



3601 Thurston Avenue N, Suite 100
Anoka, MN 55303
Phone: 763.231.5840
Facsimile: 763.427.0520
TPC@PlanningCo.com

MEMORANDUM

TO: Daryl Morey
FROM: Daniel Licht, AICP
DATE: 26 January 2011
RE: Lakeville – Zoning Ordinance
TPC FILE: 135.01

BACKGROUND

Comprehensive updates of the Zoning Ordinance and Subdivision Ordinance were adopted by the City Council on 17 May 2010 as required by State Statutes to implement the 2008 Comprehensive Land Use Plan. In the subsequent months, City staff has identified sections of the Zoning Ordinance that need to be revised to clarify the intent of the regulations. The City has received input from other stakeholders including developers, brokers and property owners requesting clarification of specific sections of the Zoning Ordinance or Subdivision Ordinance. The City also held a Development Forum and conducted a Development Survey that garnered additional feedback as to possible modifications of the City's development regulations to streamline the review process and make these regulations more user friendly.

The Planning Commission reviewed a list of possible amendments to the Zoning Ordinance and Subdivision Ordinance at their 17 November 2011 work session. This memorandum forwards Part 2 of the proposed modifications of the Zoning Ordinance and Subdivision Ordinance, which address additional technical items and also some minor policy issues. Further discussion regarding additional amendments will occur at future Planning Commission and City Council meetings or work sessions.

Exhibits:

- A. Draft Ordinance amendment

ANALYSIS

- **Trash Container Requirements.** The provisions in Section 4-2-5.C of the City Code and Sections 11-18-11.b.4 and 11-18-11.E.1.b of the Zoning Ordinance are proposed to be amended to reference specifically to multiple family residential, commercial, industrial and institutional uses regarding applicability of the required screening of trash containers stored outdoors. This amendment will resolve misperceptions that single family trash and recycling containers located in side and rear yards have to be screened to better facilitate responses to code enforcement complaints regarding property maintenance.
- **Preliminary Plat Submissions.** The submission requirements for preliminary plat applications is being revised to include language for submission of building floor plans, architectural elevations and a comprehensive sign plan for commercial and industrial developments. These plans are typically submitted with the preliminary plat application to allow for concurrent determination of compliance with the Zoning Ordinance.
- **CUP Criteria.** Section 11-4-3.E of the Zoning Ordinance establishes criteria for consideration of conditional use permits. However, the text states that the Planning Commission shall consider the “amendment”, which is proposed to be amended to read “use”. This is a typographical correction.
- **Rear Yard Setback Reductions.** Section 11-17-11.B of the Zoning Ordinance provides for a reduction in the required rear yard setback to not less than 20 feet for single family residential lots that abut areas restricted from development such as parks, floodplain, stormwater basins, etc. Wetlands are currently excluded from the natural areas from which the setback reduction applies. City staff recommends making the setback reduction allowable for single family lots abutting wetlands provided the requirements regarding wetland protection established in Section 11-16-13 of the Zoning Ordinance are met. Section 11-16-13 of the Zoning Ordinance establishes a minimum usable yard requirement of 20 feet outside of a wetland and wetland buffer that is the same as the minimum allowed rear yard in Section 11-17-11.B of the Zoning Ordinance. This amendment will allow a more flexible rear yard setback for those homes adjacent to a wetland area.
- **Detached Accessory Buildings.** The Building Inspections Department has requested clarification as to when a paved driveway to a detached accessory building is required. Section 11-19-7.I.12 of the Zoning Ordinance requires driveways for passenger vehicles to be paved. City staff has drafted an amendment to Section 11-18-7.C regulating detached accessory buildings for single and two family residential uses to require a paved driveway for any detached accessory building with an exterior access having a minimum width of eight feet.

- **Parking Area and Driveway Surfacing.** Section 11-19-7.I.12.a of the Zoning Ordinance states that parking areas and driveways must be surfaced to control drainage and dust. Subsection b subsequently requires parking areas and driveways for all uses except those specifically exempted to be surfaced with asphalt, concrete, cobblestone or paving brick. For clarity, City staff recommends repealing subsection a.
- **Residential Fence Setbacks.** The Planning Commission discussed an issue related to residential fence setbacks at a work session on 19 August 2010. The issue is that prior to the 2000 Zoning Ordinance Update there was no setback requirement for single family residential fences on corner lots abutting local streets. The 2000 Zoning Ordinance update required privacy fences constructed in the side yards of single family corner lots abutting local streets to meet the building setback requirement for the respective zoning district, which is 20 feet in the RS-3, RS-4 and RS-CBD districts and 30 feet in the RS-1 and RS-2 districts. The purpose of the increased setback requirement was to maintain the view corridor along the street frontage as well as to ensure adequate visibility at intersecting street corners and for adjacent homeowners backing out of their driveways for traffic safety purposes.

