, no later than at the time of the next reconstruction or excavation of the area where facilities are located, move the facilities to the assigned position within the

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right-of-way, unless this requirement is waived by the city for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs, and hardship to the permittee.

(C) *Limitation of space.* To protect health, safety, and welfare or when necessary to protect the right-of-way and its current use, the city shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making these decisions, the city shall strive, to the extent possible, to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

(1976 Code, § 18C.17) (Ord. 328, passed 10-16-2000) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.17 DAMAGE TO OTHER FACILITIES.**

**§ 151.17 DAMAGE TO OTHER FACILITIES.**

When the city does work in the right-of-way and finds it necessary to maintain, support, or move facilities to protect it, the city shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that facility owner and must be paid within 30 days from the date of billing. Each facility owner shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each facility owner shall be responsible for the cost of repairing any damage to the facilities of another caused during the city's response to an emergency occasioned by that owner's facilities.

(1976 Code, § 18C.18) (Ord. 328, passed 10-16-2000) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.18 RIGHT-OF-WAY VACATION.**

**§ 151.18 RIGHT-OF-WAY VACATION.**

(A) *Reservation of rights.* If the city vacates a right-of-way which contains facilities,

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the facility owner's rights in the vacated right-of-way are governed by Minn. Rules, part 7819.3200, as it may be amended from time to time.

(B) *Indemnification and liability.* By applying for and accepting a permit under this subchapter, a permittee agrees to defend and indemnify the city in accordance with the provisions of Minn. Rules, part 7819.1250, as it may be amended from time to time.

(1976 Code, § 18C.19) (Ord. 328, passed 10-16-2000)

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.19 ABANDONED FACILITIES.**

**§ 151.19 ABANDONED FACILITIES.**

Any person who has abandoned facilities in any right-of-way shall remove them from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the city.

(1976 Code, § 18C.20) (Ord. 328, passed 10-16-2000) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.20 ADDITIONAL OBLIGATIONS.**

**§ 151.20 ADDITIONAL OBLIGATIONS.**

(A) *Compliance with other laws.* Obtaining a right-of-way permit does not relieve the permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the city or other applicable rule, law, or regulation. A permittee shall comply with all requirements of local, state, and federal laws, including M.S. §§ 216D.01 - 216D.09 (Gopher One-Call Excavation Notice System), as they may be amended from time to time. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

(B) *Prohibited work.* Except in an emergency, and with the approval of the city, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for that work.

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(C) *Interference with right-of-way.* A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

(1976 Code, § 18C.21) (Ord. 328, passed 10-16-2000) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.21 APPEAL.**

**§ 151.21 APPEAL.**

(A) A right-of-way user that has been denied a permit, has had a permit revoked, or believes that the fees imposed are invalid, may have the denial, revocation, or fee imposition reviewed, upon written request, by the City Council.

(B) The City Council shall act on a timely written request at its next regularly scheduled meeting. A decision by the City Council affirming the denial, revocation, or fee imposition, will be in writing and supported by written findings establishing the reasonableness of the decision.

(1976 Code, § 18C.22) (Ord. 328, passed 10-16-2000)

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / PUBLIC RIGHTS-OF-WAY; CONSTRUCTION; PERMITS / § 151.22 REGULATORY AND POLICE POWERS RESERVED.**

**§ 151.22 REGULATORY AND POLICE POWERS RESERVED.**

A permittee's rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public.

(1976 Code, § 18C.23) (Ord. 328, passed 10-16-2000)

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / DRIVEWAYS; ACCESS LANES; CURB CUTS**

## **DRIVEWAYS; ACCESS LANES; CURB CUTS**

### **TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / DRIVEWAYS; ACCESS LANES; CURB CUTS / § 151.35 PURPOSE.**

#### **§ 151.35 PURPOSE.**

The purpose of this subchapter is to promote a pleasant physical environment and to protect the value of public and private property within the city by regulating the location, width, type of construction, and maintenance of all driveways, access lanes, and curb cuts.

(Ord. 329, passed 4-16-2001)

### **TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / DRIVEWAYS; ACCESS LANES; CURB CUTS / § 151.36 DEFINITIONS.**

#### **§ 151.36 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESS LANE.** A fully improved or unimproved surface within a commercial property providing ingress or egress to public streets or off-street parking, driveways, or structures.

**APRON.** A fully improved concrete surface adjacent to a curb cut, built in accordance with the city standard details, for residential or commercial application.

**CURB CUT.** A segment of concrete curb built in accordance with the city standard details, where the back of the curb is depressed to allow vehicular access across the curb.

**CURB TAPER.** A segment of concrete curb built in accordance with the city standard details, to provide transition from the curb cut to the standard curb.

**DRIVEWAY, PRIVATE.** A fully improved or unimproved surface that runs from a private garage to the curb line.

**DRIVEWAY, PUBLIC.** A fully improved or unimproved surface that runs from a public

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garage to the curb line.

***GARAGE, PRIVATE.*** An accessory building designed and used for the storage of not more than three motor vehicles owned and used by the occupants of the building to which it is accessory.

***GARAGE, PUBLIC.*** A building other than a private garage, used for the care or repair of automobile parts and equipment, or where these vehicles are parked or stored for remuneration, hire, or sale within the structure.

***IMPROVED SURFACE.*** Any exterior area constructed of asphalt, concrete, brick, or similar dust-free surface as approved by the Building Official.

***UNIMPROVED SURFACE.*** Any exterior area where the grass or topsoil have been removed or worn away, and no improved surface materials have been installed.

***UNIMPROVED SURFACES*** include, but are not limited to gravel, limestone, and rock.

(Ord. 329, passed 4-16-2001)

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / DRIVEWAYS; ACCESS LANES; CURB CUTS / § 151.37 CONSTRUCTION; PERMIT REQUIRED.**

**§ 151.37 CONSTRUCTION; PERMIT REQUIRED.**

(A) No private or public driveway, access lane, apron, or street curbs may be constructed or substantially altered in the city without securing a zoning permit from the Building Official.

(B) All requests for permits must be submitted upon a written application provided by the city, which sets forth the materials to be used, width, thickness, and exact location. Permits are subject to a fee as established by resolution adopted by the City Council from time to time.

(Ord. 329, passed 4-16-2001) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / DRIVEWAYS; ACCESS LANES; CURB CUTS / § 151.38 LICENSE REQUIRED.**

**§ 151.38 LICENSE REQUIRED.**

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No person, firm, or corporation shall install, modify, or replace any driveways, access lanes, aprons, or curb cuts without first having obtained a license in accordance with §§ 150.015 *et seq.*

(Ord. 329, passed 4-16-2001) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / DRIVEWAYS; ACCESS LANES; CURB CUTS / § 151.39 LOCATION OF DRIVEWAYS AND ACCESS LANES.**

**§ 151.39 LOCATION OF DRIVEWAYS AND ACCESS LANES.**

(A) No part of any private or public driveway or access lane shall be located less than five feet from any side yard property line, except by variance obtained in the manner provided by § 155.095.

(B) In the case of corner lots within residential districts, no part of that portion of any private or public driveway within the public right-of-way shall be located less than 40 feet, as measured perpendicularly to a line extended along the back of the curb, from a point tangent to the beginning radius of the street that intersects the street to which the driveway connection is being made.

(C) In the case of corner lots within commercial and industrial districts, all public driveways and access lanes shall be subject to review and approval by the Planning Commission and the City Council.

(Ord. 329, passed 4-16-2001) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / DRIVEWAYS; ACCESS LANES; CURB CUTS / § 151.40 WIDTHS OF DRIVEWAYS AND ACCESS LANES.**

**§ 151.40 WIDTHS OF DRIVEWAYS AND ACCESS LANES.**

(A) No part of the portion of any private driveway located on private property shall exceed 36 feet. The portion of any private driveway located on a public right-of-way shall be a minimum width of 12 feet, or a maximum width of 24 feet. In cases where the curb cut is narrower than the driveway, the apron shall be aligned with the edge of the driveway nearest the house. Appropriate tapering shall be done beyond the apron to transition from the apron to the

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driveway. The standard extent of the taper shall be to the property line.

(B) All public driveways and access lanes which are not designated as Fire Department access must maintain a minimum of 12 feet in width for all one-way traffic, and 24 feet in width for all two-way traffic. Measurement of width on public driveways and access lanes shall be from edge of pavement to edge of pavement for those without curbing, or from face of curb to face of curb for those with curbing.

(Ord. 329, passed 4-16-2001) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / DRIVEWAYS; ACCESS LANES; CURB CUTS / § 151.41 FIRE DEPARTMENT DRIVEWAYS AND ACCESS LANES.**

**§ 151.41 FIRE DEPARTMENT DRIVEWAYS AND ACCESS LANES.**

All designated Fire Department driveways and access lanes must comply with the requirements stated in Fire Regulation 1-95 of the Spring Lake Park, Blaine, Mounds View Fire Department, which is available at the office of the City Building Official and Fire Marshal.

(Ord. 329, passed 4-16-2001) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / DRIVEWAYS; ACCESS LANES; CURB CUTS / § 151.42 CONCRETE CURB STREET; DRIVEWAY APRONS.**

**§ 151.42 CONCRETE CURB STREET; DRIVEWAY APRONS.**

An apron shall be required on all public and private driveways that connect to a public street that contains concrete curb.

(Ord. 329, passed 4-16-2001) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / DRIVEWAYS; ACCESS LANES; CURB CUTS / § 151.43 MAINTENANCE.**

**§ 151.43 MAINTENANCE.**

(A) All private and public driveways and access lanes shall be maintained in a condition of reasonable repair and must not be allowed to remain in a condition that would constitute a public nuisance or dangerous hazard.

(B) All public driveways and access lanes must be free of blockage which would prevent the free flow of traffic in and out of any public driveway or access lane.

(Ord. 329, passed 4-16-2001) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / DRIVEWAYS; ACCESS LANES; CURB CUTS / § 151.44 NUMBER OF CURB CUTS RESTRICTED.**

**§ 151.44 NUMBER OF CURB CUTS RESTRICTED.**

All property owners in a residential district shall be entitled to one curb cut. A second curb cut is allowed only where there is an existing second improved driveway that also leads to a garage. This shall include all existing improved driveways that lead to an old garage that has been converted into a finished addition to the house. The cost of the second curb cut shall be the property owner's responsibility. No curb cut and apron shall be provided for a garage that currently has no improved surface driveway.

(Ord. 329, passed 4-16-2001) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / DRIVEWAYS; ACCESS LANES; CURB CUTS / § 151.45 CURB CUT WIDTHS.**

**§ 151.45 CURB CUT WIDTHS.**

The minimum width of a curb cut shall be 12 feet to accommodate a single car garage, or a maximum of 24 feet to accommodate a double or triple car garage. The curb cut shall be the width of the existing asphalt or concrete driveway or the existing garage, whichever is wider, within the minimum and maximum requirement stated in this section.

(Ord. 329, passed 4-16-2001) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / DRIVEWAYS; ACCESS LANES; CURB CUTS / § 151.46 CURB CUT AND APRON CONSTRUCTION STANDARDS.**

**§ 151.46 CURB CUT AND APRON CONSTRUCTION STANDARDS.**

All curb cut and apron construction must comply with the minimum requirements set forth in the city standard details for concrete residential or commercial applications, which is available at the office of the City Building Official and Fire Marshal.

(Ord. 329, passed 4-16-2001) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 151: CONSTRUCTION ON PUBLIC RIGHTS-OF-WAY / DRIVEWAYS; ACCESS LANES; CURB CUTS / § 151.47 UNIMPROVED SURFACE; ABATEMENT REQUIRED.**

**§ 151.47 UNIMPROVED SURFACE; ABATEMENT REQUIRED.**

All unimproved driveways and access lanes must be constructed to an improved surface within four years of passage of this subchapter.

(Ord. 329, passed 4-16-2001) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 152: SIGNS AND BILLBOARDS**

**CHAPTER 152: SIGNS AND BILLBOARDS**

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Section

- 152.01 Definitions
- 152.02 Permit required
- 152.03 Permit issuance; suspension or revocation
- 152.04 Construction and maintenance; standards
- 152.05 Prohibited signs

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152.06	Exemptions
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152.09	Violations

**TITLE XV: LAND USAGE / CHAPTER 152: SIGNS AND BILLBOARDS / § 152.01 DEFINITIONS.**

**§ 152.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BILLBOARD.** A sign located off the premises where the advertised product, service, merchandise, or message is located, manufactured, sold, offered, distributed, or made available to the public.

**BUILDING.** Any structure erected for the support, shelter, or enclosure of persons, animals, chattels, or moveable property of any kind.

**SIGN.** Any publicly displayed, message-bearing device for visual communication or any attention-attracting device that is used primarily for the purpose of bringing the subject thereto to the attention of the public.

**SIGN, ANIMATED.** Any sign that uses movement, electric message, or change of lighting, either natural or artificial, to depict action or create a specific effect or scene.

**SIGN, DIRECTIONAL.** A sign, the primary function of which is to provide locational directions.

**SIGN, FLASHING.** Any illuminated or luminous sign on which the artificial light or color is not maintained at a constant intensity or color when the sign is in use except for that portion of a sign providing public service information such as time, weather, date, temperature, or similar information. A **FLASHING SIGN** is one that is programmed to flash in either text or graphic more frequently than every three seconds.

**SIGN, FREE-STANDING.** A sign which is not attached to any part of a building and which is rather supported by upright braces or posts placed in the ground.

**SIGN, ILLUMINATED.** Any sign upon which artificial light is directed.

**SIGN, LUMINOUS.** Any sign which has its own self-generated light.

**SIGN, NON-COMMERCIAL.** A sign which does not advertise products, goods,

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businesses, or services and which expresses an opinion or other point of view.

***SIGN, PORTABLE.*** A sign so designed as to be moveable from one location to another and not permanently attached to the ground or any immobile structure. A ***PORTABLE SIGN*** may consist of a mobile structure such as a semi-truck trailer or other device whose primary function during a specific time period is to serve as a sign structure.

***SIGN, PROJECTING.*** A sign which is affixed to the wall of a building and extends outward from the building.

***SIGN, TEMPORARY.*** A sign which is erected or displayed for a limited period of time.

***SIGN APPARATUS.*** The structure upon which any sign is actually placed or erected.

(1976 Code, § 17.01)

**TITLE XV: LAND USAGE / CHAPTER 152: SIGNS AND BILLBOARDS / § 152.02 PERMIT REQUIRED.**

**§ 152.02 PERMIT REQUIRED.**

(A) No sign which may lawfully be erected in the city shall be erected, re-erected, maintained, posted, displayed, or altered unless a permit for each sign has been obtained. Applications for a sign permit shall be made in writing upon forms provided by the City Administrator, Clerk/Treasurer. In addition to the information required by the application, applicants may be required to provide plans, specifications, and drawings to scale showing the sign itself, projections, setbacks, sign area, sign type, sign structure, a description of the building or premises to which the sign is to be attached or located, and any other relevant information required by the Administrator, Clerk/Treasurer. Permits shall be valid for the calendar year or part thereof for which they have been issued. Permits are non-transferable.

(1) The original construction fee, per sign facing, shall be determined as follows, with amounts set from time to time by Council resolution:

- (a) Forty square feet or less in area; or
- (b) Greater than 40 square feet in area.

(2) In addition, the annual fee for each permit for an off-premises sign shall be as set from time to time by Council resolution.

(B) If a sign has been erected before the effective date of this chapter and it conforms nonetheless to the terms of this chapter, a permit is required for all such signs according to the

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terms of this section. If a sign has been erected before the effective date of this chapter and does not conform to the terms of this chapter, the owner or lessee of the sign or the premises upon which it is located must apply for a permit declaring the sign to be a legal non-conforming sign which shall permit the temporary existence of the sign according to the terms of this chapter. The fee for a legal non-conforming sign permit is set from time to time by Council resolution, and the permit shall be valid for the calendar year or part thereof for which it has been issued. Non-conforming sign permits are non-transferable.

(1976 Code, § 17.02) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 152: SIGNS AND BILLBOARDS / § 152.03 PERMIT ISSUANCE; SUSPENSION OR REVOCATION.**

**§ 152.03 PERMIT ISSUANCE; SUSPENSION OR REVOCATION.**

(A) The City Council may grant a permit for the erection, re-erection, maintenance, display, or posting of a permanent sign which meets the terms and conditions of this chapter and is in harmony with the requirements of other city ordinances.

(B) The City Administrator, Clerk/Treasurer and Building Official may grant a permit for the erection, re-erection, maintenance, display, or posting of a temporary sign which meets the terms and conditions of this chapter and is in harmony with the requirements of other city ordinances.

(C) The City Council may suspend or revoke a sign permit because of, but not limited to, a violation of the terms of this chapter, failure to observe the terms of this chapter, violation of or failure to observe the terms of other applicable and relevant city ordinances, any fraud obtained in the acquisition of a permit, and other grounds which the Council may, from time to time, determine.

(1976 Code, § 17.03)

**TITLE XV: LAND USAGE / CHAPTER 152: SIGNS AND BILLBOARDS / § 152.04 CONSTRUCTION AND MAINTENANCE; STANDARDS.**

**§ 152.04 CONSTRUCTION AND MAINTENANCE; STANDARDS.**

In order for an applicant to receive and retain a permit for a sign, the following conditions must be met and maintained.

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(A) When a sign is illuminated or luminous, any illumination therefrom, or a beam of light directed thereon, shall not shine directly upon any residence or onto any public streets.

(B) No sign structure shall contain more than four exposed beams.

(C) No projecting sign shall extend more than 16 inches from any building wall nor more than six feet above the roof line.

(D) No sign or sign structure may remain erected unless it is erected, maintained, and repaired in accordance with the Uniform Building Code, State Electrical Code, and the general construction requirements of the city. All signs must remain in good repair and in safe condition.

(E) No part of any sign shall project over or beyond the property line of the property upon which it is located.

(F) The following setback, distance, and other requirements shall be observed:

(1) Any sign displayed on the premises where the advertised message, service, merchandise, or product is made, sold, distributed, or offered shall not be closer to a public right-of-way than three feet nor closer than five feet from any other property line;

(2) Any sign displayed off the premises where the advertised message, service, merchandise, or product is made, sold, distributed, or offered shall not be closer than 30 feet to a front yard property line or public right-of-way. In addition, the sign shall not be closer than five feet to the side property lines and back property lines of the property;

(3) Off-premises directional signs may be erected without conforming with the requirements of divisions (F)(2) and (H) of this section as long as the directional signs do not exceed 32 square feet in size and as long as the sign does not violate any of the terms contained in § 152.05 of this code;

(4) The minimum setback from any intersection for off-premises signs shall be 500 feet;

(5) No off-premises sign or structure shall be located within 500 feet of a residential district, park, playground, school, governmental building, or building used for religious purposes;

(6) An off-premises sign or structure shall be considered the principal use of a site. If another use or structure is added to the site, the off-premises sign must be removed; and

(7) Off-premises signs or structures shall be permitted only on property which is zoned commercial or light industrial.

(G) On-premises signs shall not exceed 30% of the square footage of the front of the

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building. No off-premises sign shall exceed 750 square feet.

(H) There shall be at least 1,000 feet distance between the location of off-premises signs on the same side of the highway.

(I) No free-standing sign shall be higher than 25 feet from the ground level of the land upon which the sign has been erected. An applicant may apply for a variance in a case where an extreme hardship is caused by the particular physical characteristics of the land. The variance shall be applied for in the manner outlined in §§ 156.180 *et seq.* of this code.

(1976 Code, § 17.04) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 152: SIGNS AND BILLBOARDS / § 152.05 PROHIBITED SIGNS.**

**§ 152.05 PROHIBITED SIGNS.**

(A) The following signs are prohibited:

(1) Any sign which, by reason of location, position, shape, color, design, or otherwise would interfere with traffic signs or signals or other officially posted signs;

(2) Any sign within a public right-of-way or easement except for government-installed signs and except for political signs, provided they are located no closer to the curb than six feet where there is no sidewalk and provided they are located on the home side of the sidewalk in areas where there is a sidewalk;

(3) Signs which resemble any official sign or marker erected by a governmental agency or which display such warning words as “stop” or “danger” or the like;

(4) Any flashing sign including indoor signs which are visible from public areas except for the temporary location of seasonal, holiday, or religious decorations. This section shall not prohibit animated signs as defined in this chapter;

(5) Any sign, poster, or the like affixed to or posted upon trees, fences, telephone or utility poles, or similar structures;

(6) Portable signs or search light signs, unless a temporary permit has been issued;

(7) Signs or sign structures obstructing windows, doors, fire escapes, stairways, or which otherwise impair means of egress or ingress, except that signs may be painted upon the glass portion of the doors and windows of businesses as long as the entire glass

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portion is not obscured or rendered opaque; and

(8) Any sign painted upon the wall of a building.

(B) No sign shall be erected in a residential district except as strictly provided herein and including only:

(1) Flags displayed on the premises;

(2) Seasonal decorations displayed temporarily on the premises;

(3) Signs displayed on the premises advertising the sale or lease of the property which are not greater than six square feet in surface area;

(4) Traffic signs and signs posted by official governmental agencies;

(5) In a state general election year, portable and free-standing political signs may be erected from August 1 until ten days following the state general election. No sign may be erected or placed in an unsafe manner. In non-state general election years, portable and free-standing political signs may be erected not more than 30 days before and two days after an election. When there is a primary election, all losers must remove their signs two days after the primary election; and

(6) One non-commercial opinion sign not greater than six square feet in surface area.

(C) Animated signs shall not be programmed to flash in either text or graphic. All on, all off, or background all on, all off mode more frequently than once every three seconds shall be prohibited. This shall not prohibit entry and exit modes, such as change, scroll, wand, coalesce, roll, venetian, unveil, page turn, splice, or zoom.

(D) No animated sign shall be located or maintained within 50 feet of an intersection at which traffic semaphores are located.

(E) No animated sign shall be located in such close proximity to residences or residential property as to constitute a nuisance to persons residing on the property by reason of the lighting in the sign.

(1976 Code, § 17.05) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 152: SIGNS AND BILLBOARDS / § 152.06 EXEMPTIONS.**

**§ 152.06 EXEMPTIONS.**

The following signs may be erected or maintained without requiring a permit in commercial/industrial zoning districts:

- (A) A flag displayed on the premises;
- (B) Seasonal decorations displayed temporarily on the premises;
- (C) Signs displayed on the premises advertising the sale or lease of the premises which are not greater than 32 square feet in surface area for commercial/industrial zoned property;
- (D) Traffic signs and signs posted by official government agencies, legal notices, and the like;
- (E) In a state general election year, portable and free-standing political signs of any size may be erected from August 1 until ten days following the state general election. No sign may be erected or placed in an unsafe manner. In non-state general election years, portable and free-standing political signs may be erected not more than 30 days before and five days after an election provided that no one sign is greater than 32 square feet. When there is a primary election, all losers must remove their signs two days after the primary election;
- (F) Flags, badges, or insignia of any governmental agency or any civic, religious, fraternal, or professional organization; and
- (G) Memorial plaques, monuments, and historical or civic markers or tributes.

(1976 Code, § 17.06) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 152: SIGNS AND BILLBOARDS / § 152.07 TEMPORARY SIGNS; SPECIAL PERMIT.**

**§ 152.07 TEMPORARY SIGNS; SPECIAL PERMIT.**

The City Council may grant a special permit for the limited, temporary use of a sign and sign apparatus. The temporary sign may be used for two weeks at a time and for a maximum of six weeks per year. The fee for the special permit shall be in the amount per sign as set by the Council from time to time by resolution, for each two-week period that a sign is in place. A special permit shall be issued only upon a showing of the applicant's need for the temporary and limited use of a sign for a limited period of time and limited purpose, such as the announcement

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of a grand opening, the announcement of a sale, signs pertaining to businesses of temporary or seasonal character, or the like. Both the sign and sign apparatus must be removed following the time period above.

(1976 Code, § 17.07) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 152: SIGNS AND BILLBOARDS / § 152.08  
NON-CONFORMING SIGNS; GRANDFATHER CLAUSE; RESTRICTIONS.**

**§ 152.08 NON-CONFORMING SIGNS; GRANDFATHER CLAUSE; RESTRICTIONS.**

(A) Any sign erected prior to the effective date of this chapter which meets the terms of this chapter must have a permit as described herein. Any sign erected prior to the effective date of this chapter which does not conform to the terms of this chapter may be eligible for designation as a legal, non-conforming sign and must apply for and receive a permit for a legal non-conforming sign as described herein.

(B) Any sign designated as a legal non-conforming sign shall immediately lose its character and be completely subject to the terms of this chapter upon any of the following:

- (1) The sign being altered in any way in structure;
- (2) Relocation or replacement of the sign; or
- (3) Any substantial damage to the sign in an amount of 50% or more of its value in relation to the cost of materials and labor to repair the same.

(C) Any sign qualifying as a legal, non-conforming sign must be removed within five years of the effective date of this chapter.

(1976 Code, § 17.08) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 152: SIGNS AND BILLBOARDS / § 152.09  
VIOLATIONS.**

**§ 152.09 VIOLATIONS.**

It shall be unlawful for any person, joint venture, firm, or corporation to erect, alter, repair, move, equip, or maintain any sign or sign structure or cause or permit the same to be done in violation of any of the provisions of this chapter. The terms and conditions of this chapter apply to, and compliance is strictly required by, all persons including but not limited to the

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owners or lessees of land, their agents or employees, including building contractors and subcontractors. Whoever does any act or omits to do any act which thereby constitutes a breach of any section of this chapter shall also, upon conviction thereof by lawful authority, be guilty of a misdemeanor.

(1976 Code, § 17.10) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 153: ANTENNAS AND TOWERS**

**CHAPTER 153: ANTENNAS AND TOWERS**

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Section

- 153.01 Definitions
- 153.02 Permit required; exemptions
- 153.03 Application; fee
- 153.04 Construction requirements and restrictions
- 153.05 Location restrictions
- 153.06 Height restrictions
- 153.07 Variances
- 153.08 Abandonment
- 153.09 Violations; remedies not exclusive

**TITLE XV: LAND USAGE / CHAPTER 153: ANTENNAS AND TOWERS / § 153.01 DEFINITIONS.**

**§ 153.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANTENNA.** Equipment used for transmitting or receiving telecommunications, television, or radio signals, which is located on the exterior of, or outside of, any building or structure.

**TOWER.** Any pole, spire, or structure, or any combination thereof, to which an antenna is attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires, and braces.

(1976 Code, § 18B.01)

**TITLE XV: LAND USAGE / CHAPTER 153: ANTENNAS AND TOWERS / § 153.02 PERMIT REQUIRED; EXEMPTIONS.**

**§ 153.02 PERMIT REQUIRED; EXEMPTIONS.**

(A) *Permit required.* No antenna or tower of any kind shall hereafter be erected, constructed, or placed, or re-erected, reconstructed, or re-placed, anywhere within the city without first making an application for and obtaining from the city a permit therefor.

