

**SPRING LAKE PARK
ORDINANCE 481**

**AN ORDINANCE AMENDING SECTION 16.28.010 OF THE CITY CODE
REGARDING PERFORMANCE STANDARDS**

NOW THEREFORE, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

SECTION 1: **AMENDMENT** “16.28.010 Performance Standards” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

16.28.010 Performance Standards

A. Intent. It is the intent of this section to establish performance standards to minimize conflict between land uses, to preserve the use and enjoyment of property, protect property values and to protect the public health, safety and welfare. These standards shall apply to all uses of land and structures and are in addition to any requirements applying to specific zoning districts. ~~provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties, and to provide that each permitted use of this type shall be a good neighbor to adjoining properties by the control of the following.~~

B. *Standards.*

1. *Noise.*

a. Minn. Rules § 7030, as may be amended from time to time, is hereby adopted by reference as a minimum standard for noise. In addition, any use established must be so operated that no noise resulting from the use is noticeable above typically expected levels to a reasonable person beyond the boundaries of the lot line of the site on which the use is located. This standard shall not apply to incidental traffic, parking, loading, construction or normal maintenance operations. The city may also limit the hours of operation of outdoor noise if it is deemed necessary to reduce impacts on the surrounding neighborhood.

b. ~~At the points of measurement, the sound pressure level of noise radiated from a facility at nighttime, during the hours of 10:00 p.m. to 7:00 a.m., shall not exceed 50 decibels (sound pressure level decibels re 0.0002 dynes/cm²) or the average sound level of the street traffic noise nearest the noise generator, whichever is the higher, in any octave band of frequency above 300 cycles per second. The sound pressure level shall be measured with a sound level meter (American~~

~~Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944) and an octave band analyzer (American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953) that conforms to the specifications published by the American Standards Association. Noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, beat, frequency, impulsive character (hammering and the like), periodic character (humming, screech, and the like) or shrillness.~~

- ~~e. For facilities which radiate noise only during a normal daytime working shift, the allowance decibel level given above shall be increased 20 decibels, or ten decibels above the average sound level of the street traffic noise nearest the noise generator, whichever is higher. Sirens, whistles, bells, and the like, which are maintained and utilized solely to serve a public purpose (such as fire and air raid warning sirens) are excluded from the above regulations. Reasonable use of equipment used to maintain property, such as lawn mowers or snow blowers, shall be excluded from the provisions of this section.~~
- d. Noise levels measured at the adjoining property line of residential uses or residentially zoned property shall not exceed 55dBA during the hours of 10:00 p.m. to 7:00 a.m. and 60dBA during the hours of 7:00 a.m. to 10:00 p.m., with the highest one-minute equivalent noise level being no more than 75dB. A noise study conducted by a qualified professional may be required to establish existing ambient noise levels before development of a proposed use and actual noise levels after construction and operation of the proposed use.

- ~~2. Odor. No activity or operation shall cause at any time the discharge of toxic, noxious, or odorous matter beyond the limits of the immediate site where it is located in such concentrations as to be obnoxious or otherwise detrimental to or endanger the public health, welfare, comfort, or safety or cause injury to property or business. Standards concerning odors referred to in Paragraph B,8 shall be adhered to.~~ No use shall produce unreasonable or disturbing odors beyond the property line exceeding applicable regulations established by the Minnesota Pollution Control Agency.

- ~~3. Exterior lighting. All sources of artificial light situated on non-residential sites shall be so fixed, directed, designed, or sized that the sum total of their illumination will not increase the level of illumination on any nearby residential property by more than 0.1 foot candle in or within 25 feet of a dwelling nor more than 0.5 foot candle on any other part of the property.~~
 - a. Exterior lighting shall be designed and arranged to limit direct illumination and glare upon or into any contiguous parcel. Reflected glare or spill light shall not exceed five-tenths foot-candles as measured on the property line when abutting any residential parcel and one foot-candle on any abutting commercial or industrial parcel. Street lights installed in the public right-of-way shall be excepted from

these standards.

