

ORDINANCE NO. 717

CITY OF CHAMPLIN
COUNTY OF HENNEPIN
STATE OF MINNESOTA

AN ORDINANCE AMENDING CHAPTER 126 REGARDING OUTSIDE STORAGE AND DISPLAY IN COMMERCIAL DISTRICTS

The City Council of the City of Champlin does hereby ordain the following amendments:

Sec. 126-2. Definitions.

Donation Collection Bin - Any container that is used for the holding of charitable donated items by the general public, including but not limited to clothing, toys and books, with the collection of those donated items made at a later date or time and which is located for such purposes outside an enclosed building.

Outdoor Vending Machines – Any self-contained appliance or machine located outside a structure that dispenses a product via an automated process. Outdoor vending machines do not include vacuum machines, air dispensers or pay phones.

Sec. 126-269. Performance standards.

(a) *Primary purpose.*

(1) A primary purpose of this section is to eliminate such problems as excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of structures and the lack of proper attention to site development and landscaping in the city.

(2) Standards set forth in this section will:

- a. Promote harmonious development in the city;
- b. Increase the desirability of residences;
- c. Encourage investment or occupation in the city;
- d. Optimize the use and value of land and improvements;
- e. Increase the stability and value of property;
- f. Add to the conditions effecting the peace, health, and welfare of the city; and

- g. Establish a proper relationship between the taxable value of property and the cost of municipal services.

(3) The maintenance of certain standards is essential to ensure compatible relationships between land uses within a community. All uses allowed as either permitted or conditional uses within the city's various zoning districts shall conform to the following general provisions and performance standards.

(b) *Specific regulations.*

(1) All required yards shall either be open, landscaped or green areas except where off-street parking is required as specified in article IV, division 2 of this chapter.

~~(2) Special provisions may be made in the interim to allow on-site disposal systems, individual wells and storm drainage in the commercial district of ten acre lots or larger by the issuance of a conditional use permit (CUP) from the city council until sanitary sewer is available.~~

~~(3) All businesses shall be conducted within an enclosed yard or building except by conditional use permit.~~

(42) All public right-of-ways within nonresidential districts shall be considered collector streets or arterial as defined in the comprehensive plan.

~~(5) All materials, supplies, merchandise or other similar matter shall be stored within a completely enclosed building within the commercial districts or within the confines of a 100 percent opaque wall or fence not less than five feet high. Merchandise that is offered for sale as described above may not be displayed beyond the confines of a building in the commercial districts, unless such merchandise is of a type customarily displayed outdoors such as garden supplies. No storage of any type shall be permitted within the required front or side street setback.~~

(3) Outside Sales and Display.

a. Outside display of products and merchandise is permitted in commercial districts under the following criteria:

1) Outside display areas shall be located immediately adjacent to the building frontage and is limited to 50 percent of the width of the building frontage or 100

lineal feet, whichever is less. Building frontage is defined as the dimension or width of a store front occupied by the retailer establishing the outside display. For the purposes of this ordinance a frontage must contain a public or customer entrance or exit and no space is allowed more than two frontages.

2) For gas convenience uses, outside display shall be permitted adjacent to gas pumps.

3) Outside display shall not exceed a height of 60 inches.

4) Outside display shall not be located so as to block pedestrian walkways, doorways, parking stalls, drive aisles. Thirty-six (36) inches is the minimum width required to maintain pedestrian access.

b. In Commercial Zoning districts, temporary outdoor sales of seasonal products such as, but not limited to Christmas trees or plants, may be conducted in the parking lot or other open areas for periods up to eight weeks per calendar year by the occupant so long as adequate paved off-street parking is provided. Temporary outdoor sales of seasonal products require administrative approval by the City.

c. Donation drop boxes located outside the confines of a building are prohibited on any Commercial or Industrial Zoned property or property guided for Commercial or Industrial land use.

d. Outdoor vending machines shall be permitted as an accessory use in Commercial Zoning districts for single occupant buildings with more than 5,000 square feet of gross floor area and individual tenants in multi-tenant buildings having at least 50 linear feet of store frontage and 5,000 square feet of gross floor area. Outdoor vending machines shall meet the following conditions:

1) Outdoor vending machines shall be adjacent to the façade of the principal structure.

2) Outdoor vending machines shall be placed on a concrete surface.

3) No more than two outdoor vending machines are permitted for a single occupant building or tenant within a multi-tenant building.

4) No outdoor vending machine shall be placed in a location so as to impede pedestrian access, block parking areas, or create an unsafe condition.

5) Outdoor vending machines shall not face residentially zoned property unless separated by a public street.

6) The property on which the vending machine is located shall remain in compliance with Americans with Disabilities Act (ADA) standards at all times.