(B) *Exemptions.* No permit shall be required for the following:

- (1) All towers and antennas which do not exceed six feet in height;
- (2) Antennas and towers used by the city for city purposes; or
- (3) Antennas or towers erected temporarily for test purposes, emergency communication, or for broadcast remote pickup operations, provided that all requirements of §§ 153.04, 153.05, and 153.06 are met, with the exception of § 153.04(F), which is waived. Temporary antennas shall be removed within 72 hours.

(1976 Code, § 18B.02) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 153: ANTENNAS AND TOWERS / § 153.03 APPLICATION; FEE.**

**§ 153.03 APPLICATION; FEE.**

All applications for a permit required by this chapter shall be by building permit and shall be accompanied by a fee in the amount as set from time to time by Council resolution.

(1976 Code, § 18B.03) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 153: ANTENNAS AND TOWERS / § 153.04 CONSTRUCTION REQUIREMENTS AND RESTRICTIONS.**

**§ 153.04 CONSTRUCTION REQUIREMENTS AND RESTRICTIONS.**

## Spring Lake Park, MN Code of Ordinances

All antennas and towers for which a permit is required shall comply with the following requirements.

(A) Antennas and towers shall be grounded for protection against a direct strike by lightning and shall comply, as to electrical wiring and connections, with all applicable city and state statutes, regulations, and standards.

(B) No antenna or tower shall exceed a height equal to the distance from the base of the antenna or tower to the nearest overhead electrical power line (except individual service drops), less five feet.

(C) Antennas and towers shall be protected to discourage climbing by unauthorized persons.

(D) No antenna or tower shall have affixed to it in any way any lights, reflectors, flashers, or other illuminating device, or any signs, banners, or placards of any kind, except one sign not over ten square inches indicating the name of the manufacturer and installer.

(E) No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or similar structure.

(F) All towers shall be constructed of corrosive-resistant steel or other corrosive-resistant, non-combustible materials. Towers shall not be constructed or made of wood, including timber or logs.

(G) No part of any antenna or tower, nor any lines, cables, equipment, wires, or braces used in connection with any tower or antenna shall, at any time, extend across or over any part of a street, sidewalk, or alley.

(H) Each tower or antenna erected within the city shall be inspected at least every five years to insure continued maintenance and safety of the structure. An inspection fee, as set from time to time by Council resolution, shall be charged for the inspection.

(I) Any person erecting an antenna or tower within the city shall show proof of liability insurance covering personal injury or property damage in the event that damage or injury is caused by the structure.

(1976 Code, § 18B.04) Penalty, see § 10.99

### **TITLE XV: LAND USAGE / CHAPTER 153: ANTENNAS AND TOWERS / § 153.05 LOCATION RESTRICTIONS.**

**§ 153.05 LOCATION RESTRICTIONS.**

(A) No part of any tower or antenna shall be constructed, located, or maintained, at any time, permanently or temporarily, within any setback required by Ch. 156 of this code for a principal or accessory structure for the zoning district in which the antenna or tower is located.

(B) No antenna or tower shall be constructed, located, or maintained at any time, permanently or temporarily, in the front yard of any residential district.

(C) No person shall erect more than one antenna or tower on a residential parcel within the city.

(1976 Code, § 18B.05) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 153: ANTENNAS AND TOWERS / § 153.06 HEIGHT RESTRICTIONS.**

**§ 153.06 HEIGHT RESTRICTIONS.**

(A) No ground-mounted antenna, tower, or tower with an antenna shall exceed 75 feet in height, measured from the base of the tower or antenna, whichever is lower, to the highest point of the antenna or tower, whichever is higher.

(B) Towers mounted on a building or structure shall not extend over 25 feet above the highest point of the roof of the building or structure.

(1976 Code, § 18B.06) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 153: ANTENNAS AND TOWERS / § 153.07 VARIANCES.**

**§ 153.07 VARIANCES.**

Variations from the literal provisions of this chapter shall be processed and granted or denied in the same manner as variations are handled under § 156.184 of this code.

(1976 Code, § 18B.07)

**TITLE XV: LAND USAGE / CHAPTER 153: ANTENNAS AND TOWERS / § 153.08  
ABANDONMENT.**

**§ 153.08 ABANDONMENT.**

At such time as the antenna or tower erected shall not be used for its intended purpose for a period of one year, it shall be deemed to be abandoned and must be removed within 90 days of notice by the city.

(1976 Code, § 18B.08) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 153: ANTENNAS AND TOWERS / § 153.09  
VIOLATIONS; REMEDIES NOT EXCLUSIVE.**

**§ 153.09 VIOLATIONS; REMEDIES NOT EXCLUSIVE.**

(A) *Misdemeanor.* Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor.

(B) *Remedies not exclusive.* In addition to the penalties imposed by this chapter, the city may exercise, with or separately from those penalties, all and any other legal and equitable remedies then available to the city by this chapter, or by statute, or by other ordinances of the city, or by applicable rules or regulations, to enforce this chapter, including, without limitation, injunction.

(C) *Costs of enforcement.* The person or persons violating this chapter shall be jointly and severally liable for all costs incurred by the city in enforcing this chapter against those persons, including, without limitation, attorney's fees, witness fees, and administrative expenses, with interest on those fees and expenses from the dates incurred until paid at the highest rate then allowed by law, and shall also be jointly and severally liable for all costs, including attorney's fees, of collecting the fees, expenses, and interest, with interest of the costs and collection from the dates incurred until paid, at the same rate as is payable on the fees and expenses.

(1976 Code, § 18B.09) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 154: MOBILE HOMES AND MOBILE HOME  
PARKS**

## **CHAPTER 154: MOBILE HOMES AND MOBILE HOME PARKS**

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### **TITLE XV: LAND USAGE / CHAPTER 154: MOBILE HOMES AND MOBILE HOME PARKS / § 154.01 DEFINITIONS.**

#### **§ 154.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***DEPENDENT MOBILE HOME.*** A mobile home which does not have a flush toilet and a bath or shower.

***INDEPENDENT MOBILE HOME.*** A mobile home which has a flush toilet and a bath or shower.

***MOBILE HOME.*** Any vehicle or similar portable structure having no foundation other than wheels, jacks, or skirtings and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

***MOBILE HOME PARK.*** Any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is

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made for that accommodation.

**MOBILE HOME SPACE.** A plot of ground within a mobile home park designated for the accommodation of one mobile home.

**PERSON.** Any natural individual, firm, trust, partnership, association, or corporation.  
(1976 Code, § 18.01)

**TITLE XV: LAND USAGE / CHAPTER 154: MOBILE HOMES AND MOBILE HOME PARKS / § 154.02 LICENSE AND PERMIT REQUIREMENTS.**

**§ 154.02 LICENSE AND PERMIT REQUIREMENTS.**

(A) It shall be unlawful for any person to maintain or operate a mobile home park within the limits of the city unless that person shall first obtain a special use permit in the manner provided by Ch. 156 of this code. Any mobile home park in existence on the effective date of this chapter may be continued without expansion or enlargement thereof; provided, however, it must comply with any conditions of this chapter that are applicable to it.

(B) Any special use permit granted for the maintenance and operation of a mobile home park shall be in force and effect only during times when the owner or operator thereof has complied with all regulations of the state and has obtained all permits required by the state or any department thereof.

(C) No person may occupy or use a mobile home as a dwelling in the city unless that mobile home is in a duly licensed mobile home park. In the event the Council determines that an exigency exists, it may grant a special permit to allow the temporary use of a mobile home at other locations subject to conditions to be attached to protect the public health and welfare.

(D) Each mobile home park shall include a recreation area, to be approved by the City Council, consisting of not less than 5% of the gross area of the mobile home park. In addition, the park developer shall pay an amount as set from time to time by Council resolution for each mobile home space within the park to the city for the city park system.

(1976 Code, § 18.02) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 154: MOBILE HOMES AND MOBILE HOME PARKS / § 154.03 SITE REQUIREMENTS.**

**§ 154.03 SITE REQUIREMENTS.**

In addition to any conditions or requirements imposed by the special use permit, the mobile home park shall conform to the following requirements.

(A) The park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

(B) Mobile home spaces shall be provided consisting of a minimum of 3,000 square feet for each space which shall be at least 40 feet wide and clearly defined; provided, however, that mobile home parks in existence on the effective date of this chapter which provide mobile home spaces that have a width or area less than that herein above prescribed, may continue to operate with spaces of the existing width and area, but in no event shall any mobile home space be less than 27 feet wide and have an area of less than 1,050 square feet. It is further provided that any mobile home containing more than 1,200 square feet shall be placed on two 3,000-foot spaces.

(C) Mobile homes shall be so harbored on each space that there shall be at least ten-foot clearance between mobile homes. No mobile home shall be located closer than ten feet from any building within the park or from any property line bounding the park.

(D) All mobile home spaces shall abut upon a driveway of not less than ten feet in width, which shall have unobstructed access to a public street, alley, or highway.

(E) Walkways not less than two feet wide shall be provided from the mobile home spaces to the service buildings.

(F) All driveways and walkways within the park shall be hard surfaced and lighted at night with electric lamps of not less than 25 watts each, spaced at intervals of not more than 100 feet.

(G) Each park shall provide service buildings to house those toilet, bathing, and other sanitation facilities and laundry facilities as are hereinafter more particularly prescribed.

(H) An electrical outlet supply at least 100 volts shall be provided for each mobile home space.

(1976 Code, § 18.03) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 154: MOBILE HOMES AND MOBILE HOME PARKS / § 154.04 SANITATION FACILITIES.**

**§ 154.04 SANITATION FACILITIES.**

(A) Each park accommodating dependent mobile homes shall be provided with toilets, baths or showers, slop sinks, and other sanitation facilities.

(B) The above-mentioned facilities shall conform to the following requirements.

(1) Toilet facilities for males shall consist of not less than one flush toilet, and one urinal, for the first 15 dependent mobile homes or any less number thereof, and for dependent mobile homes in excess of 15, not less than one additional flush toilet and one additional urinal for every additional dependent mobile home or fractional number thereof.

(2) Toilet facilities for females shall consist of not less than one flush toilet for the first ten dependent mobile homes or any less number thereof, and for dependent mobile homes in excess of ten, not less than one additional flush toilet for every ten additional dependent mobile homes or fractional number thereof.

(3) Each sex shall be provided with not less than one lavatory and one shower or bathtub with individual dressing accommodations for the first ten dependent mobile homes or any less number thereof, and for dependent mobile homes in excess of ten, not less than one additional lavatory and one additional shower or bathtub with individual dressing accommodations for every ten additional dependent mobile homes or fractional number thereof.

(4) Each toilet and each shower or bathtub with individual dressing accommodations for which provision is made in divisions (B)(1), (B)(2), and (B)(3) shall be in a private compartment or stall.

(5) The toilet and other sanitation facilities for males and females shall be either in separate buildings or shall be separated, if in the same building, by a soundproof wall.

(6) There shall be provided in a separate compartment or stall not less than one flush toilet bowl receptacle for emptying bed pans or other containers of human excreta and an adequate supply of hot running water for cleansing those bed pans or containers.

(1976 Code, § 18.04) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 154: MOBILE HOMES AND MOBILE HOME PARKS / § 154.05 LAUNDRY FACILITIES.**

**§ 154.05 LAUNDRY FACILITIES.**

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(A) Laundry facilities shall be provided in either of the following ratios:

(1) Not less than one double laundry tray and one conventional wringer-type washing machine for the first 25 mobile home spaces or any less number thereof, and for mobile home spaces in excess of 25, not less than one additional conventional wringer-type washing machine for every 25 additional home spaces or fractional number thereof; or

(2) Not less than one single laundry tray and one automatic or semi-automatic type washing machine for the first 25 mobile home spaces or any less number thereof, and for mobile home spaces in excess of 25, not less than one additional automatic or semi-automatic type washing machine for every 25 additional mobile home spaces or fractional number thereof.

(B) An ample number of electrical outlets shall be provided supplying current sufficient to operate each washing machine. Drying spaces shall be provided sufficient to accommodate the laundry of the mobile home occupants if automatic drying equipment is not supplied.

(C) The laundry facilities shall be either in a separate building or, if in the same building where sanitation facilities are housed, shall be separated from the rooms housing the sanitation facilities by a soundproof wall.

(1976 Code, § 18.05) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 154: MOBILE HOMES AND MOBILE HOME PARKS / § 154.06 SERVICE BUILDINGS.**

**§ 154.06 SERVICE BUILDINGS.**

(A) Service buildings housing sanitation and laundry facilities or any of this type of facilities, shall be permanent structures complying with all applicable codes and statutes regulating buildings, electrical installations, and plumbing and sanitation systems.

(B) The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of moisture-proof material, including painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68°F. The floors of the service buildings shall be of water impervious material.

(C) Service buildings housing sanitation facilities shall be located not closer than ten feet nor farther than 200 feet from any mobile home space upon which a dependent mobile home is harbored.

(D) All service buildings and the grounds of the park shall be maintained in a clean,

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sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

(1976 Code, § 18.06) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 154: MOBILE HOMES AND MOBILE HOME PARKS / § 154.07 SEWAGE AND REFUSE DISPOSAL.**

**§ 154.07 SEWAGE AND REFUSE DISPOSAL.**

(A) Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks, and laundries in service and other buildings within the park shall be discharged into the public sewer system in compliance with applicable ordinances.

(B) Each mobile home space shall be provided with a trapped sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory, and kitchen sink of the mobile home harbored in that space and having any or all of those facilities. The trapped sewer in each space shall be connected to discharge the mobile home waste into a public sewer system.

(C) All mobile homes must be connected so as to discharge these wastes into the city system.

(1976 Code, § 18.07) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 154: MOBILE HOMES AND MOBILE HOME PARKS / § 154.08 GARBAGE RECEPTACLES.**

**§ 154.08 GARBAGE RECEPTACLES.**

Metal garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than 300 feet from any mobile home space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

(1976 Code, § 18.08) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 154: MOBILE HOMES AND MOBILE HOME**

**PARKS / § 154.09 FIRE PROTECTION.**

**§ 154.09 FIRE PROTECTION.**

Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size, and number and so located within the park as to satisfy applicable reasonable regulations of the Fire Department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.

(1976 Code, § 18.09) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 154: MOBILE HOMES AND MOBILE HOME PARKS / § 154.10 ANIMALS AND PETS.**

**§ 154.10 ANIMALS AND PETS.**

No owner or person in charge of any dog, cat, or other pet animal shall permit it to run at large or commit any nuisance within the limits of any mobile home park.

(1976 Code, § 18.10) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 154: MOBILE HOMES AND MOBILE HOME PARKS / § 154.11 REGISTER OF OCCUPANTS.**

**§ 154.11 REGISTER OF OCCUPANTS.**

(A) It shall be the duty of each licensee and permittee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:

- (1) The name and address of each mobile home occupant;
- (2) The name and address of the owner of each mobile home and motor vehicle by which it is towed;
- (3) The make, model, year, and license number of each mobile home and motor vehicle;
- (4) The state, territory, or country issuing those licenses;

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- (5) The date of arrival and of departure of each mobile home; and
- (6) Whether or not each mobile home is a dependent or independent mobile

home.

(B) The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three years following the date of departure of the registrant from the park.

(1976 Code, § 18.11) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 154: MOBILE HOMES AND MOBILE HOME PARKS / § 154.12 SUPERVISION.**

**§ 154.12 SUPERVISION.**

The owner or operator or a duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities, and equipment in a clean, orderly, and sanitary condition. The attendant or caretaker shall be answerable, with the owner or operator, for the violation of any provision of this chapter to which the owner or operator is subject.

(1976 Code, § 18.12) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 154: MOBILE HOMES AND MOBILE HOME PARKS / § 154.13 PERMIT REVOCATION.**

**§ 154.13 PERMIT REVOCATION.**

The City Council may revoke any special use permit to maintain and operate a park when the owner or operator has been found guilty by a court of competent jurisdiction of violating any provision of this chapter. After such a conviction, the owner or operator may be reissued a special use permit if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with the law.

(1976 Code, § 18.13)

**TITLE XV: LAND USAGE / CHAPTER 154: MOBILE HOMES AND MOBILE HOME**

**PARKS / § 154.14 VIOLATIONS.**

**§ 154.14 VIOLATIONS.**

Any violation which is continued for more than one day after notice of the violation from any city official shall constitute a separate and distinct misdemeanor for each day thereafter that the violation continues.

(1976 Code, § 18.14) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL**

**CHAPTER 155: SUBDIVISION CONTROL**

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**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / GENERAL PROVISIONS**

**GENERAL PROVISIONS**

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / GENERAL PROVISIONS / § 155.001 TITLE.**

**§ 155.001 TITLE.**

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This chapter shall be known as the “Subdivision Regulations of the city.”

(1976 Code, § 19.00)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / GENERAL PROVISIONS / § 155.002 PURPOSE.**

**§ 155.002 PURPOSE.**

Each new subdivision becomes a permanent unit in the basic physical structure of the future community, a unit to which the future community will of necessity be forced to adhere. Piecemeal planning of subdivisions without correlation to the City Plan will bring a disastrous, disconnected patchwork of plats and poor circulation of traffic. In order that new subdivisions will contribute toward an attractive, orderly, stable, and wholesome community environment, adequate municipal services, and safe streets, all subdivisions hereafter platted within the city shall fully comply with the regulations hereinafter set forth in this chapter.

(1976 Code, § 19.01) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / GENERAL PROVISIONS / § 155.003 INTERPRETATION; MINIMUM REQUIREMENTS.**

**§ 155.003 INTERPRETATION; MINIMUM REQUIREMENTS.**

In their interpretation and application the provisions of this chapter shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

(1976 Code, § 19.02)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / GENERAL PROVISIONS / § 155.004 SCOPE; ABROGATION AND GREATER RESTRICTIONS.**

**§ 155.004 SCOPE; ABROGATION AND GREATER RESTRICTIONS.**

Except in the case of resubdivision, this chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Register of Deeds prior to January 20, 1962. Nor is it intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere

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with existing provisions of other laws or ordinances, except those specifically repealed by or in conflict with this chapter, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land to which the city is a party. Where this chapter imposes a greater restriction upon land than is imposed or required by existing provisions of law, contract, or deed, the provisions of this chapter shall control.

(1976 Code, § 19.03)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / GENERAL PROVISIONS / § 155.005 DEFINITIONS.**

**§ 155.005 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***CITY PLAN.*** This includes all plans of the City Council and City Planning Commission for land use, transportation facilities, and community facilities.

***COLLECTOR STREET.*** A street that carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and principal streets for circulation within the development.

***CUL-DE-SAC.*** A minor street with only one outlet.

***EASEMENT.*** A grant by an owner of land for the specific use of the land by the public generally, or to a person or persons.

***FINAL PLAT.*** The final map, drawing, or chart on which the subdivider's plan of subdivision is presented to the City Council for approval and which, if approved, will be submitted to the County Register of Deeds.

***LOT.*** A parcel or portion of land in a subdivision or plot of land, separated from other parcels or portions by description as on a subdivision or by metes and bounds, for the purpose of sale or lease or separate use thereof.

***MARGINAL ACCESS STREET.*** A service drive or minor street that is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

***MINOR STREET.*** A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

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**OWNER.** Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

**PERSON.** Any individual, firm, association, syndicate, or partnership, corporation, trust, or any other legal entity.

**PRELIMINARY PLAN.** The preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and Council for their consideration.

**STREET.** A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, place, or however otherwise designated.

**STREET WIDTH.** The shortest distance between the lines delineating the right-of-way of a street.

**SUBDIVIDER.** Any person commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or herself or for another.

**SUBDIVISION.** The division of a parcel of land into two or more lots or parcels, for the purpose of transfer of ownership of building development. The term includes resubdivision, and, when appropriate to the context, shall relate to the process of subdividing or the land subdivided.

**THOROUGHFARE.** A fast or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication among large areas. The Council, upon recommendation of the Planning Commission, shall determine when a given street is a major **THOROUGHFARE**, secondary **THOROUGHFARE**, collector street, or minor street.

(1976 Code, § 19.04)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / PLATTING PROCEDURES**

**PLATTING PROCEDURES**

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / PLATTING PROCEDURES / § 155.015 PRELIMINARY PLAN; PROCEDURES.**

**§ 155.015 PRELIMINARY PLAN; PROCEDURES.**

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(A) Prior to the preparation of a preliminary plan the subdivider should meet with the City Administrator, Clerk/Treasurer and the City Engineer regarding city plans for the thoroughfares, parks, utilities, and the like, in the area being subdivided.

(B) The subdivider shall have a preliminary plan prepared on the basis of the city plans, and of the design standards and data required by this chapter.

(C) The subdivider shall then submit to the Administrator, Clerk/Treasurer:

(1) Five copies of the preliminary plan;

(2) A cash base fee plus a fee for each lot in amounts as set from time to time by Council resolution. This fee will be used for the expenses of the city in connection with approval or disapproval of the preliminary plan and final plat; and

(3) A cash fee as set from time to time by Council resolution shall be charged for the division of an oversized lot into two or three parcels.

(D) The Administrator, Clerk/Treasurer shall then:

(1) Set a public hearing on the preliminary plan, the hearing to be held at the next regular meeting of the Planning Commission, but not earlier than ten days after submission of the preliminary plan. Notice of the hearing shall be published in the official city newspaper at least five days prior to the hearing; and

(2) Refer one copy of the preliminary plan to the Planning Commission and two copies to the City Engineer.

(E) The City Engineer shall submit his or her report to the Planning Commission on or before the hearing on the preliminary plan. This report shall be on the feasibility of street location and construction and on any drainage problems that might be encountered.

(F) The Planning Commission shall conduct the hearing on the preliminary plan and shall make its report to the Council within five days after the second regular meeting of the Planning Commission following referral by the Administrator, Clerk/Treasurer. The primary function of the Planning Commission in reviewing a preliminary plan is to determine whether the plan conforms to the design standards set forth in this chapter. The Planning Commission may approve a preliminary plan subject to certain revisions and may delegate its staff or one of its members to see that the further revisions conform to the intent of the Planning Commission.

(G) The Council shall act on the preliminary plan within 60 days of the date on which it was filed with the Administrator, Clerk/Treasurer. If the report of the Planning Commission has not been received in time to meet this requirement, the Council may act without the report.

(1) The Council may require revisions in the preliminary plan as it deems

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necessary for the health, safety, general welfare, and convenience of the city.

(2) Approval of a preliminary plan by the Council is tentative only, involving merely the general acceptability of the layout. Subsequent approval will be required of the engineering proposals, pertaining to water supply, storm drainage, sewerage and sewage disposal, gas and electric service, grading gradients, and roadway widths and the surfacing of streets.

(3) If the preliminary plan is not approved by the Council, the reasons for that action shall be recorded in the proceedings of the Council and transmitted to the applicant.

(1976 Code, § 20.01) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / PLATTING PROCEDURES / § 155.016 PRELIMINARY PLAN; REQUIRED DATA.**

**§ 155.016 PRELIMINARY PLAN; REQUIRED DATA.**

(A) Scale: One inch equals 100 feet.

(B) Identification and description:

(1) Proposed name of the subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the county;

(2) Location by section, town, range, or by other legal description;

(3) Names and addresses of the owner, subdivider, surveyor, and designer of the plan. The subdivider shall submit a statement that he or she has the area being subdivided under ownership or control;

(4) Graphic scale;

(5) North point; and

(6) Date of preparation.

(C) Existing conditions in tract and in surrounding area to a distance of 100 feet:

(1) Boundary line of the proposed subdivision, clearly indicated;

(2) Any non-residential zoning districts;

(3) Total approximate acreage;

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- (4) Platted streets, railroad right-of-way, and utility easements;
- (5) Boundary line and ownership of adjoining unsubdivided land;
- (6) Permanent buildings and structures;
- (7) Sewers, water mains, culverts, or other underground facilities; and
- (8) Topography, showing lakes, watercourses, marsh areas, and contours at vertical intervals of not more than two feet, except that contour lines shall be no more than 100 feet apart. Contour lines shall be shown by means of dashed lines on the preliminary plan.

(D) Subdivision design features:

- (1) Layout of proposed streets, showing right-of-way widths and names of streets. The name of any street heretofore used in the city or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event the name shall be used. The street layout shall cover the whole ownership tract;
- (2) Location and widths of proposed pedestrian ways and utility easements;
- (3) Layout, numbers, and typical dimensions of lots;
- (4) Minimum front- and side-street building setback lines, indicating dimensions;
- (5) Areas, other than streets, pedestrian ways, and utility easements, intended to be dedicated or reserved for public use, including the size of the area or areas in acres;
- (6) Proposed use of all parcels, and if zoning change is contemplated, proposed rezoning; and
- (7) Preliminary street grades and direction of flow and disposal of surface water shall be drawn on the preliminary plan.

(1976 Code, § 21.01)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / PLATTING PROCEDURES / § 155.017 FINAL PLAT; PROCEDURES.**

**§ 155.017 FINAL PLAT; PROCEDURES.**

- (A) Unless an extension of time is requested by the subdivider and granted by the Council, the subdivider shall, within six months following approval of the preliminary plan,

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submit to the City Administrator, Clerk/Treasurer:

(1) Eight copies of the final plat. This final plat shall incorporate all changes required by the Council. Otherwise it shall conform to the preliminary plan. The final plat may constitute only that portion of the preliminary plan which the subdivider proposes to record and develop at the time. If the final plat is not submitted within six months, the approval of the preliminary plan shall be considered void; and

(2) An up-to-date certified abstract of title or registered property report and other evidence as the City Attorney may require showing title or control in the applicant.

(B) The Administrator, Clerk/Treasurer shall refer one copy of the final plat to the Engineer and a copy of each to the telephone, gas, and electric companies. The Administrator, Clerk/Treasurer shall refer the abstract of title or registered property report to the City Attorney for his or her examination and report.

(C) The reports of the City Attorney and City Engineer shall be submitted to the Council within 15 days after filing of the final plat. The City Engineer shall state whether the final plat and the proposed improvements conform to the engineering standards and specifications established in this chapter.

(D) The Council shall act on the final plat within 60 days of the date on which it was filed with the Administrator, Clerk/Treasurer. No final plat will be approved that:

(1) Does not conform to the preliminary plan; or

(2) Does not meet the design standards and engineering specifications set forth in this chapter.

(E) If the final plat is approved by the Council, the subdivider shall record it with the County Register of Deeds within 30 days after the date of approval; otherwise the approval shall be considered void.

(F) The subdivider shall, immediately upon recording, furnish the Administrator, Clerk/Treasurer with two prints of the final plat showing evidence of the recording.

