

Title XV Land Usage

Chapter 151: Zoning

Division 04 Development Standards

Part 1 General Provisions

151.04.11 Building Restrictions

- A. In situations where a commercially zoned parcel is used for residential purposes and the use is a legal nonconforming use, R-2 District standards for setback, impervious surface, accessory structure and off-street parking requirements, and other similar provisions shall apply to the parcel and the structure thereon until the use of the property is brought into compliance with the provisions of the applicable commercial zoning district.
- B. No fence, plantings, or structures which obstruct view, except for shade trees, shall be located within 25 feet of any corner formed by the intersection of a street or driveway as measured from the intersecting property lines.

Part 2 Parking and Loading

151.04.21 General Provisions

- A. Changes of Buildings or Land
No change of use of land or of use of any building shall be made until there is sufficient parking, loading and garage spaces as required by this Part.
- B. Reduction of Existing Spaces
No parking, loading or garage spaces existing upon the effective date of this Chapter shall subsequently be reduced below the requirements of this Part unless said number of spaces exceed the requirement set forth herein.
- C. Calculating Space
 - 1. Where calculations result in requiring a fractional space or any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or more shall require one (1) space.
 - 2. The term "floor area," for the purpose of calculating the number of off-street parking spaces required, shall be determined on the basis of the exterior floor area dimensions of the building structure or use times the number of floors, minus 10 percent.
 - 3. Should a building or structure contain two or more types of uses, each should be calculated separately for determining the off-street parking space or garage capacity required.
- D. Use of Space
Required parking, loading or garage spaces shall not be used for snow storage, storage of goods, or for storage of vehicles that are inoperable or for sale or rent.
- E. Maintenance
It shall be the joint and several responsibility of the lessee and/or owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking area, striping, garages, landscaping and screening.
- F. Signs
Signs located in parking areas necessary for orderly operation of traffic movement shall be permitted in addition to others as regulated by Division 151.07 Signage.

151.04.22 Stall, Aisle, and Driveway Design

- A. All properties shall be entitled to at least one (1) curb cut.
 - 1. Any additional curb cuts must be approved by the City Engineer based on street type, traffic counts, and visibility.
 - 2. Single-family uses shall be limited to one (1) curb cut access per property.
- B. All parking spaces shall be served by access aisle or driveway connections to a public right-of-way.
- C. No more than three (3) vehicles may be parked or stored outside an enclosed building on a lot that contains a single-family residence. For a lot with a duplex, six (6) vehicles may be parked or stored outside. If there are more than three (3) persons residing at a single-family dwelling, inclusive of an accessory dwelling unit or boarder, who have valid state driver's licenses showing the residence address(es) on the lot, then the total number of vehicles allowed to be parked outside is increased to a number equal to the number of licensed drivers residing at the property, not to exceed five (5) vehicles. The provisions of this subsection shall not apply during snow emergencies.
- D. All off-street parking lots shall be no closer than five (5) feet to a non-residential side lot line, right-of-way line, or rear lot line.
- E. Garages no less than 400 square feet in size and meeting the requirements of Section 151.05.52 Accessory Structures shall be required for all single-family, two- to four-family, twinhome, and townhouse uses.
- F. Except in the case of single-family, two- to four-family, twinhome, and townhouse units, parking areas shall be designed so that circulation between parking aisles or driveways occurs within the designated parking lot and does not depend upon a public street or alley and the design does not require backing into the public street. No parking spaces shall conflict with pedestrian movement along adjoining sidewalks or pedestrian ways.
- G. No parking area of more than two (2) spaces shall be designed as to require any vehicle to back into a public street unless approved by the City Council.
- H. Tandem parking (one (1) vehicle behind another) layouts are not permitted except for single- and two-family dwellings.
- I. Except in the case of single-family dwellings, two- to four-family dwellings, twinhomes, and townhouses, parking areas shall comply with the following standards:

Table 151.04.01: Parking Area Dimensions

Angle of Parking	Stall Width	Stall Depth	Driveway Width
0 degrees (along curb)	10 feet	10 feet*	12 feet
30 degrees	10 feet	19 feet	11 feet
45 degrees	10 feet	21 feet	13 feet
60 degrees	10 feet	22 feet	18 feet
90 degrees	9 feet	19 feet	24 feet
*Parallel parking: 22 feet in length			

- J. In addition to any other requirements relating to parking spaces contained in these Ordinances, handicapped parking must conform to ADA and Minnesota Statute requirements.
- K. Driveway Design
 - 1. Driveways shall be designed to provide an adequate means of access to a public alley or street and shall be so located as to cause the least interference with traffic movement.
 - 2. All driveways must be paved with asphalt, concrete or other material as approved by the City Engineer, except for properties whose main access is on a non-paved roadway.
 - a. All residential driveways accessing an adjacent street shall, within one (1) year of the issuance of a certificate of occupancy, be paved with asphalt, concrete, or other material as approved by the City Engineer at a minimum of the full width of the garage door.