(4) The occupant of a property zoned for commercial or industrial uses may store passenger motor vehicles on the property, provided the vehicle is (1) owned or leased by the occupant; (2) the vehicle is regularly used in connection with and as an integral part of the operation of the principle use of the property; and (3) is not larger than the footprint of a standard passenger vehicle parking stall. This does not permit the outdoor storage of equipment, trailers, recreational vehicles, motorcycles, or other similar vehicles, semi-tractors, or vehicles for sale.

(65) All outside located mechanical devices for heating, cooling, etc., shall be screened. Screening shall be consistent with Section 126-217.

(76) The purpose of this subsection is to establish lighting requirements for personal safety and crime prevention while regulating the spill over of light and glare on operators of motor vehicles, pedestrians, and land uses near a light source to promote personal and traffic safety and to prevent the creation of public nuisances.

a. The terms defined herein shall have the meanings given them:

Cut-off angle means the angle formed by a line drawn from the direction of the light rays at the light source on a line perpendicular to the ground from the light source, beyond which no light is emitted.

Footcandle means the international unit of illumination produced on a surface.

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

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 footcandle when the source of light abuts any residential parcel, or one footcandle when the source of lights abuts any commercial or industrial parcel or any public right-of-way measured at one foot above the ground at the property line.

c. Any lighting shall be arranged so as not to shine directly on adjoining property. A person shall not conduct a use that has a source of illumination that produces glare clearly visible beyond a property line or creates a sensation within a visual field to cause annoyance, discomfort or impaired vision. The use of lenses, deflectors and shields shall be used to eliminate nuisance and hazardous lighting.

d. The city may limit the hours of operation of outdoor lighting equipment if the city deems it necessary to reduce the impact of light on the surrounding neighborhood.

e. Light poles or standards for exterior lighting shall not exceed 35 feet in height, except when a luminaire is located within 200 feet of a residential property, in which case the maximum height shall be 25 feet.

f. All luminaires, including wall mounted units, shall contain fully shielded fixtures with a flat lens and a cutoff angle of 90 degrees or less.

g. The uniformity ratio shall be no greater than 6:1, maximum to minimum footcandles over the entire lot.

h. Wall-mounted luminaires should not be used to illuminate parking lots. The height of wall-mounted luminaires shall not exceed 18 feet above the ground level at the building line.

i. Any new lighting installed after the effective date of the ordinance from which this section is derived shall be in

compliance with the requirements of this section. Any lighting in existence before the effective date of the ordinance from which this section is derived that does not comply with its requirements shall be considered legally noncomplying and may remain, subject to the following: When poles or wall-mounted fixtures are removed and replaced for reasons other than accidents, they must be replaced with luminaires and poles that comply; and when a new parking lot or an addition to an existing parking lot is constructed, the new lot or lot addition must be provided with complying lighting.

j. Temporary lighting for festivals, parades or civic events is exempt from the provisions of this subsection (7).

(87) The following shall be controlled:

a. *Noise.* Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness, or intensity. At the property line, the sound pressure level of noise radiated from a facility shall not exceed 40 decibels on any octave band. The sound pressure level shall be measured with a sound level meter manufactured to specification published by the American Standards Specifications, for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, X24.10-1953, American Standards Association, Inc., New York, New York. Measurements shall be made using the flat network of the sound level meter.

b. *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.

c. *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 gravities or shall not result in any combination of amplitudes and frequencies beyond the "safe" range of Table VII, United States Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting," on any structure. The

methods and equations of said Bulletin No. 442 shall be used to compute all values for the enforcement of this subsection.

d. *Smoke*. As regulated by the state pollution control agency.

e. *Dust*. As regulated by the state pollution control agency.

f. *Fumes and 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 8-Hour Day, Five Days Per Week), Table III (Odor Thresholds), and 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 Chapter 5, "Physiological Effects," that contains such tables, in the "Air Pollution Abatement Manual," by Manufacturing Chemists' Association, Inc., Washington, D.C., are hereby established as guides for the determination of permissible concentration or amounts. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.

g. *Hazard*. Every operation shall be carried on with reasonable precautions against fire and explosion hazards.

h. *Investigations and tests*. In order to ensure compliance with the performance standards set forth above, the city may require the owner or operator of any permitted use to have made such investigations and tests as may be required to show adherence to the performance standards. Such 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 organization as may be selected by the city after 30 days notice. The costs incurred in having such investigations or tests conducted shall be paid by the owner or operator if a violation is established, otherwise by the city.

(98) The procedure stated above shall not preclude the city from making any tests and investigations it finds appropriate to determine compliance with these performance standards.

(Code 1977, § 13-111.6)

This ordinance shall become effective following its passage and publication as required by law.

Additions: Add

Deletions: ~~Delete~~

First Reading:	October 24, 2011
Second Reading:	November 14, 2011
Adoption	November 14, 2011

Mark Uglem, Mayor

ATTEST:

Roberta Colotti, CMC, City Clerk

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