(1976 Code, § 20.02) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / PLATTING PROCEDURES / § 155.018 FINAL PLAT; REQUIRED DATA.**

**§ 155.018 FINAL PLAT; REQUIRED DATA.**

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- (A) Plans for water supply, sewage disposal, drainage, and flood control.
- (B) Soil borings if private sewage disposal systems are proposed. There shall be a minimum of one boring per five lots and in addition one boring for each low area.
- (C) Evidence that ground water control has been adequately provided for in a manner satisfactory to the Council.
- (D) Any supplementary engineering data required by the City Engineer.
- (E) Data required under regulation of County Surveyor: accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, street easements, areas to be reserved for public use, and other important features. Dimensions of lot lines shall be shown in feet and hundredths.
- (F) When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the width of the building setback shall be shown.
- (G) Plan and profile sheets of all streets within the plat shall be drawn to a scale of one inch equals 100 feet horizontally and one inch equals 100 feet vertically, and the subdivider shall provide three copies of each for approval.
- (H) An identification system for all lots and blocks.
- (I) True angles and distances tied to the nearest established street lines or official monuments (not less than three) which shall be accurately described in the plat.
- (J) Municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and angles.
- (K) Complete curve data including radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs.
- (L) Accurate location of all monuments.
- (M) Certification by a registered land surveyor to the effect that the plat represents a survey made by him or her and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.
- (N) Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas.
- (O) Certifications showing that all taxes currently due on the property to be subdivided have been paid in full including special assessments unless a split of the assessments be approved by the Council.
- (P) Form for approval: “Approved by the City Council of the City of Spring Lake

Park this \_\_\_\_\_ day of \_\_\_\_\_.”

(1976 Code, § 21.02)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / DESIGN STANDARDS**

**DESIGN STANDARDS**

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / DESIGN STANDARDS / § 155.030 STREETS.**

**§ 155.030 STREETS.**

(A) *General design.* The design of all streets shall be considered in their relation to: public safety, existing and planned streets, efficient circulation of traffic, topographical conditions, run-off of storm water, and proposed uses of the land to be served by the streets.

(1) The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of existing streets in adjoining areas.

(2) Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being divided, then the new streets shall be carried to the boundaries of the unsubdivided land.

(B) *Width.* All right-of-way widths shall conform to the following minimum dimensions:

- (1) Thoroughfares: 80 feet;
- (2) Collector streets: 70 feet;
- (3) Minor streets: 60 feet; and
- (4) Marginal access streets: 30 feet.

(C) *Reverse curves.* Tangent of at least 50 feet in length shall be introduced between reverse curves on collector streets.

(D) *Street grades.* All center line gradients shall be at least 0.5% and shall not exceed the following:

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(1) Collector streets: 4%; and

(2) Minor streets: 6%.

(E) *Minor streets.* Minor streets shall be so aligned that their use by through traffic will be discouraged.

(F) *Street jogs.* Street jogs with center line offsets of less than 125 feet shall be avoided.

(G) *Safe intersections.* It must be evidenced that all street intersections and confluences encourage safe and efficient traffic flow.

(H) *Alleys.* Alleys are not permitted in residential areas.

(I) *Cul-de-sacs.* Maximum length cul-de-sac streets shall be 500 feet measured along the center line from the intersection of origin to end of right-of-way. Each cul-de-sac shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 100 feet and a street property line diameter at least 120 feet.

(J) *Half-streets.* Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision and adjoining unsubdivided areas.

(K) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except under conditions approved by the Council.

(L) *Private streets.* Private streets shall not be approved nor shall public improvements be approved for any previously existing private street.

(M) *Hardship to owners of adjoining property avoided.* The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(N) *Street interval.* In general, provisions shall be made at intervals not exceeding one-half mile for through streets (streets running through the subdivision in a fairly direct manner).

(O) *Intersections.* In general, streets shall intersect at right angles.

(1976 Code, § 22.01) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / DESIGN STANDARDS / § 155.031 EASEMENTS.**

**§ 155.031 EASEMENTS.**

(A) *Utilities.* Easements at least ten feet wide, centered on rear and other lot lines, shall be provided for utilities, where necessary. They shall have continuity of alignment from block to block. At deflection points, easements for pole-line anchors shall be provided where necessary.

(B) *Drainage.* Where a subdivision is traversed by a water course, drainage way channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course together with further width or construction or both, as will be adequate for storm water run-off. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy run-off.

(1976 Code, § 22.02) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / DESIGN STANDARDS / § 155.032 BLOCKS.**

**§ 155.032 BLOCKS.**

(A) *Length.* Block lengths shall not exceed 1,800 feet and, if possible, should not be less than 400 feet in length.

(B) *Arrangement.* A block shall be so designated as to provide two tiers of lots, unless it adjoins a railroad or limited access highway and unless topographic conditions necessitate a single tier of lots.

(C) *Pedestrian ways.* In blocks over 1,200 feet long, a pedestrian way or easement shall or may be required by the Council in locations deemed necessary to public health, convenience, and necessity. This type of an easement shall not be less than 15 feet in width.

(1976 Code, § 22.03) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / DESIGN STANDARDS / § 155.033 LOTS.**

**§ 155.033 LOTS.**

(A) *Lots.* All lots shall abut by their full frontage on a publicly dedicated street. The finished grade at the perimeter of principal buildings on lots shall average a height above center of street of one-half inch per foot of required setback, with a minimum of 24 inches, to assure adequate drainage of rain water from roofs away from the building.

(B) *Corner lots.* Corner lots shall be platted at least 15 feet wider than the minimum lot size required; 25 feet wider in the case of corner lots adjacent to a major thoroughfare.

(C) *Side lot lines.* Side lot lines shall be substantially at right angles of radial to the street line.

(D) *Water courses.* Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width as required to assure house sites that are not subject to flooding.

(E) *Features.* In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots, or similar conditions, which, if preserved, will add attractiveness and stability to the proposed development.

(F) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels. However, outlots may be used if there is a reasonable likelihood that future subdivision of adjoining land will absorb these outlots into standard lots.

(G) *Lots along thoroughfares.* Subdivisions along future major thoroughfares shall be so designed that where possible there would be no direct vehicular access from residential lots onto those thoroughfares. Residential lots shall be separated from major thoroughfares and railroad rights-of-way by a 25-foot buffer strip, which may be in the form of added depth or width of lots backing on major thoroughfares or siding on the thoroughfare or railroad right-of-way. A screen planting easement shall be granted to the city for the 25-foot buffer strip if it adjoins a major thoroughfare.

(H) *Site improvements.* All newly developed lots within the city shall conform to the following criteria.

(1) The landowner shall landscape the property and establish turf consisting of tame, perennial grass by either sodding or cultivating and seeding the entire front, rear, and side yards except those areas covered by buildings, patios, sidewalks, driveways, and other landscaping materials.

(2) The landowner is responsible for maintaining the landscaping and turf in

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an attractive and well-kept condition.

(3) Whenever it is impossible or impractical to landscape and establish turf on the property, the landowner must submit a plan to the city detailing how and when the landowner will control weeds and drifting sand on the property. This plan is subject to the approval of the building official of the city. Failure on the part of the landowner to follow through and implement the approved plan is a violation of this section.

(I) *Performance agreement.* Upon the issuance of a building permit, the city is responsible for providing written notice to the landowner of the requirement to comply with this section. The landowner must then comply with this section by the end of the next full growing season.

(1976 Code, § 22.04) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / DESIGN STANDARDS / § 155.034 DEDICATION OF PUBLIC LAND.**

**§ 155.034 DEDICATION OF PUBLIC LAND.**

Because of a new subdivision creating a need for parks recreation areas, as well as for streets, the City Council shall require that 7.5% of the area of all commercial, industrial, and residential subdivisions be dedicated as park or recreation area. In the alternative, a sum equal to 7.5% of the unimproved land value may be dedicated in commercial and industrial districts. In residential districts, as an alternative, the sum, as set from time to time by Council resolution, per each unit or units permitted on the lot may be dedicated for parks and recreation. The dedication of land, or the payment of fees as an alternative, shall be made at the time that the subdivision or division is approved in its final form. The city shall determine whether a percentage of land value or cash will be dedicated.

(1976 Code, Ch. 23) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / IMPROVEMENTS**

**IMPROVEMENTS**

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / IMPROVEMENTS / § 155.045 SUBDIVIDER RESPONSIBILITY.**

**§ 155.045 SUBDIVIDER RESPONSIBILITY.**

Before the Council approves a final plat, the subdivider shall give satisfactory assurance of the installation of the following improvements.

(1976 Code, § 24.00)

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / IMPROVEMENTS / § 155.046 MONUMENTS.**

**§ 155.046 MONUMENTS.**

Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shown on the final plat and as required by the City Engineer. Pipes or steel rods shall be placed at the corners of each lot and at each intersection of street center lines. All national, state, county, or other official benchmark monuments, or triangular stations in or adjacent to the property, shall be preserved in precise position.

(1976 Code, § 24.01) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / IMPROVEMENTS / § 155.047 STREETS.**

**§ 155.047 STREETS.**

(A) *Grading.* The full right-of-way of all streets shall be graded.

(B) *Surfacing.* All streets shall be improved with a bituminous surface as provided in § 155.072(B).

(C) *Curb and gutter.* Shall be provided along all streets.

(1976 Code, § 24.02) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / IMPROVEMENTS / § 155.048 SIDEWALKS.**

**§ 155.048 SIDEWALKS.**

Sidewalks shall be installed if the Council shall determine it is in the public interest.

(1976 Code, § 24.03) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / IMPROVEMENTS / § 155.049 WATER MAIN.**

**§ 155.049 WATER MAIN.**

Where connection with the city water system is feasible, the public water facilities shall be used.

(1976 Code, § 24.04) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / IMPROVEMENTS / § 155.050 SANITARY SEWER.**

**§ 155.050 SANITARY SEWER.**

In all cases where trunk line sanitary sewer facilities are available, the subdivider shall be required to install sanitary sewers and connect the same to the trunk line sewers. If those facilities are not available, but will become available within a reasonable time, sanitary sewers, together with all necessary laterals, extending from the main sewer to the street curb, shall be installed and capped. In that event, the subdivider may also install on-site disposal units, provided they are so located as to permit easy and the least expensive connection to the sewer when it becomes usable. Where on-site units are installed, the builder shall provide underground plumbing to extend three feet beyond the footing and plugged to the street side of the home. The floor slab around the stack shall be scored so that the septic tank line can be disconnected and connection can be made with the city's sanitary sewer system.

(1976 Code, § 24.05) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / IMPROVEMENTS / § 155.051 DRAINAGE FACILITIES.**

**§ 155.051 DRAINAGE FACILITIES.**

Facilities and easements shall be installed as will adequately provide for the drainage of surface water.

(1976 Code, § 24.06) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / IMPROVEMENTS / § 155.052 TREE PLANTING.**

**§ 155.052 TREE PLANTING.**

Ash trees, unless some other species be approved by the Council, having a trunk diameter (measured 12 inches above the ground) of not less than one and three-fourths inches, shall be planted along all streets where trees do not exist, and not less than one per lot. This requirement will be satisfied, and it is preferable, if an equivalent number of the same size exist or are planted in a naturalistic way in the front yards of the lots. The trees shall be planted in at least one cubic yard of growing soil. Boulevards shall be sodded in accordance with city specifications or may be landscaped with crushed rock in accordance with an approved landscape plan.

(1976 Code, § 24.07) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / IMPROVEMENTS / § 155.053 STREET NAME SIGNS; STOP SIGNS.**

**§ 155.053 STREET NAME SIGNS; STOP SIGNS.**

(A) *Street name signs.* These shall be placed at all street intersections within or abutting the subdivision.

(1976 Code, § 24.08)

(B) *Stop signs.* Stop signs shall be placed on all streets intersecting a thoroughfare or collector street, if the city deems it advisable.

(1976 Code, § 24.09)

Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / IMPROVEMENTS / § 155.054 TRUNK FACILITIES.**

**§ 155.054 TRUNK FACILITIES.**

Where a water main, sanitary sewer, or storm drain facility should, according to the City Plan, be constructed at a larger size to serve areas outside the subdivision, the larger facility should be constructed, the additional cost to be borne by the city.

(1976 Code, § 24.10) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / IMPROVEMENTS / § 155.055 STANDARDS AND SPECIFICATIONS; COMPLIANCE REQUIRED.**

**§ 155.055 STANDARDS AND SPECIFICATIONS; COMPLIANCE REQUIRED.**

All of the required improvements shall conform to the engineering standards and specifications of this chapter.

(1976 Code, § 24.11) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / IMPROVEMENTS / § 155.056 PERFORMANCE BOND; SURETY.**

**§ 155.056 PERFORMANCE BOND; SURETY.**

(A) Some or all of the improvements to be installed by the subdivider. In this case, the subdivider may submit an agreement and performance bond or cash escrow, guaranteeing completion of the improvements. The performance bond may be for an amount equal to one and one-fourth the City Engineer's estimate of the costs, and the improvements shall be completed within a specified time to be determined by the City Council. The improvements shall be under the direction and control of the City Engineer and subject to his or her approval. The subdivider shall reimburse the city for all engineering and legal expenses incurred by the city.

(B) The city may elect to install any or all of the improvements under a cash escrow agreement with the subdivider. Nothing herein shall be construed to limit the authority of the

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Council to proceed under the Public Improvement Code, being §§ 155.045 through 155.056.

(C) In lieu of the cash deposit required by division (B), the City Council may accept an undertaking in writing, approved as to form by the City Attorney, executed by the subdivider and a corporate surety as surety, to pay the whole cost thereof, as estimated by the City Engineer, of the improvements to be paid for by the subdivider under this division; that undertaking to provide for payment by the subdivider of sums as due from time to time for cost of the improvements as the same are under construction.

(1976 Code, § 24.12) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL /  
ENGINEERING STANDARDS AND SPECIFICATIONS**

**ENGINEERING STANDARDS AND SPECIFICATIONS**

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL /  
ENGINEERING STANDARDS AND SPECIFICATIONS / § 155.070 CONFORMANCE  
REQUIRED.**

**§ 155.070 CONFORMANCE REQUIRED.**

Conformity of all engineering standards and specifications as described herein shall be required prior to approval of a final plat.

(1976 Code, § 25.00) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL /  
ENGINEERING STANDARDS AND SPECIFICATIONS / § 155.071 MONUMENTS.**

**§ 155.071 MONUMENTS.**

All lot corner pipes or steel rods shall be one-half inch in diameter placed flush with the finished lot grade. All quarter corners, sixteenth corners, and section corners, if encountered within or adjoining a plat, shall be duly described and tied and placed in a three-foot deep by six-inch round concrete monument.

(1976 Code, § 25.01) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL /  
ENGINEERING STANDARDS AND SPECIFICATIONS / § 155.072 STREETS;  
GRADING, SURFACING, AND CURB AND GUTTER.**

**§ 155.072 STREETS; GRADING, SURFACING, AND CURB AND GUTTER.**

(A) *Street grading.* The grades after approval by the City Engineer shall be graded to full right-of-way width with a six-inch curb 0.3 foot rise above the curb to the property line and a slope of no greater than three to one from the property line to natural ground.

(1976 Code, § 25.02)

(B) *Street surfacing.* A surfaced road shall be required for all streets and alleys. All streets shall be surfaced and improved by a four-inch stabilized sand base with one and one-half inch MHD 2341 hot mixed bituminous wearing surface.

(1976 Code, § 25.03)

(C) *Curb and gutter.* A rolled bituminous curb approximately six inches high shall be required.

(1976 Code, § 25.04)

Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL /  
ENGINEERING STANDARDS AND SPECIFICATIONS / § 155.073 SIDEWALKS.**

**§ 155.073 SIDEWALKS.**

Concrete sidewalks shall be five feet wide and four inches thick placed on a four-inch gravel base. Sidewalk grades shall coincide with street grades and slope one-fourth inch per foot from the property line. Sidewalk shall be placed at the property line.

(1976 Code, § 25.05) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL /  
ENGINEERING STANDARDS AND SPECIFICATIONS / § 155.074 WATER MAIN.**

**§ 155.074 WATER MAIN.**

Water main of the sizes indicated on the city's overall plan shall be installed together with the necessary looping, valves, hydrants, and water services to the property line.

(1976 Code, § 25.06) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL /  
ENGINEERING STANDARDS AND SPECIFICATIONS / § 155.075 SANITARY  
SEWER.**

**§ 155.075 SANITARY SEWER.**

A sanitary sewer of nine-inch vitrified clay pipe shall be required as minimum size placed at not less than 0.3% grade except for a dead-end section where a 0.4% minimum grade shall be required. House service wyes shall be four inches.

(1976 Code, § 25.07) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL /  
ENGINEERING STANDARDS AND SPECIFICATIONS / § 155.076 HOUSE SERVICE.**

**§ 155.076 HOUSE SERVICE.**

Each house service shall be run from the main to the property line where a cap or plug shall be placed until the service is extended to the house. A three-fourths inch Type K copper water service, corporation cock, and curb box and stop, and four-inch standard weight cast iron soil pipe sewer service shall be minimum requirements and may be placed in a common trench.

(1976 Code, § 25.08) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL /  
ENGINEERING STANDARDS AND SPECIFICATIONS / § 155.077 PRIVATE WELL.**

**§ 155.077 PRIVATE WELL.**

- (A) Individual wells should be authorized by the Council only on special application.
- (B) Any well for domestic usages should have not less than 80 feet of four-inch or larger casing. The property owner should still be required to pay for his or her water main assessment and hook-up charge.
- (C) Any well to be used only for lawn watering could be a shallow sand point well but must be inspected to insure it does not get used for other purposes.
- (D) Any such permit should be given only after hook-up to city water for domestic water usages.

(1976 Code, § 25.09) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL /  
ENGINEERING STANDARDS AND SPECIFICATIONS / § 155.078 PRIVATE  
SEWAGE SYSTEM.**

**§ 155.078 PRIVATE SEWAGE SYSTEM.**

An individual sewage system is not permitted unless granted specially by the Council to meet a special problem or circumstance.

(1976 Code, § 25.10) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL /  
ENGINEERING STANDARDS AND SPECIFICATIONS / § 155.079 PRIVATE WELL  
OR SEPTIC TANK; HOUSE PLUMBING.**

**§ 155.079 PRIVATE WELL OR SEPTIC TANK; HOUSE PLUMBING.**

When individual well and septic tanks are used and the septic tank is placed at the rear of the house, it shall be required that plumbing be extended from the vent stack or rear outlet to a point three feet beyond the street side of the basement footing and capped. Inside the basement, the vent elbow shall be set up to be easily reversed for connection to the capped line. The

basement slab shall be scored for easy removal to include an area three feet square.

(1976 Code, § 25.11) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL /  
ENGINEERING STANDARDS AND SPECIFICATIONS / § 155.080 DRAINAGE  
SYSTEMS.**

**§ 155.080 DRAINAGE SYSTEMS.**

All surface and underground drainage systems shall be installed to adequately remove all natural drainage that accumulates on the developed property. Where a master plan or storm sewer district has been established, the drainage network shall conform to the adopted plan. All piping shall provide complete removal and a permanent solution for the drainage water.

(1976 Code, § 25.12) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL /  
ENGINEERING STANDARDS AND SPECIFICATIONS / § 155.081 STREET SIGNS.**

**§ 155.081 STREET SIGNS.**

All street signs shall be in accordance with standards adopted by the city and shall be furnished and installed by the developer. Location of the signs shall be as determined by the city.

(1976 Code, § 25.13) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL /  
ENGINEERING STANDARDS AND SPECIFICATIONS / § 155.082 INSPECTION.**

**§ 155.082 INSPECTION.**

All improvements required on site as described under engineering standards shall be inspected during construction by the City Engineer at the expense of the subdivider. This inspection shall include aggregate samples, bituminous mix samples, concrete samples, and visual inspection of projects during the installation of work.

(1976 Code, § 25.14) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / VARIANCES**

**VARIANCES**

**TITLE XV: LAND USAGE / CHAPTER 155: SUBDIVISION CONTROL / VARIANCES  
/ § 155.095 VARIANCE PROCEDURE.**

**§ 155.095 VARIANCE PROCEDURE.**

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this chapter, the Council, following consideration of the Planning Commission, shall have the power to vary the requirements of this chapter in harmony with the general purpose and intent thereof, so that the public health, safety, and general welfare may be secured and substantial justice done. In particular, small subdivisions where one lot is divided into two or three lots, the submission of topographic maps, soil tests, other data, and fee may not be necessary, if the Council, following consideration by the Planning Commission, so determines.

(1976 Code, § 26.01)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING**

**CHAPTER 156: ZONING**

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**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL PROVISIONS**

**GENERAL PROVISIONS**

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL PROVISIONS / § 156.001 TITLE.**

**§ 156.001 TITLE.**

This chapter shall be known as the “Zoning Code of the city” and shall be known, cited, and referred to herein as “this chapter.”

(1976 Code, § 27.01)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL PROVISIONS / § 156.002 PURPOSE.**

**§ 156.002 PURPOSE.**

This chapter is enacted for the following purposes:

- (A) To promote the general public health, safety, morals, comfort, and general welfare of the inhabitants of the city;
- (B) To promote the character and preserve and enhance the stability of property and areas within the city;
- (C) To divide the city into zones or districts as to the use, location, construction,

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reconstruction, alteration, and use of land and structures for residence, business, and industrial purposes;

- (D) To provide adequate light, air, privacy, and safety;
- (E) To prevent the overcrowding of land, undue concentration of population;
- (F) To promote the proper use of land and structures;
- (G) To fix reasonable standards to which buildings, structures, and land shall conform for the benefit of all;
- (H) To prohibit the use of buildings, structures, and lands that are incompatible with the intended use of development of lands within the specified districts;
- (I) To limit congestion in the public streets and protect the public health and welfare by providing for the off-street parking of vehicles and vehicle loading areas;
- (J) To protect against fire, explosion, noxious fumes, offensive noise, vibration, dust, odor, heat, glare, pollution of the air, and other hazards in the interest of the public health, comfort, and general welfare; and
- (K) To define and limit the powers and duties of the administrative officers and bodies provided for herein.

(1976 Code, § 27.02)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL PROVISIONS / § 156.003 SCOPE; ABROGATION AND GREATER RESTRICTIONS.**

**§ 156.003 SCOPE; ABROGATION AND GREATER RESTRICTIONS.**

(A) *Scope.* From and after the effective date of this chapter, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to, relocated, and every use within a building or use accessory thereto, in the city, shall be in conformity with the provisions of this chapter. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as non-conforming properties.

(B) *Interpretation.* In interpreting and applying this chapter, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience, and general welfare. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this

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chapter shall be controlling. Where the provisions of any statute, other ordinance, or regulations impose greater restrictions than this chapter, the provisions of that statute, other ordinance, or regulation shall be controlling.

(C) *Private agreements.* This chapter is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this chapter are more restrictive (or impose higher standards or requirements) than those easements, covenants, or other private agreements, the requirements of this chapter shall govern.

(1976 Code, § 27.03)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL PROVISIONS / § 156.004 INTERPRETATIONS; MEASUREMENTS.**

**§ 156.004 INTERPRETATIONS; MEASUREMENTS.**

(A) *Interpretations.* For the purpose of this chapter, the following interpretations shall apply unless the context clearly indicates or requires a different meaning.

(1) Words used in the present tense shall include the future; words in the singular shall include the plural, and plural the singular.

(2) The masculine gender shall include the feminine and neuter.

(B) *Measurements.* All measured distances shall be to the nearest integral foot. If a fraction is one-half foot or less, the integral foot next below shall be taken.

(1976 Code, § 28.01)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL PROVISIONS / § 156.005 PERMITTED USES.**

**§ 156.005 PERMITTED USES.**

(A) Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the districts indicated under the conditions specified.

(B) No building or land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which the building, structure, or land shall be located, except for the following exceptions:

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- (1) Uses lawfully established prior to the effective date of this chapter;
- (2) Special uses allowed in accordance with § 156.006 of this code; and
- (3) Essential services erected, constructed, altered, or maintained by public utilities or by governmental departments or commissions, subject to the permit requirements of this chapter.

(1976 Code, § 28.01) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL PROVISIONS / § 156.006 SPECIAL USES.**

**§ 156.006 SPECIAL USES.**

Special uses of land or buildings, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of special use permits, in accordance with the provisions of §§ 156.165 *et seq.* of this code. Whenever a special use is named as a major category, it shall be deemed to include all and only those itemized uses listed.

(1976 Code, § 28.01)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL PROVISIONS / § 156.007 DEFINITIONS.**

**§ 156.007 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALLEY.** A narrow thoroughfare upon which the rear of premises generally abuts or upon which service entrances of buildings abut, and which is not generally used as a thoroughfare by both pedestrians and vehicles, or which is not used for general traffic circulation, or which is not in excess of 30 feet in width at its intersection with a street.

**AUTOMOBILE SERVICE STATION.** Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries, or minor automobile accessories. Services offered may include the installation of tires, batteries, and minor accessories, minor automobile repairs, and greasing or washing of individual automobiles. When sales, services, and repairs as detailed here are offered as incidental to the conduct of an

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**AUTOMOBILE SERVICE STATION**, premises shall be classified by the primary usage. **AUTOMOBILE SERVICE STATIONS** shall not include the sale or storage of junked motor vehicles, shall not include premises offering major automobile repairs, automobile wrecking, or automobile sales. In connection with **AUTOMOBILE SERVICE STATIONS**, fuels offered for sale shall be stored only in underground tanks located wholly within the lot line.

**AUTOMOBILE WASH.** A building, or portion thereof, containing facilities for washing more than two automobiles, using production line methods with a steam cleaning device or other mechanical devices.

**BASEMENT.** A story having more than one-half its height below the average level of the adjoining finished grade. A **BASEMENT** is counted as a story for the purposes of height regulations, if subdivided and used for business or dwelling purposes.

**BERTH.** A loading space.

**BLOCK.** A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, waterways, or boundary lines of the corporate limits of the city.

**BOARDING HOUSE.** A building other than a hotel, where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three or more persons, but not exceeding ten persons.

**BUILDABLE AREA.** The space remaining on a lot after the minimum setback and open space requirements of this chapter have been met.

**BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy. The term includes structures of every kind, regardless of similarity to buildings.

**BUILDING, ACCESSORY.** A subordinate building or structure on the same lot.

**BUILDING, DETACHED.** A building surrounded by open space, that open space being on the same zoning lot as the building.

**BUILDING, HEIGHT OF.** The vertical distance measured from the average elevations of the finished grade along the front of the building to the highest point of the roof surface in a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and the ridge of gable, hip, and gambrel roofs.

**BUILDING, NON-CONFORMING.** See **NON-CONFORMING BUILDING**.

**BUILDING, PRINCIPAL.** A non-accessory building in which a principal use of the zoning district in which it is located is conducted.

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**BUILDING INSPECTOR.** The Building Inspector of the city.

**BUILDING LINE.** An imaginary line separating buildable area and required yards.

**BUILDING LINE SETBACK.** The distance between the building line and the property line.

**BULK.** The term used to indicate the size and setbacks of buildings or structures and location of same with respect to one another, and includes the following:

- (1) The size and height of buildings;
- (2) The location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
- (3) The gross floor area of buildings in relation to lot area (floor area ratio);
- (4) All open spaces allocated to buildings; and
- (5) The amount of lot area per dwelling unit.