Because of confusion over the way the residential fence requirements were worded, for the past 11 years City staff has only required a 10 foot setback for fences in the side yards of single family corner lots abutting local streets, regardless of whether the fence was privacy or chain link. After discussing this fence setback issue, the Planning Commission concurred with a uniform 10 foot setback for fences in the side yards of single family corner lots abutting local streets consistent with staff's issuance of fence permits for the past 11 years.

- **Industrial District Fence Setbacks.** The Planning Commission discussed fence (and outdoor storage) setbacks at a work session on 19 January 2012 (refer to the memorandum by Associate Planner Frank Dempsey dated 13 January 2012 for background information). The consensus of the Planning Commission is to allow a reduced setback to at least 20 feet for privacy fences and solid walls within the I-1 and I-2 Districts by administrative permit. Language has been included with amendments to effect this change in Section 11-21-5.H of the Zoning Ordinance.
- **Multiple Tenant Office Park and Industrial Signs.** Section 11-23-15.R.3 of the Zoning Ordinance establishes allowances for multiple signs for commercial and industrial buildings with two or more tenants. These provisions require that each tenant have an exclusive exterior entrance, which is common to retail type uses but not office park or industrial buildings. City staff recommends modifying the Zoning Ordinance to continue to require the exclusive exterior entrance only for buildings in the O-R, C-1, C-2, C-3, C-CBD, and O-P districts. Within the I-1, I-2, and I-CBD districts individual tenants would be allowed more than one sign on a wall not fronting a public street provided the total area of the signs on that wall

does not exceed the district provisions. This amendment will provide increased signage options and flexibility for multiple tenant industrial buildings.

- **Big Box Commercial Wall Signs.** City staff has revised the provisions of Sections 11-23-19.E and 11-23-19.G applicable to commercial uses with a gross floor area of 45,000 square feet or more to make the language more readable and easier for users to understand. No change to the number or area of wall signs allowed under these provisions has been made.
- **Detached Townhouse and Townhouse Building Materials.** The RST-2, RM-1 and RM-2 Districts specify minimum use of masonry materials for exterior construction of detached and attached townhouse buildings. The Zoning Ordinance excludes the use of rock face block or cement fiberboard to meet this requirement but the language has a negative context. City staff has revised the provision in all three districts to state the same requirement as a positive - no changes to the existing provisions is recommended.
- **Propane Tank Sales.** City staff recommends modifying the Zoning Ordinance to allow propane tank sales (not refilling) in commercial districts for other uses in addition to motor fuel facilities. Sales of propane tanks would be by administrative permit under outdoor sales such that City staff has an opportunity to verify compliance with fire codes and that that outdoor sales area doesn't interfere with pedestrian or vehicular access. This language would be amended for the C-1, C-2, C-3 and C-CBD Districts and provides for additional revenue opportunities for retail businesses.
- **Daytime Animal Kennels.** Veterinary clinics are a conditional use in the C-2 and C-3 Districts and allowed accessory animal kennels including overnight boarding. City staff recommends adding commercial domestic animal boarding as a principal use within the C-2 and C-3 Districts by conditional use permit. The performance standards for this type of use would be the same as for the veterinary clinic but with the added stipulation that hours of operation are limited to 7:00AM to 10:00PM. This revision would address business requests to allow doggie day care in commercial districts.
- **C-CBD District Mixed Use Buildings.** Buildings with commercial and residential uses are allowed in the C-CBD District as a conditional use. To facilitate the development process for these types of projects, City staff recommends allowing mixed use buildings where the residential use is not on the ground floor by administrative permit. The administrative permit process is necessary to allow evaluation of required parking and compliance with performance standards applicable to multiple family housing cross referenced with the RH-1 District. This revision would allow residential uses on the upper floors of retail and commercial buildings within the C-CBD as an administrative review.

