

AMENDMENT TO LESAUK TOWNSHIP
ZONING ORDINANCE

The Town Board for the Town of LeSauk and the Sartell-LeSauk Joint Planning Board hereby ordains that the LeSauk Zoning Ordinance is amended by enacting the following as Section 20:

SECTION 20

Comprehensive Design Zone

20-010 PURPOSE AND INTENT. The purpose of this section is to allow for the creation of comprehensive design zones which allow flexibility in the grouping of various land uses within a single development, to achieve the following:

- (a) The development of land parcels in an integrated, coordinated unit.
- (b) Provide for community health, welfare and safety needs.
- (c) Provide for land use compatible with adjacent uses, protect and enhance land values and achieve a high aesthetic standard.
- (d) Preserve natural vegetation, topography, geological and environmental features.
- (e) Provide for more efficient land development and eventual savings in utility and street costs.
- (f) Coordinate transportation facilities and community facilities so as to meet the objectives of the Comprehensive Plan.
- (g) Encourage commercial and industrial development within designated areas and in a manner so as to assure compatibility with surrounding land uses.

20-020 DEFINITIONS

The definitions contained in Section 2 of this Ordinance shall be applicable within the Comprehensive Design Zone, except to the extent modified by provisions of this section. In addition to the definitions contained in Section 2, the following definitions shall apply to Comprehensive Design Zone:

- (a) Antenna. Equipment located on the exterior of or outside of any public building or structure and used for transmitting or receiving telecommunications.
- (b) Commercial/Retail Business Use. Concentrated business activities, at locations where the interaction between such activities can be maximized with minimal infringement on residual neighborhoods.
- (c) Commercial Office Park Use. Minimally light industrial activities, however, primarily targeted for office space and office building development.
- (d) Comprehensive Design Development or "Development". A plan for the improvement of a portion of a Comprehensive Design Zone, presented in plat form, which designates lots, streets, permitted land use areas and other information as required by this Section.
- (e) Light Industrial Use. Industrial activities which produce a minimum degree of refuge, by-products, air pollution and noise pollution, and which require a relatively low level of on-premises processing.
- (f) Shopping Center. A group of commercial establishments planned, developed, owned and managed as a unit related in location, size and types of shops the unit serves.

20-030 DESIGN ZONE DESIGNATION PROCEDURE. The Town Board may designate areas of the Town for development of a Comprehensive Design Zone in accordance with this section. Designation of an area as the Comprehensive Design Zone shall occur after the Town Board solicits input from the Joint Planning Board and conducts a public hearing with ten (10) days published notice and written notice sent by United States mail to any property owners within the area proposed as a Comprehensive Design Zone. This process may be initiated by action of the Town Board, the Joint Planning Board or the owners of more than fifty (50%) percent of the land area within the proposed comprehensive design zone. An area may be designated as a

Comprehensive Design Zone upon a finding by the Town Board that the designation is consistent with the purposes and intent of this section.

20-040 PROCEDURE FOR A COMPREHENSIVE DESIGN DEVELOPMENT APPROVAL. A developer or property owner, seeking approval of a specific Comprehensive Design Development, within a Comprehensive Design Zone, shall secure approval by presentation of a plat of the area which will comprise the Development, pursuant to the following procedure:

- (a) Pre-Application Meeting. Before submitting a formal application and preliminary plat for a Development, the developer shall meet with the Joint Planning Board. The purpose of this meeting is for an early and informal discussion of the purpose and effect of the Development, the criteria and standards contained in this ordinance, and to familiarize the developer with the Town's general plans for the Comprehensive Design Zone within which the Development will occur.
- (b) Application. An application for approval of a Development shall be filed with the Town Clerk by all owners of the property for which the Development is proposed. For purposes of this Section, contract for deed vendors shall be considered an owner, but a party holding only a mortgage interest shall not be considered an owner. The application shall be accompanied by a filing fee as may be established by resolution of the Town Board, and from time to time amended by resolution. The application shall comply with the requirements for submission of a preliminary plat as required by the LeSauk Subdivision Ordinance, and also including the following additional information:
 - (i) A vicinity map showing property lines, streets, existing zoning and such other items as the Joint Board may require to show the relationship of the

proposed Development to the adjacent property uses and other community facilities and services.