**BULK MATERIALS.** Uncontained solid matter, such as powder, grain, stone, and sulphur, and the like, that has a tendency to become airborne.

**CITY ADMINISTRATOR, CLERK/TREASURER.** The Administrator, Clerk/Treasurer of the city.

**CITY COUNCIL.** The City Council of the city.

**CLUSTER DEVELOPMENT.** A planned unit development consisting only of residential units.

**COMMITTEE.** The Variance Committee of the city.

**COMPREHENSIVE PLAN.** A compilation of reports and maps for guiding the physical, social, and economic development, both private and public, of the city.

**CURB LEVEL.** The level of the established curb in front of the building measured at the center of that front. Where a building faces on more than one street, the **CURB LEVEL** shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the City Engineer shall establish the **CURB LEVELS**.

**DECIBEL.** A unit of measurement of the intensity of sound level.

**DISPLACEMENT.** The amount of motion involved in a vibration.

**DISTRICT.** A **ZONING DISTRICT** as defined herein.

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**DWELLING, ATTACHED.** A dwelling unit which is joined to another dwelling or building on one or more sides by a party wall or walls.

**DWELLING, DETACHED.** A dwelling unit which is entirely surrounded by open space on a single parcel with no common party walls.

**DWELLING, MEDIUM DENSITY.** A residential building designed for or occupied by three or more families, either wholly attached or partially a part of a large detached structure with separate laundry, storage, housekeeping, and cooking for each dwelling unit. This type of dwelling units shall include townhouses, patio homes, condominiums, cooperatives, or similar units which are intended to be owner occupied.

**DWELLING, MULTIPLE-FAMILY.** A residential building containing three or more dwelling units with more than one unit connecting to a common corridor or entranceway and which may have some common housekeeping facilities and are available for rent.

**DWELLING, SINGLE-FAMILY.** A detached dwelling unit containing accommodations for and occupied by one family only.

**DWELLING, TWO-FAMILY.** A building designed for occupancy by two families living independently of each other.

**DWELLING UNIT.** A residential building or portion thereof intended for occupancy by a single family for living purposes and having its own permanently installed cooking and sanitary facilities, but not including hotels, motels, boarding or rooming houses, tourist homes, or mobile homes.

**FAMILY.** An individual or two or more persons related by blood, marriage, or adoption, and bona fide domestic servants, or a group of not more than three unrelated persons living together as a single housekeeping unit in a dwelling unit. **FAMILY** members may enter into rental agreement(s) within the **FAMILY** unit. The definition of **FAMILY** for single-family residential purposes may be expanded to include up to four unrelated adults and up to six unrelated persons living together as a single housekeeping unit in a dwelling unit, provided that the applicant(s) be a qualified non-profit organization or a recognized governmental agency, and further provided that the applicant(s) obtain a special use permit in the manner provided in this code.

**FLOOR AREA.** The floor area of a building is the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls.

**FOOT CANDLE.** A unit of illumination intensity.

**FRONTAGE.** All the property fronting on one side of a street between the nearest intersecting streets, or between a street and a right-of-way, waterway, or other similar barrier.

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**GARAGE, PRIVATE.** An accessory building designed and used for the storage of not more than three motor-driven vehicles and owned and used by the occupants of the building to which it is accessory.

**GARAGE, PUBLIC.** A building, other than a private garage, used for the care, repair, or equipment of automobiles, or where these vehicles are parked or stored for remuneration, hire, or sale within the structure.

**GRADE, STREET.** The elevation of the established street in front of the building measured at the center of that front. Where no **STREET GRADE** has been established, the City Engineer shall establish the **STREET GRADE** or its equivalent for the purpose of this chapter.

**HOME OCCUPATION.** Any occupation or profession which is clearly secondary to the main use of the premises, carried on by a member of a family residing on the premises, conducted entirely within the dwelling, in connection with which there is used no sign (other than one non-illuminated name plate, which is not more than one square foot in area, attached to the building entrance) and provided that not over 25% of the gross floor area of any one story is used for **HOME OCCUPATION** or professional purposes.

**HOTEL.** A building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals, in which there are more than ten sleeping rooms usually occupied singly, and no provision made for cooking in any individual room or apartment.

**HOUSE TRAILER.** Any trailer or semi-trailer which is not more than eight feet in width and not more than 35 feet in length, and which is designed, constructed, and equipped for use as a human dwelling place, living abode, or living quarters.

**LOADING SPACE.** The portion of a lot or plot designed to serve the purposes of loading and unloading all types of vehicles.

**LODGING HOUSE.** A building where lodging is provided for compensation to three or more persons, in contradistinction to hotels open to transients.

**LOT.** Land occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under this chapter, and having its principal frontage upon a street. The term includes the words **PLOT, PIECE, PARCEL,** and **TRACT.**

**LOT, CORNER.** A lot located at the intersection of two streets; or a lot bounded on two sides by a curving street, two chords of which form an angle of 120 degrees or less measured on the lot side.

**LOT, DOUBLE FRONTAGE.** A lot having frontage on two non-intersecting streets, as distinguished from a corner lot.

**LOT, INTERIOR.** A lot other than a corner lot.

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**LOT COVERAGE.** The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

**LOT DEPTH.** The mean horizontal distance between the front and rear lot lines.

**LOT LINE, FRONT.** The boundary of a lot abutting a street. On a corner lot, the shortest street lot line shall be the **FRONT LOT LINE**.

**LOT LINE, REAR.** The lot line or lot lines most nearly parallel to and most remote from the front lot line.

**LOT LINE, SIDE.** Lot lines other than front or rear lot lines which are generally perpendicular to the front lot line.

**LOT OF RECORD.** A lot which is a part of a subdivision, the map of which has been recorded in the office of the Registrar of Deeds, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Registrar of Deeds at the time this chapter is adopted.

**LOT WIDTH.** The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

**MANUFACTURED HOME.** A single-family dwelling transportable in one or more sections for purposes of construction, and built in conformance with the Manufactured Home Building Code as defined in M.S. §§ 327.31 - 327.35, as they may be amended from time to time.

**MAY.** The act referred to is permissive.

**MOBILE HOME.** A transportable, single-family dwelling unit, suitable for year-round occupancy and containing the same water supply, waste disposal, and electrical conveniences as immobile housing; and being subject to tax or registration under state law; and having no foundation other than wheels, jacks, or skirtings.

**MOTEL.** A combination or group of two or more detached, semi-detached, or connected permanent dwellings occupying a building site integrally owned and used as a unit to furnish overnight transient living accommodations.

**NON-CONFORMING BUILDING.** A structure which does not comply with the district, bulk, yard, setback, or height regulations of the district in which it is located.

**NON-CONFORMING LOT.** A lot which does not comply with the minimum lot area or frontage requirements of the district in which it is located.

**NON-CONFORMING USE OF BUILDING.** A use of a building which does not

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conform to the applicable use regulations of the district in which it is located.

**NON-CONFORMING USE OF LAND.** Any use of a lot which does not conform to the applicable use regulations of the district in which it is located.

**PARKING, OFF-STREET.** Parking spaces which are provided on other than the public right-of-way.

**PARKING SPACE.** A land area of such a shape and dimension and so maintained as to be usable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley.

**PATIO HOUSE.** A single-family residence constructed lot line to lot line and oriented about a central court.

**PERFORMANCE STANDARD.** A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazard, or glare, heat glare, heat generated by, or inherent in, uses of land or building.

**PERSON.** Includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

**PLANNED UNIT DEVELOPMENT.** A tract of land developed as a unit rather than as individual development, wherein two or more buildings may be located in relationship to each other rather than to lot lines.

**PLANNING COMMISSION.** The Planning Commission of the city.

**PLOT.** A tract other than one unit of a recorded plat or subdivision and occupied and used or intended to be occupied and used as a building site and improved or intended to be improved by the erection thereon of a building or buildings and accessory building or buildings and having a frontage upon a public street or highway and including as a minimum those open spaces as required under this chapter.

**PUBLIC OPEN SPACE.** Any publicly owned open area, including but not limited to the following: parks, playgrounds, school sites, parkways, and streets.

**PUBLIC ROAD.** Any street, alley, highway, or other public thoroughfare.

**PUBLIC UTILITY.** Any person, firm, corporation, municipal department, or board fully authorized to furnish and furnishing under municipal regulation to the public, such services as electricity, gas, steam, communication services, telegraph services, transportation, or water.

**RECREATIONAL EQUIPMENT.** House trailers including those which telescope or fold down, chassis-mounted campers, house cars, motor homes, tent trailers, slip-in campers,

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converted buses, and converted vans.

**REST HOME, CONVALESCENT HOME, or NURSING HOME.** A public or private home for the care of persons, or a place of rest for those suffering bodily disorders.

**SATELLITE RECEIVE-ONLY ANTENNA or SROA.** An accessory structure consisting of a device commonly parabolic in shape, mounted at a fixed point and capable of receiving, for the benefit of the principal use, television signals from a transmitter or a transmitter relay located in geostationary orbit and serving the same or similar function as the common television antenna.

**SETBACK.** The mean horizontal distance between the property line and the line of a building or the allowable building line.

**SHALL.** The act referred to is mandatory and not discretionary.

**SHOPPING CENTER.**

(1) **COMMUNITY SHOPPING CENTER.** A retail center designed for the purpose of retailing and providing a wide range of goods and services of both the convenience and the shopper's or durable nature such as apparel, furniture, and banking and financial services for a trade area comprised of several residential areas.

(2) **NEIGHBORHOOD SHOPPING CENTER.** A retail center designed for the purpose of retailing convenience goods such as foods and drugs and providing personal services such as barber shops and laundry stations for the accommodation of the basic day-to-day shopping or service needs of persons living or working within the nearby area.

**SIGN.** A name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

**STORY.** The portion of a building included between the surface of any floor and the surface of the floor next above it, or, if no floor above, the space between a floor and the ceiling next above it.

**STORY, HALF.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A **HALF STORY** containing independent apartment or living quarters shall be counted as a full story.

**STREET.** A thoroughfare which affords a principal means of access to abutting property and which has been accepted by the city as a public street.

**STRUCTURAL ALTERATIONS.** Any change in the supporting members of a building

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such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

**STRUCTURE.** Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. When a **STRUCTURE** is divided into separate parts by an unpierced wall, each part shall be deemed a separate **STRUCTURE**.

**SUBDIVISION REGULATIONS** or **CH. 155.** Ch. 155 of this code; the Subdivision Regulations of the city.

**TOWNHOUSE.** A single structure consisting of three or more dwelling units having the first story at or near the ground level, with one dwelling unit connected to the other dwelling unit by a single party wall with no openings.

**USE.** The purpose for which land or premises or a building thereon is designated, arranged, or intended, or for which it is or may be occupied or maintained.

**USE, ACCESSORY.** A use subordinate to the main use of a lot and used for purposes customarily incidental to those of the main use.

**USE, PERMITTED.** A use which may lawfully be established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of those districts.

**USE, SPECIAL.** A use which, because of its unusual characteristics, requires special planning considerations in each instance and which may be acceptable in some circumstances and totally unacceptable in others.

**USED FOR.** Includes the phrases **ARRANGED FOR**, **DESIGNATED FOR**, **INTENDED FOR**, **MAINTAINED FOR**, and **OCCUPIED FOR**.

**VARIANCE.** A modification or variation of the provisions of this chapter, as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be considered a **VARIANCE**.

**YARD.** An open space on the same zoning lot with a building or structure, which **YARD** is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this chapter.

**YARD, FRONT.** A yard extending across the front of the lot between the side yard lines and lying between the front street line of the lot and the nearest line of the building.

**YARD, REAR.** An open space unoccupied except for accessory buildings as regulated herein, on the same lot with a building, between the rear lines of the building and the rear line of

the lot, for the full width of the lot.

**YARD, SIDE.** An open, unoccupied space on the same lot with a building, between the building and the side line of the lot and extending from the front lot line to the rear yard.

**ZONING ADMINISTRATOR.** The appointed Administrator, Clerk/Treasurer.

**ZONING DISTRICT.** Area of the city (as defined on the Zoning Map) set aside for specific uses with specific requirements for use of development.

**ZONING MAP.** The map or maps incorporated into this chapter as a part thereof, designating the various zoning districts; the City Zoning Map.

(1976 Code, §§ 28.01 and 28.02)

## **TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS**

### **GENERAL REGULATIONS**

#### **TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS / § 156.020 SCOPE OF REGULATIONS.**

#### **§ 156.020 SCOPE OF REGULATIONS.**

(A) No application for a building permit or other permit or license, or for a certificate of occupancy, shall be approved by the Zoning Administrator, and no permit or license shall be issued by any other department, which would authorize the use or change in use of any land or building contrary to the provisions of this chapter, or the erection, moving, alteration, enlargement, or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provisions of this chapter.

(B) No lot area shall be so reduced or diminished that the lot area, yards, or other open spaces shall be smaller than prescribed by this chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations as hereinafter provided.

(C) Every building hereafter erected, relocated, or structurally altered shall be located on a lot as herein defined, and, except in the case of an officially approved planned multiple-dwelling development, there shall be no more than one main building and the customary accessory building on one lot within a residence district.

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(D) In any residence district a double frontage lot shall have a front yard, as hereinafter provided for its particular district, along each street lot line, provided further that residential buildings on double frontage lots shall not face or have access onto collector or arterial streets as designated in the Comprehensive Plan.

(1976 Code, § 29.01) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS / § 156.021 SWIMMING POOLS.**

**§ 156.021 SWIMMING POOLS.**

(A) A permit shall be required for any swimming pool with a capacity of more than 500 gallons or more than two feet in depth.

(B) An application for a building permit shall show:

- (1) The type and size of the pool;
- (2) The site plan;
- (3) The location of the pool;
- (4) The location of the house, garage, fencing, and other features on the lot;
- (5) The location of structures on all adjacent lots;
- (6) The location of the filter unit, pump, and wiring (involving type);
- (7) The location of the back-flush and drainage outlet;
- (8) The grading plan, finished elevations, and final treatment (decking, landscaping, and the like) around the pool for in-ground pools only; and
- (9) The location of existing overhead or underground wiring, utility easements, trees, and similar features.

(C) In single-family districts:

- (1) Pools for which a permit is required shall not be located within ten feet of any side or rear lot line nor within six feet of any principal structure or frost footing. Pools shall not be located within any required front yard;
- (2) Pools shall not be located beneath overhead utility lines or over

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underground utility lines of any type;

(3) Pools shall not be located within any private or public utility, walkway, drainage, or other easement;

(4) In the case of in-ground pools, due precautions shall be taken during the construction period to:

(a) Avoid damage, hazards, or inconvenience to adjacent or nearby property; and

(b) Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust, or other infringement onto adjacent property.

(5) To the extent feasible, back-flush water or water from pool drainage shall be on the owner's property or into approved public drainage ways. Water shall not drain onto adjacent or nearby private land;

(6) The filter unit, pump, heating unit, and any other noise-making mechanical equipment shall be located at least 30 feet from any adjacent or nearby residential structure and not closer than ten feet to any lot line, or enclosed in sound-resistive enclosure in lieu of 30 feet. In all cases, noise shall not exceed minimum standards as set forth in § 156.033(B) of this code;

(7) Lighting for the pool shall be directed into or onto the pool and not onto adjacent property;

(8) A safety fence of at least four feet in height shall completely enclose the pool. All openings or points of entry into the pool area shall be equipped with gates or doors. All gates in the fence shall have a lockable latch that is no less than three and one-half feet from the ground, and shall be placed in a manner so as to be inaccessible to small children. All gates shall be locked when the pool is not in use or is unattended. Any opening between the fence bottom and the ground or the surface shall not exceed two inches. All fences shall be constructed of either vertical board, alternating board (board on board), or chain link. The materials used in the construction of the fence shall be of sufficient strength to withstand normal use and weather conditions. Vertical board fences shall have no more than a one-inch space between boards on the same side. Alternating board fences shall have no more than a four-inch space between the front and back board. Cross member boards for both vertical board and alternating board fences shall be no less than three and one-half feet apart on a horizontal plane. Chain link fences shall be of a minimum nine-gauge metal wire with a mesh no greater than two inches. The Building Inspector shall approve all plans for the construction of fences around swimming pools required by this chapter prior to the construction. All above-ground outdoor swimming pools that have a minimum four-foot high vertical side wall shall be excepted from this provision, provided that the access to that above-ground swimming pool is enclosed by a

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four-foot safety fence meeting the requirements of this chapter;

(9) Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type. Water shall be subject to periodic inspection by the Health Officer;

(10) All wiring, lighting, installation of heating unit, grading, installation of pipes, and all other installation and construction shall be subject to inspection by public inspectors; and

(11) Any proposed deviation from these standards and requirements shall require a variance in accordance with normal zoning procedures.

(D) Pools in medium density and multiple-family areas (residential structure containing two or more dwelling units) shall conform to the standards set for single-family districts with the following restrictions:

(1) No part of the water surface of the swimming pool shall be less than 50 feet from any lot line;

(2) No pump, filter, heating units, or other apparatus used in connection with or to service a swimming pool shall be located less than 50 feet from any lot line. In all cases, the noise shall not exceed minimum standards as set forth in § 156.033(B) of this code; and

(3) All deck areas, adjacent patios, or other similar areas so used in conjunction with the swimming pool shall be located not closer than 30 feet to any adjacent single-family lot line. Adequate screening including both fencing and landscape treatment shall be placed between these areas and adjacent single-family lot lines.

(E) In all areas:

(1) Required safety fencing shall be completely installed within three weeks following installation of the pool and prior to the pool being filled;

(2) Nuisances such as undue noise, lighting onto adjacent property, health and safety hazards, damage to nearby vegetation, and the like shall not be permitted;

(3) Filling of pools via fire hydrants or other public means shall require approval of the City Public Works Department; and

(4) Drainage of pools onto public streets or other public drainage ways shall require approval of the City Public Works Department.

(F) The purpose of this section is to provide a reasonable degree of safety for the owners, users, and others who may have occasion to be on the premises where swimming pools are located; and further to provide reasonable regulations so that the use and enjoyment of nearby properties will not be subject to undue noise, lighting, or other nuisances that may result

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from swimming pool use and activities.

(G) For the reason stated in division (F) above, the following provisions of this code shall be applicable to swimming pools in existence on the date of its passage: divisions (C)(2), (C)(3), (C)(5) - (C)(11), and (E)(1) - (E)(4) of this section. All existing pools shall be in compliance with the provisions referred to herein on or before the passage of this chapter.

(1976 Code, § 29.02) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS / § 156.022 ACCESSORY BUILDINGS AND USES.**

**§ 156.022 ACCESSORY BUILDINGS AND USES.**

(A) *Time of construction.* No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

(B) *Air conditioning units.* Air conditioning units shall meet the noise standards as outlined in § 156.033(B) of this code.

(C) *Attached accessory buildings.* In case an accessory building is attached to the main building, it shall be made structurally a part of the principal building and shall comply in all respects with the requirements of this chapter applicable to the principal building.

(D) *Detached accessory buildings.* A detached accessory building shall not be located in any required front or side yard setback. A detached accessory building shall not be closer than eight feet to the principal building, except as otherwise provided in this chapter.

(E) *Rear yard requirements for accessory buildings.*

(1) No single detached accessory building exceeding either one story or 12 feet in height shall occupy more than 30% of the area of any rear yard. Further, no detached accessory building shall be located within five feet of any rear lot line in an R-1 or R-2 classification or within 15 feet of any rear lot line in an R-3, R-4, or R-5 classification.

(2) The sum total of land occupied by all accessory buildings shall not exceed 40% of the area of the required rear yard, but in no case greater than 1,000 square feet.

(F) *Height requirements.* No accessory building shall exceed 15 feet in height.

(G) *Additional accessory uses.* The following accessory uses, in addition to those specified, shall be permitted in any residence district, if the accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in the district:

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(1) The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals, and other institutions permitted in the district;

(2) Recreation, refreshment, and service buildings in public parks and playgrounds; and

(3) Fallout shelters.

(H) *Satellite receive-only antennas.* Satellite receive-only antennas (SROA) shall be a permitted accessory use in all districts, subject to the following regulations:

(1) *Free-standing SROA.* In all zoning districts within the city, SROA shall be subject to the same front, rear, and side yard setback requirements which would apply to other accessory structures within the district; and

(2) *Roof-mounted SROA.* SROA mounted on roofs shall be subject to the normal height limits of the zoning district in which each is located and shall comply with all applicable requirements of the Uniform Building Code.

(1976 Code, § 29.03) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS / § 156.023 YARD REQUIREMENTS AND REGULATIONS.**

**§ 156.023 YARD REQUIREMENTS AND REGULATIONS.**

(A) *District requirements.* Yard requirements shall be specified for each district in this chapter.

(B) *Extent of front yards.* Except for driveways, the front yard shall extend along the entire frontage of the lot and along both streets in the case of a double frontage or corner lot.

(C) *Walls, fences, and hedges.* A wall, fence, or hedge may occupy part of the required front, side, or rear yards.

(D) *Double frontage lots.* On double frontage lots, the required front yard shall be provided on both streets.

(E) *Corner lots.*

(1) The required front yard of a corner lot shall contain no wall, fence, or other structure, tree, shrub, or growth which may cause danger to traffic on a street or public road by obscuring the view. The required front yard of a corner lot shall be unobstructed above a height of three feet in a triangular area, two sides of which are the lines running from the

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corner of the property along the property lines to points 20 feet from the corner of the property.

(2) In all instances, there shall be a minimum of 25 feet side yard setback when abutting a street.

(F) *Rear yards opening onto alleys.* In determining the depth of rear yard for any building where the rear yard opens into an alley, one-half of the width of the alley, but not exceeding ten feet, may be considered as a portion of the rear yard, subject to the following qualifications:

(1) The depth of any rear yard shall not be reduced to less than ten feet by the application of this exception; and

(2) If the door of any building or improvement, except a fence, opens toward an alley, it shall not be erected or established closer to the center line of an alley than a distance of 15 feet.

(G) *Exemptions to yard regulations.* Measurements for yards required in each district shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:

(1) Cornices, canopies, or eaves may be extended into the required front yard a distance not exceeding four feet, six inches;

(2) Fire escapes may extend into the required front yard a distance not exceeding four feet, six inches;

(3) A landing place or uncovered porch may extend into the required front yard a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing may be placed around the place; and

(4) The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace, or outside stairway shall project into the required side yard distance.

(1976 Code, § 29.04) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS / § 156.024 SETBACKS; EXISTING BUILDINGS.**

**§ 156.024 SETBACKS; EXISTING BUILDINGS.**

When more than 25% of the frontage of the side of the street between intersections is

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occupied by structures having setbacks from street rights-of-way of a greater or lesser amount than hereinafter required, the majority setback of all existing buildings between the intersections shall be maintained by all new or relocated structures. In the event a building is to be built where there is such an established setback different from that required hereinafter and there are existing buildings on both sides of the new building, the front setback shall not be required to be greater than the average setback of the first adjacent building on each side.

(1976 Code, § 29.05)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS / § 156.025 LANDSCAPING AND MAINTENANCE.**

**§ 156.025 LANDSCAPING AND MAINTENANCE.**

All open areas of any lot shall either be open landscaped with trees, shrubs, and planted ground cover or left in a natural state, except as provided in §§ 156.058(B) and 156.060(B) of this code. This landscaping, except for single-family dwellings, shall conform to the planting plan approved before the issuance of the building permit and shall be installed as a part of the initial construction. All yard landscaping shall be properly maintained in a sightly and well-kept condition by the property owner. All vacant lots, parcels, or tracts shall also be properly maintained by the property owner. Boulevard areas shall be landscaped in accordance with this section or may be landscaped with crushed rock in accordance with § 155.052 of this code.

(1976 Code, § 29.06) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS / § 156.026 DRAINAGE.**

**§ 156.026 DRAINAGE.**

(A) No lot shall be developed and no use permitted that results in water run-off causing flooding or erosion on adjacent properties. Driveways shall drain to the street.

(B) The finished grade at the perimeter of principal buildings on lots shall average a height above center of street of one-half inch per foot of required setback, with a minimum of 24 inches, to assure adequate drainage of rain water from roofs away from the building.

(1976 Code, § 29.07) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS / § 156.027 STORAGE; PARKING.**

**§ 156.027 STORAGE; PARKING.**

(A) *Materials, supplies, and merchandise.* All materials, supplies, merchandise, or other similar matter not on display for direct sale, rental, or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the commercial districts or within the confines of an opaque wall or fence not less than six feet high. Merchandise which is offered for sale as described above may be displayed beyond the confines of a building in the commercial districts, but the area occupied by the outdoor display shall not constitute a greater number of square feet than 10% of the ground floor area of the building housing the principal use, unless the merchandise is of a type customarily displayed outdoors such as garden supplies. No storage of any type shall be permitted within the required front or side street setback.

(B) *Motor and recreational vehicles.*

(1) *Motor vehicles.*

(a) Off-street parking of commercial vehicles is prohibited in any residential district, with the following exceptions:

1. Commercial trucks with up to one ton carrying capacity;
2. Tractors used for pulling trailers; and
3. Commercial buses.

(b) One commercial vehicle of this type per residence is permitted under this section. Temporary parking for delivery or unloading is excepted from this section.

(2) *Recreational vehicles.* No trailer or boat shall be parked or stored for more than 30 days in any class of residential district except as follows.

(a) A trailer may be used as a temporary office or shelter incidental to construction on or development of the premises on which the trailer is located during the time construction or development is actively under way.

(b) The following trailers and boats may be parked or stored on a lot provided they are parked or stored so as to meet the following criteria:

1. Provided they are not used or occupied for living, sleeping, housekeeping, or business purposes;

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2. One recreational vehicle may be parked within the front yard setback provided that the vehicle may not be parked closer than five feet to the side yard property line except by variance granted pursuant to this code, and then only upon an approved driveway;

3. Travel trailers, pickup coaches, motorized homes, and camping trailers, constructed as temporary dwellings for travel purposes, not exceeding 300 square feet; and

4. Boats not exceeding 30 feet in length.

(c) Any trailer or boat may be parked anywhere on the premises for loading or unloading purposes.

(C) *General parking regulations for single- and two-family residential districts.* No owner or tenant of a single- or two-family residential property shall allow any motor vehicle or trailer to be parked on the property, outside of a garage, except on an approved driveway, with the exception of those motor and recreational vehicles covered under division (B) above. Every motor vehicle or trailer which is parked outside of the garage shall display license plates with current registration tabs. No motor vehicle or trailer shall be permitted to park in the sight triangle which is required under § 156.034(F).

(1976 Code, § 29.08) (Am. Ord. 329, passed 4-16-2001) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS / § 156.028 AREAS UNDER WATER.**

**§ 156.028 AREAS UNDER WATER.**

All areas within the corporate limits of the city which are under water and not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district at a halfway point.