- b. The paved area of the driveway that is located on the lot shall be included in impervious surface calculations. The paved area that is located in the right-of-way shall not be included in impervious surface calculations for the lot.
3. Driveway Dimensions
 - a. Driveways for residential uses shall not exceed 24 feet in width at the curb line and property line.
 - b. Driveways for commercial, office or industrial uses shall not exceed 32 feet in width at the curb line and property line.
4. Driveways must be located at least three (3) feet from the extension of the side lot line from the property line to the curb to accommodate the driveway apron.
5. All residential driveways shall meet the required side yard setback for the adjacent structure. For example, a driveway that serves an attached garage must meet the principal structure side yard setback; a driveway that serves a detached garage must meet a five (5) foot side yard setback.
6. Driveways abutting a public street must have a minimum of a five (5) foot landscaped separation between any adjacent driveways. That area between the property line and the curb line or edge of pavement shall be the responsibility of the property owner to pave and maintain.

151.04.23 Standards for Parking Lots with Five (5) or More Spaces

- A. All applications for a building permit for uses requiring five (5) or more off-street parking or loading spaces shall submit a site plan drawn to scale and dimensioned indicating the location and design of all off-street parking and loading spaces and driveway areas. A building permit shall not be issued until the Zoning Administrator has reviewed and approved the parking lot site plan. Any variance to the parking lot standards of this Section shall be processed in accordance with Section 151.106.13. At the discretion of the Zoning Administrator, parking lots with unusual designs may be referred to the Planning Commission and/or City Council for input.
- B. A parking lot with five (5) or more parking spaces shall adhere to the following design standards:
 1. Areas devoted to parking, loading, and driveways shall be surfaced with materials suitable to control dust and drainage. The surface material shall be asphaltic, bituminous, or concrete pavement.
 2. The parking stalls and driveways shall be graded for proper drainage in accordance with the applicable provisions of this Code pertaining to stormwater. The City may require curbing as necessary to mitigate surface water runoff to public rights-of-way and/or adjoining properties.
 3. All asphaltic, bituminous, or concrete surfacing shall be marked with white or yellow lines not less than four (4) inches wide.
 4. Any direct lighting source to illuminate off-street parking or loading areas shall be directed away from abutting uses and public rights-of-way and meet the requirements of Part 151.04.6 Lighting.
 5. No sign shall be so located as to restrict the sight, orderly operation, and traffic movement within any parking or loading area.
 6. The parking and loading areas must be screened from abutting residential uses or districts by a wall, fence, or densely planned compact hedge or tree cover of proper design to provide an adequate screen, and meeting the requirements of Part 151.04.3 Fencing and Screening.
 7. Parking lots, excluding entrance/exit drives, may not be constructed closer than three (3) feet from the property line. This setback distance shall increase to 10 feet for any portion of the parking lot abutting a residential use.
 8. In addition to the setbacks outlined in Item 7 above, sufficient space, as approved by the City, shall be provided for as a depository for snow cleared from the lot.

151.04.24 Number of Required Spaces

- A. The minimum number of off-street parking and loading spaces shall be provided and maintained:

Table 151.04.02. Off-Street Parking and Loading Spaces Required

Use	Minimum Off-Street Parking Spaces Required
Residential	
Dwelling, single-family detached	2 spaces per dwelling unit including 1 enclosed
Dwelling, manufactured or mobile home	1.5 spaces per dwelling unit
Dwelling, two- to four-family	2 spaces per dwelling unit including 1 enclosed
Dwelling, twinhome	2 spaces per dwelling unit including 1 enclosed
Dwelling, attached townhouses or rowhouses	1.5 spaces per dwelling unit including 1 enclosed
Dwelling, apartment	1 space per bedroom
Dwelling, apartment mixed use	1 space per bedroom
Dwelling, live/work	1 space per dwelling unit plus 1 space per 1,000 square feet of nonresidential floor area.
Dwelling, senior independent living	0.5 space per bedroom
Cottage courtyard development	1.5 spaces per dwelling unit
Residential care	2 spaces per dwelling unit, plus 1 space per employee on the maximum work shift
Senior care facility	1 space per every 5 beds plus 1 space per every 3 employees
Bed and breakfast	2 spaces per dwelling unit, plus 1 space for each guest room
Hotel or motel	1 space for each guest room, plus 1 space per every 3 employees
Public, Social, Healthcare	
Child care center	1 space per employee on the maximum work shift, plus 1 space per every 10 children
Clinic and office, including medical, dental, or therapeutic	1 space per 250 square feet of gross floor area
Club, lodge, or meeting place of a non-commercial nature	1 space per every 4 persons of the maximum building occupancy
Funeral home, mortuary	1 space per 50 square feet of floor area in parlors or assembly rooms
Hospital	1 space per every 5 beds plus 1 space per every 3 employees on the maximum work shift
Municipal, county, state, or federal administrative or services building	1 space per employee on the maximum work shift
Municipal social, cultural, or recreational facility	1 space per every 4 persons of the maximum building occupancy
Municipal, county, state or federal administrative or services building	1 space per 300 square feet of usable floor area
Place of worship	1 space per every 5 persons of the maximum building occupancy.
School, college/university/trade/business	1 space per employee, plus 5 spaces per classroom
School, elementary	1 space per employee
School, secondary	1 space per employee, plus 5 spaces per classroom
Commercial	
Animal/veterinary clinic or hospital	1 space per each examination and treatment room, plus 1 space per employee on the maximum work shift
Animal boarding, shelter or daycare center	1 space per 600 square feet of gross floor area
Automobile fueling and service station	1 space per 2 gas pumps
Automobile repair and service, minor	2 spaces per service bay, plus 1 per each employee
Automobile repair and service, major	2 spaces per service bay, plus 1 per each employee