- **I-1 and I-2 District Setbacks.** It was noted as part of the Midstate Reclamation corner lot setback request that the setback requirements in the I-1 and I-2 District are different:

	I-1 District	I-2 District
Front Yard	50ft.	40ft.
Side Yard - Interior	10 ft.	15ft.
Side Yard – Corner	30ft.	40ft.

Both the I-1 and I-2 Districts require a 50 foot setback from adjacent residential uses. In order to maximize developable space within each lot and provide for a consistent development pattern, City staff recommends modifying the setback requirements to be the same in each district to require the lesser of the existing standards in each districts.

- **I-1 District Building Height.** To maximize opportunities for economic development, City staff recommends that the maximum building height allowed in the I-1 District be increased from 35 feet to 45 feet. A maximum building height of 45 feet is currently allowed in the I-2 District. A building height greater than 35 feet in the I-1 District currently requires approval of a conditional use permit. The primary concern with allowing the greater building height would be potential for compatibility issues with adjacent residential uses. However, the only I-1 District parcels adjacent to developed RM-1 zoned land is the JFK Elementary and McGuire Middle School facilities. The only vacant RM-1 zoned land is located across Lakeville Boulevard from Airlake Industrial Park. No compatibility issues are anticipated based on these land use arrangements as a result of increasing the allowed building height by 10 feet.
- **Floodplain Non-Conforming Structure Exemptions.** The floodplain provisions in Section 102 of the Zoning Ordinance include specific regulations for non-conforming buildings (in addition to those in Section 15 of the Zoning Ordinance) that are mandated by FEMA and the DNR. One of these provisions exempts historic structures. City staff is proposing to amend this provision to include reference to the Federal Code section which defines historic structures exempted from these regulations.
- **Shoreland District Variances.** The DNR requires the City to include criteria specific to consideration of variances within the Shoreland District provisions. These criteria are in addition to the “practical difficulties” criteria outlined in Section 6 of the Zoning Ordinance and established by Minnesota Statutes. City staff recommends including a provision within the Shoreland District variance section cross referencing that the “practical difficulties” criteria established generally by the Zoning Ordinance must also be met for a variance within the Shoreland District to be approved.

CONCLUSION

The Planning Commission will consider the proposed amendments at a public hearing to be held on 2 February 2012. City staff and our office recommend approval of the proposed amendments in the form attached hereto.

ORDINANCE NO. _____

**CITY OF LAKEVILLE
DAKOTA, COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING TITLE 4 (HEALTH AND SANITATION), TITLE 10
(SUBDIVISION ORDINANCE) AND TITLE 11 (ZONING ORDINANCE) OF THE
LAKEVILLE CITY CODE**

THE CITY COUNCIL OF THE CITY OF LAKEVILLE ORDAINS:

Section 1. Section 4-2-5.C of the City Code is hereby amended to read as follows:

C. Location Of Containers:

1. Containers for mixed municipal solid waste cans and recyclable materials containers shall be kept in rear or side yards.

2. For multiple family residential, commercial, industrial and institutional uses, the containers and shall be screened from neighboring properties and the public right of way or shall be kept indoors.

3. The containers shall be accessible at times of collection and if normally stored indoors shall be placed outside at designated collection times.

4. Such mixed municipal solid waste cans shall not be used for incinerators. No mixed municipal solid waste shall at any time be burned in any bonfire or other fire, whether in a container or in the open.

Section 2. Section 10-3-2.C.3.e of the City Code is hereby amended to read as follows:

e. Statement of the proposed use of lots stating the type of buildings with number of

proposed dwelling units or type of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population, and compliance with the provisions of the Zoning Ordinance including submission of the following for commercial and industrial developments:

(1) Proposed building floor plans.

(2) Proposed architectural elevations including types of exterior materials.

(3) Comprehensive sign plan illustrating the number, location, area and height of all proposed signs.

Section 3. Section 11-4-3.E of the City Code is hereby amended to read as follows:

E. The planning commission shall consider possible effects of the proposed ~~amendment.~~ use with—~~its~~ judgment ~~shall be~~ based upon, but not limited to, the following factors:

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official city comprehensive plan.
2. The proposed use is or will be compatible with present and future land uses of the area.
3. The proposed use conforms with all performance standards contained in this code.
4. The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.
5. Traffic generation by the proposed use is within capabilities of streets serving the property.

