

ZONING ORDINANCE

SECTION 9 SPECIAL REGULATIONS

The following regulations shall apply to all zoning districts unless specifically stated otherwise. Determination of potential or actual noncompliance with such special regulations shall be made by the City Council or its duly appointed agent. All uses and structures shall comply with all applicable local, State and Federal laws, rules and regulations.

9.1 PERFORMANCE STANDARDS

9.1.1 RESIDUAL FEATURES:

No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust, and particulate matter in such concentrations as to be detrimental to or endanger the public health, welfare, comfort and safety, or cause injury to property or business.

9.1.2 GLARE:

Any lighting used to illuminate an off-street parking area or sign shall be arranged so as to deflect light away from any adjoining residential property or from the public streets. Direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

9.1.3 VIBRATION:

Any use creating periodic earth-shaking vibrations, such as may be created from a drop forge, shall be prohibited if such vibrations are perceptible beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.

9.1.4 EXPLOSIVES:

Any use requiring the storage, utilization, or manufacturing of products which could decompose by detonation shall be located not less than four hundred feet from any R1, R1A, R1B, R2, R3, PRD, PCD, C1, or P2 District line provided that this Section shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or commercial purposes.

9.1.5 RADIATION AND ELECTRICAL EMISSIONS:

No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation at any point of any equipment including, but not limited to, radio and television reception other than that of the creator of the disturbance.

9.1.6 WASTE MATERIAL:

Waste material shall not be washed into the public storm sewer system nor the sanitary sewer system without first having received a permit to do so from the

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City. If said permit is not granted, a method of disposal shall be devised which will not require continuous land acquisition for permanent operation and will not cause a detrimental effect to the adjacent land. Should the waste be of solid form rather than fluid the storage area shall be located and fenced as to be removed from public view. In all districts, all waste material, debris, refuse, garbage, and materials not currently in use for construction or otherwise regulated herein, shall be kept in an enclosed building or properly contained in a closed container for such purposes. The owner of vacant land shall be responsible for keeping such vacant land free of waste material and noxious weeds. Existing uses shall comply with this provision within six (6) months following enactment of this Ordinance.

9.1.7 INCINERATION:

Incineration of goods and materials shall be prohibited as a principal use, but may be allowed by Conditional Use Permit if incidental to a permitted principal use provided that:

- a) Such incineration shall comply with all applicable local, State and Federal laws, rules and regulations;
- b) The owner shall pay for an inspection conducted by an independent testing firm as may be ordered by the City of Chaska from time to time.

9.2 OFF-STREET PARKING

Regulation of off-street parking spaces is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking in accordance with the utilization of various parcels of land or structures.

All applications for permits required under this Ordinance in all districts shall be accompanied by a site plan drawn to scale and dimensions indicating the location of off-street parking and loading spaces in compliance with the following requirements:

9.2.1 GENERAL PROVISIONS:

9.2.1.1 Yards

Parking areas and garage stalls accessory to residential structures shall be subject to front yard and to side yard requirements on a street abutting a corner lot in accordance with the requirements for the use district in which the parking is located, except that when the parking area is the primary rather than accessory use of a particular property and when such property abuts a lot in the Commercial or Industrial Districts and is in the same ownership as the land in such Districts, such front and side yard depths may be reduced to not less than ten (10) feet.

9.2.1.2 Benches in Places of Public Assembly

In stadiums, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 22 inches of such seating facility shall be counted as one seat for the purpose of determining required parking.

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9.2.1.3 **Parking Spaces**

Each parking space shall not be less than nine feet wide and twenty feet in length and each space shall be served adequately by access drives. For purposes of calculating parking space requirements, one parking space for one vehicle shall equal 300 square feet of storage and maneuvering area including access drive.

9.2.1.4 **Parking on Residential Lots**

- a) Passenger automobiles, vans and trucks with a carrying capacity of one ton or less except that only one commercially licensed vehicle shall be permitted per lot. Commercially licensed vehicles or trailers over one ton capacity shall be permitted to be parked on a residential lot only when loading, unloading, or rendering a service.
- b) Recreational vehicles including, but not limited to, motor homes, travel trailers, pickups with slip-in campers, boats, motorcycles, snowmobiles, except that only one such vehicle over 30 feet in length shall be permitted per lot.

9.2.2 **LOCATION OF PARKING SPACES:**

9.2.2.1 **Spaces for Dwellings**

- a) Off-Street Parking Locations Limited:

In Residential Zoning Districts the off-street parking of permitted vehicles as defined in Minnesota Statute No. 169.01 Subd. 2 shall occur only in a garage or a principal driveway.

- b) Driveway Restrictions:

Driveways serving residential lots shall not exceed 40 percent of the lot width at the required front yard setback, but in no case shall exceed 36 feet in width; and where the driveway meets the street curb, the driveway shall be no wider than 24 feet. In cases where a driveway exceeds 24 feet at the street right-of-way, the driveway width within such right-of-way (boulevard) shall not extend beyond a diagonal line connecting the point where such driveway meets the right-of-way to the point where it meets the curb. In addition to the above, one 12 foot x 20 foot hard surfaced area for vehicular turnaround shall be permitted in the front yard. The intent of these driveway regulations is to provide for off-street parking in driveways and convenient access to garages, but also to limit the amount of driveway surface in relation to the front yard area in order to preserve reasonable "curb appeal" and neighborhood attractiveness.

9.2.2.2 **Spaces for Commercial Retail Uses or for Public or Semi-Public Uses, Excepting Shopping Centers**

Within 300 feet of the main entrance of the building served.

9.2.2.3 **Spaces for Industrial Uses**

Within 800 feet of the main entrance of the building being served.

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9.2.3 SETBACK REQUIREMENTS:

9.2.3.1 Within Residential Districts

Driveways shall be set back five (5) feet from interior side lot lines and 15 feet from street side lot lines.

Front, side and rear yard parking areas shall be subject to the dwelling unit or accessory building setbacks of the underlying Zoning District, whichever is less.

9.2.3.2 Within Non-Residential Districts

Off-street parking spaces shall not be less than ten (10) feet from a street right-of-way line nor less than five (5) feet from any interior side or rear lot line, with the following exceptions:

- a) Where a side or rear lot line is abutting a Residential District, off-street parking shall not be less than ten (10) feet from said lot lines; and
- b) Where joint parking facilities or adjoining parking facilities are subject to cross access easements/agreements, the parking area setbacks from common interior lot lines shall not be required, unless required by City Council at time of Site Plan Approval. (Ord. No. 640, 8/17/98)

9.2.3.3 Along Trunk Highway 41

Off-street parking and driving areas shall be set back 90 feet from the centerline of T.H. 41, from Woodland Drive to the north City limits.

9.2.4 JOINT PARKING FACILITIES:

Required parking facilities serving two or more uses may be located on the same lot or in the same structure provided that the total number of parking spaces so furnished shall not be less than the sum total of the separate requirements for each use during any peak hour parking period when the parking facility is utilized at the same time by two or more uses. Conditions required for joint use are:

- a) The proposed joint parking space is within 400 feet of the use it will serve;
- b) The applicant(s) shall show that there is no substantial conflict in the principle operating hours of the two or more buildings or uses for which joint use of off-street parking facilities is proposed;
- c) A properly drawn legal instrument approved by the City Attorney, executed by the parties concerned for joint use of off-street parking facilities shall be filed with the Clerk. Said instrument may be a three or more party agreement including the City.

9.2.5 DESIGN AND MAINTENANCE OF OFF-STREET PARKING AREAS:

9.2.5.1 Access

Access and parking areas shall be designated so as to provide an adequate means of access to a public alley or street. Said driveway shall be limited so as to cause the least interference with traffic movement. All public parking areas shall have access off driveways and not directly off a public street. All outside parking spaces shall be clearly marked.

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9.2.5.2 Calculating Space

When the determining of the number of required off-street parking spaces results in a fraction, each fraction of one-half or more shall constitute another space.

9.2.5.3 Signs

Signs located in any parking area necessary for orderly operation of traffic movement are permitted subject to the regulations in Subsection 10.11(a).

9.2.5.4 Surfacing and Curbing

Except in the R-Rural and RR-Rural Residential Districts, all the area intended to be utilized for parking space and driveways shall be surfaced with concrete or bituminous to control dust and drainage; and shall be edged with poured in-place curbing except in all residential districts. This requirement also applies to open sales lots.

9.2.5.5 Lighting

Exterior lighting shall not be directed upon adjacent land or the public right-of-way.