- b. Mitigative measures shall be employed to limit glare and spill light to protect neighboring parcels and to maintain traffic safety on public roads. These measures shall include lenses, shields, louvers, prismatic control devices and limitations on the height and types of fixtures. The city may also limit the hours of operation of outdoor lighting if it is necessary to reduce impacts on the surrounding neighborhood.
- c. No flickering or flashing lights shall be permitted.
- d. Direct, off-site views of the light source shall not be permitted except for globe and/or ornamental light fixtures approved in conjunction with a site and building plan. Globe and ornamental fixtures shall only be approved when the applicant can demonstrate that off-site impacts stemming from direct views of the bulb are mitigated by fixture design and/or location.
- e. The city may require submission of a light distribution plan if deemed necessary to ensure compliance with the intent of this chapter.
4. *Glare.* Glare, whether direct or reflected, such as from floodlights, spotlights, or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line.
5. *Vibration.* ~~Vibration shall not be discernible at any property line to the human sense of feeling for three minutes or more duration in any one hour. Vibration of any kind shall not produce at any time an acceleration of more than one-tenth (0.1) gravity or shall not result in any combination of amplitudes or frequencies beyond the "safe" range of Table VII, U.S. Bureau of Mines Bulletin No. 442, Seismic Effects of Quarry Blasting, on any structure. The methods and equations of Bulletin No. 442 shall be used to compute all values for the enforcement of this provision.~~No use shall at any time cause earth vibrations perceptible beyond the limits of the property on which the operation is located.
6. *Smoke and particulate matter.* No use shall produce or emit smoke, dust or particulate mater exceeding applicable regulations established by the Minnesota Pollution Control Agency.~~As regulated by the State Pollution Control Agency.~~
7. *Dust.* ~~As regulated by the State Pollution Control Agency.~~
8. *Toxic or noxious matter.* No use or operation shall emit a concentration of toxic, noxious or corrosive matter across the property line which exceeds applicable regulations established by the Minnesota Pollution Control Agency.~~*Fumes or gases.* Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive. The values given in Table I (Industrial Hygiene Standards -- Maximum Allowable Concentration for eight hour day, five days per week), Table II (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Damage to Vegetation) in the latest revision of Ch. 5, Physiological Effects, that contains these tables,~~

~~in the Air Pollution Abatement Manual, by the Manufacturing Chemists' Association, Inc., Washington, D.C., are hereby established as guides for the determination of permissible concentrations or amounts. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.~~

9. Radiation. No operation shall be conducted which exceeds the standards established by applicable regulations of the Minnesota Department of Health.
10. *Hazard.* Every operation shall be carried on with reasonable precautions against fire and explosion hazards. All materials regulated in this section shall be utilized, stored, manufactured and handled in accordance with the Minnesota State Fire Code, as may be amended from time to time.
11. *Heat and humidity.* No use shall produce any unreasonable, disturbing or unnecessary emissions of heat or humidity beyond the property line which cause material distress, discomfort or injury to persons or ordinary sensitivity.
12. *Electromagnetic interference.* No use shall produce electromagnetic interference with normal radio or television reception in any residential district, or exceed applicable standards established by any applicable federal or state regulations.
13. *Liquid or solid waste.* All uses shall be subject to applicable regulations or the city governing discharge into a public storm or sanitary sewer, waterway or stream.
14. *Visual.*
 - a. It is hereby affirmed as essential public policy that the appearance of this community is a proper matter for public concern and that all open spaces, buildings, signs, plantings, surfaces, and structures which may be seen are subject to the provisions of this title.
 - b. All principal buildings other than single- and two-family homes shall be designed by a registered architect and shall be certified in accordance with the appropriate statutes of the state, including, but not limited to, the Minnesota State Building Code. ~~On any building visible from a public street, the following materials shall not be permitted on exterior wall surfaces: sheet metal, either corrugated or plain, unfinished structural clay tile, common concrete masonry units, concrete brick, or similar materials. These materials, however, may be used in a proper arrangement, or combination with other materials of a permanent nature with good architectural design and appeal.~~ The application for a building permit shall be accompanied by exterior elevations of the proposed building which will adequately and accurately indicate the height, size, bulk, design, and the appearance of all elevations and a description of the construction and materials proposed to be used therein.
 - c. Commercial districts.
 - (1) All structures in commercial districts shall have an exterior finish consisting of the following permitted materials:
 - (A) Brick