Section 4. Section 11-17-11.B of the City Code is hereby amended to read as follows:

B. ~~Restricted Uses And Areas: In the case of a residential lot in an RS-2, RS-3, or RS-4 district backing onto a floodplain, a public open space, park, or other such similar publicly reserved and development restricted areas (excluding shorelands, wetlands, and streets), the required rear yard setback may be reduced one foot (1') for each five feet (5') of public space, but in no case shall the rear yard requirement be reduced to less than twenty feet (20').~~The required rear yard setback for a residential lot in an RS-2, RS-3, or RS-4 district backing onto a floodplain, a public open space, park, or other such similar publicly reserved and development restricted areas (excluding shorelands and public rights-of-way) may be reduced as follows:

1. The required rear yard setback may be reduced one foot (1') for each five feet (5') of public space, but in no case shall the rear yard requirement be reduced to less than twenty feet (20').

2. For rear yards abutting wetland or wetland buffer areas, the rear yard setback may be reduced as provided for by Section 11-17-11.B.1 of this Section provided the requirements of Section 11-16-13 of this title are met.

Section 5. Section 11-18-7.C.3 of the City Code is hereby amended to add the following provision:

e. A paved driveway meeting the requirements of Section 11-19-7.I of this title shall be constructed for any detached structures having an exterior opening a minimum of eight feet (8') wide.

Section 6. Section 11-18-11.B.4 of the City Code is hereby amended to read as follows:

4. Screening: The trash/recycling receptacles for multiple family residential, commercial, industrial and institutional uses shall be fully screened from view of adjacent properties and the public right of way.

Section 7. Section 11-18-11.E.1.b of the City Code is hereby amended to read as follows:

- b. Receptacles shall be set back a minimum of ~~ten~~five feet (~~10~~5') from all property lines.

Section 8. Section 11-19-7.I.12 of the City Code is hereby amended to read as follows:

12. Surfacing:

~~a. All areas intended to be utilized for parking space and driveways shall be surfaced with materials suitable to control dust and drainage.~~

ea. All driveways and parking stalls shall be surfaced with asphalt, concrete, cobblestone or paving brick, except for those uses specifically exempted below:

(1) Farm dwellings and farm operations.

(2) Single-family uses located within permanent rural area or urban reserve area as defined by the comprehensive plan with frontage and access to a public street with a gravel surface.

eb. Plans for surfacing and drainage of driveways and stalls for five (5) or more vehicles shall be submitted to the city engineer for review and the final plans shall be subject to the engineer's written approval.

ec. Legal nonconforming driveways and parking area surfaces existing on March 17, 2003, shall be regulated in accordance with Section 15 of this title and brought into compliance with this section at the time of any improvement that intensifies the use of the parking area or driveway.

Section 9. Section 11-21-5.D of the City Code is hereby amended to read as follows:

- D. Solid Walls: Structurally engineered solid walls constructed of natural stone, brick or other masonry material up to eight feet (8') in height that are not part of buildings may be constructed only within commercial and industrial districts and the P-OS district by approval of ~~a conditional use~~ an administrative permit.

Section 10. Section 11-21-5.F.4 of the City Code is hereby amended to read as follows:

4. Setbacks From Public Rights Of Way:
- a. ~~Fences extending across~~ Within Front yards, ~~and side yards of a corner lot or rear yards of a double frontage lot~~ abutting a public right of way:
- (1) The fence shall not exceed forty eight inches (48") in height and shall be at least seventy five percent (75%) open space for the passage of air and light, except as allowed by subsection 11-21-5.F.4.b of this section.
- (2) The fence, and shall be set back a minimum of ten feet (10') from any lot line abutting a public right of way, except where additional setback is required by subsection F4b or F4e section 11-21-5.E of this section.
- b. A fence with a height greater than forty eight inches (48") or less than seventy five percent (75%) open space may be constructed within a ~~required rear yard of a double frontage lot and a side yard of a corner lot abutting a major collector or arterial street~~ side yard of a corner lot abutting a public right-of-way or required rear yard of a double frontage lot abutting a public right-of-way of a major collector or arterial street, provided that:

- (1) The fence shall be set back ~~fifteen~~ten feet (1510') from the property line abutting a major collector or arterial street on lots of record and preliminary platted lots having legal standing established after January 1, 1994 public right-of-way, except where additional setback is required by section 11-21-5.E of this section.
- (2) The fence ~~along~~within a side lot ~~lineyard~~ abutting a major collector or arterial street ~~public~~ right of way shall not extend into a required front yard and shall be no closer to the front lot line than a point intersecting the front line of the principal building.
- (3) For interior lots, a gate constructed of the same material as the fence shall be provided in the fence to allow for maintenance of the street side boulevard ~~for interior lots.~~