Automobile sales, leasing and service	1 space per 1,000 square feet of gross floor area for indoor display area
Bar or drinking place, brewpub	1 space per 150 square feet of gross floor area
Commercial center	1 space per 300 square feet of gross floor area
Professional offices	1.5 spaces per every 2 employees or 1 space per 300 square feet of gross floor area, whichever is greater
Restaurant	1 space per 4 seats provided for patron use
Retail with residential above street level	1 space per 250 square feet of retail gross floor area, plus 1 space per residential unit
Retail with office above street level	1 space per 250 square feet of gross floor area, plus 1.5 spaces per every 2 employees or 1 space per 300 square feet of gross floor area, whichever is greater
Specialty food or coffee shop	1 space per 4 seats provided for patron use
Standalone store, retail or service	1 space per 250 square feet of gross floor area
Storage facility, personal	1 space per 1,000 square feet of storage space
Studio or gallery	1 space per 250 square feet of gross floor area
Industrial	
Brewery, winery or distillery	1.5 spaces per every 2 employees on the maximum work shift
Construction contractor yard	1 space per 500 square feet of gross floor area of office, sales, or display area, plus 1 space per 5,000 square feet of storage area
Manufacturing, heavy	1.5 space per every 2 employees on the maximum work shift
Manufacturing, light	1.5 spaces per every 2 employees on the maximum work shift
Open and outdoor storage	1 space per employee of the maximum work shift, plus 3 visitor spaces
Scrap or salvage storage yard	1 space per employee of the maximum work shift, plus 3 visitor spaces
Storage and sale of machinery and equipment	1 space per 500 square feet of gross floor area for office, sales, and indoor display/storage area, plus 1 space per 2,000 square feet for outdoor display/storage area
Warehouse or distribution facility	1.5 spaces per 2 employees on the maximum work shift
Wholesale trade establishment	1 space per every 2 employees
Arts, Entertainment, Recreation	
Park or playground	None required
Adult oriented entertainment business	1 space per 200 square feet of gross floor area
Indoor recreational facility, commercial or public	1 space per 200 square feet of gross floor area
Outdoor recreational facility, commercial	The lesser of 1 space per every 4 persons of the maximum building occupancy, or 1.25 spaces per athlete, plus 1 space per every 2 employees on the maximum shift. Parking spaces for any commercial area as part of a recreational facility shall be provided at a rate of 1 per 250 square feet of gross floor area.
Outdoor recreational facility, public	The lesser of 1 space per every 4 persons of the maximum building occupancy, or 1.25 spaces per athlete.
Theater, dance or music performance facility	1 space per every 5 persons of the maximum building occupancy.

Natural Resources, Agriculture	
Commercial greenhouse or nursery	1 space per 250 square feet of retail gross floor area, plus 1 space per 2,000 square feet of outdoor display area
Transportation & Utilities	
Ambulance or medical carrier service	1 space per every 2 employees
Essential services	1 space per employee of maximum work shift
Public works facility	1 space per employee on maximum work shift

- B. The number of off-street parking spaces provided for a building in the CBD constructed prior to the effective date of this Ordinance shall satisfy the requirement of this Section for any use that is determined to be a retail store, business or professional office, or similar use, as determined by Staff. When such structure is reconstructed, enlarged, structurally altered, changed in occupancy to a more intensive use category or otherwise increased in capacity, off-street parking shall be provided for that portion of the structure or use constituting the increase in capacity. Notwithstanding the provisions above, any parking areas now serving such existing buildings shall not be reduced below the requirements established in this Section in the future.
- C. In the case of structures or uses not mentioned, the provision for a use which is similar, as determined by the Zoning Administrator shall apply.

151.04.25 Joint Facilities

The City Council may, after receiving a recommendation from the Planning Commission, approve a Conditional Use Permit for one (1) or more uses to provide the required off-street parking facilities by joint use of one (1) or more sites where the total number of spaces provided are less than the sum of the total required for each business if the following conditions are satisfactorily met. The requirement for a Conditional Use Permit does not apply to commercial centers.

- A. The building or use for which the application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 500 feet of the parking facilities.
- B. The applicant shall show that there is no substantial conflict in the operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.
- C. A properly drawn legal instrument approved by the City Council and executed by the parties concerned for joint use of off-street parking facilities shall be filed with the City Clerk. Said instrument may be a three (3) party agreement, including the City and all private parties involved. Such instrument shall first be approved by the City Attorney.

151.04.26 Off-Lot Parking

- A. Required off-street parking spaces shall be located on the same lot as the principal use, or when this requirement cannot be met, such parking spaces may be located off the lot provided the parking spaces are located in the same zoning district and not over five hundred (500) feet from the principal use.
- B. In cases where off-street parking facilities are permitted on land other than the same lot as the principal use, such facilities shall be in the same possession as the lot occupied by the use to which the parking facilities are necessary or a written agreement between property owners is on file with the City and recorded in the office of the Chisago County Register of Deeds. Every change of use or property ownership shall require a new written agreement to be filed and recorded.
- C. Off-lot parking spaces for residential uses shall be within 200 feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within 500 feet of the entrance of the establishment.