- (ii) A preliminary plat of the entire area in such detail as to show the proposed area uses within the Development, the densities being proposed where applicable, the system of collector streets and off-street parking system.
 - (iii) A written statement and supporting documentation explaining in detail the specifics of the proposed Development as it relates to the type of uses proposed, the result in population, the extent and nature of nonresidential development, resulting traffic generated and parking demands created.
 - (iv) A proposed schedule for the construction of improvements and development of lots.
 - (v) A proposal for open space use and other amenities.
 - (vi) Areas proposed for common ownership, cross easements or other private shared spaces.
 - (vii) Proposed landscaping and signage.
 - (viii) Any other information requested by the Town or Joint Planning Board at the pre-application meeting.
- (c) Consideration of the Joint Planning Board Preliminary Plat. The Joint Planning Board shall review the proposed Development and recommend approval or disapproval of the proposed Development with any changes or conditions as they may suggest and transmit to the Town Board. In its recommendations to the Town Board, the Joint Planning Board shall determine whether the proposed Development is consistent with the objectives of this Ordinance and the comprehensive use plan of the Town; whether the proposed development will enhance the general welfare

of the area and Town; and whether the benefits, the combination of various land uses, and the relationship with the land uses in surrounding areas justify the deviation from standard district regulations allowed in a Comprehensive Design Zone.

- (d) Consideration of Town Board - Preliminary Plat. Upon receipt of the recommendation of the Joint Planning Board, the Town Board shall consider the application, conduct a public hearing, and approve or disapprove the application with such changes or conditions, if any, it deems appropriate. The Board action shall include findings on matters on which the Joint Board made a determination. The applicant shall pay the cost of the public hearing.
- (e) Consideration of Town Board - Final Plat Recommendation. An application for final approval and final plat review shall be filed by the applicant with the Town Board within twelve months of date of approval of the preliminary plat. If application for approval is not made within the time required, the Development shall be considered abandoned unless a written extension is granted by the Town Board. A final application and its supporting documentation shall contain the same information as is required of plats under the Subdivision Ordinance of the Town, in addition to such other information as required by this section and by the Town Board as a condition for approval of the preliminary plat. In addition, the application shall be accompanied by such other documentation, such as restrictive covenants, incorporation papers, bylaws of property owners associations, dedications, engineering studies and environmental impact studies as specifically required by the Town Board for the particular Development. Following consideration of the final

plat, the Town Board shall provide a recommendation to the Joint Board who shall consider the matter for final approval.

- (f) Consideration of Joint Board Final Plat Approval. The Joint Planning Board shall approve or disapprove the final plat of the Development. As part of any final plat approval, the developer shall be required to execute the development agreement governing issues relative to the construction of improvements and such other matters as deemed necessary by the Town Board and/or Joint Board to serve the purpose and intent of this section. The developer shall be responsible for the cost of recording the final plat and developer's agreement.

20-050 USES WITHIN AREA DESIGNATIONS. A Comprehensive Design Development shall provide for districts allowing various uses of the property. The districts permitted within a Comprehensive Design Development are limited to the following:

- (a) Single residential dwelling area.
- (b) Multiple residential dwelling area.
- (c) Commercial/retail business area.
- (d) Corporate office park area.
- (e) Light industrial business area.

Uses permitted within each district shall be as provided below:

- (a) Single Residential Dwelling Area: Permitted uses, conditional uses and accessory uses as allowed in a suburban residential district in accordance with Section 8 of this Ordinance.
- (b) Multiple Residential Dwelling Area: Apartment buildings, town houses and other styles of multiple dwelling structures.