~~e. All fences located within any required yard abutting a public right of way shall maintain the traffic visibility requirements of section 11 16 15 of this title.~~

Section 11. Section 11-21-5.H.1.b of the City Code is hereby amended to read as follows:

b. Industrial districts:

- (1) Fences may be erected up to a maximum of eight feet (8') in height, except as may be allowed by approval of a conditional use.
- (2) Fences extending across front yards and side yards abutting a public right of way shall be at least seventy five percent (75%) open space for the passage of air and light except as allowed by subsection H.1.b(3) of this section.
- (3) Within the I-1 and I-2 districts, a privacy fence or solid wall may encroach into a required front yard or side yard of a corner lot abutting a public right of way for those

streets not classified as major collector or arterial by the transportation plan, except for Hamburg Avenue, by administrative permit provided that:

(a) The solid wall or privacy fence shall be setback twenty (20') feet from the public right-of-way except where additional setback is required by section 11-21-5.E of this section.

(b) The solid wall or privacy fence shall be constructed of a non-wood maintenance free material such as vinyl, stone, brick, split face block, textured or architectural concrete panels, synthetic or composite products, or similar materials as approved by the zoning administrator.

(c) The location of gates across driveways accessing the site shall be setback a sufficient distance so as not to cause congestion in the public street.

(d) The area on the street-side of the privacy fence shall be landscaped in accordance with section 11-21-9.A.1 of this title.

Section 12. Section 11-22-5.B.1 of the City Code is hereby amended to read as follows:

1. The outdoor storage area occupies space other than a required front yard setback or side yard setback area on a corner lot except in the I-1 and I-2 District when screened by a solid wall or privacy fence as allowed by section 11-21-5.H.1.b of this title.

Section 13. Section 11-23-15.R.2 of the City Code is hereby amended to read as follows:

2. ~~Commercial retail, office, or mixed use~~ Multiple occupancy buildings may display a freestanding sign ~~consistent~~ that complies with the applicable zoning

district provisions in section 11-23-19 of this chapter.

Section 14. Section 11-23-15.R.3 of the City Code is hereby amended to read as follows:

3. ~~Except as provided for in this subsection R,~~ Individual tenants of a multiple occupancy building within a commercial or industrial zoning district ~~shall not~~ may display separate wall, canopy, or marquee signs ~~unless the tenant's business has an exclusive exterior entrance and~~ subject to the following requirements:
 - a. ~~The number of individual wall, canopy, or marquee signs shall be limited to one per tenant space except one additional sign may be displayed on a second facade for the tenant of a corner suite or a suite that extends through the building thus having two (2) exterior walls.~~
 - b. ~~Each sign shall be limited to the maximum wall sign size permitted in the applicable zoning district provisions in section 11-23-19 of this chapter.~~
 - e. ~~The sign shall be located only on the exterior wall of the tenant space to which the sign permit is issued, but are not required to face a public street.~~
 - a. Within the O-R, C-1, C-2, C-3, C-CBD, and O-P Districts:
 - (1) The number of individual wall, canopy, or marquee signs shall be limited to one (1) per tenant space except one (1) additional sign may be displayed on a second facade for the tenant of a corner suite or a suite that extends through the building thus having two (2) exterior walls.
 - (2) The tenant's business shall have an exclusive exterior entrance.
 - (3) The sign(s) shall be located only on the exterior wall of the tenant space to which

the sign permit is issued, but are not required to face a public street.

(4) Each sign shall be limited to the maximum wall sign size permitted in the applicable zoning district provisions in section 11-23-19 of this chapter.

b. Within the I-1, I-2 and I-CBD Districts:

(1) The number of individual wall, canopy, or marquee signs shall be limited to one (1) per tenant space except that additional signs may be displayed on a second facade for the tenant of a corner suite or a suite that extends through the building thus having two (2) exterior walls subject to the following:

(a) The sign(s) shall be located only on the exterior wall of the tenant space to which the sign permit is issued, but are not required to face a public street.

(b) There shall be no more than (1) sign per tenant on any one (1) wall facing a public street.

(2) Each sign or the total area of all signs for an individual tenant shall be limited to the maximum wall sign size permitted in the applicable zoning district provisions in section 11-23-19 of this chapter.

dc. A comprehensive sign plan is submitted that includes all of the following information:

(1) A site plan to scale showing the location of lot lines, buildings, structures, parking areas, existing and proposed signs, and any other physical features of the area included within the proposed comprehensive sign plan.