151.04.27 Loading Facilities

- A. In connection with any structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be adequate space provided for off-street loading.
- B. On-street parking spaces may be used for loading purposes, provided that:
 - 1. Vehicles loading or unloading shall be parked for no more than one (1) hour at a time.
 - 2. A loading berth shall not be located less than 50 feet from the intersection of two (2) local street rights-of-way nor less than 100 feet from the intersection of a collector or arterial street.
- C. Off-street loading facilities shall:
 - 1. Be improved with a durable material to control the dust and drainage according to a plan approved by the Engineer.
 - 2. Not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.
 - 3. Be located on the same lot as the building or use to be served.
 - 4. Not occupy the required front yard space.
- D. Where noise from loading or unloading activity is available in a residential district, the activity shall terminate between the hours of 7:00 p.m. and 7:00 a.m.

Part 3 Fencing and Screening

151.04.31 General Fencing/Wall Provisions

- A. The following provisions within this Part apply to both fences and walls.
- B. All fences shall be maintained and kept safe and in a state of good repair.
- C. Fences erected under this section shall be erected with the finished side facing away from the center of the property.
- D. Property owners wishing to erect a fence shall first apply for and obtain a fence permit from the City.
- E. Fences erected for the protection of planting or to warn of construction hazard, or for similar temporary purposes, shall be clearly visible and marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Division. Temporary fences shall not be erected for more than 45 days.
- F. Any fence existing on the effective date of this Zoning Chapter and not in conformance with this Division may be maintained, but no alteration, modification, or improvement of said fence shall occur, unless installed in conformance with this Division.

151.04.32 Fence Placement

- A. Fences shall be located upon the private property of the person constructing or causing the construction of such fence.
- B. Fences shall be located so that each side of the fence may be properly maintained by the owner of the fence while on said owner's property.
 - 1. Fences may be located along an interior side or rear property line upon mutual written consent of abutting property owners.
- C. Fences may be placed on that portion of the zoning lot which is encumbered by drainage and utility easements at the risk of the property owner. If located within a drainage easement, the fence shall not obstruct the free flow of water. If, for any reason, the fence needs to be removed by the City or any agent of the City for drainage and/or utility concerns, the removal, repair, and/or replacement shall be at the property owner's expense.
- D. Fences shall be set back at least three (3) feet from any public right-of-way or comply with the specified zoning district street yard setback, whichever is less.

151.04.33 Fence Height

- A. The height shall be measured from the average point between the highest and lowest grade. In no case shall a fence exceed the height of the principal building.
- B. In residential districts, no fence in the portion of the required street yard or required corner side yard located in front of the home shall exceed four (4) feet in height and six (6) feet in height in the rear yard and interior side yard.
- C. In commercial and industrial districts, no fence shall exceed eight (8) feet in height. Fences may exceed eight (8) feet in height with a Conditional Use Permit. Solid fencing or privacy fencing shall not exceed six (6) feet in height, with any fencing above six (6) feet to be at least 75 percent open for the passage of air and light.
- D. In the Agricultural district, no fence shall exceed 10 feet in height. If a privacy fence is desired, the fence height shall not exceed six (6) feet. If an agricultural fence is desired, the fence height shall not exceed 10 feet and must be at least 75 percent open for the passage of air and light.

151.04.34 Fence Material

- A. Fences may be constructed of wood, vinyl, composite, masonry, brick, metal, or other similar material.
- B. No fence shall be constructed which is in a dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially-zoned areas if the devices securing the barbed wire to the fence are 10 feet above the ground or height and project toward the fenced property and away from any public area.

151.04.35 Retaining Walls

- A. Retaining walls are not be allowed within the City's right of way or easements, unless approved with the overall subdivision-grading plan.
 - 1. Approved subdivision retaining walls within the right of way or easement areas shall meet current MnDOT standards and specifications.
- B. Detailed plans and specifications for retaining walls shall be submitted for review by the City of Lindstrom.
 - 1. Drainage overtopping the walls shall not be allowed.
 - 2. Retaining walls four (4) feet or greater in height, shall be designed by an engineer licensed in the State of Minnesota and shall require a building permit.

151.04.36 Screening

- A. Screening shall be used to provide a visual and noise separation of more intensive uses from less intensive uses.
- B. Screening meeting the width shown in Table 151.04.03 shall be provided along side and rear property boundaries of business and industrial districts abutting residential districts.

Table 151.04.03 Screening Buffer Widths

Zoning District of Subject Property	Buffer Width
Business	15 feet
Industrial	15 feet

- C. Industrial, personal storage facility, and open and outdoor storage uses along collector roadways shall be fully screened from the roadway. The screening shall consist of vegetation fronting the roadway and may also include additional screening materials as specified in Item D below.
- D. All screening required by the provisions of this Section shall consist of the following elements or a combination of those elements:

1. A green belt planting strip consisting of at least two (2) staggered rows of evergreen trees with trees in each row spaced at a maximum of 12 feet; or
 2. A solid wall or fence constructed of masonry, brick, wood, or steel which is compatible with surrounding structures and buildings. Vinyl or composite materials may also be used where the Zoning Administrator finds that the proposed material is compatible with surrounding structures and buildings and at least the equivalent of other approved materials in quality, strength, effectiveness, durability and safety;
 3. Hedge with year-round foliage; or
 4. Landscaped berm with year-round foliage.
- E. If a wall, fence, or hedge is used for screening, these elements shall be between six (6) and eight (8) feet in height, following the district height standards listed in Section 151.04.33 Fence Height. Screening within the street or corner side yards is limited to four (4) in height. Height of screening shall be measured from the natural or approved grade.
- F. The buffer area may be interrupted for necessary pedestrian or vehicular access.
- G. Screen plantings shall be permanently maintained by the property owner, and any plant materials which do not live shall be replaced within six (6) months.
- H. The following site elements shall be screened in compatibility with the design elements, materials, and colors used elsewhere on the site:
1. Refuse disposal areas
 - a. All refuse and recycling containers in all commercial, industrial, or multi-family zoning districts shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade fence, wall, or equivalent material that is architecturally compatible with the principal structure and has a height of between six (6) and eight (8) feet.
 - b. Refuse enclosures shall be subject to the following:
 - i. A three (3) foot setback is required from any lot line.
 - ii. Shall include a durable gate system that remains closed when not in use; and
 - iii. Shall allow for easy access by refuse and recycling contractors.
 2. Outdoor storage areas
Outdoor storage areas shall be screened from abutting residential districts with a building wall or solid commercial-grade fence, wall, year-round hedge, landscaped berm, or equivalent material, with a height of between six (6) and eight (8) feet. Screening along district boundaries, where present, may provide all or part of the required screening.
 3. Loading areas
Loading areas shall be screened from abutting residential districts and from street view to the extent feasible by a building wall or solid commercial-grade wood, vinyl, or equivalent material fence, with a height of between six (6) and eight (8) feet. Screening along district boundaries, where present, may provide all or part of the required screening.
 4. Mechanical equipment
All rooftop and ground-level mechanical equipment and utilities shall be fully screened from view from any street or residential district, as viewed from six (6) feet above ground level. Screening may consist of a building wall or fence and/or landscaping as approved by the Zoning Administrator.
 5. Off-street parking areas containing five (5) or more spaces
Off-street parking areas with five (5) or more spaces shall be screened from abutting residential districts by a solid wall, fence, evergreen planting of equivalent visual density, or other effective means, built and maintained at a minimum height of five (5) feet.

Part 4 Landscaping

151.04.41 General Provisions

- A. All open areas of a lot not used for buildings, parking, circulation, patios or storage must be landscaped with a combination of canopy trees, ornamental trees, evergreen trees, shrubs, flowers, gardens, sod, ground cover, natural drainage features, and other site design features to ensure soil stabilization. This requirement shall not apply to undisturbed areas retained in a natural state.
- B. Landscape plans shall be submitted for all site and subdivision related applications where exterior construction and development activity will occur, except for the construction of an individual one- or two-family dwelling. Where there is greater than one (1) acre of site disturbance, the landscape plan shall be prepared by a registered landscape architect.
- C. The following minimum number of plant materials shall be provided:
 - 1. All residential one and two-family developments shall require two (2) canopy trees per dwelling unit.
 - 2. All multi-family, mixed-use, and non-residential uses shall provide:
 - a. One (1) canopy or evergreen tree per 25 linear feet of street frontage.
 - b. All structures must have foundation plantings consisting of shrubs, perennials, and native grasses.
 - c. All additions, expansions, or additional structures shall require an additional two (2) shrubs per 1,000 square feet of new construction.
- D. All plant materials must:
 - 1. Meet the minimum standards set by the American National Standards Institute in ANSI Z60.1 American Standard for Nursery Stock.
 - 2. Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive species.
 - 3. Landscape materials shall be tolerant of specific site conditions, including but not limited to heat, drought, and salt.
 - 4. Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets the minimum plant size specified in this Division.
- E. Not more than 30 percent of the required number of trees shall be of the same genus.
- F. Trees and shrubs may be clustered and do not need to be evenly spaced. For residential properties, it is preferable that new trees be located on the lot itself and not within the right-of-way.
- G. The minimum size of plantings shall be as follows:
 - 1. Canopy trees: two and a half (2.5)-inch caliper;
 - 2. Ornamental trees: one and a half (1.5)-inch caliper;
 - 3. Evergreen trees: six (6)-foot height; and
 - 4. Deciduous or evergreen shrubs: five (5) gallon pot.
- H. Mulch shall consist of shredded bark, chipped wood, or stone installed at a minimum depth of two (2) inches. If stone is used, it shall be spread over a permeable weed barrier fabric.
- I. Prior to the issuance of a building permit for all projects requiring approval of a landscape plan, the developer, contractor, or property owner shall deposit a security with the City to guarantee compliance with and to indemnify the City for any expenses incurred in enforcing the requirements of this Section. The landscaping security for all uses, which does not include one- or two-family dwellings, shall be in a form approved by the Zoning Administrator and shall be equal to 125 percent of the estimated cost necessary to furnish and plant the required landscaping and any ancillary screening improvements such as fencing. The estimated cost shall be subject to approval by the Zoning Administrator.

- J. All required plant materials shall be planted prior to issuing a Certificate of Occupancy. In the event that the project is completed during a time of year when planting is impractical, a security meeting the requirements of and in the amount of the remaining improvements will be required. In such case that a performance guarantee is required, all landscaping shall be completed within one (1) year after the Certificate of Occupancy has been issued.
- K. The continued maintenance of all required landscaping materials in a live and healthy state is a required responsibility of the owner and tenant of the property. Plantings which have died shall be promptly replaced in accordance with the landscape plan approved for the site. This requirement shall run with the land and be binding upon all future property owners. Failure to comply with this maintenance requirement shall be a violation of this Section.