(1976 Code, § 29.09)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS / § 156.029 HEIGHT LIMITATIONS; SPECIAL USE PERMIT.**

**§ 156.029 HEIGHT LIMITATIONS; SPECIAL USE PERMIT.**

Height limitations set forth elsewhere in this chapter may be increased by 100% by special use permit when applied to the following: chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouse sheds, water towers, stacks, stage towers or scenery lofts, tanks, ornamental towers and spires, wireless towers, or necessary mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy. Application for this permit shall be subject to regulations of §§ 156.165 *et seq.*, regarding special use permits.

(1976 Code, § 29.10)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS / § 156.030 LAND ALTERATION; PERMIT, BOND, RESTORATION.**

**§ 156.030 LAND ALTERATION; PERMIT, BOND, RESTORATION.**

(A) *Special use permit required.* A special use permit shall be required in all cases where excavation, grading, and filling of any land within the city would result in a substantial alteration of existing ground contour or would change existing drainage or would cause flooding or erosion or would deprive an adjoining property owner of lateral support and would remove or destroy the present cover resulting in less beneficial cover for present and proposed development, uses, and enjoyment of any property in the city. Substantial alteration shall be defined as the extraction, grading, or filling of land involving movement of earth and materials in excess of 25 cubic yards. Land within the city that is substantially altered by excavation, grading, or filling, which work is performed pursuant to the issuance of a building permit, is excepted from the special use requirements of this section.

(B) *Application.* Application for a land alteration special use permit shall be subject to the regulations of §§ 156.165 *et seq.* in this code and shall contain the following additional information:

- (1) The legal description of the land to be altered;
- (2) The nature of the proposed alteration and future use of the property;
- (3) The starting date and approximate completion date of the operation;
- (4) The names of all owners of the land to be altered; and

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(5) The names and addresses of all owners and occupants of the adjoining land that may be affected by the land alteration.

(C) *Bond.* The City Council may require from the person securing a land alteration special use permit, adequate proof of bonding in the form of a performance bond, sufficient in value to cover the expense of the completion of the development plan or to bring such portion of the completed project to a safe grade and elevation so as to be healthful and safe to the general public and to provide safe and adequate drainage to the site.

(D) *Safety precautions.* If, during the land alteration work, it becomes necessary for the person altering the land to create a condition of grade or drainage not in the interest of health or safety, it shall become that person's duty to correct, immediately, the dangerous situation created, as well as fence that area from the general public during the period of danger.

(E) *Replacement of landscaping.* The person responsible for the proposed land alteration shall agree to replace cover that has been removed, by seeding or sodding the cover to be replaced within 30 days after completion of grading. Where construction of dwellings or buildings is being done over an extended period of time, the Zoning Administrator or City Council may require replacement of ground cover on a portion of the area before the entire project is completed.

(F) *Declaration as public nuisance.* The City Council may, in addition to any or all other remedies available for violation of this chapter, declare the premises a public nuisance and after a public hearing held upon ten days' notice by registered mail to the last known address of the owner or owners of the property, proceed to have the necessary work done to bring the land to reasonable standards of health and safety and assess all of the costs and expenses thereof against the property.

(1976 Code, § 29.11) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS / § 156.031 STREET VACATIONS.**

**§ 156.031 STREET VACATIONS.**

Whenever any street, alley, or other public way is vacated by official action of the city, the zoning district adjoining each side of the street, alley, or public road shall be automatically extended to the center of the vacation, and all area included in the vacation shall then and henceforth be subjected to all appropriate regulations of the extended districts.

(1976 Code, § 29.12)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS / § 156.032 SIGNS.**

**§ 156.032 SIGNS.**

Signs in all districts shall be permitted and regulated only according to regulations and standards established in Ch. 152 of this code.

(1976 Code, § 29.13) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS / § 156.033 PERFORMANCE STANDARDS.**

**§ 156.033 PERFORMANCE STANDARDS.**

(A) *Intent.* It is the intent of this section to provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties, and to provide that each permitted use of this type shall be a good neighbor to adjoining properties by the control of the following.

(B) *Standards.*

(1) *Noise.*

(a) At the points of measurement, the sound pressure level of noise radiated from a facility at nighttime, during the hours of 10:00 p.m. to 7:00 a.m., shall not exceed 50 decibels (sound pressure level decibels re 0.0002 dynes/cm<sup>2</sup>) or the average sound level of the street traffic noise nearest the noise generator, whichever is the higher, in any octave band of frequency above 300 cycles per second. The sound pressure level shall be measured with a sound level meter (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944) and an octave band analyzer (American Standard Specification for an Octave-Bank Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953) that conforms to the specifications published by the American Standards Association. Noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, beat, frequency, impulsive character (hammering and the like), periodic character (humming, screech, and the like) or shrillness.

(b) For facilities which radiate noise only during a normal daytime working shift, the allowance decibel level given above shall be increased 20 decibels, or ten

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decibels above the average sound level of the street traffic noise nearest the noise generator, whichever is higher. Sirens, whistles, bells, and the like, which are maintained and utilized solely to serve a public purpose (such as fire and air raid warning sirens) are excluded from the above regulations. Reasonable use of equipment used to maintain property, such as lawn mowers or snow blowers, shall be excluded from the provisions of this section.

(2) *Odor.* No activity or operation shall cause at any time the discharge of toxic, noxious, or odorous matter beyond the limits of the immediate site where it is located in such concentrations as to be obnoxious or otherwise detrimental to or endanger the public health, welfare, comfort, or safety or cause injury to property or business. Standards concerning odors referred to in division (B)(8) below shall be adhered to.

(3) *Exterior lighting.* All sources of artificial light situated on non-residential sites shall be so fixed, directed, designed, or sized that the sum total of their illumination will not increase the level of illumination on any nearby residential property by more than 0.1 foot candle in or within 25 feet of a dwelling nor more than 0.5 foot candle on any other part of the property.

(4) *Glare.* Glare, whether direct or reflected, such as from floodlights, spotlights, or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line.

(5) *Vibration.* Vibration shall not be discernible at any property line to the human sense of feeling for three minutes or more duration in any one hour. Vibration of any kind shall not produce at any time an acceleration of more than one-tenth (0.1) gravity or shall not result in any combination of amplitudes or frequencies beyond the "safe" range of Table VII, U.S. Bureau of Mines Bulletin No. 442, Seismic Effects of Quarry Blasting, on any structure. The methods and equations of Bulletin No. 442 shall be used to compute all values for the enforcement of this provision.

(6) *Smoke.* As regulated by the State Pollution Control Agency.

(7) *Dust.* As regulated by the State Pollution Control Agency.

(8) *Fumes or gases.* Fumes or gases shall not be emitted at any point in concentrations or amounts 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 II (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 Ch. 5, Physiological Effects, that contains these tables, in the Air Pollution Abatement Manual, by the Manufacturing Chemists' Association, Inc., Washington, D.C., are hereby established as guides for the determination of permissible concentrations or amounts. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.

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(9) *Hazard.* Every operation shall be carried on with reasonable precautions against fire and explosion hazards.

(10) *Visual.* It is hereby affirmed as essential public policy that the appearance of this community is a proper matter for public concern and that all open spaces, buildings, signs, plantings, surfaces, and structures which may be seen are subject to the provisions of this chapter. All principal buildings other than single- and two-family homes shall be designed by a registered architect and shall be certified in accordance with the appropriate statutes of the state. On any building visible from a public street, the following materials shall not be permitted on exterior wall surfaces: sheet metal, either corrugated or plain, unfinished structural clay tile, common concrete masonry units, concrete brick, or similar materials. These materials, however, may be used in a proper arrangement, or combination with other materials of a permanent nature with good architectural design and appeal. The application for a building permit shall be accompanied by exterior elevations of the proposed building which will adequately and accurately indicate the height, size, bulk, design, and the appearance of all elevations and a description of the construction and materials proposed to be used therein.

(C) *Testing.* In order to assure compliance with the performance standards set forth above, the city may require the owner or operator of any permitted use to have made those investigations and tests as may be required to show adherence to the performance standards. Investigation and tests as are required to be made shall be carried out by an independent testing organization as may be agreed upon by all parties concerned, or if there is failure to agree, by such independent testing organizations as may be selected by the city after 30 days' notice. The costs incurred in having the investigations or tests conducted shall be shared equally by the owner or operator and the city, unless the investigation and tests disclose non-compliance with the performance standards, in which event the entire investigation or testing cost shall be paid by the owner or operator. The procedure above stated shall not preclude the city from making any tests and investigations it finds appropriate, to determine compliance with these performance standards.

(1976 Code, § 29.14) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS / § 156.034 FENCES.**

**§ 156.034 FENCES.**

(A) *Purpose.* The purpose of this section is to promote a pleasant physical environment and to protect the public and private property within the city by regulating the location, height, type of construction, and maintenance of all fences.

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(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BOUNDARY FENCE.*** Any fence parallel to the property line.

***FENCE.*** Any partition, structure, wall, or gate erected as a divider marker, barrier, or enclosure and located along the boundary, or within the required yard. A ***FENCE*** shall not include naturally growing shrubs, trees, other foliage, or trellis.

***PRIVACY FENCE.*** Any fence used for screening of outdoor living areas and for enclosures where restricted visibility or protection is desired. ***PRIVACY FENCES*** shall not require a permit as stipulated in the following division.

(C) *Permit required.* No fence shall be erected or substantially altered in the city without securing a permit from the Building Inspector. All permits of this type shall be issued upon a written application which shall set forth the type of fence to be constructed, the material to be used, height, and exact location of the fence. A fee as set from time to time by Council resolution shall be paid with each application.

(D) *Location of fences.*

(1) Fences, when constructed to enclose any lot or tract of land, shall be located in such a way that the entire fence shall be on the property of the owner, but not on the property line, except by mutual consent of both property owners prior to construction. Posts and framework shall be placed within the property lines of the owner and the actual fencing material, such as wire, lumber, pickets, and the like, shall be placed on the side of the fence which faces the street or the adjacent property.

(2) No fences shall be allowed or constructed on street rights-of-way. Fences may, by permit, be placed on public utility easements so long as the structures do not interfere in any way with existing underground or overground utilities. Further, the city or any utility company having authority to use those easements shall not be liable for repair or replacement of these fences in the event they are damaged or destroyed by virtue of lawful use of the easement.

(E) *Construction and maintenance.*

(1) All fences shall be constructed in conformity with the wind, stress, foundation, structural, and other requirements of the State Building Code and every fence shall be constructed in a workmanlike manner and of substantial material reasonably suited to the purpose for which the fence is to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition which would constitute a public nuisance or a dangerous condition. If a fence is allowed to become and remain in such a condition, the Building Inspector is authorized to notify the owner or owners of the fence of the condition and allow the owner or owners ten days in which to repair or demolish

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the fence.

(2) Link fences, wherever permitted, shall be constructed in such a manner that the barbed end is at the bottom of the fence.

(3) No barbed wire or barbed wire fences shall be allowed on private property in residential districts.

(F) *Residential district fences.* In single- and multiple-family residential districts, no fence may exceed four feet in height above the ground level, in front of the front line of the residential structure, along any street or highway right-of-way, or in the front yard as defined by this chapter. In these districts, fences along the side lines to the rear of the front line of the residential structure and along the rear line, including rear lines abutting street or highway right-of-way zones, may not exceed six feet in height above the ground level. The required front yard of a corner lot shall not contain any fence which may cause danger to traffic on a street or public road by obscuring the view. On corner lots, no fence shall be permitted within the intersection sight distance triangle as shown in App. C of this chapter.

(G) *Commercial and industrial fences.* In business and industrial districts, fences may not exceed eight feet in height above the ground level, and the use of barbed wire is prohibited, except that the top one foot of any fence in these districts may be constructed of barbed wire.

(H) *Special purpose fences.*

(1) Fences for special purpose and fences differing in construction, heights, or location, may be permitted in any commercial or industrial district in the city, only by issuance of a special use permit approved by the City Council after a recommendation by the Planning Commission, and upon evidence that the special purpose fence is necessary to protect, buffer, or improve the premises for which the fence is intended.

(2) The approval of these buffer fences may include stipulations as to the material, height, or location of the special purpose fence.

(I) *Non-conforming fences.* All existing fences at the time of the adoption of this section, which are not in violation of this section and are not located within a public right-of-way or easement, but which violate other sections of this chapter, may be continued to be maintained and to exist but may not be replaced, if destroyed or removed, to the extent that the violations be continued.

(1976 Code, § 29.15) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS / § 156.035 SCREENING.**

**§ 156.035 SCREENING.**

(A) *Screening.* Required screens shall consist of a wall or fence or earth berm with plantings.

(B) *Walls and fences.* Walls or fences used as screens shall be of not less than 90% opacity, as viewed from the perpendicular, and not less than six nor more than seven feet in height above the level of the residential district property at the district boundary. These height regulations shall not apply to screens of loading areas which are regulated in § 156.060(B) of this code.

(C) *Exceptions.* Walls or fences of lesser heights may be permitted by the City Council if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote and protect the use and enjoyment of the properties within the adjacent residential district or there is a finding that a screening of the type required by this chapter would interfere with the provisions of adequate amounts of light and air to same properties.

(D) *Earth berms.* Earth berms at least six feet in height together with compact evergreen or deciduous hedge with other trees and plantings on a strip at least ten feet in width may be used as screening. At planting, hedge materials must be at least two feet in height and coniferous trees must be at least four feet in height. All deciduous trees shall be a minimum of two and one-half inches in diameter with a height of at least five feet.

(E) *Installation and maintenance.* Required screening shall be installed at the time of construction. All required screening devices shall be installed and properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.

(1976 Code, § 29.16) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / GENERAL REGULATIONS / § 156.036 RELOCATED STRUCTURES.**

**§ 156.036 RELOCATED STRUCTURES.**

Structures to be relocated into any district within the city shall be considered as new construction and regulated accordingly, and subject to any existing city ordinance.

(1976 Code, § 29.17)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / OFF-STREET PARKING AND LOADING**

**OFF-STREET PARKING AND LOADING**

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / OFF-STREET PARKING AND LOADING / § 156.050 EXISTING SPACE; USE.**

**§ 156.050 EXISTING SPACE; USE.**

Off-street parking or loading facilities existing at the effective date of this chapter shall not subsequently be reduced to an amount less than that required under this chapter for a similar new building or use. Off-street parking or loading facilities provided to comply with the provisions of this chapter shall not subsequently be reduced below the requirements of this chapter. The required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

(1976 Code, § 33.01) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / OFF-STREET PARKING AND LOADING / § 156.051 COMPUTATION.**

**§ 156.051 COMPUTATION.**

In computing the number of parking or loading spaces required, the following rules shall govern.

- (A) Floor space shall mean the gross floor area of the specific use.
- (B) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- (C) For uses not specifically listed in this chapter, uses for which a specific number of spaces have not been defined, or for joint parking facilities serving two or more different uses, the Planning Commission shall determine the number of spaces to be required by utilizing the requirements of the most similar use listed in App. A of this chapter. Issuance of building permit for the above situations shall be subject to approval by the Planning Commission of all site

plans.

(1976 Code, § 33.01)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / OFF-STREET PARKING AND LOADING / § 156.052 YARDS; SETBACKS.**

**§ 156.052 YARDS; SETBACKS.**

Off-street parking and loading facilities shall be subject to the front yard, side yard, and rear yard regulations for the use district in which the parking is located, with the following exceptions.

(A) In any of the residence districts, no parking or loading space shall be located within 15 feet of any property line. Driveways, garages, and carports in conjunction with any single- or two-family residence shall be exempted from this requirement; however, they shall not be located less than five feet from the property line, except by variance obtained in the manner provided in this code. Variances in the case of driveways may be allowed down to zero feet setback from the property line. Recreational vehicles parked in conformance with § 156.027(B)(2) of this code are also exempted from the above yard setback regulations.

(B) In any commercial use which abuts any of the classes of residence districts, no parking or loading space shall be located within 20 feet of any property line.

(C) In the I-1 industrial/commercial district, in no instance shall parking or loading space be located within 15 feet of a side or rear property line except in the case of parking space which abuts parking space on the adjoining property, in which case no setback shall be required.

(1976 Code, § 33.01) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / OFF-STREET PARKING AND LOADING / § 156.053 ACCESS.**

**§ 156.053 ACCESS.**

(A) Parking and loading space shall have proper access from a public road.

(B) The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard.

(C) In all commercial districts or industrial districts, direct access shall be provided to

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a collector as shown on the adopted city street plan or to a related service road.

(D) All parking and loading areas shall be designed in such a manner that no vehicle entering or leaving a parking space shall be required to back onto or from any thoroughfare except from single- and two-family residences on local streets.

(1976 Code, § 33.01) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / OFF-STREET PARKING AND LOADING / § 156.054 CONSTRUCTION AND MAINTENANCE STANDARDS.**

**§ 156.054 CONSTRUCTION AND MAINTENANCE STANDARDS.**

(A) All parking areas and access drives shall be surfaced with a durable and dustless material capable of carrying a wheel load of five tons (or 10,000 pounds) per axle and approved by the City Engineer or Building Inspector. Parking areas and access drives in commercial and industrial districts shall be constructed utilizing an approved bituminous mixture, concrete, or other water sealed surface.

(B) All parking areas shall be so graded and drained as to dispose of all surface water accumulation. Parking areas in the R-3, R-4, R-5, commercial, and industrial districts shall have surface drainage as approved by the City Engineer.

(C) The operator of the principal building or use shall maintain parking and loading areas, access drives, and yard areas in a neat and adequate manner.

(1976 Code, § 33.01) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / OFF-STREET PARKING AND LOADING / § 156.055 LIGHTING.**

**§ 156.055 LIGHTING.**

Lighting shall not be direct upon the public right-of-way and nearby or adjacent properties. The illuminations must be indirect or diffused.

(1976 Code, § 33.01) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / OFF-STREET PARKING AND LOADING / § 156.056 SITE PLAN.**

**§ 156.056 SITE PLAN.**

Any application for a building permit or for a certificate of occupancy shall include a site plan or plot plan drawn to scale and dimensioned showing off-street parking and loading space to be provided in compliance with this chapter.

(1976 Code, § 33.01) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / OFF-STREET PARKING AND LOADING / § 156.057 APPLICATION OF REGULATIONS.**

**§ 156.057 APPLICATION OF REGULATIONS.**

Off-street parking and loading regulations shall apply to all buildings and uses of land established after the effective date of this chapter.

(1976 Code, § 33.01) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / OFF-STREET PARKING AND LOADING / § 156.058 OFF-STREET PARKING; DESIGN STANDARDS.**

**§ 156.058 OFF-STREET PARKING; DESIGN STANDARDS.**

In addition to the general regulations of §§ 156.050 - 156.057 above, the following specific regulations shall apply to off-street parking.

(A) *Size.*

(1) Each off-street parking space shall contain a minimum area of not less than 400 square feet, to include parking, maneuvering, and access. Actual stall size shall conform to the table in App. B of this chapter, depending upon the stall pattern selected.

(2) Provision shall be made in the parking area for adequate snow storage or removal to ensure that the required number of spaces are available at all times during the year.

(3) Striping shall be provided and maintained.

(B) *Screening.* Off-street parking areas abutting residence districts shall be screened by a buffer of adequate design. Plans of the screening shall be submitted for approval as part of

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the required site plan, and this screening shall be installed as part of the initial construction. All screening shall conform to the standards established by § 156.035 of this code. Where any business or industrial use (structure, parking, or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property in conformance with the standards established in § 156.035. Screening shall also be provided where those uses are across the street from a residential district.

(C) *Location.* Required off-street parking space shall be provided either on the same lot or adjacent lots as the principal building or use is located.

(1976 Code, § 33.02) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / OFF-STREET PARKING AND LOADING / § 156.059 JOINT FACILITIES.**

**§ 156.059 JOINT FACILITIES.**

(A) Required parking facilities serving two or more uses may be located on the same lot or in the same structure provided that the total number of parking spaces furnished shall be not less than the sum of the separate requirements for each use.

(B) Joint use of parking facilities by the following uses or activities under the following conditions may be approved.

(1) (a) For the purpose of this section, the following uses are considered as primarily daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing, wholesale, and similar uses.

(b) The following are to be considered as primarily nighttime or Sunday uses: auditoriums incidental to a public or parochial school, churches, bowling alleys, dance halls, theaters, bars, or restaurants.

(2) (a) Up to 50% of the parking facilities required for a theater, bowling alley, dance hall, or bar or restaurant, may be supplied by the off-street parking facilities provided by primarily daytime uses.

(b) Up to 50% of the off-street parking facilities required for any use specified as primary daytime uses may be supplied by the parking facilities provided by primarily nighttime or Sunday uses.

(c) Up to 100% of the parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school may be supplied by the

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off-street parking facilities provided by primarily daytime uses.

(3) Conditions required for joint use:

(a) The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 800 feet of the parking facilities;

(b) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed; and

(c) A properly drawn legal instrument, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the Zoning Administrator.

(1976 Code, § 33.02) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / OFF-STREET PARKING AND LOADING / § 156.060 LOADING AREAS; DESIGN STANDARDS.**

**§ 156.060 LOADING AREAS; DESIGN STANDARDS.**

In addition to the general regulations of §§ 156.050 - 156.057 of this code, the following specific regulations shall apply to loading areas.

(A) *Size.* Fifty percent of the required number of truck berths shall be 50 feet in length, 12 feet in width, and 15 feet in height. All loading areas shall consist of a maneuvering area in addition to the berth and shall not use any of that portion of the site containing parking stalls. Maneuvering areas shall be of a size so as to permit the backing of truck tractors and coupled trailers into a berth, without blocking the use of other berths or drive or maneuvering areas.

(B) *Screening.* All berths shall be screened from view from the property street frontage or from the zoning district boundary when the adjacent property or property across the street frontage or side street frontage is zoned or used for residential purposes. The screening shall be accomplished by a buffer fence not less than seven feet in height.

(C) *Location.* All required loading or unloading into or out of trucks in excess of one ton capacity shall be conducted at facilities specifically designed or designated for that purpose. These facilities shall be located upon the zoning lot of the principal use requiring them. All berths beyond one shall be separate from areas used for off-street parking.

(1976 Code, § 33.03) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / OFF-STREET PARKING AND LOADING / § 156.061 MINIMUM PARKING AND LOADING SPACE REQUIREMENTS.**

**§ 156.061 MINIMUM PARKING AND LOADING SPACE REQUIREMENTS.**

Off-street parking and loading areas of sufficient size to provide parking for patrons, customers, suppliers, visitors, and employees shall be provided on the premises of each use. App. A of this chapter designates the minimum number of parking and loading spaces that are required to be provided and maintained at the time any new use or structure is occupied, or any existing use or structure is enlarged or increased in capacity. Uses not specifically listed must provide the number of spaces as required by § 156.051(C) of this code.

(1976 Code, § 33.04) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / ZONING DISTRICT BOUNDARIES**

**ZONING DISTRICT BOUNDARIES**

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / ZONING DISTRICT BOUNDARIES / § 156.075 DISTRICT CLASSIFICATION ESTABLISHED.**

**§ 156.075 DISTRICT CLASSIFICATION ESTABLISHED.**

(A) In order to classify, regulate, and restrict the location of trade and industry, and the location of buildings designated for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and limit the intensity of the use of lot areas; and to regulate and determine the areas of yards, recreation, and open space within and surrounding those buildings, the city is hereby divided into ten districts. The use, height, and area regulations are uniform in each district.

(B) Districts shall be known as:

(1) *Residence districts.*

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- (a) R-1, single-family residence district;
- (b) R-2, two-family residence district;
- (c) R-3, medium density residence district;
- (d) R-4, multiple-family residence district;
- (e) R-5, multiple-family residence district; and
- (f) R-6, housing for the elderly and handicapped district.

(2) *Non-residence districts.*

- (a) C-1, shopping center commercial district;
- (b) C-2, neighborhood and service commercial district;
- (c) C-3, office commercial district; and
- (d) I-1, industrial/commercial district.

(1976 Code, § 34.01)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / ZONING DISTRICT BOUNDARIES / § 156.076 DISTRICT BOUNDARIES ADOPTED.**

**§ 156.076 DISTRICT BOUNDARIES ADOPTED.**

The location and boundaries of the districts established by this chapter are set forth in App. F of this chapter. All of the land and real estate in this city is zoned and classified as R-1 (single-family residence district) except the land and real estate therein described, which shall be zoned as indicated.

(1976 Code, § 34.02)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / ZONING DISTRICT BOUNDARIES / § 156.077 BOUNDARY LINES; INTERPRETATION.**

**§ 156.077 BOUNDARY LINES; INTERPRETATION.**

Wherever any uncertainty exists as to the boundary of any use district as shown on the

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Zoning Map incorporated herein by reference, the following rules shall apply.

(A) Where district boundary lines are indicated as following streets, alleys, or similar rights-of-way, they shall be construed as following the center lines thereof.

(B) Where district boundary lines are indicated as approximately following lot lines or section lines, those lines shall be construed to be the boundaries.

(C) Where a lot held in one ownership, and of record at the effective date of this chapter, is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district; provided that this construction shall not apply if it increases the area of the less restricted portion of the lot by more than 20%.

(D) Where figures are shown on the Zoning Map between a street or property line and a district boundary line, they indicate that the district boundary line runs parallel to the street line or property line a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated.

(1976 Code, § 34.03)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / RESIDENCE DISTRICTS;  
USE REGULATIONS; REQUIREMENTS**

**RESIDENCE DISTRICTS; USE REGULATIONS; REQUIREMENTS**

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / RESIDENCE DISTRICTS;  
USE REGULATIONS; REQUIREMENTS / § 156.090 PURPOSE AND INTENT.**

**§ 156.090 PURPOSE AND INTENT.**

(A) *Purpose.* The residence districts are established to accomplish the general purposes of this chapter and for the following specific purposes:

- (1) To preserve existing living qualities of residential neighborhoods;
- (2) To ensure future high quality amenities including, but not limited to, the provision of adequate light, air, privacy, and convenience of access to property;
- (3) To increase convenience and comfort by providing usable open space and recreation space on the same lot as the housing units they serve;
- (4) To prevent additions or alterations of structure which would damage the

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character or desirability of existing residential areas;

(5) To protect residential areas, to the extent possible and appropriate in each area, against unduly heavy motor vehicle traffic; and

(6) To encourage a variety of dwelling types and a wide range of population densities with emphasis on home ownership.

(1976 Code, § 35.01)

(B) *Intent.* The specific intent of each residential district is as follows.

(1) *R-1, single-family residence district.* This district is intended to preserve, create, and enhance areas of exclusive single-family development where that development fits the Comprehensive Plan, and where special uses may allow two-family dwellings and home occupation.

(2) *R-2, two-family residence district.* This district is intended to provide single-family residences for which normal lot requirements may be relaxed to allow construction of two-family dwellings.

(3) *R-3, medium density residence district.* This district is intended to provide for medium density residential use which stresses individually owned dwelling units to provide a transition between lower and higher densities and between incompatible land uses.

(4) *R-4, multiple-family residence district.* This district is intended to provide a residence area in which multiple dwellings not exceeding six units per building may be allowed as special uses at a higher density.