(2) Scale elevations of buildings showing the location of existing or proposed wall, canopy, or marquee signs.

- (3) To scale plans for all existing and proposed signs of any type included within the comprehensive sign plan indicating area, dimensions, height, materials, colors, and any means of illumination.

Section 15. Section 11-23-19.E.1.b of the City Code is hereby amended to read as follows:

b. Wall, Canopy, Or Marquee Sign:

- (1) For single occupancy buildings, not more than one (1) wall, canopy, or marquee sign shall be permitted on one facade fronting a public street, ~~except:~~ in the case of a corner lot or through lot where wall signs may be installed on two (2) facades fronting a public street or as may be allowed by Section 11-23-19.E.1.b(3) and (4).

~~(A) In the case of a corner lot or through lot where wall signs may be installed on not more than two (2) facades fronting a public street.~~

~~(B) In the case of a single occupancy building or single tenant space with a gross floor area of forty five thousand (45,000) square feet or larger, additional secondary wall signs shall be allowed on one facade fronting a public street.~~

~~(C) Within the C CBD district, one additional sign shall be allowed to be displayed on a side or rear wall of a building, which may or may not front a public street.~~

- (2) The area of individual signs shall not exceed one hundred (100) square feet, except as may be allowed by Section 11-23-19.E.1.b(3).

(3) Single occupancy building or individual tenant space with a gross floor area of forty five thousand (45,000) square feet or more:

(A) Sign area:

(1) The area of one (1) individual sign ~~for single occupancy buildings or individual tenant spaces with a gross floor area of forty five thousand (45,000) square feet or larger~~ shall not exceed four hundred forty (440) square feet.

(2) If a second sign is allowed for a single occupancy building or individual tenant with a gross floor area of forty five thousand (45,000) square feet or larger by subsection E1b(1)(A) of this section, the area of the second individual sign shall not exceed two hundred (200) square feet.

(B) Secondary signs.

(1) Additional secondary wall signs shall be allowed on one (1) facade either fronting a public street or that is the front entry of the principal building.

(2) The total area of all secondary wall signs allowed by ~~subsection E1b(1)(B) of this section for a single occupancy building or individual tenant space with a gross floor area of forty five thousand (45,000) square feet or more~~ shall not exceed one hundred forty four (144)

square feet and the area of any one secondary wall sign shall not exceed seventy two (72) square feet.

(4) Within the C-CBD District, one (1) additional wall sign not exceeding one hundred (100) square feet shall be allowed to be displayed on a side or rear wall of a building, which may or may not front a public street.

Section 16. Section 11-23-19.G.1.b of the City Code is hereby amended to read as follows:

b. Wall, Canopy, Or Marquee Sign:

(1) For single occupancy buildings, not more than one (1) wall, canopy, or marquee sign shall be permitted on one facade fronting a public street, ~~except~~ in the case of a corner lot or through lot where wall signs may be installed on two (2) facades fronting a public street or as may be allowed by Section 11-23-19.G.1.b(3).

~~(A) In the case of a corner lot or through lot where wall signs may be installed on not more than two (2) facades fronting a public street.~~

~~(B) In the case of a single occupancy building or single tenant space with a gross floor area of forty five thousand (45,000) square feet or larger, additional secondary wall signs shall be allowed on one facade fronting a public street.~~

(2) The area of individual signs shall not exceed one hundred (100) square feet, except as may be allowed by Section 11-23-19.G.1.b(3).

(3) Single occupancy building or individual tenant space with a gross floor area of forty five thousand (45,000) square feet or more:

(A) Sign area:

(A₁) The area of one (1) individual sign for ~~single occupancy buildings or individual tenant spaces with a gross floor area of forty five thousand (45,000) square feet or larger~~ shall not exceed four hundred forty (440) square feet.

(2) If a second sign is allowed for a single occupancy building or individual tenant with a gross floor area of forty five thousand (45,000) square feet or larger by subsection G1b(1)~~(A)~~ of this section, the area of the second individual sign shall not exceed two hundred (200) square feet.

(B₃) The area of individual signs for single occupancy buildings or individual tenant spaces with a gross floor area of one hundred thousand (100,000) square feet or larger shall not exceed six hundred (600) square feet.

(B) Secondary signs.