9.2.5.6 Screening and Landscaping

Open parking areas containing six (6) or more parking spaces shall be screened on each side adjoining a residential or public use or a public street. [See Subsection 9.6.6.1(a).]

9.2.6 REQUIRED NUMBER OF OFF-STREET PARKING SPACES:

Parking spaces shall be provided in number according to the following: (Floor area as stated hereunder shall mean gross floor area unless stated otherwise.)

9.2.6.1 Residential

a) One and two family dwellings:

- Two spaces per dwelling unit

b) Townhouses/Single Family Attached Housing:

- Two spaces per unit, plus at least one space per two units shall be provided in common lots for visitor parking use

c) Multiple family dwellings:

(i.e., walkup apartments, garden apartments, condos, etc.)

- Two spaces per dwelling unit

d) Housing designed primarily for the elderly:

- One space for each two dwelling units

9.2.6.2 Public / Semi-Public

a) School - elementary:

- One space for each classroom plus one additional space for each 30 student capacity

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- b) School - junior high:
 - One space for each classroom plus two additional spaces for each 30 student capacity
- c) School - senior high through college and private schools:
 - One space for each classroom plus one additional space for each six students based upon design capacity
- d) Churches, theaters, auditoriums, mortuaries, and other similar places of assembly:
 - One space for each three and one-half seats based upon design capacity of seating area
- e) Athletic field:
 - One space for each six seats based upon design capacity
- f) Community center, post office, YMCA, YWCA, physical culture studio, library, private club, lodge, museum, art gallery, and other similar establishments:
 - 12 spaces plus one for each 300 square feet in excess of 2,000 square feet of floor area in the principal structure
- g) Hospital:
 - One space for each three hospital beds based upon design capacity
- h) Golf club, country club, tennis club, public swimming pool, and other similar establishments:
 - 20 spaces plus one for each 300 square feet in excess of 1,000 square feet of floor area in the principal structure
- i) Sanitarium, convalescent home, rest home or nursing home:
 - Four spaces plus one for each four beds based upon design capacity

9.2.6.3 Commercial / Industrial

- a) Retail sales, service establishments and shopping center:
 - One space for each 200 square feet of floor area
- b) Personal and professional offices, medical clinics, dental clinics, banks, savings institutions, etc.:
 - One space for each 250 square feet of floor area
- c) Drive-in establishment:

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- One space for each 20 square feet of floor area
- d) Motel, motor hotel, or hotel:
 - One space for each guest room plus one for each employee, plus additional spaces as may be required herein for related uses
- e) Bowling alley:
 - Five spaces for each alley plus additional spaces as may be required herein for related uses
- f) Motor service stations:
 - Four spaces plus two additional spaces for each service stall
- g) Day Care Centers:
 - One space for each employee
- h) Restaurants, cafes, bars, taverns, night clubs, etc.:
 - One space for each three seats based upon design capacity of seating area
- i) Furniture store, appliance store, auto sales, kennels, studios, commercial greenhouses:
 - One space for each 400 square feet of floor area. Open sales or rental lots shall provide one space for each 3,500 square feet of land which is to be used for sales and display area
- j) Skating rinks, dance hall, public auction house, golf driving range, miniature golf, trampoline center, and similar uses:
 - 15 spaces plus one additional space for each 300 square feet of floor area over 2,000 square feet
- k) Manufacturing, processing, fabrication:
 - One space for each 350 square feet of floor area
- l) Wholesaling, warehousing and similar uses:
 - One space for each 2,000 square feet of floor area, except that site plans for such uses shall show parking areas sufficient to meet a ratio of one space per 350 square feet in the event the use is changed in future

9.2.6.4 Other Uses As required by City Council.

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9.2.6.5 C3, Downtown Parking Requirement

In general, the above parking requirements shall be reduced by 75 percent when applied to uses within the C3 Downtown District. For example, a 6,000 square foot retail establishment would normally require 40 spaces, but would require 10 spaces if located in the Downtown District. The intent is to preserve the historic, compact, pedestrian oriented character of the present downtown to the extent possible. In the event of a sizable redevelopment project within the C3 District, parking spaces shall be provided as required by the City Council.

Uses permitted in existing downtown buildings shall not be required to provide additional parking beyond that available on-site, but shall be subject to parking requirements in the event an existing building is expanded or a new building is proposed.

9.3 OFF-STREET LOADING FACILITIES

Adequate off-street loading space shall be provided in connection with any structure which requires receipt or distribution of materials by vehicles.

9.3.1 LOCATION:

All loading berths shall be 25 feet or more from the intersection of two street right-of-way lines. Loading berths shall not occupy any yard requirement bordering a street.

9.3.2 SIZE:

Unless otherwise specified, the first berth required shall not be less than 12 feet in width and 50 feet in length. Additional berths shall not be less than 12 feet in width and 24 feet in length. All loading berths shall maintain a height of 14 feet or more.

9.3.3 ACCESS:

Each loading berth shall be located with appropriate means of access to a public street or alley in a manner which will least interfere with traffic.

9.3.4 SURFACING:

All loading berths and accessways shall be improved with a durable, dust-free material.

9.3.5 ACCESSORY USES:

Any area allocated as a required loading berth or access drive so as to comply with the terms of this Ordinance shall not be used for the storage of goods, inoperable vehicles nor be included as a part of the area necessary to meet the off-street parking area.

9.4 LAND EXCAVATION AND RECLAMATION

Land excavation is the removal of sand, dirt, gravel, rock, clay or similar earth material or unsuitable foundation material from the land. Land filling is the deposit of such earth material so as to raise existing surface grades. Grading is the movement of such earth material within a given site. For purpose of this Section, it is assumed that a typical double-axle dump truck has a carrying capacity of

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approximately 14 “loose” cubic yards of earth material which is equivalent to about ten (10) compacted cubic yards.

9.4.1 PERMITS REQUIRED:

- 9.4.1.1** Land excavation or filling in excess of 200 cubic yards but less than 2,000 cubic yards of material shall require a permit from the Zoning Administrator, after review and approval of the exhibits required hereunder by the City Engineer and after payment of a permit fee.
- 9.4.1.2** Land excavation or filling in excess of 2,000 cubic yards of material shall require a Conditional Use Permit according to procedures outlined in Subsection 14.7.
- 9.4.1.3** Any material proposed to be deposited in the Floodway District other than filling small localized depressions for the purpose of landscaping, or the deposition of topsoil for the purposes of grading or landscaping, shall require a Conditional Use Permit and shall be subject to the standards for Floodway District uses contained in Subsection 5.4 of this Ordinance.

9.4.2 PERMIT EXCEPTIONS:

A permit under this Section shall not be required for the following:

- 9.4.2.1** Excavation or fills of less than 200 cubic yards of material.
- 9.4.2.2** Construction of buildings for which a permit has been applied for and issued, provided the contemplated excavation or filling operation was sufficiently described at the time of building permit application.
- 9.4.2.3** Excavation or fills associated with a development project on platted property which have commenced within two (2) years after an approved plat has been filed with Carver County.
- 9.4.2.4** Excavation or fills by State, County or City authorities in connection with the construction or maintenance of roads, highways, parks or utilities or on slope or utility easements provided such activity is conducted within public rights-of-way or easements.
- 9.4.2.5** Curb cuts, utility hook-ups or street openings for which another permit is required from the City.
- 9.4.2.6** Any development for which a Conditional Use Permit has been approved and granted and a final grading plan approved as a part thereof.