151.04.42 Off-Street Parking Area Landscaping

- A. Landscaping shall be required along the perimeter and within the interior of the lot for all new, redevelopment, or retrofit projects. No additional landscaping shall be required for striping or restriping of existing parking lots.
 - 1. New parking and driveway areas that accommodate more than 40 cars, and parking lot expansions that add more than 40 parking spaces, shall be landscaped along the perimeter and within the interior of the lot. A minimum area equal to 20 percent of the parking and driveway surface area shall be designed with either landscaping islands or divider medians between opposing rows of parking.
 - 2. For redevelopment or retrofit projects with fewer than 40 new parking spaces, a minimum of 10 percent of the parking and driveway surface area shall be designed with landscaping features. Landscaping features may include linear parking lot landscaped islands, divider medians, parking lot rain gardens, and depressed infiltration curb islands. Where the City determines that the parking lot design cannot reasonably accommodate curb islands, divider medians, or other landscaping features or cannot accommodate that amount of landscaping cited herein, plant materials shall be moved to the outside perimeter of the parking lot.
- B. Landscape Island Design
 - 1. Landscape islands shall be sized and designed to support plant health and shall be no smaller than 324 square feet in area. It is strongly encouraged to use these areas for infiltration purposes.
 - 2. Landscaped islands may contain:
 - a. Rain gardens;
 - b. Depressed infiltration areas; or
 - c. Trees, shrubs, perennials, and/or native grasses.
- C. Any divider median shall be at least eight (8) feet in width and extend the full length of the parking stalls. The divider median shall be covered in grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.
- D. Shade trees shall be used for the perimeter of the parking area and island landscaping at a minimum rate of one (1) shade tree per 10 parking stalls. Shade trees shall be setback a minimum of eight (8) feet from curbs and/or pavement.
- E. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
- F. Modifications from the requirements of this Section may be permitted through the Site Plan Permit review process.

Part 5 **Tree Preservation**

151.04.51 Purpose

- A. It is the policy of the City to recognize and protect the integrity of the natural environment of the community through the preservation, protection, and planting of trees.
- B. The City has found it necessary and desirable to establish requirements for the preservation and replanting of trees in order to maintain a healthy and desirable community and to ultimately provide a long term environmental and economic benefit.
- C. In establishing tree preservation requirements, the City intends to:
 - 1. Prevent clear cutting;
 - 2. Preserve the existing tree canopy through root protection by eliminating or reducing compaction, filling or excavation;
 - 3. Preserve a continuous tree canopy throughout the site and extending into adjoining properties whenever possible;
 - 4. Preserve mix of tree ages, sizes, and species;
 - 5. Preserve the existing under-story and forest floor vegetation;
 - 6. Preserve both front and backyard trees in residential developments with custom lot development and site specific roadway alignments; and
 - 7. Prevent soil erosion and sedimentation;
 - 8. Control the spread of tree diseases from affected trees to healthy trees;
 - 9. Protect privacy by establishing and maintaining buffers between land uses;
 - 10. Providing habitat for wildlife, including birds that help in the control of insects; and
 - 11. Support energy conservation through natural insulation and shading.

151.04.52 Scope

This Section shall apply to the following in the City:

- A. Any major subdivision or planned unit development application for a residential development;
- B. Any land use or subdivision application for a commercial or industrial use which will involve site grading and/or principal structure construction;
- C. Any building permit that involves the new construction of a principal structure, the reconstruction of a principal structure, or construction that more than doubles the building footprint of a principal structure;
- D. Any pre-emptive cutting of forests or woodland within one (1) year of any formal land use application;
- E. Grading permits that are not associated with a development or redevelopment;
- F. Removal of more than 30 percent of the diameter inches of significant trees on any parcels; and
- G. Tree preservation requirements for Planned Unit Developments shall be determined as part of the development review process.

151.04.53 Process

- A. A Tree Preservation Plan shall be prepared and submitted concurrently with land use, subdivision and building permit applications for a project except that a tree preservation plan shall not be required for:
 - 1. The construction or reconstruction of an individual single-family home as long as any significant trees removed are within the footprints and 20 feet around buildings with frost footings; within the footprints and 10 feet around structures with post footings; and within the areas and within 10 feet of reasonably-sized driveways.
 - 2. The removal of significant trees resulting from the expansion of an existing single-family home as long as the home has been in existence and not expanded for at least two (2) years after the final

certificate of occupancy was issued and all of its final landscaping and ground cover was installed.