- (B) Stone (natural or cementitious)
- (C) Decorative concrete block or integral colored block
- (D) Architectural glass

- (E) Stucco (natural or artificial, including exterior insulated finishing systems (EFIS))
- (F) Fiber cement siding
- (G) Precast concrete
- (H) Factory-finished metal paneling materials, as an exterior material for architectural trim
- (I) Other comparable materials as approved by the Zoning Administrator.

- (2) The building design should exhibit architectural control which seeks to be creative and maximize building lines, shades and angles to maximize architectural uniqueness.
- (3) All buildings shall contain a concrete floor.
- (4) All buildings shall incorporate similar exterior materials on all sides of a building.

d. Light industrial district.

- (1) All structures in the light industrial district shall have an exterior finish consisting of the following permitted materials:
 - (A) Materials listed in c(1) above.
 - (B) Based on building size, height, location and/or special use, the city may approve the use of factory-finished metal paneling materials or its equivalent for exterior wall surfaces provided such materials are used in conjunction with other materials listed above. Use of factory-finished metal paneling or its equivalent shall not exceed thirty five percent (35%) of the cumulative area of all building walls. The Council may approve a greater percentage, not to exceed sixty percent (60%) of the cumulative area of all building walls, provided the applicant demonstrates that the modification results in a better integration of the building with the surrounding area and will further the intent of this Section. Factory-finished metal paneling materials shall be used primarily on the rear wall and secondarily on the side and/or front wall.
- (2) Building elevations and facades should include a variety of architectural features and building materials to provide visual interest and give each project a distinctive character. Any exterior building wall adjacent to or visible from a public street, public open space or abutting property may not exceed 50 feet in length without significant visual relief consisting of

one or more of the following:

(A) The facade shall be divided architecturally by means of significantly different materials or textures; or

(B) Horizontal offsets of at least four feet in depth; or

(C) Vertical offsets in the roofline of at least four feet, or fenestration at the first floor level that is recessed horizontally at least one foot into the facade.

(3) All building shall contain a concrete floor.

e. *Prohibited materials.* Prohibited materials include face materials that rapidly deteriorate or become unsightly such as unfinished/non-pigmented structural concrete block, galvanized metal, sheet metal (either corrugated or plain), unglazed structural clay tile or common or back-up quality brick, or similar materials.

C. *Testing.* In order to assure compliance with the performance standards set forth above, the city may require the owner or operator of any permitted use to have made those investigations and tests as may be required to show adherence to the performance standards. Investigation and tests as are required to be made shall be carried out by an independent testing organization as may be agreed upon by all parties concerned, or if there is failure to agree, by such independent testing organizations as may be selected by the city after 30 days' notice. The costs incurred in having the investigations or tests conducted shall be shared equally by the owner or operator and the city, unless the investigation and tests disclose non-compliance with the performance standards, in which event the entire investigation or testing cost shall be paid by the owner or operator. The procedure above stated shall not preclude the city from making any tests and investigations it finds appropriate, to determine compliance with these performance standards.

SECTION 2: **EFFECTIVE DATE** This Ordinance shall be in full force and effect upon approval and publication according to law.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

June 20, 2022 _____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Wendling	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Delfs	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Goodboe-Bisschoff	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Councilmember Dircks	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Mayor Nelson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Robert Nelson, Mayor, Spring Lake
Park



Daniel R. Buchholtz, Administrator,
Clerk/Treasurer Spring Lake Park