9.4.3 PERMIT APPLICATION / EXHIBITS:

Application for excavation and filling permits shall be made in writing on forms supplied by the City and shall be submitted to the Zoning Administrator for processing. Applications shall be filed jointly by the land owner and the earth-moving contractor. The following information and exhibits shall be submitted with the completed application form:

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- 9.4.3.1** A map showing existing conditions on the site and within 300 feet of the site including land ownership, structures, utilities, roadways, vegetation, drainage courses contour lines at two foot intervals, and other pertinent natural features, if required by Engineer or City Council.
- 9.4.3.2** A plan for removal from or deposit upon subject property in accordance with provisions of this Ordinance, showing final topography indicated by contour lines at no greater interval than five (5) feet, steps to be taken to conserve topsoil, method of controlling erosion, anticipated future use of the property including location of future roads, drainage courses and other improvements.
- 9.4.3.3** Identification of proposed truck hauling routes and method of controlling dust on-site and along haul routes.
- 9.4.3.4** Hours and period of operation.
- 9.4.3.5** Copies of any agreements contemplated or entered into between the owner of the property and any other person charged with performance of the earth work.
- 9.4.3.6** A bond and/or other security naming the City as Obligee in an amount deemed adequate by the City Council.
- 9.4.4 REQUIREMENTS:**
Issuance of a land excavation or filling permit shall be made subject to the following minimum requirements, and such other requirements as the City Council may specify to protect the public interest.
- 9.4.4.1 Setback from Adjacent Property**
All operations shall be conducted no closer than 100 feet to an adjacent property, unless under common lease or ownership, and no closer than 100 feet to any right-of-way line.
- 9.4.4.2 Setback from Existing Structures / Public Uses**
All operations shall be conducted no closer than 300 feet to an existing dwelling, school, hospital, or similar residential or public use. It shall be unlawful for any persons to dig and leave open, unfenced, unbarricaded or uncovered, any pit, quarry, hole, or excavation, including basements, wells, septic tanks, or cesspools.
- 9.4.4.3 Restoration**
At the end of excavation or filling operations, the disturbed area shall be restored with topsoil or other approved cover material and shall be reseeded to establish approved vegetation.
- 9.4.4.4 Finished Grades**
Finished grades shall not adversely affect adjacent properties.
- 9.4.4.5 Drainage**
Drainage facilities shall be provided to effectively divert or convey storm water run-off.
- 9.4.4.6 Fire / Rodent / Wind / Hauling Control**

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Provisions for effectively controlling fire, rodents, and dispersal of material by wind or by hauling to and from the site, and for general maintenance of the site shall be made.

9.4.4.7 Permit Period

The excavation or filling permit shall run for one (1) year unless a lesser or greater period is specified by the City Council.

9.4.5 REVIEW BY CITY ENGINEER:

In all cases, each application for permits for the above must be reviewed by the City Engineer before the permit is granted. Also, in all cases, the City Engineer has the right to review procedures, processes, and results in view of the operations to determine whether they are in accordance with general public welfare and safety through regular on-site inspections. The Engineer, upon determining the permittee's operation creates a serious and immediate safety hazard, may order the operation ceased for a period of 72 hours. Upon so ordering, the Engineer shall immediately notify the Mayor and the permittee in writing of the hazard and the Mayor shall call a special meeting of the Council. The permittee shall be requested to attend this meeting. If the Council determines that an immediate safety hazard exists, the permit shall be withdrawn until the permittee complies with Council directives to eliminate the hazard.

9.5 UNDERGROUND UTILITIES

All utility lines hereafter installed, constructed, or otherwise placed within the City of Chaska for electric, telephone, cable TV, or other like or similar services to serve residential, commercial, and industrial customers in newly platted areas, and which utilize metallic conductors to carry electric current, whether owned, installed, or constructed by the supplier, consumer, or any party shall be installed and placed underground in an approved, safe manner, subject only to the exceptions stated below.

9.5.1 UTILITY COMPANIES:

All companies installing and operating lines such as those described herein shall be referred to as "Utility Companies" for the purpose of this Section.

9.5.2 EXCEPTIONS TO APPLICATION:

The following exceptions to the strict applicability of this Section shall be allowed upon the conditions stated:

9.5.2.1 Above-Ground Appurtenance Installations

Above-ground placement, construction, modification, or replacement of meters, gauges, transformers, street lighting, and service connection pedestals shall be allowed.

9.5.2.2 Above-Ground Line (High Voltage) Installations

Above-ground placement, construction, modification, or replacement of those lines commonly referred to as "high voltage" transmission lines shall be allowed; or, where it is determined by the City that there is not an adequate "back-up" system or alternative system to serve customers in the event of disruption of the proposed underground line to be installed; provided, however, that 60 days prior

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to commencement of construction of such a project, the City Engineer shall be furnished notice of the proposed project and, upon request, the Utility Company involved shall furnish any relevant information regarding such project to the City Engineer.

9.5.2.3 Above-Ground Line Installation - Residential / Commercial / Industrial

Above-ground placement, construction, modification, or replacement of lines shall be allowed in residential, commercial, and industrial areas where the City Council, following consideration and recommendation by the Planning Commission finds that underground placement is impractical or not technically feasible due to topographical, subsoil, or other existing conditions which adversely affect underground utility placement.

9.5.2.4 Above-Ground - Temporary Service

Above-ground placement of temporary service line shall only be allowed:

- a) During the new construction of any project for a period of not to exceed 24 months;
- b) During an emergency to safeguard lives or property within the City of Chaska;
- c) For a period of not more than seven (7) months when soil makes excavation impractical.

9.5.3 REPAIR AND MAINTENANCE OF EXISTING INSTALLATIONS:

Nothing in this Section shall be construed to prevent repair, maintenance, replacement, or modification of existing overhead utility lines.

9.6 LANDSCAPING AND SCREENING

9.6.1 INTENT:

It is the policy of the City to preserve its significant natural resources as a complement to existing and future urbanization. In particular, steep wooded slopes (over 18 percent), wetlands and drainageways shall be preserved in their natural state for their functional and ecological value as well as for their positive impact upon proximate urban development. (See Subsection 9.9.3.)

Development within woodland areas less than 18 percent slope may be permitted but, as far as practical, retention of substantial tree stands shall be encouraged and incorporated into the required Landscape Plan.

In addition to preservation of existing woodland areas, it is the policy of the City to require significant landscaping/planting in open or disturbed areas as a normal part of land development. Specific requirements shall be as set forth in this Section.

9.6.2 LANDSCAPE PLAN REQUIRED:

In every case where landscaping is required by provision of this Ordinance or by an approval granted by the City, for a building or structure to be constructed on any property, the applicant for the building permit shall submit a landscape plan

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prepared by a landscape architect, nursery designer or other qualified person in accordance with the provisions of this Section. The Landscape Plan shall include the following information:

9.6.2.1 General

Name and address of developer/owner; name and address of landscape architect, designer; date of plan preparation; date and description of all revisions; name of project or development.

9.6.2.2 Site Plan

A scale drawing of the site based upon a survey of property lines with indication of scale and north point; name and right-of-way of proposed and existing streets; location of all proposed utility easements and rights-of-way; location of existing and proposed buildings; parking areas; water bodies; proposed sidewalks; percent of site not covered by impervious surface.

9.6.2.3 Landscape Plan

A scale drawing of proposed landscaping for the site based upon a survey of property lines with indication of scale and North point; existing and proposed topographic contours at two foot contour intervals; details of proposed planting beds and foundation plantings; delineation of both sodded and seeded area; location and identification of proposed landscape or man-made materials used to provide screening from adjacent and neighboring properties, including a separate cross-section drawing at legible scale illustrating the effectiveness of proposed screening; location and identification of all planting (trees, shrubs, flowers, ground cover, etc.); details of fences, tie walls, planting boxes, retaining walls, tot lots, picnic areas, berms, and other landscape improvements, location of landscape islands and planter beds with identification of plant materials used; and location and details of irrigation systems.

9.6.2.4 Planting Schedule

A table containing the common names and botanical names, size of plant materials, root specifications, quantities, and special planting instructions.

9.6.3 GENERAL REQUIREMENTS:

9.6.3.1 All Districts

All open areas of developed lots which are not devoted to off-street parking, loading and driving areas, sidewalks, patios, gardens and similar uses, shall be landscaped with grass, ground cover, trees, shrubs or other ornamental landscape material. Undisturbed areas containing existing viable natural vegetation may be left in their natural state but shall be kept free of litter, debris, and noxious or unsightly weeds.

9.6.3.2 Sodding, Seeding and Ground Cover

In developed areas, sod shall be required within street boulevards and within front and side yards which have been disturbed, and within all yards adjacent to collector and arterial streets. Seeding or other acceptable ground cover shall be required in rear yards, and may be permitted in front and side yards if a lawn acceptable to the City can be established in one growing season. Seeding may be permitted in future expansion areas shown on approved plans.

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9.6.3.3 Slopes and Berms

The maximum gradient of final slopes and berms shall not exceed a 4:1 horizontal to vertical ratio unless approved by the City Engineer. In such case, the use of special measures such as special seed mixtures or reforestation, terracing or retaining walls may be required. The intent is to prevent soil erosion and provide for reasonably convenient maintenance practices.

9.6.3.4 Minimum Size of Required Trees or Shrubs

Overstory Deciduous Trees	2 1/2" diameter
Understory Deciduous Trees	1 1/2" diameter
Coniferous Trees	6 feet tall
Major Shrub Planting	5 gallons

9.6.3.5 Method of Installation

All deciduous and coniferous trees shall be balled and burlapped, staked, and guyed in accordance with the American Nurseryman's Association standards. All shrubs shall be potted.