- B. The Tree Preservation Plan must be approved by the Zoning Administrator prior to grading or construction commencing.
- C. For subdivisions with mass grading, the following process shall be followed:
 - 1. A Tree Preservation Plan shall be prepared and superimposed on the grading plan;
 - 2. During preliminary plat review, the Tree Preservation Plan will be reviewed according to the best available layout to preserve significant trees and the efforts of the subdivider to mitigate damage to significant trees.
 - 3. The applicant shall provide a financial guarantee as part of the development contract to guarantee replacement of all significant trees which were to have been saved but were actually destroyed or damaged. A financial security for each mass graded lot with at least one (1) significant tree to be saved and a financial security for each custom graded lot with at least one (1) significant tree shall be provided as part of the development contract to ensure tree protection. The financial security, generally \$1,000 per lot, will be determined by the Zoning Administrator based on the number and size of trees to be saved.
 - 4. All sites shall be staked, as depicted in the approved grading plan, before grading is to commence. No encroaching, grading, trenching, filling, compaction, or change in soil chemistry shall occur within the fenced areas protecting the root zone of the trees to be saved.
 - 5. After mass grading has been completed and streets and utilities installed, the forester or landscape architect shall submit a tree certification to the city, which shall include:
 - a. Certify in writing to the City the status of all trees indicated as saved trees in the approved Plan;
 - b. Certify in writing to the City whether tree protection measures were installed; and
 - c. Certify the status of any designated trees that were saved.
 - d. Certify how the City's tree replacement policy will be met if a significant tree designated to be saved on the Tree Preservation Plan is destroyed or damaged.
 - 6. Removal of tree preservation measures shall require written approval from the Zoning Administrator. Tree preservation measures shall not be removed from the site until the Zoning Administrator has approved the grading as built plans for a mass graded site and not prior to the release of financial securities held by the City.
 - 7. The financial security will be released upon:
 - a. Approval of the city and a certification in writing by the forester or landscape architect indicating the tree protection measures were installed on mass graded lots and tree replacement is completed, if necessary; and/or
 - b. The builders have posted security for the custom graded lots.
- D. For subdivisions with custom graded lots, the applicant submitting a building permit for the lot shall:
 - a. Submit a Tree Preservation Plan prepared and incorporated on the required site survey for the custom graded lot.
 - b. Provide the financial security, generally \$1,000 per lot, as determined by the Zoning Administrator based on the number and size of trees to be saved.
 - c. Ensure that the Tree Preservation Plan is consistent with the original Tree Preservation Plan for the plat. The placement of the home and driveway should be where the fewest significant trees would be destroyed or damaged.
 - d. The applicant will be responsible for ensuring the Tree Preservation Plan is followed during building construction.
 - e. Prior to the issuance of a certificate of occupancy and release of tree preservation security, the applicant shall submit a tree certification to certify to the city in writing the final disposition of safe trees on the lot and that all the tree protection measures identified on the Tree

Preservation Plan were installed from the start of construction to the end of construction and tree replacement is completed, if necessary.

- E. Zoning and grading permits
 - 1. At the time of building permit application, applicants will be required to furnish the following items for tree preservation for all lots with at least one (1) significant tree:
 - a. Security of \$1,000 per lot for tree protection requirements;
 - b. Tree Preservation Plan;
 - c. Builders are liable for subcontractors that destroy or damage significant trees that were indicated to be saved on the individual lot Tree Preservation Plan;
 - 2. Inspectors will monitor the tree protection measures at the time of routine inspections; and
 - 3. Prior to the issuance of a certificate of occupancy and release of tree preservation security, the applicant shall submit a tree certification to certify to the City in writing the final disposition of safe trees on the lot and that all the tree protection measures identified on the Tree Preservation Plan were installed from the start of construction to the end of construction and tree replacement is completed, if necessary.

151.04.54 Tree Protection Measures

- A. Placing fill against the trunk of the tree, on the root crown, and under the drip line of the tree shall be prohibited.
- B. Tree protection measures must be installed before construction and remain in place until all construction activities are terminated.
- C. Measures required for protecting significant trees shall include:
 - 1. Installation of orange polyethylene laminate safety netting, or an equivalent form of safety netting, and metal stakes placed along the disturbance zone and around significant trees (at least one (1) foot outside the drip line) to be saved;
 - 2. Installation of erosion control measures;
 - 3. Prevention of soil compaction or alteration of existing grades in critical root zones (at least one (1) foot outside of the drip line);
 - 4. Placement of utilities in common trenches outside of the critical root zone of significant trees, or use of tunneled installation;
 - 5. Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuel or paints;
 - 6. Calculation of critical root zones of all significant trees near disturbance zone and adherence to maximum 25 percent removal of critical root zone;
 - 7. Root pruning during construction along all disturbance zones shall be done by hand with a chainsaw or with a machine designed for root sawing (machine will shatter roots);
 - 8. Pruning of oak trees must not take place from April 15 through July 1. If wounding of oak trees occurs, a nontoxic tree wound dressing must be applied immediately. Excavators must have a nontoxic tree wound dressing with them on the development site.
 - 9. Tree stumps to be removed by grinding, not with a bulldozer, in all areas where root pruning does not occur;
 - 10. Natural ground cover (not sod) shall be maintained where clusters or areas of significant trees exist;
 - 11. Removal of any diseased oak or elm trees located in areas to be preserved; and
 - 12. No vehicles or equipment parking or driving out of the construction boundaries.
- D. Optional measures to protect significant trees may include, but are not limited to:
 - 1. Installation of retaining walls to preserve trees;
 - 2. Reduced roadway width and paved areas when it can be illustrated that such variances save trees;

3. On-site layout of roads and house pads;
4. Flag lots and other unconventional lot shapes when it can be illustrated that such variances save trees;
5. Variable setbacks when it can be illustrated that such variances save trees;
6. Larger lots in treed areas;
7. Common washout pond for cement, paint and the like, outside of woods;
8. Basements dug with backhoe and material removed from site;
9. Concrete pumped in;
10. Specified stock pile areas;
11. Prioritize trees to be saved; and
12. PUD zoning.