- (c) Commercial/Retail Business Area: Permitted uses, condition uses and accessory uses as provided for business districts in accordance with 9 of this Ordinance and commercial/retail business uses.
- (d) Commercial Office Park Area. Commercial office park uses.
- (e) Light Industrial Business Area: Light industrial uses.

20-060 STANDARDS WITHIN AREA DESIGNATIONS. Areas designated for a specific use shall be subject to standards as described below. In the absence of a statement of a specific standard within an area, the general standards of this ordinance, as may otherwise govern and apply to the use existing in this Ordinance, shall apply.

(a) Single Residential Dwelling Area.

Front yard setback	30 feet
Side yard setback	10 feet
Rear yard setback	30 feet
Lot coverage	35%
Height limitation	35 feet
Minimum lot size	15,000 feet
Signage as permitted for suburban residential district as defined in Section 8 of this ordinance.	

(b) Multiple Residential Area.

Front yard setback	30 feet for town house construction 30 feet for multiple family residential construction
Side yard setback	10 feet for town house construction 15 feet for apartment construction
Rear yard setback	30 feet for town house 30 feet for multiple family
Lot coverage	35%
Height limitation	35 feet for town house construction 40 feet for multiple family
Minimum lot size	6,000 square feet per dwelling unit for town house 2,000 square feet for apartment, efficiency unit 2,500 square feet for one bedroom unit 3,000 feet for two bedroom unit 3,500 square feet for three bedroom unit
Signage - One unlighted identification sign for each use, other than residential shall not exceed four square feet in area. One unlighted sign for this area not exceeding	

24 square feet in area and not exceeding eight square feet per vehicle entrance identifying each town house association.

One area identification sign for each multiple residential unit group consisting of three or more structures. Such sign shall have a surface area not exceeding 75 square feet.

(c) Commercial/Retail Business Area.

Front yard setback	30 feet
Side yard setback	15 feet
Rear yard setback	25 feet
Lot coverage	40 percent
Height limitation	two stories or 36 feet
Minimum lot size	.75 acres

Sign requirements - Those requirements set forth in section 16 of this ordinance as applicable to a Business District. One area identification sign per shopping center may be erected without reducing the square footage allowance for businesses in the center. The sign may be up to one square foot for each lineal front footage of all buildings within the shopping center, up to a maximum of 100 square feet. Group signage shall be encouraged.

(d) Corporate Office Park Area.

Front yard setback	40 feet
Side yard setback	25 feet
Rear yard setback	30 feet
Lot coverage	45 percent
Height limitation	100 feet
Minimum lot size	3 acres

Sign - Those requirements set forth in section 16 of this ordinance as applicable to a business district. Wall signs shall not be project above a point where the vertical exterior wall meets the horizontal projection of the roof. No sign shall be allowed on the roof of any building. Free standing pile-on signs shall not exceed 20 feet in height. One "for sale" or "for lease" sign shall be permitted, but may not exceed 32 square feet. All business signs shall be located within all setback areas, except as noted below. If the bottom of the business sign is at least eight feet above the ground or sidewalks and the business sign does not interfere with traffic visibility crossing a street or around a corner. If a business sign does not have above-mentioned eight foot clearance, the setback is ten feet. If the district boundary is adjacent to a residential district boundary, the sign setback shall be 20 feet.

(e) Light Industrial Business Area Standards.

Front yard setbacks	50 feet
Side yard setback	30 feet
Rear yard setback	40 feet
Lot coverage	50 percent

a half feet above parking grade. Such screenage shall be accomplished through the use of earth berming and/or plant materials.

(iii) Where a parking lot is located adjacent to a public right-of-way, a strip of landscaping shall shield views of parked cars to passing motorists and pedestrians. Such parking lots are required to have a six foot landscaped strip with a minimum three-foot grade drop from the right-of-way to the parking lot. One shade tree and five shrubs are required for every thirty-five (35) linear feet.