9.6.3.6 Placement of Plant Materials

No trees or shrubs shall be allowed within any drainage utility easements, street right-of-way, or immediately adjacent to any driveway or street intersection when it would interfere with motorist's views of the street at maturity. Plant material centers shall be located at least three feet from fences or property lines.

9.6.3.7 Responsibility

The Developer shall be responsible for installation of required trees and plant materials unless there is no Developer involved in which case the property owner shall be responsible. The property owner shall be responsible for replacement of any dead trees, shrubs, ground cover and sod required by this Section, and shall maintain all materials in a slightly and healthy growing condition without cost to the City.

9.6.3.8 Species

- a) All required overstory trees shall be comprised of species which are classified as overstory trees by the American Nurseryman's Association. Trees which are considered as half trees, shrubs, understory trees or ornamental trees shall not be included in the count of required overstory trees;
- b) No more than 50 percent of the required number of overstory trees shall be composed of one species;
- c) Required overstory trees shall not include:
 - i) All species of the genus *Ulmus* (elm);
 - ii) Box elder, cottonwood (male only);
 - iii) All species of the genus *Populus* (poplar); or
 - iv) Ginko (female only).

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9.6.3.9 The landscaping required by this Section shall be installed to the satisfaction of the City within one growing season of building completion or occupancy, whichever is first.

9.6.3.10 All properties shall have adequate exterior water sources (spigots) to insure that plant materials can be maintained.

9.6.4 REQUIREMENTS FOR ONE AND TWO FAMILY RESIDENTIAL SUBDIVISIONS:

9.6.4.1 Tree Planting

a) In addition to general requirements for landscaping in all districts as set forth in Subsection 9.6.3, all new subdivisions shall be required to provide, at the Developer's expense, one overstory deciduous trees per every 50 feet along public streets, on each side, minimum 2 1/2 inch caliper. The trees may be distributed throughout the subdivision and need not necessarily be spaced 50 feet apart. Such required trees shall be planted within six (6) months of home occupancy. Credit for preservation of existing trees may be given as determined by the Community Development Department.

b) Where practical, planted earth berms shall be provided along all collector and arterial streets to minimize negative impacts upon residential properties from adjacent high traffic volumes. Plant material shall consist of tree and shrub types which most effectively provide a visual screen as determined by the Community Development Department.

9.6.5 REQUIREMENTS FOR COMMERCIAL, INDUSTRIAL, PUBLIC AND MULTIPLE FAMILY AREAS:

In developed areas other than one and two family lots, the following shall be required:

9.6.5.1 Total Caliper Inches of Overstory Trees Required

In order to achieve landscaping which is appropriate in scale with the size of a building site, the minimum number of caliper inches of overstory trees required shall be determined by dividing the total gross square footage of all floors of a building by 320. A single-story building in excess of 24 feet in height shall be considered a two-story building for the purposes of determining its total gross square footage. A mixture of plant material sizes shall be required as follows:

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MINIMUM OVERSTORY TREE SIZE
(In Caliper Inches)

Building Heights (In Stories)	2.5	3.0	3.5	4.0	4.5	5.0
1	70%	10%	10%	10%	-	-
2	60%	10%	10%	10%	10%	-
3	50%	10%	10%	10%	10%	10%
4	40%	20%	10%	10%	10%	10%
5	30%	20%	20%	10%	10%	10%
5+ Stories	20%	20%	20%	20%	10%	10%

For the purpose of satisfying the total caliper inch requirement, coniferous trees can be considered equivalent to overstory trees by dividing the height of a coniferous tree's six (6) foot height minimum by 2.4 to determine equivalent caliper inches.

Note: When determination of height results in a fractional foot, any fraction of 0.5 or less may be disregarded; a fraction in excess of 0.5 shall be counted as one foot.

9.6.5.2 Understory Trees and Shrubs

In addition to the required number of overstory trees listed above, a full complement of understory trees and shrubs shall be provided to complete a quality landscape treatment of the site. As used herein, a full complement shall mean approximately 25% of the required number of overstory trees.

9.6.5.3 Credit for Existing Trees

Sites containing significant existing trees which will be retained may be given a credit against the caliper inch requirements listed above. Significant trees are defined as coniferous trees six (6) feet or more in height, overstory deciduous trees 12 inches or more in diameter, or understory deciduous trees eight (8) inches or more in diameter. Examples of acceptable overstory trees are oak, maple, basswood, and ash. Examples of acceptable understory trees are crabapple, Russian olive, river birch, and amur maple. The amount of credit will be based upon location and size as determined by the Community Development Department. Credit shall not be given for dead, diseased or damaged trees.

9.6.5.4 Planting Islands

Planting islands shall be required where necessary to visually break up expanses of hard surface parking areas as determined by the Community Development

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Department. Planting islands shall occupy at least five (5) percent of the parking area.

Installation of irrigation systems shall be encouraged to assure continued maintenance and health of plant material.

9.6.6 SCREENING:

9.6.6.1 Screening Required

- a) Off-street open parking areas containing six (6) or more spaces, and all loading facilities shall be screened from public streets which afford an unobstructed view of the parking or loading area, and from adjacent properties zoned or developed for residential or public use. Height of screening shall be at least four (4) feet but no more than six (6) feet above level of parking lot, and shall be ten (10) feet above the loading facility. Minimum opacity shall be 75 percent.
- b) Screening Required. Outdoor storage areas permitted in the I-Industrial District shall be screened by fences subject to the provision of Subsection 9.20.4.1.
- c) Trash storage facilities and mechanical equipment shall be screened from all lot lines and public streets. Screening shall be high enough to completely screen from all property lines. If fences are used, the guidelines as provided in Subsection 9.20.4.1 are to be followed.

9.6.6.2 Materials

Required screening may be achieved with any combination of the following: earth mounds, walls, fences, shrubs, compact evergreen trees, or dense deciduous hedge. In general, plant materials are preferred as opposed to walls and fences. If walls and fences are used, they shall be subject to the provisions of Subsection 9.20.4.1(b).

9.6.6.3 Location

Required screening shall be located at the same lot as the facility to be screened. It shall not be located within street rights-of-way, nor within 15 feet of any street or driveway opening onto a street.

9.6.7 LANDSCAPE GUARANTEE:

Financial security shall be provided as required by Subsection 14.4.4.3 of this Ordinance in order to guarantee the installation and vigorous growing condition of all landscape elements and screening required herein. Said security shall remain in effect for two full growing seasons. The two year guarantee for plant material installed after June 1 shall commence the following year. Lots provided with an irrigation system covering 100% of the area improved with landscaping need provide security for only one growing season.

9.7 STORM WATER MANAGEMENT AND EROSION CONTROL

In the development, improvement, excavation or alteration of land, surface runoff is subject to water quality and quantity controls established by Chaska and other

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regulatory agencies. Said runoff shall be properly channeled into storm drains, a water course, ponding area or other public drainage facility in accordance with an approved plan. This plan shall also provide for erosion and sediment control before, during and after construction until the soil and slopes are stabilized with permanent cover. These control measures shall be maintained until site stabilization occurs.

Plans for activities noted above shall be approved by the City prior to the start of construction. All plans shall be in compliance with standards, policies, and provisions of the most recent version of the following documents as appropriate:

- a) The Hazeltine/Bavaria Watershed Management Plan;
- b) Chaska Stormwater Management Plan;
- c) Chaska Stormwater Quality Management Plan;
- d) National Urban Runoff Program (NURP) Standards;
- e) MPCA "Protecting Water Quality in Urban Areas".

9.8 TRAFFIC AND ACCESS CONTROL

9.8.1 TRAFFIC CONTROL:

The traffic generated by any use shall be channelized and controlled in a manner that will avoid congestion on public streets, safety hazards or excessive traffic through residential areas. Traffic into and out of all commercial and industrial areas or uses shall in all cases be forward moving with no backing onto streets or pedestrian ways. No access drive to any lot shall be located within 30 feet of any two intersecting street right-of-way lines.