(5) *R-5, multiple-family residence district.* This district is intended to provide a residence area in which multiple dwellings may be allowed as special uses.

(1976 Code, § 35.02)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / RESIDENCE DISTRICTS;  
USE REGULATIONS; REQUIREMENTS / § 156.091 PERMITTED USES.**

**§ 156.091 PERMITTED USES.**

The uses as set forth in App. D of this chapter are allowed in the various residential districts either as permitted, accessory, or special uses.

(1976 Code, § 35.03)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / RESIDENCE DISTRICTS;  
USE REGULATIONS; REQUIREMENTS / § 156.092 R-6 DISTRICT; USE  
REGULATIONS.**

**§ 156.092 R-6 DISTRICT; USE REGULATIONS.**

(A) *District created.* There is hereby created the zoning district of R-6, permitting housing for the elderly and the handicapped by special use permit.

(1976 Code, § 35.031)

(B) *Purpose.* The purpose of this section is to make provision for housing for the elderly and the handicapped. It is recognized by the City Council that the elderly and the handicapped have special housing needs which may not be met by housing designed to serve the public at large, but which should be recognized and accommodated by the community. Because of the nature of the use incident to this housing, some of the restrictions and limitations imposed on housing development for the public at large are not appropriate, nor are certain of those restrictions and limitations necessary to protect the public health, safety, and welfare of the community. Therefore, it is determined by the City Council that the criteria provided in this section shall apply to housing for the elderly and the handicapped.

(1976 Code, § 35.032)

(C) *Definitions.* The terms elderly and handicapped shall be as defined pursuant to regulations adopted by the U.S. Department of Housing and Urban Development to implement the Housing Act of 1959 as these may be amended from time to time.

(1976 Code, § 35.033)

(D) *General considerations.* In determining whether or not to zone a parcel of land R-6, housing for the elderly and the handicapped, the City Council shall consider the following:

(1) Whether the proposed use is so located as to provide occupants with reasonable access to transportation, places of employment, medical and community services, churches, and other facilities of importance to the elderly and the handicapped;

(2) Whether the proposed use is so located and designed as to provide its occupants with safe and sanitary accommodations and adequate police and fire protection;

(3) Whether the proposed use is compatible with uses in the general vicinity of the proposed district and whether the proposed use will adversely affect any property adjacent to or in the general vicinity of the proposed district;

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(4) Whether the proposed use will have an adverse aesthetic effect upon the adjacent property and on the neighborhood in general;

(5) There shall be at least one elevator capable of supporting emergency stretcher equipment in each building housing the elderly or handicapped; and

(6) The entire premises of any building designed for the housing of elderly and handicapped shall be sprinkled.

(1976 Code, § 35.034)

(E) *Density regulations.* For purposes of R-6 zoning, provisions of §§ 156.096(A) and 156.093 and App. E of this chapter notwithstanding, the City Council may authorize the construction of housing for the elderly and the handicapped with the following requirements.

(1) The City Council may authorize housing for the elderly and for the handicapped which has a floor area of less than that required by § 156.096(A), but in no event shall the minimum floor area of a one-bedroom dwelling be less than 580 net square feet, nor shall that of a two-bedroom dwelling be less than 700 net square feet, as measured in § 156.096(A).

(2) The Council shall consider, in determining whether to permit housing for the elderly and the handicapped:

(a) Whether the amount of area, both on the ground of the project and within enclosed areas, which is devoted to common or community use for recreation, meetings, eating, and the like, together with private areas, is sufficient to meet the needs of the occupants of the project; and

(b) Whether there are easily accessible services and recreational facilities available to the occupants in the immediate vicinity of the project.

(3) The City Council may authorize housing for the elderly and for the handicapped which has a lot area per unit which is less than that required by § 156.093 and App. E of this chapter, but in no event shall the lot area per unit be less than 1,452 square feet (30 units per acre).

(4) Parking for the elderly and the handicapped shall be governed by the criteria as outlined in § 156.061 and App. A of this chapter.

(1976 Code, § 35.035)

(F) *Height restrictions.* The City Council may authorize housing for the handicapped and the elderly, the principal building of which has a greater height than that allowed by App. E of this chapter, provided that in no event shall a permit be issued for the construction of such a

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building which does not meet the following criteria:

- (1) The structure cannot exceed 50 feet in height;
- (2) The maximum percentage of lot coverage for all structures on the lot shall not exceed 40% of the total coverage of the lot; and
- (3) Other factors the City Council shall consider in determining whether or not to permit construction of housing for the elderly or the handicapped include:
  - (a) The side yard, front yard, and rear yard setbacks required of housing for the elderly and handicapped shall be the same as those for structures in R-5 districts;
  - (b) The proximity of the proposed use to other buildings or structures greater than one story in height;
  - (c) Whether the proposed use will deprive adjoining properties of adequate air or light considering the use of properties affected; and
  - (d) Whether the use will have an adverse aesthetic impact on the neighborhood or otherwise be incompatible with other structures or uses in the vicinity of the project.

(1976 Code, § 35.036)

Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / RESIDENCE DISTRICTS; USE REGULATIONS; REQUIREMENTS / § 156.093 LOT AREA ALLOWANCES IN R-4 AND R-5.**

**§ 156.093 LOT AREA ALLOWANCES IN R-4 AND R-5.**

- (A) The maximum lot area allowances shall not exceed 1,000 square feet, based on the following schedule.
  - (B) (1) For each parking space provided within the building or underground, subtract 300 square feet.
  - (2) If the site upon which the multiple dwelling is being constructed or the adjacent site is zoned for a commercial use, subtract 300 square feet.
  - (3) If the adjacent site is zoned an R-1 or R-2 residence district, add 300 square feet, per unit, for that portion of the multiple-dwelling site within 150 feet of the

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residence district.

(4) If the total lot coverage is less than 20%, subtract 150 square feet per unit.

(5) In a case where it is necessary to raze an existing principal structure and where the existing structure is in a dilapidated condition, or where the building is economically unfeasible to rehabilitate, there shall be provided an allowance of two dwelling units above any other allowances required within this section.

(1976 Code, § 35.05)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / RESIDENCE DISTRICTS;  
USE REGULATIONS; REQUIREMENTS / § 156.094 GENERAL USE REGULATIONS.**

**§ 156.094 GENERAL USE REGULATIONS.**

(A) In every dwelling unit hereafter erected, there shall be at least three rooms used for living.

(B) Buildings or parts of buildings used for garages, carports, sheds, and agricultural buildings shall not exceed 1,000 square feet in area or one story in height. No part of a detached accessory building shall exceed 15 feet above grade.

(C) The city authorizes the placement of manufactured housing on residential lots within the city provided that the manufactured housing complies with the following conditions:

(1) The manufactured housing shall be built in conformity with M.S. §§ 327.31 - 327.35, as they may be amended from time to time;

(2) The manufactured housing shall comply with all other zoning standards and regulations for the district;

(3) The manufactured housing shall be placed on the same type of permanent foundation as required of other traditional housing in the district;

(4) No manufactured housing shall have a width of less than 20 feet at its narrowest point; and

(5) Building permits as required by the city shall be obtained for the placement of manufactured housing.

(1976 Code, § 35.06) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / RESIDENCE DISTRICTS;  
USE REGULATIONS; REQUIREMENTS / § 156.095 SINGLE- AND TWO-FAMILY  
RESIDENCE REQUIREMENTS.**

**§ 156.095 SINGLE- AND TWO-FAMILY RESIDENCE REQUIREMENTS.**

(A) *Minimum sizes.*

(1) The following minimum floor area, exclusive of porches, attics, basements, cellars, and crawl spaces, shall apply to all dwelling houses constructed:

- (a) One-story houses: 960 square feet;
- (b) Split level or split entry houses: 800 square feet;
- (c) One and one-half story houses: first floor, 700 square feet; and
- (d) Two-story houses: first floor, 600 square feet; and second floor, 600 square feet.

(2) For purposes of computing the minimum areas set down in division (A)(1) above, only those areas having a ceiling height of seven feet, six inches or more will be considered. The area of split level or split entry houses shall be computed on the basis of the largest horizontal area of the structure; and when one habitable area lies directly above another habitable area, only the larger area may be used to compute areas as prescribed in this section.

(B) *Garages.* A single-car garage shall be required which shall have a minimum of 300 square feet of floor area.

(C) *Roof pitch.* The minimum roof pitch for single- and two-family residences shall be 3:12. Any alteration of this roof pitch standard must be through the formal variance procedure.

(1976 Code, § 35.07) (Am. Ord. 329, passed 4-16-2001) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / RESIDENCE DISTRICTS;  
USE REGULATIONS; REQUIREMENTS / § 156.096 MEDIUM DENSITY RESIDENCE  
REQUIREMENTS.**

**§ 156.096 MEDIUM DENSITY RESIDENCE REQUIREMENTS.**

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(A) *Minimum dwelling unit floor area.*

(1) The minimum floor area for each dwelling unit shall be as follows:

- (a) One-bedroom: 700 square feet;
- (b) Two-bedroom: 800 square feet; and
- (c) Three-bedroom: 960 square feet.

(2) For purposes of measurement, the net floor area of a dwelling unit shall be that area within a building used as an individual dwelling unit, and shall be measured from the outside of exterior walls to the center of interior partitions bounding the dwelling unit being measured, but shall not include public stairways, public entries, public foyers, public balconies, or storage area not within the dwelling unit.

(B) *Design requirements.* Construction of medium density dwellings is allowed in certain districts by a special use permit approved by the Planning Commission and the City Council after review of the plans specified in §§ 156.167(B)(1) and 156.167(B)(2) of this code in the manner prescribed in §§ 156.165 *et seq.*, regarding special use permits.

(1976 Code, § 35.08) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / RESIDENCE DISTRICTS;  
USE REGULATIONS; REQUIREMENTS / § 156.097 MULTIPLE-FAMILY  
RESIDENCE REQUIREMENTS.**

**§ 156.097 MULTIPLE-FAMILY RESIDENCE REQUIREMENTS.**

(A) *Minimum dwelling unit floor area.*

(1) The minimum floor area for each dwelling unit shall be as follows:

- (a) Efficiency: 600 square feet;
- (b) One-bedroom: 700 square feet;
- (c) Two-bedroom: 800 square feet; and
- (d) Three-bedroom: 900 square feet.

(2) For the purposes of measurement, the net floor area of a dwelling unit shall mean that area within a building used as a single dwelling unit, and shall be measured from the inside walls to the center of partitions bounding the dwelling unit being measured, but shall

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not include public stairways, public entries, public foyers, public balconies, or unenclosed public porches, separate utility rooms, furnace areas or rooms, storage areas not within the apartment, or garages.

(B) *Design and construction requirements.*

(1) *Design review.* A special use permit for a multiple dwelling must be approved by the Planning Commission and the City Council after review of the plans set forth in § 156.098(B) of this code. The Planning Commission and City Council may designate conditions or guarantees in connection therewith as will secure substantially the provisions of the district.

(2) *Building design and construction.* In addition to the requirements of § 156.094 of this code, building design and construction shall meet the following provisions.

(a) A special use permit for a multiple-dwelling building containing four or more dwelling units shall not be issued unless the applicant's building plans, including the site plan, are certified by an architect registered in this state stating that the design of the building and site have been prepared under his or her direct supervision. Any building of Type I or Type II construction as provided in the State Building Code shall have its electrical, mechanical, and structural systems designed by registered engineers. Provisions of this division shall in no way prohibit the preparation of the site plan by a professional site planner.

(b) The design shall make use of all land contained in the site. All of the site shall be related to the multiple-family use, such as parking, circulation, recreation, landscaping, screening, building, storage, and the like, so that no portion remains unconsidered.

(c) Illuminated pedestrian walkways shall be provided from parking areas, garages, loading zones, and recreation areas to the entrances of the buildings.

(d) All exterior wall finishes on any principal or accessory buildings shall be any single one or a combination of the following:

1. Face brick;
2. Natural stone;
3. Specially designed precast concrete units if the surfaces have been integrally treated with an applied decorative material or texture;
4. Factory fabricated and finished metal framed panel construction, if the panels consist of any of the materials named above, or glass, prefinished metal (other than unpainted galvanized iron) or plastic; or
5. Other materials as may be approved by the Planning

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Commission.

(e) Building facings shall be of similar material and consistent architectural design.

(f) All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of the same materials as the original construction and shall be designed in a manner conforming with the original architectural design and general appearance.

(g) At least 50% percent of all units shall be one-bedroom; no unit shall consist of more than three bedrooms.

(3) *Plans.* All plans specified in §§ 156.167(B)(1) and 156.167(B)(2) of this code shall be required for multiple dwellings.

(4) *Type of construction.* Any building more than two and one-half stories in height shall be of Type I or Type II construction as provided in the State Building Code as incorporated by reference by this code.

(5) *Closets and bulk storage.* The following minimum amounts of closet and bulk storage shall be provided for each dwelling unit:

(a) One-bedroom unit: ten lineal feet of closet space within the individual dwelling unit plus 50 square feet of bulk storage within the multiple-dwelling building;

(b) Two-bedroom unit: 24 lineal feet of closet space within the individual dwelling unit plus 50 square feet of bulk storage within the multiple-dwelling building;

(c) Three-bedroom unit: 38 lineal feet of closet space within the individual dwelling unit plus 50 square feet of bulk storage within the multiple-dwelling unit; and

(d) Only closet space having a minimum clear finish to finish depth of two feet, zero inches, shall be considered in determining the lineal feet of closet provided.

(6) *Sound.* Party and corridor partitions and floor systems shall be of a type rated by a laboratory regularly engaged in sound testing as capable of accomplishing an average sound transmission loss (using a nine frequency test) of not less than 50 decibels. Door systems between corridors and dwelling units shall be of solid core construction and include gaskets and closure plates. Room relationship, hallway designs, door and window placements, and plumbing and ventilating installations shall be such that they assist in the control of sound transmission from unit to unit.

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(7) *Projecting air conditioning and heating units.* Air conditioning or heating units projecting through exterior walls or windows shall be so located and designed that they neither unnecessarily generate or transmit sound nor disrupt the architectural amenities of the building. Units projecting more than four inches beyond the exterior finish of a building shall be permitted only with the consent of the Building Inspector, which shall be given when the building structural systems prevent compliance.

(8) *Trash receptacles and garbage.* All trash receptacles must be screened on at least three sides and not visible from any public right-of-way.

(9) *Accessory buildings.* Accessory buildings shall observe the same setback requirements established for the residence building except that accessory buildings located within the rear yard of the multiple-residence building may be located to within five feet of the rear or interior side property line. The City Council may require common walls that will eliminate unsightly and hazardous areas. Exteriors of accessory buildings shall have the same exterior finish as the main structure.

(10) *Parking and loading.* In addition to the requirements of §§ 156.050 *et seq.* and App. A of this chapter, the following regulations shall apply to parking and loading for multiple dwellings:

(a) Parking areas shall have six-inch concrete curbs defining the perimeter; and

(b) Parking and loading areas shall be a reasonable distance from building (other than service) entrances to facilitate moving of household furnishings.

(11) *Recreation and open space.* Each multiple-family dwelling unit containing four or more units shall include a recreation area. Such a recreation area may consist partially of appropriately landscaped open space and shall include a play area, a portion of which shall contain a paved surface. These recreation areas shall consist of not less than 20% of the gross area of the property and shall consist principally of land within the building setback lines. In addition, the city shall require a fee per unit, as set from time to time by Council resolution, for the city park system, or a donation of land equal to 5% of the building site area provided the land is acceptable to the Planning Commission and the City Council.

(1976 Code, § 35.09) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / RESIDENCE DISTRICTS;  
USE REGULATIONS; REQUIREMENTS / § 156.098 CLUSTER DEVELOPMENT.**

**§ 156.098 CLUSTER DEVELOPMENT.**

(A) *Purpose.* The purpose of cluster developments is to make provision for residential cluster projects on large tracts of land under single or unified ownership. These residential subdivision unit projects will allow modification of individual lot area and width requirements. Residential clusters shall be developed in accordance with an overall design and integrated development plan in accordance with Ch. 155, regulating subdivisions, and the Comprehensive Plan. The project shall be consistent with the intent and purpose of this chapter and shall not adversely affect the property adjacent to the land area included in the project.

(B) *Regulations.*

(1) The minimum area of land to be included in a cluster development project shall be five acres.

(2) With the exception of individual lot area and setback requirements, the cluster development shall conform to the density requirements of the district in which it is to be located.

(3) The cluster development project shall submit a preliminary subdivision plat and site plan, along with an application for a special use permit to the Planning Commission and City Council. The preliminary plat and site plan shall conform to the provisions of this chapter and Ch. 155. The general development plan shall be drawn to scale with topography of a contour interval not greater than two feet. The site plan shall include:

- (a) Proposed roadways, type and capacity of paving;
- (b) The proposed site and existing adjacent development;
- (c) The size and location of buildings;
- (d) Landscaping;
- (e) Parking areas and arrangements of stalls;
- (f) Site and lot dimensions;
- (g) The allocation and disposition of park and open space; and
- (h) A relief drawing of the general building design or theme intended for all buildings other than single- and two-family units.

(4) Should the special use permit for the preliminary plat and site plan be approved, the preliminary plat and site plan shall be attached to and become part of the special

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use permit. Any modification of the preliminary plat or site plan shall require a resubmission to and approval by the Planning Commission and City Council.

(5) Should the special use permit be approved, the final plat shall be submitted to the city in accordance with Ch. 155 of this code and the provisions of this chapter.

(1976 Code, § 35.10) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / NON-RESIDENCE DISTRICTS; USE REGULATIONS; REQUIREMENTS**

**NON-RESIDENCE DISTRICTS; USE REGULATIONS; REQUIREMENTS**

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / NON-RESIDENCE DISTRICTS; USE REGULATIONS; REQUIREMENTS / § 156.110 COMMERCIAL DISTRICTS; PURPOSE AND INTENT.**

**§ 156.110 COMMERCIAL DISTRICTS; PURPOSE AND INTENT.**

(A) *Purpose.* The commercial districts are established to accomplish the general purpose of this chapter and the Comprehensive Plan and for the following specific purposes:

(1) To group compatible business uses which will tend to draw trade that is naturally interchangeable and so promotes the business prosperity and public convenience;

(2) To provide an adequate supply of business and professional services to meet the needs of the residents; and

(3) To promote a high quality of total commercial development and design that produces a positive visual image.

(1976 Code, § 36.01)

(B) *Intent.* The specific intent of each commercial district is as follows.

(1) *C-1, shopping center commercial district.* This district is intended to provide a district which may be applied to land in single ownership or unified control for the purpose of developing a planned business center with a unified and organized arrangement of buildings and service facilities at key locations which are suitable for the use and which are centrally located within the residential area they are intended to serve.

(2) *C-2, neighborhood and service center commercial district.* This district is

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intended for the convenience of persons residing in nearby residential areas and is limited in its function to accommodating the basic day-to-day shopping needs of the typical family. It is also intended as a business district which may be located in separate areas adjacent to shopping centers and thus help to keep the basic retail areas compact and convenient, and in other separate areas to provide a district which may be located in close proximity to a major thoroughfare or highway in order that highway service types of land use can be provided.

(3) *C-3, office commercial district.* This district is intended to provide a district which is related to and may reasonably adjoin high density or other residential districts for the location and development of administrative office buildings, medical uses, and related office uses which are subject to more restrictive controls.

(1976 Code, § 36.02)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / NON-RESIDENCE DISTRICTS; USE REGULATIONS; REQUIREMENTS / § 156.111 INDUSTRIAL/COMMERCIAL DISTRICT; PURPOSE AND INTENT.**

**§ 156.111 INDUSTRIAL/COMMERCIAL DISTRICT; PURPOSE AND INTENT.**

(A) *Purpose.* The industrial/commercial district is established to accomplish the general purposes of this chapter and the Comprehensive Plan and the following specific purposes:

- (1) To provide employment opportunities; and
- (2) To group industrial and certain uses in locations accessible to highways so that the movement of raw materials, finished products, and employees can be carried on in performance standards in §§ 156.020 *et seq.* of this code.

(1976 Code, § 36.03)

(B) *Intent.* It is recognized that, while the city is predominantly residential in character, industrial uses are an important part of the city land use pattern. The regulations for this district are intended to encourage industrial development that is compatible with the surrounding or abutting land uses. To accomplish this compatibility, development in the industrial/commercial district:

- (1) Is limited to administrative, wholesaling, manufacturing, and related commercial uses that can be carried on in accordance with the performance standards set forth in §§ 156.020 *et seq.*;

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(2) Must provide suitable open spaces, landscaping, and parking areas; and

(3) Must establish a high standard of appearance and controls for external effects (such as noise, smoke, and the like).

(1976 Code, § 36.04)

Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / NON-RESIDENCE DISTRICTS; USE REGULATIONS; REQUIREMENTS / § 156.112 PERMITTED USES.**

**§ 156.112 PERMITTED USES.**

(A) *Commercial districts.*

(1) Uses in commercial districts shall be allowed as set forth in App. D of this chapter.

(2) From and after the effective date of this chapter, a special use permit shall be required for any commercial use abutting a residential district within the city.

(1976 Code, § 36.05)

(B) *Industrial/commercial district.* Within an industrial/commercial district, no building or land shall be used except for one or more of the uses as set forth in App. D of this chapter, providing they comply with the performance standards set forth in §§ 156.020 *et seq.*

(1976 Code, § 36.06)

Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / NON-RESIDENCE DISTRICTS; USE REGULATIONS; REQUIREMENTS / § 156.113 GENERAL REQUIREMENTS.**

**§ 156.113 GENERAL REQUIREMENTS.**

All required yards shall either be open landscaped and green areas or be left in a natural state, except where off-street parking is required as specified in §§ 156.050 *et seq.* If any yards are to be landscaped, they shall be landscaped attractively with lawns, trees, shrubs, and the like.

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Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition.

(1976 Code, § 36.08) Penalty, see § 10.99

***Cross-reference:***

*Schedule of Dimensional Requirements by District, see App. E*

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / NON-RESIDENCE DISTRICTS; USE REGULATIONS; REQUIREMENTS / § 156.114 DEVELOPMENT PROCEDURES; PLATTING.**

**§ 156.114 DEVELOPMENT PROCEDURES; PLATTING.**

(A) If new public streets are proposed or if the development will require more than one lot or tract, the layout of any proposed streets shall show the right-of-way widths and the proposed names of all streets. Proposed street names shall not duplicate the name of any street already in existence in the city or its environs unless the proposed street is an extension of an already existing street. The street layout shall cover the whole ownership tract.

(B) All public rights-of-way with non-residence districts shall be considered collector streets or arterials as defined in the city thoroughfare plan.

(C) Upon finding by the Planning Commission and City Council that the proposed zoning district and preliminary plat will constitute a district of sustained desirability, will be consistent with long range comprehensive plans for the city, and will meet the requirements of the district, the City Council may establish that district on the property included in the preliminary plat. The preliminary plat as approved, together with such covenants, deed restrictions, controls, or special use permits as may be attached to it, shall be filed and recorded by the owner or developer in the office of the County Register of Deeds and shall become a part of the ordinance establishing the zoning change. Any substantial change to the plan will require resubmission for approval by the Planning Commission and City Council.

(D) The final platting of the land shall be subject to requirements for approval, recording, and the installation of improvements as required by other city ordinances.

(E) The owner or developer must agree to comply with all the requirements of the city regarding lighting, noise abatement, traffic control and regulation, maintaining order, and keeping the premises free from debris.

(1976 Code, § 36.09) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / NON-RESIDENCE**

**DISTRICTS; USE REGULATIONS; REQUIREMENTS / § 156.115 SITE PLAN REVIEW.**

**§ 156.115 SITE PLAN REVIEW.**

(A) *Purpose.* It is the policy of the city to encourage excellence in site and building design of commercial and industrial development in zoning districts C-1, C-2, C-3, and I-1. The site plan review enables the City Council to insure that the applicant has made adequate provisions for utilities (sewer, water, and storm sewer), traffic (off-street parking, circulation access), safety precautions (lighting, pedestrian walks, traffic-control signs), and amenities (exterior design, landscaping, and screening).

(B) *Required information for site plans.* A building permit application in the above listed zoning districts shall include 11 copies of site plans presenting the following information:

(1) Complete architectural plans showing the floor plans and elevation of the proposed buildings, and identification of the use of each structure;

(2) Complete plans and specifications for exterior wall finishes proposed for all principal and accessory buildings;

(3) Provision for off-street parking, vehicle storage, internal and external circulation, and supplementary traffic data in sufficient detail to calculate traffic generation, parking requirements;

(4) The type and placement of signs, other than street name signs;

(5) The type and location of firefighting facilities;

(6) The nature and extent of cut and fill and degree of soil compaction, along with related engineering data;

(7) Plans and specifications for facilities for drainage of the lots, if any, and the sites, streets, highways, and alleys, including provisions of storm drainage, culverts, and appurtenant structures and reference to supplementary data for drainage;

(8) Plans and specifications for distribution and service lines for water supply to the building site; wells or other sources of supply;

(9) Plans and specifications for sewage and all liquid or solid waste storage and disposal facilities, including main and secondary collection lines and stub-offs from the secondary collection lines to the building site;

(10) The type, placement, and number of traffic safety signs and traffic-control

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devices;

(11) The type, placement, and number of lighting devices for parking lot and building lighting, including height, wattage, direction of illumination, and expected light intensity;

(12) Barricades and other safety devices;

(13) Complete landscaping and screening plans, including species and sizes of trees and shrubs proposed; and

(14) Complete plans for proposed sidewalks to service parking, recreation, and service areas.

(C) *Procedure for approval of site plans.* Upon receipt of site plans, the Zoning Administrator shall refer copies of the same to the Police Department, the Fire Department, the City Engineer, and other city departments as are appropriate. Each of these departments shall within 15 days advise the Zoning Administrator whether the site plans are in conformance with the provisions of all applicable ordinances and policies of the city insofar as the same fall within the jurisdiction of each particular department. Upon receipt of the comments and advice from the aforementioned departments, the Zoning Administrator shall place the site plan review approval on the agenda of the next regularly scheduled Council meeting for Council action thereon.

(D) *Exceptions to site plan review procedure.* An applicant may not have to present information required by division (B) of this section in cases where the city staff determines that the application will not affect utilities (sewer, water, and storm sewer), traffic (off-street parking, circulation, access), safety precautions (lighting, pedestrian walks, traffic-control signs), or amenities (exterior design, landscaping, and screening).

(1) An applicant will not be required to file a separate site plan review under this section in cases where the site plan review is an integrated part of another independent review made by the city, i.e., special use application.

(2) Under circumstances to be determined by the city staff, an applicant may be permitted to file a partial site plan for that portion of his or her total project that will impact on any of the above- described subjects of concern to the city.

(E) *Building permits.* Following approval of the site plans, the Building Inspector may grant building permits for proposed structures provided that the proposed structure meets the requirements of the city building code and all other applicable city ordinances and regulations.