(1) Additional secondary wall signs shall be allowed on one (1) facade either fronting a public street or that is the front entry of the principal building.

(~~€~~2) The total area of all secondary wall signs ~~allowed by subsection C1b(1)(B) of this section for a single occupancy building or individual tenant space with a gross floor area of forty five thousand (45,000) square feet or more~~ shall not exceed one hundred forty four (144) square feet and the area of any one secondary wall sign shall not exceed seventy two (72) square feet.

Section 17. Section 11-57-19.C.4.d(3) of the City Code is hereby amended to read as follows:

- (3) Integral colored split face (rock face) concrete block or cement fiberboard shall ~~not~~ qualify for meeting the brick, stucco and/or natural or artificial stone exterior material requirements for any facade of a building not facing a private drive or public right of way. If these materials are used to meet the brick, stucco and/or natural or artificial stone material requirement for the other facades, the material shall extend the full width of the foundation adjacent at ground level.

Section 18. Section 11-58-21.C.4.d(3) of the City Code is hereby amended to read as follows:

- (3) Integral colored split face (rock face) concrete block or cement fiberboard shall ~~not~~ qualify for meeting the brick, stucco and/or natural or artificial stone exterior material requirements for any facade of a building not facing a private drive or public right of way. If these materials are used to meet the brick, stucco and/or natural or artificial stone material requirement for the other facades, the material shall extend the full width of the foundation adjacent at ground level.

Section 19. Section 11-59-21.C.4.d(3) of the City Code is hereby amended to read as follows:

- (3) Integral colored split face (rock face) concrete block or cement fiberboard shall ~~not~~ qualify for meeting the brick, stucco and/or natural or artificial stone exterior material requirements for any facade of a building not facing a private drive or public right of way. If these materials are used to meet the brick, stucco and/or natural or artificial stone material requirement for the other facades, the material shall extend the full width of the foundation adjacent at ground level.

Section 20. Section 11-71-11.B of the City Code is hereby amended to include the following provision:

4. Propane sales (not refilling) limited to twenty (20) pound capacity tanks provided that:
- a. The propane tanks are secured in a locker and meet all state uniform building and fire codes.
- b. The storage locker shall be located upon a concrete or asphalt surface adjacent to the principal building.
- c. The storage locker shall not encroach into any required principal building setback, required parking stall, drive aisle or pedestrian sidewalk or otherwise impede vehicle and pedestrian circulation.

Section 21. Section 11-72-7 of the City Code is hereby amended to include the following provisions:

- U. Commercial boarding or kenneling of domestic animals provided that:
1. The number of animals boarded shall not exceed twenty (20).
2. Overnight boarding of animals shall not be allowed and the hours of operation shall be limited to Five o'clock (7:00) A.M. to eleven

o'clock (10:00) P.M. unless extended by the city council as part of the conditional use permit.

3. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.
4. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty degrees (60°) and seventy five degrees Fahrenheit (75°F).
5. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
6. Indoor animal kennel floors and walls shall be made of nonporous materials or sealed concrete to make it nonporous.
7. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
8. The appropriate license is obtained from the city clerk and the conditions of section 5-1-12 of this code are met.
9. All state health department and Minnesota pollution control agency requirements for such facilities are met.

Section 22. Section 11-72-11.B of the City Code is hereby amended to include the following provision:

4. Propane sales (not refilling) limited to twenty (20) pound capacity tanks provided that:

- a. The propane tanks are secured in a locker and meet all state uniform building and fire codes.
- b. The storage locker shall be located upon a concrete or asphalt surface adjacent to the principal building.
- c. The storage locker shall not encroach into any required principal building setback, required parking stall, drive aisle or pedestrian sidewalk or otherwise impede vehicle and pedestrian circulation.

Section 23. Section 11-73-7 of the City Code is hereby amended to include the following provisions:

U. Commercial boarding or kenneling of domestic animals provided that:

1. The number of animals boarded shall not exceed twenty (20).
2. Overnight boarding of animals shall not be allowed and the hours of operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. unless extended by the city council as part of the conditional use permit.
3. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.
4. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty degrees (60°) and seventy five degrees Fahrenheit (75°F).
5. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.

6. Indoor animal kennel floors and walls shall be made of nonporous materials or sealed concrete to make it nonporous.
7. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
8. The appropriate license is obtained from the city clerk and the conditions of section 5-1-12 of this code are met.
9. All state health department and Minnesota pollution control agency requirements for such facilities are met.