9.8.2 ACCESS CONTROL:

Minimum spacing between access points (public or private streets or driveways) to principal roadways shall be regulated by the spacing standards contained in the Chaska Comprehensive Plan. (Ord. No. 644, 10/19/98)

9.9 ADDITIONAL SETBACKS

In addition to yard setbacks established in Subsection 3.2 of this Ordinance, the following specific setbacks shall apply:

9.9.1 SETBACK FROM PRINCIPAL ROADWAYS:

No building shall be located closer to the centerline of a public road than as established below:

Principal Arterial - 225 feet each side

Trunk Highways 212 and 41 - 150 feet each side, except between
Crosstown Blvd. and CSAH 10 where
the setback shall be 100 feet each side

Minor Arterial - 125 feet each side (Engler Rd. & C.R. 17)

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Collector - 100 feet each side (C.R. 11 and Hundertmark Road)

Freeway (Future 212) - 50 feet from edge of right-of-way

Note: Setbacks for attached decks shall be 10 feet less than the requirement for buildings.

Off-street parking and driving areas shall be set back 90 feet from the centerline of T.H. 41, from Woodland Drive to the north City limits.

9.9.2 SETBACK FROM RAILROADS:

Building setbacks from railroad rights-of-way shall be 50 feet for principal buildings and 20 feet for accessory structures.

9.9.3 SETBACK FROM STEEP SLOPES:

Buildings shall be set back a minimum of 30 feet from the edge of steep bluffs or ravines for purposes of erosion control, except for residential decks as regulated in Subsection 3.2(j). The point of measurement shall be where slopes of 18% or greater exist. No building or structure shall be constructed on wooded slopes of 18% percent or more in grade. (Ord. No. 653, Sec. 2, 8/30/99)

9.9.4 SETBACK FROM PUBLIC OPEN SPACE:

Buildings shall be set back a minimum of 40 feet from public park and open space property lines. Such setback may be 30 feet for single family dwellings with side yards adjacent to public open space used solely as a community trail. The setback area shall be considered a vegetative buffer zone within which natural vegetation or customary yard planting and landscaping is permitted. Garden areas and customary private recreational facilities are all permitted.

9.9.5 SPACE BETWEEN BUILDINGS:

In cases where several buildings might be constructed on one lot of record excluding residential lots, the minimum space between such buildings shall be no less than a distance equal to one-half the building heights of the two buildings involved or as required by the Uniform Building Code, whichever is greater. This provision shall not apply within Planned Development Districts.

9.10 EXTERIOR STORAGE / SCREENING

9.10.1 EXTERIOR STORAGE:

In Residential Districts, all materials, machinery and equipment shall be stored within a building or fully screened so as not to be visible from adjoining or adjacent lands, except for the following: laundry drying and recreational equipment; construction materials, machinery and equipment currently being used on the premises; landscaping and agricultural equipment and machinery currently being used or intended for use on the premises; trash and garbage receptacles; and off-street parking as regulated by Subsection 9.2.

9.10.1.1 Storage Trailers Prohibited

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The use of truck trailers for the permanent or temporary storage of materials and products for more than seven (7) calendar days shall be prohibited except when fully screened from public view or enclosed within a building.

9.10.2 SCREENING:

9.10.2.1 Commercial/Industrial, and also Residential in Excess of Six Spaces

Screening may be required in cases where commercial or industrial uses are adjacent to or across the street from property zoned or developed for residential or public use. Screening may also be required in Residential Districts for any off-street parking area containing more than six (6) parking spaces.

9.10.2.2 Screening Material/Heights/Landscaping

The screening required herein shall consist of a fence or wall subject to the provision of Subsection 9.20.4.2.

9.11 BUILDING DESIGN / MATERIALS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

The purpose of this Section is to assure that buildings in more intensely developed areas of Chaska will be of high quality in both visual and functional terms. To that end, this Section identifies permitted building materials which are durable and long-lasting and which generally present a more attractive visual appearance than less durable materials. (Ord. No. 629, Sec. 1, 11/17/97)

9.11.1 APPLICATION:

The provisions of this Section shall apply to all new structures including additions or remodelings and to all new developments within areas zoned for multifamily residential, public, commercial, and industrial use within the City of Chaska. (Ord. No. 629, Sec. 1, 11/17/97)

9.11.2 REQUIRED EXHIBITS:

All applications for a building permit for any multifamily residential, public, commercial, or industrial building, in addition to other information required by applicable laws or regulations, shall include two copies of the following: (Ord. No. 629, Sec. 1, 11/17/97)

9.11.2.1 Unplatted Property

If unplatted property, a boundary survey, prepared by a registered surveyor of an area including the property in question and 100 feet beyond its outer boundaries showing existing property lines and dimensions, platting and easements, buildings, street and railroad rights-of-way, utilities, topography, waterways, and ownership of all parcels. Vegetation and soil borings shall be included.

9.11.2.2 Site Plan

Site plan indicating location, size and placement of proposed structures and yards, parking and loading facilities, fire lanes, vehicular ingress and egress, pedestrian walkways, landscaping, utilities and grading, if pertinent. The landscape plan shall specify species.

9.11.2.3 Exterior Elevation

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Exterior elevation drawings of the proposed structure which will accurately indicate the height, size, design, and appearance of all elevations of the proposed structure and a description of the construction and materials to be used. Construction plans, to include foundation data, shall be required for review by the City building inspector prior to final approval of building permit.

The information and submittals required by this paragraph or other applicable laws or regulations will be the basis for building permit approval and may be relied upon therefore by City staff, Planning Commission and City Council.

9.11.3 ARCHITECTURAL DESIGN / COMPATIBILITY:

- a) The exterior architectural appearance of the proposed structure shall not be so at variance with the exterior architectural appearance of existing structures within the immediate area, or with the intended character of the applicable zoning districts, taking into consideration building materials, size, shape and heights, so as to cause an adverse impact upon property values in the immediate area, or the City as a whole, or adversely affect the public health, safety and general welfare of the portion of the City in which the property is located, or the City as a whole; (Ord. No. 629, Sec. 1, 11/17/97)
- b) All additions or remodeling shall be compatible in scale, material and massing; (Ord. No. 629, Sec. 1, 11/17/97)
- c) All rooftop or ground mounted mechanical equipment and exterior trash and recycling storage areas shall be screened and properly maintained with material similar to or compatible with material used on the main structure. Notwithstanding the provisions of Subsection 9.11.1, the City strongly encourages screening all exterior trash and recycling storage areas where physically possible to do so. (Ord. No. 629, Sec. 1, 11/17/97)

9.11.4 PERMITTED MATERIALS:

Structural systems of all buildings shall be as required by the Uniform Building Code. Exterior building materials shall not be so at variance with the exterior materials of existing structures within the immediate area or the City as a whole as to adversely impact the property values in the affected area or the City as a whole, or adversely affect the public health, safety and general welfare.

Exterior building finishes shall consist of materials comparable in grade and quality to the following:

- a) Brick;
- b) Natural Stone;
- c) Precast concrete units (Industrial Districts only) and concrete block, provided that surfaces are molded, serrated, or treated with a textured material in order to give the wall surface a three-dimensional character;
- d) Wood, provided surfaces are finished for exterior use and only woods of proven exterior durability are used such as cedar, redwood, and cypress;

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- e) Curtain wall panels of steel, fiberglass, and aluminum, (non-structural, non-load bearing), provided such panels are factory fabricated and finished with a permanent durable non-fade surface and their fasteners are of a corrosion resistant design and provided further that no more than one-third of the wall surface abutting a public street, or adjacent to a residential or public area, consists of such panels;
- f) Glass curtain wall panels.

9.11.5 PROHIBITED MATERIALS:

- a) Face materials which rapidly deteriorate or become unsightly such as galvanized metal, unfinished structural clay tile, and metal panels not factory finished with a permanent surface;
- b) Buildings comprised exclusively of metal;
- c) Buildings where wood poles or timbers are the primary support for the roof system and form the foundation structure, provided that wood foundations shall be permissible (such as pole buildings);
- d) Sheet metal, plastic or fiberglass siding, unless such siding is a component of a factory fabricated and finished panel.

9.12 POLE BUILDINGS

Pole buildings shall be permitted only within the R-Rural and the RR2-Rural Residential Districts. Pole buildings shall be defined as buildings where wood poles or timbers are the primary support for the roof system and form the foundation structure.

9.13 STANDARDS FOR ONE AND TWO FAMILY DWELLINGS

In all zoning districts which permit one and two family dwellings, the following standards shall apply to such dwellings in addition to other requirements contained in this Ordinance.

9.13.1 REQUIREMENTS / UNIFORM BUILDING CODE:

All one and two family dwellings shall meet applicable requirements of the Uniform Building Code which has been adopted by reference by the City of Chaska.