(F) *Site plan review fees.* The person applying for site plan approval shall fill out and submit an application, in the form prescribed by the city, to the Zoning Administrator. The

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application shall be accompanied by a fee as established by resolution of the City Council to cover administrative expenses relating to the site plan review.

(1976 Code, § 36.10) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / PLANNED UNIT DEVELOPMENTS**

**PLANNED UNIT DEVELOPMENTS**

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / PLANNED UNIT DEVELOPMENTS / § 156.130 PURPOSE.**

**§ 156.130 PURPOSE.**

(A) The provisions of this subchapter are intended to provide areas which can be developed with some modification of the strict application of regulations of the normal zoning districts in accordance with the provisions and regulations contained herein.

(B) Planned unit developments may be developed within any district with the overall population density, number of living units, or intensity of use permitted to be constructed in general conformance with the provisions of the basic zoning district in which it is located. Higher densities or intensities may be allowed than those permitted in the zoning district with the specific density or intensity determined by the Planning Commission and City Council. However, rather than strictly enforcing the concept of uniformity of building types in each district, this provision will encourage:

- (1) Flexibility in land development to benefit from new technology in building design and construction and land development;
- (2) Variety in the organization of site elements, building densities, and housing types;
- (3) Higher standards of site and building design through the use of trained and experienced land planners, registered architects, or landscape architects to prepare plans for all planned unit developments;
- (4) Preservation and enhancement of desirable site characteristics and open space; and

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- (5) More efficient and effective use of land, open space, and public facilities.

(1976 Code, § 37.01)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / PLANNED UNIT DEVELOPMENTS / § 156.131 PERMITTED USES.**

**§ 156.131 PERMITTED USES.**

Within a planned unit development (P.U.D.), no land or buildings shall be used except for one or more of the following uses:

(A) The uses listed as permitted or special uses in the district(s) in which the development is proposed;

(B) Educational, religious, cultural, recreational, or commercial facilities that are designed and intended to serve the residents of the planned unit development. The burden of proof shall rest upon the applicant to show that these non-residential uses, when located in a residence district, are designed and intended for the primary use of the residents in the P.U.D., provided further that no such commercial uses shall be constructed until 75% of the total dwelling units contained in the entire project are completed. Completed shall mean qualifying for a certificate of occupancy.

(C) Use(s) normally more appropriate in other zoning districts shall not occupy more than 15% of the land area within the district(s) in which the development is proposed.

(1976 Code, § 37.02) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / PLANNED UNIT DEVELOPMENTS / § 156.132 DEFINITION.**

**§ 156.132 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**ORIGINAL DISTRICT.** A zoning district described in this chapter in which the planned unit development may, upon approval, be constructed.

(1976 Code, § 37.03)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / PLANNED UNIT DEVELOPMENTS / § 156.133 INTENT.**

**§ 156.133 INTENT.**

To allow specialized unit development within original district.

(1976 Code, § 37.04)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / PLANNED UNIT DEVELOPMENTS / § 156.134 REGULATIONS AND REQUIREMENTS.**

**§ 156.134 REGULATIONS AND REQUIREMENTS.**

(A) *Development.* This subchapter makes provisions for individual, group housing, or multiple- dwelling and mobile home planned developments, and planned commercial development projects within the designated zoning districts as special uses, for larger tracts of land under single or unified ownership. These planned unit development projects shall be developed in accordance with an overall design and an integrated general development plan, be consistent with the intent and purposes of this chapter, and not adversely affect the property adjacent to the land included in the project.

(B) *Intensity of development.*

(1) *Overall site coverage.* Permitted maximum site coverage in the planned development district shall not exceed the maximum permitted site coverage in the original district; however, site coverage may be calculated on the total land involved in the planned development.

(2) *Individual lots.* Deviation from the applicable requirements for lot area, lot dimensions, yards, setbacks, location of parking areas, and public street frontage may be allowed, but only if the deviation is consistent with the total design of the planned development.

(C) *Roadways.* Private roadways within the project shall be installed to city specifications for public roadways.

(1976 Code, § 37.05)

***Cross-reference:***

*Street surfacing, see § 155.072*

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / PLANNED UNIT DEVELOPMENTS / § 156.135 GENERAL DEVELOPMENT PLAN.**

**§ 156.135 GENERAL DEVELOPMENT PLAN.**

(A) *Plans.* The proponents of a planned unit development project shall submit a general development plan along with the application for a special use permit and secure the approval of the Planning Commission and City Council. The general development plan shall be drawn to scale with topography of a contour interval not greater than two feet. The plan shall show:

- (1) The proposed site and existing developments on adjacent properties;
- (2) The proposed size, location, and arrangement of buildings;
- (3) Parking areas and stall arrangement;
- (4) Entrance and exit drives;
- (5) Landscaping;
- (6) Structural and yard dimensions;
- (7) Proposed sewer and water systems; and
- (8) Recreation areas.

(B) *Changes to approved plans.* If the special use permit is approved, the general development plan is attached to and is a part of the special use permit. Any substantial change to the plan will require a resubmission for review and approval by the Planning Commission and City Council.

(1976 Code, § 37.06) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / PLANNED UNIT DEVELOPMENTS / § 156.136 COMPLIANCE REQUIRED.**

**§ 156.136 COMPLIANCE REQUIRED.**

The owner or developer must comply with all the requirements of the city and this chapter regarding lighting, noise abatement, traffic control and regulations, maintaining order,

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and keeping the premises free from debris, and any other conditions as may be attached to the special use permit by the Planning Commission or City Council.

(1976 Code, § 37.06) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / PLANNED UNIT DEVELOPMENTS / § 156.137 PERMIT EXPIRATION AND RENEWAL.**

**§ 156.137 PERMIT EXPIRATION AND RENEWAL.**

If construction on the planned unit development has not begun within one year of the issuance date of the permit, or other date as specified in the permit, the permit shall expire and become null and void. The permit may be renewed for an additional period as the City Council, upon submission of an application by the owner or developer, may determine.

(1976 Code, § 37.06)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / NON-CONFORMING STRUCTURES, LOTS, AND USES**

**NON-CONFORMING STRUCTURES, LOTS, AND USES**

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / NON-CONFORMING STRUCTURES, LOTS, AND USES / § 156.150 EXISTING NON-CONFORMING BUILDINGS AND USES.**

**§ 156.150 EXISTING NON-CONFORMING BUILDINGS AND USES.**

The lawful use of buildings or land existing at the effective date of this chapter which does not conform to the provisions of this chapter shall be allowed to continue indefinitely.

(1976 Code, § 30.01)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / NON-CONFORMING STRUCTURES, LOTS, AND USES / § 156.151 NON-CONFORMING LOTS OF RECORD.**

**§ 156.151 NON-CONFORMING LOTS OF RECORD.**

Any lot which was held in a single ownership of record at the time of the adoption of this chapter, and which does not meet the requirements of this chapter as to area, width, or other open space, may nevertheless be utilized for single-family detached dwelling purposes provided the measurements of that area, width, or open space are within 70% of the requirements for them under the terms of this chapter. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this chapter.

(1976 Code, § 30.02) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / NON-CONFORMING STRUCTURES, LOTS, AND USES / § 156.152 DISCONTINUANCE.**

**§ 156.152 DISCONTINUANCE.**

In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of one year, the use of the same shall thereafter conform to the regulations of the district in which it is located.

(1976 Code, § 30.03) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / NON-CONFORMING STRUCTURES, LOTS, AND USES / § 156.153 ALTERATIONS.**

**§ 156.153 ALTERATIONS.**

(A) *Residential buildings.* Non-conforming single-family residential units may be altered or expanded until such time as the non-conforming use is discontinued. Alterations may be made to a multiple-residence building containing non-conforming residential units when they will improve the livability of those units; provided, however, that they do not increase the number of dwelling units in the building.

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(B) *Other buildings.* No expansion, intensification, or enlargement of existing non-conforming commercial or industrial uses shall be permitted. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use, that use shall not thereafter be changed to a less restricted use. Structural alterations may be made to non-conforming uses by special use permit.

(1976 Code, § 30.04) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / NON-CONFORMING STRUCTURES, LOTS, AND USES / § 156.154 DAMAGE; RESTORATION.**

**§ 156.154 DAMAGE; RESTORATION.**

Non-single-family buildings which have been damaged by fire, explosion, act of God, or the public enemy may be restored by special use permit. Single-family residences may be restored without special use permit.

(1976 Code, § 30.05)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / NON-CONFORMING STRUCTURES, LOTS, AND USES / § 156.155 NORMAL MAINTENANCE.**

**§ 156.155 NORMAL MAINTENANCE.**

Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary non-structural repair and incidental alterations which do not extend or intensify the non-conforming building or use. Nothing in this chapter shall prevent the placing of a structure in a safe condition when that structure is declared unsafe by the building codes and standards of the city.

(1976 Code, § 30.06)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / SPECIAL USE PERMITS**

## **SPECIAL USE PERMITS**

### **TITLE XV: LAND USAGE / CHAPTER 156: ZONING / SPECIAL USE PERMITS / § 156.165 PURPOSE.**

#### **§ 156.165 PURPOSE.**

The principal objective of this zoning chapter is to provide for an orderly arrangement of compatible building and land uses, and for the proper location of all types of uses required in the social and economic welfare of the city. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various districts established by this chapter. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. These special uses require particular consideration as to their proper location in relation to adjacent established or intended uses, or to the planned development of the community.

(1976 Code, § 32.01)

### **TITLE XV: LAND USAGE / CHAPTER 156: ZONING / SPECIAL USE PERMITS / § 156.166 SPECIAL USES.**

#### **§ 156.166 SPECIAL USES.**

Special use permits may be issued for any of the following:

- (A) Any of the uses or purposes for which these permits are required or permitted by the provisions of this chapter;
- (B) Public utility or public service uses or public building in any district when found to be necessary for the public health, safety, convenience, or welfare;
- (C) Commercial excavating of natural materials used for building or construction purposes, in any district; or
- (D) To permit the location of any of the following uses in a district from which they are excluded by the provisions of this chapter: library, community center, church, hospital, any institution of an educational, philanthropic, or charitable nature, cemetery, or mausoleum.

(1976 Code, § 32.02)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / SPECIAL USE PERMITS / § 156.167 APPLICATION PROCEDURE.**

**§ 156.167 APPLICATION PROCEDURE.**

(A) *Initiation.* An application for a special use shall be in triplicate and may be made by any governmental unit, department, board, or commission or by any person or persons having a freehold interest, or a contractual interest which may become a freehold interest, applicable to the parcel described in the application.

(1976 Code, § 32.03)

(B) *Application content.* An application shall be by written petition in the form prescribed by the Planning Commission, signed by the applicant, and shall be filed with the Zoning Administrator. A fee as established by resolution of the City Council shall be required for the filing of the petition.

(1) In addition to the written petition, the following shall be required with an application for a special use:

(a) Complete details of the proposed site development, including location of buildings, driveways, parking spaces, garages, refuse disposal areas, loading areas, dimensions of the lot, lot area, and yard dimensions. The plans shall identify all adjoining properties; and

(b) An elevation of at least one building in detail and any sides facing onto all classes of residence districts, if different from the single elevation required.

(2) The following additional information may be required by the Zoning Administrator, Planning Commission, or City Council:

(a) Complete landscaping plans, including species and size of trees and shrubs, proposed and required screening;

(b) A site plan indicating final contours at two-foot vertical intervals;

(c) Proposed sewer and water connections;

(d) Complete plans for storm water drainage systems sufficient to drain and dispose of all surface water accumulations within the area;

(e) Complete plans for proposed sidewalks to service parking,

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recreation, and service areas within the proposed development;

(f) Complete structural, electrical, and mechanical plans for the proposed buildings; and

(g) Complete plans and specifications for exterior wall finishes proposed for all principal and accessory buildings.

(3) Twelve copies of all required plans shall be submitted at the time of application.

(C) *Hearing notice.* Notice of the time and place of the public hearing shall be given not more than 30 nor less than ten days in advance by publishing a notice in the official newspaper of the city and by like notification, at least ten days prior to the date of public hearing, to the owner or owners of property within 350 feet of the subject property. This notice shall describe the particular special use and shall contain a brief description thereof. City assessor tax records shall be deemed sufficient for the location or certification of ownership of the adjacent properties.

(D) *Public hearing.* The public hearing shall be held.

(E) *Findings and recommendations.* The Planning Commission shall then make its findings and recommendations to the City Council within 30 days following the end of the public hearing.

(1) The City Council may then authorize the special use permit, provided the applicant has provided evidence establishing the following:

(a) The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;

(b) The use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity;

(c) The proposed use will comply with the regulations specified in this chapter for the district in which the proposed use is to be located;

(d) The use is one of the special uses specifically listed for the district in which it is to be located;

(e) The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity;

(f) The use will not lower property values or impact scenic views in

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the surrounding area;

(g) Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic;

(h) Sufficient off-street parking and loading space will be provided to serve the proposed use;

(i) The use includes adequate protection for the natural drainage system and natural topography;

(j) The proposed use includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance; and

(k) The proposed use will not stimulate growth incompatible with prevailing density standards.

(2) If no recommendation is transmitted by the Planning Commission within 60 days after the date of the hearing, the City Council may take action without awaiting the recommendations.

(F) *Conditions.* The City Council may impose conditions and safeguards upon the premises benefitted by a special use as may be necessary to prevent injurious effects therefrom upon other property in the neighborhood. Violation of the conditions and safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this chapter and punishable under § 156.187.

(G) *Term.* No special use permitting the erection or alteration of a building shall be valid for a period longer than one year unless the building is erected or altered within that period, unless a longer time is specified when permit is issued. An extension may be applied for, in writing, before the City Council.

(1976 Code, § 32.04)

Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / ADMINISTRATION AND ENFORCEMENT**

**ADMINISTRATION AND ENFORCEMENT**

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / ADMINISTRATION AND**

**ENFORCEMENT / § 156.180 PLANNING COMMISSION.**

**§ 156.180 PLANNING COMMISSION.**

A Planning Commission is hereby created which shall carry out duties as specified in this chapter. The Planning Commission shall consist of nine members. A chairperson and a vice chairperson shall be elected by the Commissioners at the first meeting in January or at the first meeting following the resignation of the chairperson or vice chairperson. The term of office of each Commissioner shall be for a period of three years. The City Council shall have the authority and power to fill vacancies that may from time to time exist and shall have the authority to fill vacancies resulting from the expiration of members' terms. The terms of office of the Planning Commissioners now holding office, pursuant to a prior ordinance, are hereby confirmed.

(1976 Code, § 31.01)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / ADMINISTRATION AND ENFORCEMENT / § 156.181 ZONING ADMINISTRATOR.**

**§ 156.181 ZONING ADMINISTRATOR.**

(A) The Zoning Administrator is hereby established, and the City Administrator, Clerk/Treasurer shall occupy that position.

(B) It shall be the duty of the Zoning Administrator to enforce the chapter through the proper legal channels. In addition, the Zoning Administrator shall:

(1) Examine all applications pertaining to use of land, buildings, or structures, and approve same when the application conforms with the provisions of this chapter;

(2) Keep a record of all non-conforming uses;

(3) Keep a record of all special uses;

(4) Periodically inspect buildings and uses of land to determine compliance with the terms of this chapter. In regard to performance standards, the Zoning Administrator may require the services of a testing laboratory to determine compliance. The cost of employing the laboratory shall be paid for by the owner if a violation of this chapter is established, otherwise by the city;

(5) Notify, in writing, any person responsible for violating a provision of this

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chapter, indicating the nature of the violation and ordering the action necessary to correct it;

(6) Order discontinuance of illegal use of land, buildings, or structures; order removal of illegal buildings, structures, additions, or alterations; order discontinuance of illegal work being done; or take any other action authorized by this chapter to insure compliance with or to prevent violation of its provisions;

(7) Maintain permanent and current records of this zoning chapter, including all maps, amendments, special uses, and variations;

(8) Maintain a current file of all permits, all certificates, and all copies of notices of violation, discontinuance, or removal for such time as necessary to insure a continuous compliance with the provisions of this chapter, and, on request, provide information to any person having a proprietary or tenancy interest in any specific property; and

(9) Review all applications made for variance and approve or disapprove in writing on the application before sending the application to the Variance Committee, and provide clerical and technical assistance to the Variance Committee.

(1976 Code, § 31.02)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / ADMINISTRATION AND ENFORCEMENT / § 156.182 BUILDING PERMITS.**

**§ 156.182 BUILDING PERMITS.**

(A) From and after the effective date of this chapter, it shall be unlawful to proceed with the construction, alteration, repair, enlargement, demolition, or removal of any building, provided however the valuation exceeds an amount set forth in the insurance limits schedule, without first obtaining a building permit. Repairs or remodeling less than an amount set forth in the insurance limits schedule shall not require a building permit, provided neither the size or occupancy of the structure, nor the structural framework, is altered.

(B) No building permit shall be issued unless the building is designed and arranged to conform to the provisions of this chapter.

(1976 Code, § 31.03) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / ADMINISTRATION AND ENFORCEMENT / § 156.183 CERTIFICATE OF OCCUPANCY.**

**§ 156.183 CERTIFICATE OF OCCUPANCY.**

(A) No land shall be occupied or used and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever until a certificate of occupancy shall have been issued by the Zoning Administrator stating that the building and use appears to comply with all of the provisions of this chapter applicable to the building or premises or the use in the district in which it is to be located.

(B) No change in use shall be made in any building or part thereof, now or hereafter erected, reconstructed, or structurally altered, without a certificate of occupancy having been issued by the Zoning Administrator, and no permit shall be issued to make the change unless it is in conformity with the provisions of this chapter.

(C) Application for a certificate of occupancy shall be made coincidentally with the application for a building permit and shall be issued within ten days after the lawful erection, reconstruction, or structural alteration is completed.

(D) The Zoning Administrator may, where necessary, require the services of a qualified testing laboratory to determine anticipated compliance with performance standards prior to issuance of a certificate of occupancy. The cost of employing the laboratory shall be paid by the developer of the property.

(1976 Code, § 31.04) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / ADMINISTRATION AND ENFORCEMENT / § 156.184 VARIANCE COMMITTEE.**

**§ 156.184 VARIANCE COMMITTEE.**

(A) *Establishment.* There is hereby established a Variance Committee for the city which shall consist of two members from the City Council, appointed by the City Council, and one member from the Planning Commission, appointed by the membership of the Planning Commission.

(B) *Powers and duties.* The Committee shall have the power and duty of hearing and deciding, subject to appeal to the Planning Commission and to the City Council as herein provided, and still within the original spirit of this chapter as passed, appeals or requests in the following cases:

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(1) Appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of this chapter; and

(2) Requests for variances from the literal provisions of this chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. In granting a variance, the Committee, and the City Council on appeal, may impose conditions to insure compliance to protect adjacent properties.

(C) *Application for variance.* Application for any variance permissible under the hardship provisions in this subchapter shall be made to the Zoning Administrator in the form of a written application for a permit to use the land or building as set forth in the application. The application shall present a statement and adequate evidence showing:

(1) There are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the same classification;

(2) The granting of the application is necessary for the preservation and employment of substantial property rights of the petitioner; and

(3) The granting of the application will not, under the circumstances of the particular case, materially adversely affect the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

(D) *Procedure.*

(1) Application for any variance under the provisions of this section shall be made to the Zoning Administrator on a zoning form, copies of which are available at the city office, with a fee as established by resolution of the City Council. If at all possible, at the time the application is made, the petitioner shall obtain the written consent of any adjacent property owner who might be affected by the variance.

(2) Upon receipt of any application, the Zoning Administrator will review the same and indicate in writing thereon his or her approval or disapproval and submit the application to the Variance Committee.

(3) The petitioner shall appear before the Variance Committee for the purpose of answering questions which might arise.

(4) (a) In cases where the Zoning Administrator indicates approval of the application, the Variance Committee is authorized to grant the variance where the action is

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unanimous by all members. If there is a negative vote on the Variance Committee, the applicant may appeal to the Planning Commission. The Planning Commission shall review the application and forward its recommendations to the City Council. The City Council shall take final action on the application.

(b) In cases where the Zoning Administrator indicates disapproval on the application, the application shall be sent to the Variance Committee for review. If the Variance Committee votes unanimously in favor of the application, the application shall go directly to the City Council for final action by the Council. If there is a negative vote in the Variance Committee, the applicant may appeal to the Planning Commission. The Planning Commission shall review the application and make its recommendations to the City Council. The City Council shall then make a final decision.

(5) Any appeal permitted by this code shall be made within 30 days and filed with the City Administrator, Clerk/Treasurer. In cases where the Zoning Administrator indicates disapproval on the variance application, and the applicant elects not to appeal his or her decision, the above required fee shall be returned to the applicant.

(E) *Records.* The Variance Committee shall provide for a record of its proceedings, its findings, and the action taken on each matter heard by it, including its final order.

(1976 Code, § 31.05)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / ADMINISTRATION AND ENFORCEMENT / § 156.185 AMENDMENT.**

**§ 156.185 AMENDMENT.**

(A) *Procedure.* This chapter may be amended whenever the public necessity and convenience and the general welfare require amendment by following the procedure specified as follows.

(1) Proceedings for amendment of this chapter shall be initiated by:

(a) A petition of the owner or owners of the actual property, the zoning of which is proposed to be changed;

(b) A recommendation of the Planning Commission; or

(c) Action of the City Council.

(2) To defray administrative costs of processing of requests for an amendment to this chapter, a fee as established by resolution of the City Council shall be paid by the

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petitioner.

(3) Before any amendment is adopted, the Planning Commission shall hold at least one public hearing. A notice of the time, place, and purpose of the hearing shall be published at least ten days and at most 30 days prior to the day of the hearing. In addition, when an amendment involves changes in district boundaries, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of the affected property and property situated wholly or partially within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this division has been made. If no recommendation is transmitted by the Planning Commission within 60 days after the hearing, the City Council may take action without awaiting the recommendation.

(4) The City Council, upon receiving reports of the Planning Commission, may hold public hearings on the amendments as it deems advisable. After those hearings, if any, and within 60 days of its receipt, the Council may vote upon the adoption of any proposed amendment or it may refer it back to the Planning Commission and staff for further consideration. In considering the recommendations, due allowance shall be made for existing conditions, for the conservation of property values, for the direction of building development to the best advantage of the entire city, and for the uses to which the property affected is being devoted at the time. The amendment shall be effective only if four-fifths of all members of the Council concur in its passage.

(B) *Changing district boundaries; petition content.* Any petition presented to the Planning Commission requesting a change in district boundaries shall contain the following information:

(1) The name or names and addresses of the petitioner or petitioners, and their signatures to the petition;

(2) A specific legal description of the area proposed to be rezoned, and the names and addresses of all owners of property lying within the area, and a legal description of the property owned by each;

(3) The present district classification of the area and the proposed district classification;

(4) The present use of each separately owned tract within the area and the intended use of any tract of land therein, if the petitioners or the owners have particular uses presently in mind;

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(5) An explanation of how the rezoning will conform with the general zoning pattern of the neighborhood and the zoning plan of the entire city; and

(6) Accompanying the petition shall be three copies of a map showing the property to be rezoned, the present zoning of the surrounding area for at least a distance of 350 feet, including the street pattern of that area, and the names and addresses of the owners of the lands in each area as the same appear on the records of the County Auditor; all of which shall be provided by the petitioner.

(C) *Lapse of variance by non-use.*

(1) Whenever within one year after the granting in whole or in part of a petition for the transfer of land from one district to another, or for a variance, if the owner or occupant shall not have substantially completed the erection or alteration of a building, structure, or other use, as described in the petition, then the variance shall become null and void unless a petition for extension of time in which to complete the proposed construction, alteration, or other use has been granted as provided herein.

(2) The petition to extend time shall be in writing and filed with the City Administrator, Clerk/Treasurer more than 20 days before the expiration of one year from the date the original petition was approved, shall state facts showing a good faith attempt to use the variance, and shall state the additional time requested to complete the construction, alteration, or other use. The petition shall be presented to the Variance Committee for hearing and decision in the same manner as the original request for variance.

(3) In determining under this division (C) whether the petitioner has made a good faith attempt to use the variance, the Committee or City Council may consider such factors as the design, size, expense, and type of the proposed construction, alteration, or other use.

(4) It shall be within the power of the Committee or City Council, at the time of granting the original request for a variance, to grant also a two-year period for substantial construction of the building, structure, or other use utilizing the same.

(1976 Code, § 31.06) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / ADMINISTRATION AND ENFORCEMENT / § 156.186 ENFORCEMENT.**

**§ 156.186 ENFORCEMENT.**

In addition to the enforcement responsibilities of the Zoning Administrator pursuant to § 156.181 of this code, this zoning chapter shall be administered and enforced by the Building

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Inspector and Police Department.

(1976 Code, § 38.01)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / ADMINISTRATION AND ENFORCEMENT / § 156.187 VIOLATIONS.**

**§ 156.187 VIOLATIONS.**

Violation of this chapter is a misdemeanor offense.