(b) Sidewalks. Sidewalks shall be six (6) feet in width and placed at least six (6) feet from the edge of the finished portion of any road.

(c) Trees. Any species of genus ulmus (elm) are prohibited from use as landscaping, except that such species may be allowed if proof, acceptable to the Town, is submitted showing that the proposed trees are resistant to Dutch Elm Disease. The following trees are also prohibited for use in landscaping: Box Elder; Any female Ginkgo; willow and cottonwood (unless seedless).

20-080 BUILDING STRUCTURE REQUIREMENTS. The following building structure requirements lie within any Comprehensive Design Zone:

(a) Pole Barn. The construction of a pole barn shall be prohibited in all areas of the Comprehensive Design Zone. A pole barn is defined as a structure, the basic support and framework of which is provided by wooden poles inserted into the ground vertically similar to the telephone pole.

(b) Materials in Single Residential/Multiple Residential Dwelling Areas. Materials used in construction in single residential and multiple residential areas shall be restricted

to those as allowed by the Uniform Building Code as adopted in the State of Minnesota.

(c) Materials in Commercial/Retail Business Area, Corporate Office Park and Light Industrial Business Areas.

(i) The exterior of all buildings located within these areas shall consist of brick, decorative precast concrete, decorative and/or colored concrete masonry units, stone, glass or any combination thereof, or a decorative synthetic material approved by the Town Board, but may not include such things as metal (except for use in soffit or fascia material) or standard smooth-faced concrete masonry units or unfinished pan formed precast concrete. All other materials, unless allowed by the foregoing exceptions or variance shall be prohibited.

(ii) Prefinished architectural metal panels may be utilized for accent and/or architectural components of a building such as entry or entry appendage, or a required enclosure or screen (unless expressly prohibited by this section) or architectural roofing as an intended design accent or a mandatory component of a pro-type national or regional building program. In no case, shall the extent of the prefinished metal area exceed 15% of the exposed wall area on any two visible sides of the building when viewed from any viewing point.

20-090 TOWERS. No ground-mounted tower within a Comprehensive Design Zone shall exceed fifty (50) feet in height. Towers mounted on a building or structure shall not extend more than twenty-five feet above the highest point of the roof of the building or structure. Setback requirements for towers and antennas are to follow the standards otherwise provided for each area

and the general provisions of the LeSauk Tower Regulation Ordinance. Height limitations shall not apply to church spires, cupolas, water towers or flag poles.

20-100 ENVIRONMENTAL REGULATIONS. The following environmental regulations shall apply to all areas within the Comprehensive Design Zone.

- (a) Hazard. Every operation shall be carried on with reasonable precautions against fire and explosion.
- (b) Air Pollution. All activities or operations shall conform with the Town and State regulations relating to ambient air quality standards and air pollution control regulations.
- (c) Noise. Noise shall be measured on any property line of the tract on which the operation is located. Noise emanating from land use shall be in compliance with and regulated by the Minnesota Pollution Control Agency Standards and the Minnesota Regulation NPC, as amended.
- (d) Odors. The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Agency Standards and the Minnesota Regulation APC-1-15, as amended.
- (e) Dust and Other Particulated Matter. The emission of dust, fly, ash and other particulated matter by any use or operation shall be in compliance and regulated by the State of Minnesota Pollution Control Agency Standards, Minnesota Regulation APC-1-15, as amended.
- (f) Smoke. The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Agency Standards, Minnesota Regulations APC-1-15, as amended.

- (g) Glare. Any lighting used to illuminate off-street parking, sign accent lighting, building accent lighting or other artificial lighting, whether direct or reflected, shall be arranged so as not to be visible from beyond the site of origin of any property line. No building shall be constructed so as to cause a reflection or glare of sunlight which adversely affects the vision of drivers on a public highway, or unreasonably interfere with the use of adjacent property.
- (h) Waste. All solid waste material, debris, or other refuse shall be contained within an enclosure as specified herein. All liquid wastes containing organic or toxic materials shall be discharged in a manner described by the Minnesota Pollution Control Agency. Any temporary storage of any such materials shall be contained in an approved manner complying with the state and federal offices of Fire Marshall, Pollution Control Agency and Department of Agriculture.
- (i) Radiation and Electrical Emission. All activities that emit radioactive and/or electrical emissions shall be in strict compliance with the Minnesota Pollution Control Agency Act, Federal Communications Commission and other applicable regulatory agencies.