Section 24. Section 11-73-11.B of the City Code is hereby amended to include the following provision:

4. Propane sales (not refilling) limited to twenty (20) pound capacity tanks provided that:
 - a. The propane tanks are secured in a locker and meet all state uniform building and fire codes.
 - b. The storage locker shall be located upon a concrete or asphalt surface adjacent to the principal building.
 - c. The storage locker shall not encroach into any required principal building setback, required parking stall, drive aisle or pedestrian sidewalk or otherwise impede vehicle and pedestrian circulation.

Section 25. Section 11-74-7.D of the City Code is hereby amended to read as follows:

D. ~~Reserved. — Buildings combining residential and nonresidential uses allowed in this district, provided that:~~

- ~~1. The residential and nonresidential uses shall not conflict in any manner.~~
- ~~2. The residential design and construction standards as outlined in the RH-1 district are met.~~

Section 26. Section 11-74-11.B of the City Code is hereby amended to include the following provision:

4. Propane sales (not refilling) limited to twenty (20) pound capacity tanks provided that:

a. The propane tanks are secured in a locker and meet all state uniform building and fire codes.

b. The storage locker shall be located upon a concrete or asphalt surface adjacent to the principal building.

c. The storage locker shall not encroach into any required principal building setback, required parking stall, drive aisle or pedestrian sidewalk or otherwise impede vehicle and pedestrian circulation.

Section 27. Section 11-74-11 of the City Code is hereby amended to include the following provision:

H. Buildings combining the non-residential uses allowed in this district, and residential uses, provided that:

1. The residential use shall not be located on the ground floor.

2. The residential and nonresidential uses shall not conflict in any manner.

3. The residential design and construction standards as outlined in the RH-1 district are met.

Section 28. Section 11-86-11 of the City Code is hereby amended to include the following provisions:

G. Construction of solid wall or privacy fence within a required front yard or required side yard of a corner lot abutting a public right-of-way as provided for in section 11-21-5.H.1.b of this title.

Section 29. Section 11-86-13 of the City Code is hereby amended to read as follows:

11-86-13: LOT REQUIREMENTS AND SETBACKS:
The following minimum requirements shall be observed in an I-1 district subject to additional requirements, exceptions and modifications set forth in this title:

Lot area		30,000 square feet
Lot width		100 feet
Setbacks:		
	Front yards	50 <u>40</u> feet
	Rear yards	30 feet, <u>or 50 feet on the yard abutting residential zoned property</u>
	Side yards	10 feet on any one side, or 30 feet on the side yard abutting a street. Side yards abutting residential zoned property, not less than 50 feet on the side yard abutting the residential zoned property

Section 30. Section 11-86-15.A of the City Code is hereby amended to read as follows:

A. Principal buildings: ~~Three (3)~~ Four (4) stories or ~~thirty~~ forty five feet (~~35~~45')

Section 31. Section 11-87-11 of the City Code is hereby amended to include the following provisions:

G. Construction of solid wall or privacy fence within a required front yard or required side yard of a corner lot abutting a public right-of-way as provided for in section 11-21-5.H.1.b of this title.

Section 32. Section 11-87-13 of the City Code is hereby amended to read as follows:

11-87-13: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an I-2 district subject to additional requirements, exceptions and modifications set forth in this title:

Lot area		1 acre
Lot width		100 feet
Setbacks:		
	Front yards	40 feet
	Rear yards	30 feet, or 50 feet on the yard abutting residential zoned property
	Side yards	15 <u>10</u> feet on any one side, or 40 <u>30</u> feet on the side yard abutting a street; except 50 feet on the side yard abutting residential zoned property

Section 33. Section 11-101-29.E of the City Code is hereby amended to read as follows:

E. Historic structures, as defined in ~~section 11-2-3 of this title~~44 Code of Federal Regulations, Part 59.1, shall be subject only to the provisions of subsections A, B and C of this section.

Section 34. Section 11-102-23 of the City Code is hereby amended to include the following provision:

F. The criteria established by Section 11-6-5 of this title are met.

Section 35. This ordinance shall be in full force and effect upon its passage and publication according to law.

ADOPTED by the City Council of the City of Lakeville, Minnesota, this ____ day of ____, 2012.

CITY OF LAKEVILLE

BY: _____
Mark Bellows, Mayor

ATTEST:

Charlene Friedges, City Clerk