151.04.55 Allowable Tree Removal

- A. Significant tree removal shall only be carried out with a City-approved Tree Preservation Plan. As part of its consideration of the Tree Preservation Plan the Planning Commission and City Council may take into consideration the types of trees that are proposed to be removed.
- B. Mitigation shall be required if the total number of existing significant trees removed as a result of the development exceed the following percentages:
 1. Subdivisions with mass grading
 - a. R-1 and R-2 Residential Zoning Districts shall have no more than 20 percent of the total number of significant trees in the development area removed.
 - b. All other zoning districts shall have no more than 30 percent of the total number of significant trees in the development area removed.
 2. Subdivisions with custom grading
 - a. The party responsible for initial site development may remove up to 20 percent of the total number of significant trees in the development area. The party responsible for initial site development shall be solely responsible for any mitigation required and performance guarantees required.
 - b. After the initial site development, the following removal limits shall apply for each custom graded lot:
 - i. R-1 and R-2 Residential Zoning Districts shall have no more than 20 percent of the total number of significant trees in the development area removed.
 - ii. All other zoning districts shall have no more than 30 percent of the total number of significant trees in the development area removed.
- C. The following types of trees are not considered significant trees and do not need to be included as part of total caliper inches removed:
 1. Dead, diseased or dying trees;
 2. Trees that are transplanted from the site to another appropriate area within the city; or
 3. Trees that were planted as part of a commercial business such as a tree farm or nursery.
 4. Undesirable trees as noted in Section 151.04.57.

151.04.56 Required Reforestation

- A. If the removal or disturbance of significant trees proposed by the Preservation Plan exceeds the thresholds in Section 151.04.55 Allowable Tree Removal, the applicant must mitigate the loss of significant trees by planting reforestation trees at the rate of one-half ($\frac{1}{2}$) caliper inch per one (1) diameter inch removed. Significant tree replacements will be calculated by replacing the largest diameter tree first, proceeding down to the smallest diameter significant tree.

- B. Reforestation trees shall be planted on the site being developed. The applicant may also request approval to plant reforestation trees on City property. Planting on such sites shall be at the discretion of the City.
- C. The Reforestation Plan shall be prepared and signed by a licensed forester or a registered landscape architect and comply with the criteria found in the City of Lindstrom Application Manual.

151.04.57 Desirable Species

- A. A full list of approved and prohibited tree species for planting is available from City Staff and on the City's website.
- B. Trees native to the area shall be encouraged.
- C. No invasive species shall be planted in the City.
- D. Additional types of tree species not included on the approved list of planting may be planted with approval from the Zoning Administrator.

151.04.58 Tree Replacement

- A. Applicants shall be required to replace the significant trees which were indicated on the Tree Preservation Plan to be saved but ultimately were destroyed or damaged during construction. Significant trees destroyed or damaged shall be replaced by trees equivalent in caliper inches lost. Replacement trees must consist of nursery stock and be no less than the following sizes:
 - 1. Deciduous trees: no less than two and one-half (2.5) inches in diameter; and
 - 2. Coniferous trees: no less than six (6) feet high.
- B. Replacement trees shall be covered by a minimum two (2) year guarantee. Species shall be similar to the trees which were destroyed or damaged and can include those native species shown on the Approved List of Trees in Lindstrom.
- C. Replacement trees shall not be placed on easements or street rights-of-way. The City shall determine the locations of tree replacement for subdivision tree replanting plans. If tree replacement is required on the individual lot because the builder destroyed or damaged a tree which was to be saved, the forester or landscape architect shall determine where the replacement trees shall be installed.

Part 6 Lighting

151.04.61 General Provisions

In general, no use or structure shall be operated as to create light or glare in such an amount or such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

151.04.62 Specific Standards

All uses shall comply with the following standards except as otherwise proved in this Section:

- A. Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed 2,000 lumens (equivalent to a 150 watt incandescent bulb).
- B. Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (0.5) foot-candle measured at the street curb line or nonresidential property line nearest the light source.
- C. Time of outdoor lighting reduction in non-residential areas and common areas of multi-family residential properties shall be 11:00 pm or one (1) hour after the close of business, whichever is later. After such time, total outdoor brightness (lumens) must be reduced by at least 50 percent or turned off, unless light levels need to be maintained due to traffic or safety concerns.

- D. No exterior light source on a nonresidential property shall be visible from any permitted or conditional residential use.
- E. Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- F. Lighting shall not create a hazard for vehicular or pedestrian traffic.
- G. Motion sensing light fixtures shall be adjusted according to the manufacturer's instructions to dim or turn off no more than 10 minutes after detected motion ceases, unless located at the main entrance of a building.

151.04.63 Exceptions

The uses listed below shall be exempt from the provisions of this section as follows:

- A. Publicly controlled or maintained street lighting and warning, emergency, or traffic signals;
- B. Lighting for public monuments, statutes, flagpoles, or other similar elements;
- C. Underwater lighting in swimming pools and other water features;
- D. Lighting specified or identified in a Conditional Use Permit;
- E. Lighting required by federal, state, county, or city ordinances and regulations;
- F. Lighting for outdoor events as allowed for in the Special Events Permit;
- G. Seasonal lighting and related holiday decorations; and
- H. Solar landscape lights.
- I. Athletic fields and outdoor recreation facilities serving or operated by an institutional or public use that otherwise meet all of the requirements of this Zoning Ordinance shall be exempt from the requirements of Subsections 151.04.62B, D, and E between the hours of 7:00 a.m. and 10:00 p.m.
- J. Neon signs, theater marquee lights, or decorative lighting that otherwise meets all of the requirements of this Zoning Ordinance shall be exempt from the requirements of Subsection 151.04.62A above.