9.13.2 MINIMUM DIMENSION / BASIC DWELLING:

The minimum dimension of any part of the basic dwelling shall be 22 feet. This shall not be construed to prohibit smaller individual room additions or to restrict architectural design flexibility or integrity.

9.13.3 UNIFORM BUILDING CODE COMPLIANCE:

All one and two family dwellings shall be originally designed for placement on permanent foundation complying with the Uniform Building Code.

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9.13.4 DWELLING BELOW GROUND LEVEL:

No interior space below ground level shall be occupied for dwelling purposes unless such space is a part of a structure having at least a portion of one story exposed and having its exterior portion in a structurally finished state. This provision shall not apply to earth sheltered construction as defined herein.

9.13.5 TENTS:

No tents shall be erected, maintained or used in any residential district unless the owners or occupants of the premises where the tent is to be placed intend to use the tent for members of their household on a temporary basis such as children camping out overnight.

9.14 HOME OCCUPATIONS

9.14.1 INTENT:

It is the intent of this Section to provide for those customary home occupations which will not be detrimental to the desired low intensity residential environment. (Ord. No. 607, Sec. 1, 9/23/96)

9.14.2 PERMITTED HOME OCCUPATIONS / CONDITIONS:

Customary home occupations as defined herein shall be permitted within the Rural, Residential and Open Districts of the City of Chaska, provided that:

- a) No more than 25 percent of the gross floor area of the residence is used for such occupation;
- b) Only persons residing in the residence shall be engaged in such occupation;
- c) Only articles made or originating on the premises shall be sold on the premises unless such articles are incidental to a permitted commercial service;
- d) There shall be no exterior evidence of the occupation including:
 - i) No exterior display of articles for sale;
 - ii) No sign except as permitted for a dwelling in Subsection 10.3.1(a);
 - iii) No exterior storage of materials used in the home occupation.
- e) No mechanical or electrical equipment is used if the operation of such equipment interferes with the desired quiet residential environment of the neighborhood;
- f) No truck over one ton GV or similar vehicle used in conjunction with a home occupation shall be parked unhooked upon a residential lot;
- g) The amount of customer traffic does not detract from the residential character of the neighborhood.

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9.15 RADIO / TV TOWERS AND ANTENNAS

Ground supported radio and television towers and antennas shall be constructed of galvanized steel or aluminum, shall be constructed so as to withstand a wind load of 80 miles per hour, shall be located only within a rear yard, shall be set back at least five feet from property line with guy wires at least two feet from property line, and shall meet all applicable requirements of the City building code.

Applications for Conditional Use Permit required herein shall provide the following:

- a) Topography of the area;
- b) Heights of trees;
- c) Heights of surrounding buildings;
- d) Size of tract tower/antenna will be installed on;
- e) Nature of surrounding land uses;
- f) Any other information deemed necessary by the City.

9.16 SATELLITE DISH ANTENNAS

The intent of these regulations is to provide for use of satellite dish antennas as required by Federal law, and to establish minimum requirements for their use including size, height, location, material, number, and screening. The central objective is to permit sight line access to satellite dish antennas from all zoning lots, and to minimize visual exposure and awareness of large satellite dish antennas from surrounding properties and public streets.

Satellite dish antennas shall be considered a permitted accessory use in all zoning districts; however, such antennas larger than one meter shall require a building permit and shall be regulated by the following minimum requirements: (Ord. No. 582, Sec. 1, 9/18/95)

9.16.1 RESIDENTIAL DISTRICTS:

- a) Dish antennas shall be prohibited within any existing or required front yard or corner side yard;
- b) Dish antennas may be permitted within any existing or required side yard only if a usable rear yard is not available;
- c) Dish antennas shall be subject to required setbacks for accessory structures;
- d) Dish antennas on rooftops shall be prohibited. Eave mounted dish antennas may be permitted only in cases where usable rear yard is not available; (Ord. No. 582, Sec. 2, 9/18/95)
- e) Maximum height of ground supported dish antennas from top of antenna to ground shall be 15 feet for detached antennas and 20 feet for antennas attached to garages;

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- f) Dish antennas shall be visually screened from adjacent residential and public properties/streets so as to minimize any potential negative effects on such adjacent properties. Specific screening materials such as fencing or vegetation shall be determined by the Building Official and identified as a condition of approval of the Building Permit; (Ord. No. 582, Sec. 2, 9/18/95)
- g) No signs or messages shall be painted on or attached to the dish antenna or its support structure;
- h) Maximum of one dish antenna shall be permitted per zoning lot. (Ord. No. 582, Sec. 2, 9/18/95)

9.16.2 NON-RESIDENTIAL DISTRICTS:

- a) Dish antennas shall be prohibited within any existing or required front yard or corner side yard; (Ord. No. 582, Sec. 3, 9/18/95)
- b) Dish antennas may be permitted within any existing or required side and rear yard if they are effectively screened from public view by fencing, vegetation or other acceptable means; (Ord. No. 582, Sec. 3, 9/18/95)
- c) Dish antennas shall be prohibited from roof tops unless it is determined by the Building Official that placement within side or rear yards is impractical. In such event, the permitted dish antenna shall have a perforated (mesh like) surface which provides a see through appearance. The Building Official may alternatively consider permitting an opaque surface provided the dish is fully screened from public view with building materials similar in appearance to the principal building, and provided further that such antenna and screening is not disproportionate to the height and size of the building; (Ord. No. 582, Sec. 3, 9/18/95)
- d) Dish antennas shall be subject to required setbacks for principal or accessory structures, whichever is less;
- e) No signs or messages shall be painted on or attached to the dish antenna or its support structure;
- f) Maximum height of ground supported antennas shall be 20 feet from top of antenna to ground. Roof-mounted dish antennas shall not extend more than ten (10) feet above the height of the supporting building;
- g) Maximum of one dish antenna shall be permitted per zoning lot. (Ord. No. 582, Sec. 3, 9/18/95)

9.17 CENTRAL SEWER REQUIRED

In all zoning districts except the R-Rural District, no building having human habitation shall be constructed and occupied unless connected to and served by central sewer service. Farm residences within the O-Open Development District shall be exempt from the requirements of this Section.

9.18 BURIAL

SPECIAL REGULATIONS

No burial of human remains shall be permitted except in church or municipal cemeteries.

9.19 BED AND BREAKFAST ESTABLISHMENTS

9.19.1 INTENT:

It is the intent of this Section to provide for Bed and Breakfast establishments as defined herein within certain districts subject to securing a Conditional Use Permit therefor and meeting various conditions as listed below and as may be required by City Council during review of specific applications.

9.19.2 REQUIRED CONDITIONS:

The following minimum conditions are required for Bed and Breakfast establishments:

- a) Location within the R, R2, and O Districts;
- b) Location within an existing residential structure;
- c) Facility must be occupied by the owner or an agent of the owner as a personal residence;
- d) Off-street parking spaces required as follows:
 - i) Two for the owner;
 - ii) One for each rented room.
- e) No significant change to the exterior design and appearance of the residence other than as required by State and local codes and ordinances;
- f) Minimum of 100 square feet per sleeping room, maximum of five sleeping rooms;
- g) No cooking facilities permitted in the rented rooms;
- h) Owner must meet State licensing requirements;
- i) One identification sign permitted on the premises subject to the following:
 - i) Maximum area of sign: 12 square feet (R and O Districts)
 6 square feet (R2 District)
 - ii) Maximum height of sign: 4 feet
 - iii) Minimum setback from
 street right-of-way: 15 feet
 - iv) Lighting limited to indirect beam, no internal illumination or flashing light.

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- j) For Bed and Breakfasts located in the R and O Districts which are not served by municipal sewer and water, an inspection shall be conducted of the existing private sewage disposal and water supply systems to determine their adequacy for the intended use, and improvements to or replacements of such systems shall be undertaken as may be found to be warranted.

9.20 FENCES

9.20.1 INTENT:

The purpose of this Section is to enact minimum restrictions on fencing necessary to ensure orderly and attractive development, to enhance the “curb appeal” from Chaska’s streets, to protect the health and welfare of Chaska’s citizens, to allow a free flow of air, and to prohibit unreasonable restrictions of view while allowing each property owner to protect his or her property and privacy.