20-110 SCREENING AND ENCLOSURES. The following screening and enclosure requirements shall apply to any commercial/retail business area, corporate office park area and light industrial business area:

- (a) Rooftop Enclosures. All rooftop units and/or mechanical rooftop extensions, which are visible from ground level viewing outside the building lot, shall be enclosed or screened with a four wall structure utilizing the approved materials, so as to cause the object to be non-visible.

- (b) Refuse Enclosures. All refuse containers shall be kept in a four-sided enclosure constructed of brick, stone, decorative concrete material, or of weather resistant wood material, compatible with the finish of the principal structure to which it is accessory, at a minimum height of five feet.
- (c) Loading Dock and Garage Entrance Screening. Loading docks and garage entrances and exits shall be screened to provide minimum visibility from any public street and/or any other adjacent building structures front yard viewing area or from any adjacent residential area.
- (d) Outdoor Storage Screening. No outdoor storage of products, non-movable equipment or inventory shall be allowed. Any enclosed storage shall be limited to materials allowed under this ordinance.

20-120 PARKING. The parking requirements per lot within the Comprehensive Design Zone are as follows:

- (a) Single Residential Dwelling Area. The requirements established for an R-1 Zone by Section 13-020(a) of this Ordinance.
- (b) Multiple Residential Dwelling Area. The requirements established for a multiple dwelling by Section 13-030(b) of this Ordinance, except where town house construction occurs. The parking requirements shall be as established for an R-1 Zone by Section 13-020(a) of this Ordinance.
- (c) Commercial/Retail Business Area. The requirements established for a retail business as established by Section 13-020(d) of this Ordinance.
- (d) Commercial Office Park Area. The requirements established for an industrial use by Section 13-020(f) of this Ordinance.

- (e) Light Industrial Business Area. The requirements established for an industrial use by Section 13-02(f) of this Ordinance.

As a condition of approval of a Development, the Joint Planning Board may require off-street parking in excess of the minimum standards established herein if a proposed lot use so justifies.

20-130 COMPREHENSIVE DESIGN ZONE VARIANCE PROCEDURE.

- (a) The conditions and regulations of this section shall be subject to variance. A request for and consideration of a variance shall be in accordance with Section 12 of this ordinance, except that the standards to be considered by the Town Board in granting the variance shall be set forth as below:
- (b) A variance shall be granted upon a demonstration that the granting of a variance shall not alter the essential character or high standards which have been established for the Comprehensive Design Zone, nor will the granting of a variance circumvent or reduce the intent and purpose of this section. The applicant must demonstrate that the granting of the variance shall not adversely affect the use and value of adjacent properties. In granting a variance, the Town Board may place conditions or restrictions upon the property to address concerns arising because of the grant of the variance.

20-140 INTERPRETATION. The provisions of the remainder of the Zoning Ordinance and/or the Subdivision Ordinance of the Town of LeSauk shall apply to any property lying within a Comprehensive Design Zone, except to the extent any issue is addressed in this Section. When a provision of this Section contradicts or is inconsistent with a provision of the remainder of this Zoning Ordinance or the Subdivision Ordinance, the provisions of this Section shall govern.

This Amendment shall be effective upon passage and publication.

Approved this 4th day of February, 1998.

TOWN OF LESAUK

By Ronald Haber
Town Chair

By Maryce L. Plante
Town Clerk

Approved this 4th day of February, 1998.

SARTELL-LESAUK JOINT PLANNING BOARD

By Robert G. Barrett
Chair

By Robert Thines
Secretary