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / APPENDIX A: SCHEDULE OF OFF-STREET PARKING AND LOADING REQUIREMENTS**

**APPENDIX A: SCHEDULE OF OFF-STREET PARKING AND LOADING REQUIREMENTS**

(A) *Parking requirements.*

<i>Category</i>	<i>Use</i>	<i>Parking Requirements</i>
Commercial	Bank, business, or professional office	4 spaces per each 1,000 square feet of gross floor area
Commercial	Beauty or barber shop	2 spaces per chair plus 1 space per 3 employees
Commercial	Bowling alley	5 spaces per lane
Commercial	Car wash, machine	10 spaces per lane
Commercial	Day care center	1 space per employee plus 5 additional spaces per building
Commercial	Laundromat	1 space per each 2 washing machines
Commercial	Liquor store	4 spaces per each 1,000 square feet of gross floor area
Commercial	Medical or dental clinic	6 spaces per 1,000 square feet of gross floor area
Commercial	Mortuary	1 space per each 4 seats
Commercial	Motel	1 space per unit plus 1 space per employee
Commercial	Restaurant, drive-in	35 spaces per each 1,000 square feet of gross floor area

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<i>Category</i>	<i>Use</i>	<i>Parking Requirements</i>
Commercial	Restaurant, carry-out	10 spaces per each 1,000 square feet of gross floor area
Commercial	Restaurant, sit-down	15 spaces per each 1,000 square feet of gross floor area
Commercial	Retail store, department store	10 spaces per each 1,000 square feet of gross floor area
Commercial	Roller rink	5 spaces per each 1,000 square feet of gross floor area
Commercial	Service station	3 spaces per each service bay plus 1 per each employee on major shift
Commercial	Shopping center	5.5 spaces per each 1,000 square feet of gross floor area
Commercial	Supermarket	5 spaces per each 1,000 square feet of gross floor area
Educational, cultural, and institutional	Church, theater, or auditorium, with permanent seats	1 space per each 3 seats or 5 feet of pew space
Educational, cultural, and institutional	Church, theater, or auditorium, without permanent seats	1 space per 100 square feet gross floor area
Educational, cultural, and institutional	Elementary school	2 spaces per classroom
Educational, cultural, and institutional	Hospital, nursing or convalescent home	1 space per each 4 beds plus 1 space per each 2 employees on the major shift
Educational, cultural, and institutional	Junior high school	2 spaces per classroom
Educational, cultural, and institutional	Senior high school	1 space per classroom plus 1 space per 10 students, based on design capacity, or 1 space per each 3 auditorium seats, whichever is greater

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<i>Category</i>	<i>Use</i>	<i>Parking Requirements</i>
Industrial	Related to personnel; or related to floor area	Either 1 space per 1.5 plant employees, 1 space per managerial employee, and 1 space per 10 managerial employees for visitors; or 1 space per 1,000 square feet of gross floor area used for warehousing and distribution, 2 spaces per 1,000 square feet of gross floor area used for manufacturing, and 2.5 spaces per 1,000 square feet of office floor area
Residential	Elderly housing	1 space per 2 units
Residential	Medium density dwelling	2.5 spaces per unit, 1 enclosed per unit
Residential	Mobile home park	2 spaces per unit
Residential	Multiple-family dwelling	2.5 spaces per unit, 1 enclosed per unit
Residential	Single-family residence	2 spaces per unit, 1 enclosed
Residential	Two-family residence	2 spaces per unit, 1 enclosed per unit

(B) *Loading requirements.*

<i>Category</i>	<i>Use</i>	<i>Loading Requirements by Structure Size</i>	
		<i>Size in Square Feet</i>	<i>Spaces</i>
Commercial	All	Less than 5,000	1
Commercial	All	5,000 to 10, 000	2
Commercial	All	10,000 to 20,000	3
Commercial	All	20,000 to 40,000	4
Commercial	All	Each part of 50,000 over 40,000	1 additional
Educational, cultural, and institutional	Church, theater, or auditorium	Under 100,000	1
Educational, cultural, and institutional	Church, theater, or auditorium	Over 100,000	2
Educational, cultural, and institutional	Elementary school	-	1
Educational, cultural, and institutional	Hospital, nursing or convalescent home	Under 10,000	1
Educational, cultural, and institutional	Hospital, nursing or convalescent home	10,000 to 50,000	2

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<i>Category</i>	<i>Use</i>	<i>Loading Requirements by Structure Size</i>	
		<i>Size in Square Feet</i>	<i>Spaces</i>
Educational, cultural, and institutional	Hospital, nursing or convalescent home	Each part of 50,000 over 50,000	1 additional
Educational, cultural, and institutional	Junior high school	-	1
Educational, cultural, and institutional	Senior high school	-	1
Industrial	All	Less than 10,000	1
Industrial	All	10,000 to 20,000	2
Industrial	All	20,000 to 40,000	3
Industrial	All	40,000 to 70,000	4
Industrial	All	70,000 to 110,000	5
Industrial	All	Each part of 50,000 over 110,000	1 additional
Residential	Elderly housing	-	1
Residential	Medium density dwelling	-	None
Residential	Mobile home park	-	None
Residential	Multiple-family dwelling	-	1
Residential	Single-family residence	-	None
Residential	Two-family residence	-	None

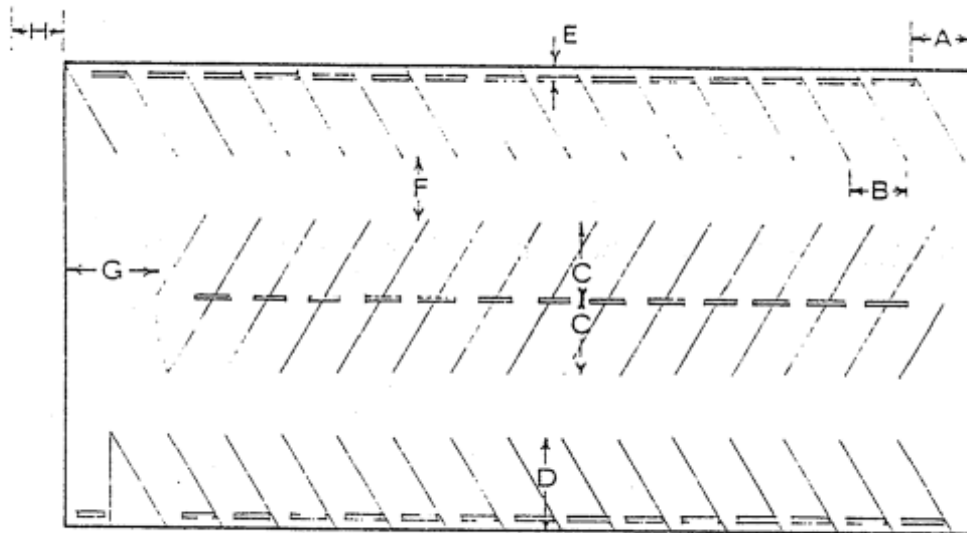
(1976 Code, § 33.04, Table 1)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / APPENDIX B: OFF-STREET PARKING STALL DIMENSIONS**

**APPENDIX B: OFF-STREET PARKING STALL DIMENSIONS**

(A) *Stall pattern.* Each off-street parking space shall contain a minimum area of not less than 400 square feet, to include parking, maneuvering, and access. Actual stall size shall conform to the table in division (B) depending upon the stall pattern selected.

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SOURCE: Community Builders Handbook

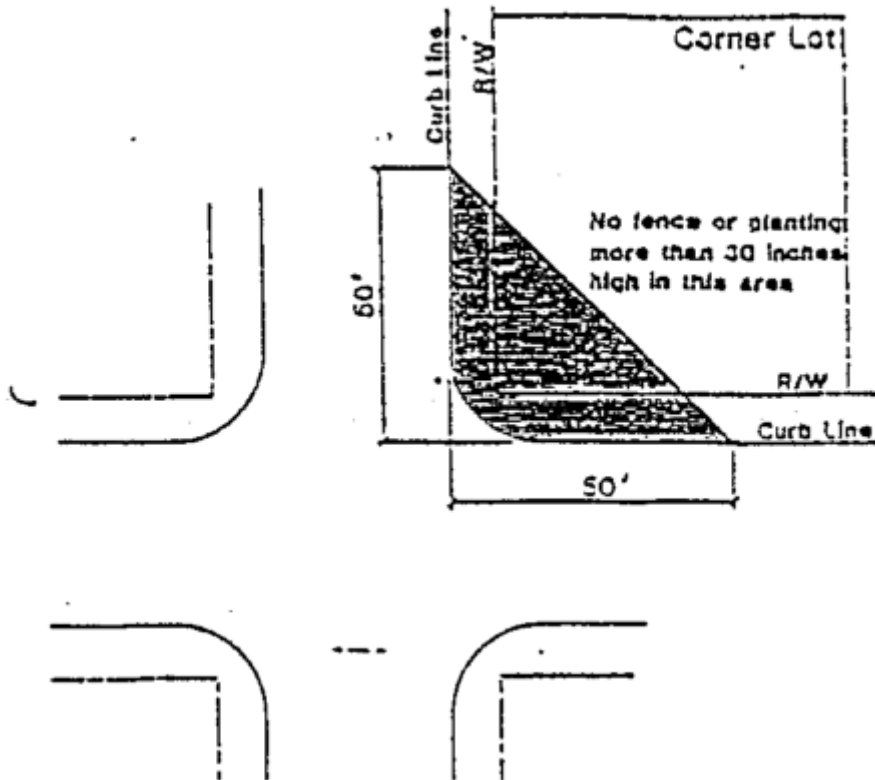
(B) Dimension table.

<i>Parking Stall Dimensions by Stall Angle</i>					
<i>Dimension, as in division (A)</i>	<i>45 Degrees</i>	<i>50 Degrees</i>	<i>55 Degrees</i>	<i>60 Degrees</i>	<i>90 Degrees</i>
A, offset	18 feet	15 feet, 8 inches	13 feet, 4 inches	11 feet	1 foot, 6 inches
B, car space	12 feet	11 feet, 4 inches	10 feet, 8 inches	10 feet	9 feet
C, stall depth	16 feet	16 feet, 8 inches	17 feet, 4 inches	18 feet	20 feet
D, stall depth	18 feet	18 feet, 4 inches	18 feet, 8 inches	19 feet	19 feet
E, overhang	2 feet	2 feet, 1 inch	2 feet, 2 inches	2 feet, 3 inches	2 feet, 9 inches
F, driveway	13 feet	14 feet, 6 inches	16 feet	17 feet, 6 inches	24 feet
G, turnaround	17 feet	16 feet	15 feet	14 feet	14 feet
H, extra	6 feet	5 feet	4 feet	3 feet	0 feet

(1976 Code, § 33.02) Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / APPENDIX C:  
INTERSECTION SIGHT DISTANCE TRIANGLE**

**APPENDIX C: INTERSECTION SIGHT DISTANCE TRIANGLE**



(1976 Code, § 29.15)

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / APPENDIX D: SCHEDULE  
OF PERMITTED USES BY DISTRICT**

**APPENDIX D: SCHEDULE OF PERMITTED USES BY DISTRICT**

(A) *Residential districts.* The following uses are allowed in the various residential

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districts either as permitted, accessory, or special uses.

<i>Use</i>	<i>Details</i>	<i>District</i>				
		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>R-5</i>
Boarding or rental of rooms	Note: family members, as defined in this chapter, may enter into rental agreements	-	S	S	S	S
Cemetery		S	S	S	S	S
Churches, chapels, temples		S	S	S	S	S
Dwellings	Cluster developments	S	S	S	S	S
Dwellings	Medium density dwellings	-	-	S	S	S
Dwellings	Mobile homes	-	-	S	-	-
Dwellings	Multiple-family dwellings, not to exceed six units per building	-	-	-	S	S
Dwellings	Multiple-family dwellings	-	-	-	-	S
Dwellings	Single-family detached dwellings	P	P	P	P	P
Dwellings	Two-family dwellings	S	S	S	S	S
Essential public service and utility structures or uses		S	S	S	S	S
Fallout shelter		A	A	A	A	A
Family daycare	Within the residence of the daycare provider	P	P	P	P	P
Home occupations		S	S	S	S	S
Living quarters of persons employed on the premises		A	A	A	A	A
Off-street parking lots or garages		-	-	A	A	A
Parks and recreation	Private owned or operated areas	S	S	S	S	S
Parks and recreation	Private recreation facilities for the enjoyment of residents and guests only	A	A	A	A	A
Parks and recreation	Public owned or operated areas	P	P	P	P	P

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<i>Use</i>	<i>Details</i>	<i>District</i>				
		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>R-5</i>
Private garage or carport		A	A	A	A	A
Professional offices and studios		S	S	S	S	S
Schools	Day schools or nurseries	S	S	S	S	S
Schools	Public or private	S	S	S	S	S
Swimming pool		A	A	A	A	A
Tool house, shed, and similar storage		A	A	A	A	A
Uses customarily incident to the permitted or conditional uses allowed in the district		A	A	A	A	A
Other public or semi-public facilities		S	S	S	S	S

Key: A = accessory uses; P = permitted uses; S = special uses

(1976 Code, § 35.03)

(B) *Commercial districts.*

<i>Use</i>	<i>District</i>		
	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>
Accessory uses customarily incident to the permitted or conditional uses allowed in the district	A	A	A
Any commercial use abutting a residential district	S	S	S
Auto and marine; sales	S	S	-
Auto and marine; service, parts, repair wash, rental	S	S	-
Boarding and lodging houses	S	-	-
Bus stations or terminal	P	P	P
Business, commercial, or trade schools	P	P	P
Clinics, medical offices	P	P	P

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<i>Use</i>	<i>District</i>		
	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>
Commercial recreation such as bowling alleys, billiard halls, miniature golf, and the like	S	S	-
Convalescent and nursing homes	-	-	S
Day nurseries with at least 50 square feet of outside play space per pupil, enclosed with five-foot high fence	S	S	S
Drive-in restaurants, or similar uses providing goods and services to patrons in autos	S	S	-
Dry cleaning and laundry establishments with no more than four employees for cleaning or pressing	P	P	-
Dry cleaning and laundry collection stations, and self-service	P	P	-
Equipment rental	-	P	-
Financial institutions	P	P	S
Greenhouses, nurseries	-	P	-
Hospitals	-	S	-
Laboratories; medical, dental	P	P	P
Medical equipment rental	-	P	S
Mortuaries, funeral homes, monument sales	S	P	-
Motels, hotels, or apartment hotels	S	S	-
Off-sale liquor stores	P	P	-
Off-street parking and loading as regulated in §§ 156.050 <i>et seq.</i>	A	A	A
Offices (administrative, executive, professional, governmental, medical, research); without merchandising services	P	P	P
Offices (as above); with merchandising services	S	P	S
Personal services and repair establishments such as barber and beauty shops, shoe repair, and the like	P	P	P
Pet and animal shops, clinics, taxidermists	P	P	-
Plumbing and heating showrooms and shops	-	P	-
Printing, publishing, and related distribution agencies	S	S	-
Private clubs and lodges	S	S	-
Religious or philanthropic institutions	S	S	S
Restaurants, night clubs, and the like	P	P	S

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<i>Use</i>	<i>District</i>		
	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>
Retail shops and stores (excluding autos, boats, and the like) such as apparel, appliances, beverage, book, carpet, drugs, furniture, grocer, hardware, jewelry, paint, tobacco, sporting goods	P	P	S
Schools and studios: artistic, music, photo, decorating, dancing, health, and the like	P	P	S
Sexually oriented businesses as defined in Ch. 121	S	-	-
Signs as regulated by Ch. 152	A	A	A
Theaters (indoor only)	P	P	-
Vending machines for ice, milk, and the like	P	P	-
Other uses the Council determines to be compatible with existing and permitted uses in this district	S	S	S
Key: A= accessory uses; P = permitted uses; S = special uses			
Notes: No open sales lots shall be permitted in the commercial zone if it is immediately adjacent to a residential district			

(1976 Code, § 36.05) (Ord. 342, passed 10-3-2003)

(C) *Industrial/commercial district.*

<i>Use in I-1</i>	<i>Category</i>
Bottling establishments	S
Building material sales and storage	P
Camera and photographic supplies manufacturing	P
Cartage, express, freight terminals	S
Cartography and book binding	P
Dry cleaning and laundry establishments	P
Electrical service shops	P
Engraving, printing, and publishing	P
Jewelry manufacture	P
Light manufacturing	P
Medical, dental, and optical laboratories	P
Off-street parking and loading as regulated by §§ 156.050 <i>et seq.</i>	A

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<i>Use in I-1</i>	<i>Category</i>
Offices, office buildings	P
Open sales lots in C-2 districts only	S
Printing, publishing	P
Retail and service establishments essential to the operation of an I-1 district and providing goods and services primarily for the use of persons employed in the district	S
Signs as regulated by Ch. 152	A
Storage, warehousing, or wholesaling business	P
Any manufacturing, production, processing, cleaning, storage, servicing, repair, and testing of materials, goods, or products similar to the permitted uses (P) listed above which conform with the performance standards	S
All uses customarily incident to the permitted (P) or special (S) uses above	A
Other uses the Council determines to be compatible with existing and permitted uses in this district	S
Key: A= accessory uses; P = permitted uses; S = special uses	

(1) From and after the effective date of this chapter, a special use permit shall be required for any industrial/commercial use abutting a residential district within the city.

(2) Special uses in this division shall be governed by the criteria enumerated in § 156.167(E) of this code, relating to special uses.

(1976 Code, § 36.06)

Penalty, see § 10.99

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / APPENDIX E: SCHEDULE OF DIMENSIONAL REQUIREMENTS BY DISTRICT**

**APPENDIX E: SCHEDULE OF DIMENSIONAL REQUIREMENTS BY DISTRICT**

(A) *Minimum residence district dimensional requirements.*

(1) *Lot area.*

<i>Minimum Lot Area by Residence District (Square Feet)</i>
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(1) *Lot area.*

<b>Minimum Lot Area by Residence District (Square Feet)</b>						
<i>Use</i>	<i>Details</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>R-5</i>
Dwelling, medium density*	One-bedroom	-	-	4,300 per unit	4,300 per unit	4,300 per unit
Dwelling, medium density*	Two-bedroom	-	-	4,500 per unit	4,500 per unit	4,500 per unit
Dwelling, medium density*	Three-bedroom	-	-	4,800 per unit	4,800 per unit	4,800 per unit
Dwelling, multiple-family*	One-bedroom	-	-	-	3,400 per unit	3,400 per unit
Dwelling, multiple-family*	Two-bedroom	-	-	-	3,600 per unit	3,600 per unit
Dwelling, multiple-family*	Three-bedroom	-	-	-	4,000 per unit	4,000 per unit
Dwelling, single-family		10,000 per unit	10,000 per unit	10,000 per unit	10,000 per unit	10,000 per unit
Dwelling, two-family		7,500 per unit	7,500 per unit	7,500 per unit	7,500 per unit	7,500 per unit
Dwelling with more than two units per structure		-	-	20,000 total	25,000 total	30,000 total

Notes:

\* See § 156.093 for lot area allowances in R-4 and R-5 districts

(2) *Lot depth and width.*

<b>Minimum Lot Depth and Width by Residence District (Feet)</b>						
<i>Use</i>	<i>Dimension</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>R-5</i>
Dwelling, medium density	Depth	-	-	130	130	130
Dwelling, medium density	Width	-	-	130	130	130
Dwelling, multiple-family	Depth	-	-	130	130	130
Dwelling, multiple-family	Width	-	-	130	130	130
Dwelling, single-family	Depth	120	120	120	120	120
Dwelling, single-family	Width	75	75	75	75	75
Dwelling, two-family	Depth	120	120	120	120	120
Dwelling, two-family	Width	75	75	75	75	75

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<b>Minimum Lot Depth and Width by Residence District (Feet)</b>						
<b>Use</b>	<b>Dimension</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>

(3) *Maximum lot coverage.*

<b>Maximum Percentage of Lot Coverage of All Structures in Residence Districts</b>					
<b>Use</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>
Any	30%	50%	35%	40%	40%

(4) *Front yard.*

<b>Minimum Front Yard in Residence Districts (Feet)</b>					
<b>Use</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>
Dwelling	35	35	35	35	35
Other uses	50	50	50	50	50

(5) *Side and rear yards.*

<b>Minimum Side and Rear Yards in Residence Districts (Feet)</b>						
<b>Use</b>	<b>Dimension</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>
Accessory uses	Rear yard	5	5	15	15	15
Accessory uses	Side yard	5	5	10	10	10
Dwelling, medium density	Rear yard	-	-	30	30	30
Dwelling, medium density	Side yard	-	-	15	15	15
Dwelling, multiple-family	Rear yard	-	-	-	35	40
Dwelling, multiple-family	Side yard	-	-	-	20	25
Dwelling, single-family	Rear yard	40	40	40	30	30
Dwelling, single-family	Side yard	10	10	10	10	10
Dwelling, two-family	Rear yard	40	40	40	30	30
Dwelling, two-family	Side yard	10	10	10	10	10

(6) *Maximum building height.*

<b>Maximum Building Height in Residence Districts (Feet)</b>
--

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(6) *Maximum building height.*

<b>Maximum Building Height in Residence Districts (Feet)</b>					
<i>Use</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>R-5</i>
Accessory structure	15	15	15	15	15
Principal structure	35 feet or three stories, whichever is greater				

(7) *Distance between structures on a lot.*

<b>Minimum Distance Between Buildings on Same Lot in a Residence District (Feet)</b>					
<i>Use</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>R-5</i>
Principal buildings	-	-	35	35	35

(1976 Code, § 35.04)

(B) *Minimum non-residence district dimensional requirements.*

<b>Dimension</b>	<b>District</b>			
	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>I-1</i>
Building height; maximum	4 stories, or 45 feet	2 stories, or 35 feet	2 stories, or 35 feet	50 feet
Lot coverage by all buildings; maximum	35%	35%	35%	35%
Lot depth; minimum	200 feet	105 feet	150 feet	200 feet
Lot width; minimum	100 feet	100 feet	100 feet	150 feet
Setback, front yard; minimum	40 feet	40 feet	40 feet	40 feet
Setback, rear yard; minimum	30 feet	30 feet	30 feet	35 feet
Setback, rear yard, if adjacent to any residence district; minimum	30 feet	30 feet	30 feet	50 feet
Setback, side yard; minimum	15 feet	15 feet	15 feet	25 feet
Setback, side yard, if adjacent to any residence district; minimum	40 feet	40 feet	40 feet	50 feet

(1976 Code, § 36.07)

***Cross-reference:***

*Yard requirements and regulations, see § 156.023*

**TITLE XV: LAND USAGE / CHAPTER 156: ZONING / APPENDIX F: ZONING DISTRICT BOUNDARIES**

**APPENDIX F: ZONING DISTRICT BOUNDARIES**

The location and boundaries of the districts established by this chapter are hereby set forth.

(A) All of the land and real estate in this city is hereby zoned and classified as R-1 (single-family residence district) except the land and real estate hereinafter described, which shall be zoned as indicated.

(B) R-4, multiple-family residence district:

- (1) Lots 1 and 2, Block 2, Han-Don First Addition; and
- (2) Lots 12 - 19, Block 2; Han-Don First Addition.

(C) R-5, multiple-family residence district: the north 730 feet of the northeast quarter of the southwest quarter lying west of the east 639 feet thereof, all in Section 2, Range 30, Township 24.

(D) R-6, housing for the elderly and handicapped district: the part of Outlot 1, Han-Don First Addition, beginning at the northeast corner of Outlot 1, thence southerly along the east line of Outlot 1 for 341.69 feet, thence westerly, parallel with the north line of Outlot 1 for 246.15 feet (as measured at right angles) west of the east line of Outlot 1, thence northerly along that parallel line 375.00 feet to its intersection with the north line of Outlot 1, and thence easterly, southeasterly, and easterly along that north line to the point of beginning.

(E) C-1, shopping center commercial district:

(1) The part of Lot 7, Auditors Subdivision No. 124, beginning at the point of intersection of the easterly right-of-way line of new State Highway 65, according to the State Highway records, February 1955, as the same is now laid out and constructed, with the north line of Lot 7, that point of intersection being 93.25 feet east of the northwest corner of Lot 7, thence east along the north line of Lot 7 a distance of 200 feet, thence south at right angles to that north line for 113 feet, thence west at right angles to the last designated course for 219.04 feet, more or less, to the easterly line of the Highway 65 right-of-way, thence northerly along that easterly

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highway line to the point of beginning;

- (2) Lots 17 - 19, Auditors Subdivision No. 124;
- (3) Lots 5, 7 - 9, and 12, Auditors Subdivision No. 152;
- (4) All of Elgin Heights Addition east of Highway 65;
- (5) All of Elgin Heights Second Addition east of Highway 65;
- (6) Tracts A, B, C, and D, Registered Land Survey No. 37;
- (7) Lots 23 - 54, 63, and 64, Spring Lake Park Plaza; and
- (8) All of Warren Addition.

(F) C-2, Neighborhood and service center commercial district:

(1) A tract of land in the northwest half of Section 2-30N-24-W; commencing at the northeast corner of the southwest quarter and running thence westerly along the north line thereof a distance of 1,188.1 feet to the intersection with the east right-of-way line of State Tr. Highway No. 47, as presently established, thence south along that east right-of-way line a distance of 1,094.0 feet, thence easterly at right angles a distance of 30.0 feet to the actual point of beginning, thence continuing easterly a distance of 225.0 feet, thence south and parallel to the east right-of-way line a distance of 294.0 feet, thence west at right angles a distance of 225.0 feet, and thence north and parallel to the east right-of-way line a distance of 294.0 feet to the actual point of beginning;

- (2) Lots 2 - 6, Auditors Subdivision No. 124;
- (3) The south 325 feet of the west 295 feet of Lot 7, Auditors Subdivision No. 124;
- (4) Lot 8, Auditors Subdivision No. 124;
- (5) Lot 4 (except that part for highway), Auditors Subdivision No. 152;
- (6) All of Lot 6, Auditors Subdivision No. 152, lying east of the west 569.6 feet of Govt. Lot 2, Section 1, Township 30, Range 24;
- (7) The part of Lot 6, Auditors Subdivision No. 152, described as follows: the east 180 feet of the west 401.5 feet of Govt. Lot 2, Section 1, Township 30, Range 24, lying north of the south 560 feet of Govt. Lot 2, Section 2, Township 30, Range 24;
- (8) All of Lots 10 and 15, Auditors Subdivision No. 152;
- (9) Lots 1, 2, 27, and 28, Fredrick's Addition;

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- (10) Lots 5 - 7, Block 1, Laddie Lake Addition;
- (11) Lots 3 - 7, Block 2, Laddie Lake Addition;
- (12) All of Blocks 1 and 2, Park Manor;
- (13) Lots 1 and 2, Block 7, Park Manor Unit 2;
- (14) Lots 1 - 6, Block 8, Park Manor Unit 3;
- (15) Outlots 9 - 11, Terrace Manor Fourth Addition;
- (16) Outlot 12, Terrace Manor Fourth, except the east 150 feet of the south 150 feet thereof;
- (17) Outlot 13, Terrace Manor Fourth Addition; and
- (18) In Ramsey County, Auditors Subdivision No. 89, all of Lots 14 and 15, the north 117 feet of Lot 16, Lot 29 (except the south 547.76 feet), and all of Lots 27 and 28.

(G) C-3, office commercial district:

(1) The part of the southeast quarter of the southwest quarter of Section 2, Township 30, Range 24, lying west of the east 639 feet and south of the north 730 feet thereof and the east 639 feet of the south 687 feet of the southeast quarter of the southwest quarter of Section 2, Township 30, Range 24;

(2) The south 250.6 feet of the west 353 feet of the southwest quarter of the southeast quarter of Section 2, Township 30, Range 24; and

(3) Outlot 1, Han-Don First Addition.

(H) I-1, industrial/commercial district:

(1) Lot 7, except the south 325 feet of the west 295 feet and except that part of Lot 7 described as follows: beginning at the point of intersection of the easterly right-of-way line of new State Highway 65, according to the State Highway records, February 1955, as the same is now laid out and constructed, with the north line of Lot 7, that point of intersection being 93.25 feet east of the northwest corner of Lot 7, thence east along north line of Lot 7 a distance of 200 feet, thence south at right angles to that north line for 113 feet, thence west at right angles to the last designated course for 219.04 feet, more or less, to the easterly line of the aforementioned highway right-of-way, and thence northerly along that easterly highway line to the point of beginning, Auditors Subdivision No. 124;

(2) All of Lots 9 - 16, 20, and 22 - 24, Auditors Subdivision No. 124;

(3) Lot 13, the north 68.28 feet of Lot 14, Lot 16, Lot 17 except the south 100

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feet, and the north 100 feet of Lot 18, Auditors Subdivision No. 152;

(4) All of Lots 17 - 24 and 26 - 34, Spring Lake Park Plat A; and

(5) Lots 1 - 22 and 55 - 62, Spring Lake Park Plaza.

(1976 Code, § 34.02)