9.20.2 GENERAL REQUIREMENTS:

a) Construction, Maintenance, and Design Requirements:

- i) Fencing shall be constructed and maintained so as not to endanger life or property. Any fence which through lack of repair, type of construction, or which otherwise imperils health, life, property, or the aesthetic quality of a neighborhood shall be deemed a public nuisance.
- ii) The side of the fence considered to be the face shall face abutting property. The face shall be defined as the finished side of the fence rather than the side with structural supports.
- iii) If fencing is built away from a property line, property on both sides of the fence must be maintained so as not to create a public nuisance.

b) Fence Location Requirements:

- i) All fences shall be located entirely upon the private property of the person, firm, or corporation constructing the fence.
- ii) When driveway, access, or walkway easements are located on private property, fences shall not be constructed on the easement. No fence shall be constructed which obstructs the flow of water upon a drainage or ponding easement.

c) Traffic Visibility Requirements:

On any corner lot, no fence shall be erected in the triangle formed by the front lot line, side street lot line, and a third straight line joining points on such property lines 30 feet from their intersection at the corner of the lot when such action would impede vision above a height of two and one-half (2 1/2) feet above the centerline grades of the adjacent streets.

d) Permit Requirements:

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All fences require building permits.

9.20.3 REQUIREMENTS FOR RESIDENTIAL AREAS:

9.20.3.1 General Design Requirements

- a) The use of barbed wire, or of any electrical current is prohibited;
- b) If a chain link fence is constructed, it shall have a minimum gauge of 11.

9.20.3.2 Rear Yard Boundary Fence

a) Height Restrictions:

A rear yard boundary fence shall not exceed six (6) feet in height.

b) Required Yard Location:

- i) A rear yard boundary fence shall be permitted only within the rear yard, except where rear yard access from the principal building is achieved from an entrance/exit to a side yard. In such instances, a six (6) foot boundary fence is permitted in the side yard to a distance not greater than three (3) feet beyond the entrance/exit in the direction of the front yard.
- ii) Should a corner lot have a rear lot line in common with the side lot line of an abutting lot, the boundary fence shall meet the principal structure's required side yard setback for corner lots, or shall not extend past the front corner of the house on the abutting lot, whichever is less.
- iii) Large lots containing structures set back 100 feet or more from a street right-of-way, a rear yard boundary fence shall be permitted within side yards to the front of the structure, or in the case of two adjacent structures, to a line connecting the front of such structures. (Ord. No. 620, Sec. 2, 6/16/97)

9.20.3.3 Decorative Fences

a) Height Restrictions:

A decorative fence, or any natural hedge or closely planted vegetation, shall not exceed four (4) feet in height within the limits of the front and side yards.

b) Required Yard Location:

- i) A decorative fence is the only type of fence allowed within the limits of the front yard or side yards, except as indicated in Subsection 9.20.2(b).
- ii) A decorative fence erected on a corner lot shall be subject to the additional traffic visibility requirements in Subsection 9.20.2(c).

c) Design Requirements:

A decorative fence shall have an opacity of no greater than 50 percent.

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9.20.3.4 Rear Yard Privacy Fences

a) Height Restrictions:

A rear yard privacy fence shall not exceed eight (8) feet in height.

b) Required Yard Location:

A rear yard privacy fence shall be located only within the buildable area of the rear yard. Under no circumstances shall a rear yard privacy fence be allowed in the side or front yard of a residential lot.

9.20.3.5 Fences Enclosing Swimming Pools

a) Height Restrictions:

- i) A safety fence at least five (5) but no more than eight (8) feet in height shall be constructed to completely enclose a swimming pool with the exception of properties within the RR2 District.

In recognition of the RR2, Rural Residential 2 District's low density nature, swimming pool enclosures in the RR2 District shall have a safety fence at least four (4) but no more than eight (8) feet in height. (Ord. No. 584, Sec. 1, 10/16/95)

- ii) A fence of at least three (3) feet in height shall be constructed on the top of the sides or the top of the decking of an above-ground swimming pool. The combined height of the fence and the pool sides together shall be at least five (5) but no greater than eight (8) feet in height.

b) Construction and Design Requirements:

- i) Any opening between the fence bottom and the ground shall not exceed 2 1/2 inches.
- ii) Pedestrian access gates for pool enclosures shall be self-closing and self-latching hardware. The release mechanism shall be on the pool side and be placed no lower than 54" from grade. All other service gates shall have lockable hardware and be locked at all times when not in use.
- iii) All such fences shall be constructed so as not to be easily climbable, and generally to prevent children from gaining uncontrolled access.

9.20.4 REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL AREAS:

9.20.4.1 Fences for Screening Outdoor Storage Areas

a) Height Restrictions:

All fences required for the screening of outdoor storage areas shall be at least six (6) but not more than eight (8) feet in height.

b) Construction and Design Requirements:

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- i) All fences required for screening open storage areas shall have an opacity of at least 90 percent.
- ii) Screening fences shall be architecturally harmonious with the principal building and shall be compatible with the natural surroundings.

9.20.4.2 Fences for the Separation of Incompatible Land Uses

a) Explanation:

Fences used for screening may be required at locations where commercial or industrial uses are adjacent to or across the street from property zoned or developed for residential or public use, as described in Subsection 9.10.2.1.

b) Height Restrictions:

The screening required shall consist of a continuous fence or wall at least six (6) but not more than eight (8) feet in height.

c) Construction and Design Requirements:

- i) The screening fence required shall have an opacity of at least 75 percent.
- ii) A louvered fence shall be considered adequate if it blocks vision from a 90 degree angle to the fence.
- iii) Plant materials of a type approved by the Community Development Department may also be required in addition to, or in lieu of, fencing.

d) Required Location on Property:

- i) The screening fence shall not extend to within 15 feet of any street or driveway opening onto a street.
- ii) The fence shall be placed along the property lines or, in case of screening along a street, five (5) feet off the property line with landscaping (trees, shrubs, grass, and other plant materials) between the screening fence and the property line.

9.20.4.3 Fences for Protection from Danger and of Valuable Private Property

It may be necessary for a commercial or industrial use to construct fences specifically to protect people from danger or to guard valuable private property. Such uses may be enclosed with an industrial chain link fence of at least six (6) but not more than eight (8) feet in height topped with three (3) strands of barbed wire, provided they project over the property on the interior side of the fence.

9.21 HELIPORTS

It shall be unlawful to take off or land a helicopter anywhere within the City of Chaska, except at a public or private use heliport for which a Conditional Use Permit has been issued, and except in the following instances:

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- a) In conjunction with a special event after advance authorization has been given by the City Council; or
- b) When necessary for law enforcement or emergency purposes.

9.21.1 **CONDITIONAL USE PERMIT SUBMITTAL REQUIREMENTS:**

Because heliports present unique land use and development considerations relative to certain other land uses, it is declared that analysis and judgment of the effects of a proposed heliport are necessary to preserve the public health, safety, and general welfare. To that end, the following submittals and documentation shall be required for heliport Conditional Use Permit applications in addition to those required in Subsection 14.7.2:

- a) A copy of the Federal Aviation Administration (FAA) form 7480-1, "Notice of Landing Area Proposal", and all other documents sent to FAA with this form;
- b) A copy of a letter of "No Objections" from the FAA;
- c) A copy of the appropriate approval of licensing of the heliport and necessary supplemental information or equivalent, and the letter of site approval from the Minnesota Department of Transportation, Office of Aeronautics;
- d) A current aerial photograph or drawing at a scale not less than one inch equals 200 feet indicating the approach and departure routes, the location of all residences, schools, churches, hospitals and areas used for the open assembly of people, as well as other noise sensitive areas identified within a radius of one-half mile of the proposed heliport site;
- e) A description of the facility, outlining its proposed hours of operation; approach and departure routes; projected daily operations; operations procedures; types of helicopters that will use the facility; and proposed location, size and type of any support facilities (hangar, fuel, etc.);
- f) A noise impact analysis using a methodology as described in the FAA Advisory Circular No. 150/5020-2, "Noise Assessment Guidelines for New Heliports";
- g) The site plan required in Subsection 14.7.2 which shall contain the following additional information:
 - i) The location, nature and height of proposed security fences, berms, landscaping, and other security and noise attenuation structures;
 - ii) The location, size and height of all buildings and structures within the approach-departure paths and within 350 feet of the perimeter of the facility.

9.21.2 **APPROVAL CRITERIA / CONDITIONS:**

Criteria for approval of a Conditional Use Permit for a heliport shall include findings that the proposal:

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- a) Conforms to FAA and Minnesota Department of Transportation (MnDOT) rules and regulations for siting and operating a heliport facility;
- b) Is consistent with MPCA noise standards;
- c) Is consistent with applicable restrictions and any special conditions of the District in which it is located as imposed by this Ordinance.

In approving a request for a Conditional Use Permit, the City Council may impose reasonable conditions which it deems necessary to meet the above criteria including, but not limited to, the following:

- a) Height limitations;
- b) Off-street parking;
- c) Landscaping and noise attenuation;
- d) Permitted uses, structures and buildings;
- e) Construction practices;
- f) Operations agreement;
- g) Hours of operation;
- h) Noise abatement procedures;
- i) Duration of the permit.

9.22 RESIDENTIAL ACCESSORY BUILDINGS

Section 3 permits certain accessory buildings in residential districts and sets forth minimum setbacks for such buildings. The following additional regulations shall apply to accessory buildings in the single family residential districts: R1, R1-A, R1-B, R2, and PRD.

- 9.22.1** The State Building Code requires a building permit for accessory buildings in excess of 120 square feet floor area, or for buildings that are permanently affixed to the ground by a concrete slab or foundation.
- 9.22.2** No accessory buildings shall be constructed prior to construction of the principal building to which it is accessory.
- 9.22.3** Pole buildings shall be prohibited in residential districts.
- 9.22.4** DELETED
- 9.22.5** No accessory building shall be located closer than six (6) feet to the principal building.
- 9.22.6** No accessory building shall be located in a front or side yard, except that a detached garage may be located in a side yard if it meets the required setbacks for an attached garage.

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- 9.22.7** Accessory building material shall be the same as or of similar quality as that of the principal building. Accessory buildings shall be compatible with the principal buildings with respect to building materials, design and character.
- 9.22.8** No lot shall contain an attached garage together with a detached garage and a storage shed. A lot may contain two of the three but not all three.
- 9.22.9** One accessory building or structure such as a screen house, gazebo and plant growing building (primary use) shall be permitted in addition to one detached garage and one storage shed.
- 9.22.10** No detached garage shall exceed 768 square feet in floor area on lots of 7,200 square feet in size or greater, or 624 square feet on lots of less than 7,200 square feet in size. No detached garage shall exceed 15 feet in height. The garage door opening shall be limited in height to eight feet as measured from the driveway apron at the door opening.
- 9.22.11** No storage shed shall exceed 12 feet in height. Maximum floor area shall be 120 square feet.

9.23 CONSTRUCTION DEBRIS CLEANUP

Construction locations shall be maintained clean and free of debris during non-work periods and the spread of debris shall be prevented at all times. All debris shall be deposited and concealed in a covered containment device such as a roll-off container, dumpster or other enclosure, in compliance with the Uniform Fire Code. Debris shall be removed from containers and legally disposed periodically as necessary. Hazardous waste shall be contained and removed separately in accord with applicable laws. Combustible debris shall not be accumulated within any building. (Ord. No. 607, Sec. 2, 9/23/96)

9.24 EXTERIOR LIGHTING

9.24.1 INTENT:

The intent of this Subsection is to minimize the adverse effect of light and glare on operators of motor vehicles, pedestrians, and on residential and other land uses in the vicinity of a light source, to promote traffic and personal safety, and to prevent the nuisance associated with the intrusion of spillover light and glare. (Ord. No. 607, Sec. 3, 9/23/96)

9.24.2 APPLICABILITY:

The requirements of this Subsection apply to all exterior lighting except street lighting within public rights-of-way. (Ord. No. 607, Sec. 3, 9/23/96)

9.24.3 GENERAL PROVISIONS:

- a) Except for one and two family dwellings, a light distribution plan as defined herein shall be required for all new development, redevelopment, and additions which exceed 20% of the floor area of the principal structure. This plan shall include the type and arrangement of proposed lighting and proposed lighting levels in foot-candles at all locations on the site including its property boundaries;

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- b) Exterior lighting shall be designed and arranged to limit direct illumination and glare in any contiguous parcel of land. Reflected glare or spill light shall not exceed five tenths (0.5) foot-candle when the source of light abuts any residential or public use parcel, or one (1.0) foot-candle when the source of light abuts any commercial or industrial parcel or any public right-of-way measured at one (1) foot above the ground at the property line. The latter requirement shall not apply to properties abutting public streets having foot-candle levels above one (1.0) such as Chestnut Street in the downtown area;
- c) The City may limit the hours of operation of outdoor lighting equipment if the City believes it necessary to reduce the impact of light on the surrounding neighborhood;
- d) Light poles or standards for exterior lighting shall not exceed a height of 35 feet, except when a luminaire is located within 100 feet of a residential property, in which case the maximum height shall be 25 feet;
- e) All luminaires shall have a cutoff angle equal to or less than 70 degrees;
- f) In general, wall mounted luminaires should not be used to illuminate parking lots; instead, pole lights should be used in order to minimize off-site glare. The height of wall mounted luminaires shall not exceed 18 feet above ground level at the building line. (Ord. No. 607, Sec. 3, 9/23/96)

9.24.4 DEFINITIONS:

For the purposes of this Subsection, the terms defined herein shall have the meanings given them:

Cutoff angle: The angle formed by a line drawn from the direction of the light rays at the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted.

Foot-candle: The international unit of illumination produced on a surface.

Glare: The effect produced by the intensity and direction of any artificial illumination sufficient to cause annoyance, discomfort, or temporary loss or impairment of vision.

Light Distribution Plan: A point by point plan formulated according to standard practices of the Illuminating Engineering Society (IES), depicting the intensity and location of lighting on the property.

Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts. A luminaire does not include a pole or other support. (Ord. No. 607, Sec. 3, 9/23/96)

9.25 GASOLINE SERVICE STATIONS

9.25.1 INTENT:

ZONING ORDINANCE

The standards of this Subsection are intended to provide guidelines and requirements for the development and operation of gasoline service stations and station stores. It is determined that gasoline service stations and station stores may pose particular problems in achieving compatibility with abutting and adjacent land uses because of potentially detrimental aspects of their operation. The public health, safety and general welfare requires that because of traffic hazards, noise, light glare, indiscriminate advertising and outdoor storage and display of merchandise, such service stations and station stores be specifically regulated. (Ord. No. 607, Sec. 4, 9/23/96)

9.25.2 DEFINITIONS:

For the purposes of this Subsection the terms defined herein have the meanings given them:

Service Station: A retail place of business engaged in the sale of motor fuels, but may be engaged in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorists' needs. These may include the sale of petroleum products; sale and servicing of tires, batteries, automobile accessories and replacement items; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products.

Station Store: A store located on the same premises as a service station and designed and operated for the additional purpose of the sale of merchandise unrelated to automotive operation, maintenance or repair. (Ord. No. 607, Sec. 4, 9/23/96)

9.25.3 DEVELOPMENT STANDARDS:

a) Minimum building and canopy setbacks shall be as follows unless otherwise provided in a specific planned development district:

- from centerline of Highway 212 or Highway 41 - 150 feet
- from centerline of arterial roadways - 125 feet
- from centerline of Class I collector streets - 100 feet
- from property lines abutting local streets - 30 feet
- from interior property lines - 15 feet
(except where there is a driveway adjacent to a building or canopy in which case the setback shall be at least 30 feet);

b) Minimum sign setbacks shall be as follows:

- from all property lines - 10 feet

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- c) Minimum parking/driveway setbacks shall be as follows unless otherwise provided for in a specific planned development district:
 - from property lines abutting public right-of-way - 15 feet
 - from interior property lines - 10 feet
- d) Site and building lighting shall be designed so as to deflect light away from adjacent properties. Lighting shall also be subject to the following:
 - Canopy light fixtures and lenses shall be fully recessed in and be flush with the canopy ceiling, and light levels under the canopy shall not exceed 100 foot-candles.
- e) Site and building signage as regulated in Subsection 10.6(d):
- f) Outdoor sales and display of merchandise is permitted provided that the total site area occupied by the merchandise does not exceed six (6) percent of the gross floor area of the station/station store, or 240 square feet, whichever is less; and further that the merchandise is:
 - i) Stored and displayed in an orderly and compact arrangement under the canopy and/or immediately adjacent to the station or station store.
 - ii) Not located within any parking or driving area and does not block driver visibility or pedestrian movement.
- g) Outdoor trash enclosures shall be at least six (6) feet in height, shall include gates or doors, and shall be made of the same material as the principal building or a comparable high quality non-combustible material;
- h) All repair, assembly, disassembly, and maintenance of vehicles shall occur within a closed building except minor maintenance including, but not limited to, tire inflation, adding oil, and wiper replacement. (Ord. No. 607, Sec. 4, 9/23/96)