

**SPRING LAKE PARK
ORDINANCE 480**

**AN ORDINANCE AMENDING SECTION 16.28.010 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, 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*. 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.

a. ~~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-Bank 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.~~

~~b. 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.~~

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 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 matter 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 buildings must be built in conformance with the Minnesota State Building Code. 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. ~~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. 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. For non-residential districts, exterior building finishes shall consist of materials comparable in grade and quality to the following:
 - (1) Face brick
 - (2) Natural or cementitious stone
 - (3) Decorative concrete block or integral colored block
 - (4) Architectural glass
 - (5) Stucco (natural or artificial), including exterior insulated finishing systems (EFIS)
 - (6) Fiber cement siding
 - (7) Precast concrete
 - (8) Curtain wall panels of steel, fiberglass and aluminum (non-

structural, non-load bearing), provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design. Up to 20% of any wall surface may consist of the materials outlined herein (excludes overhead doors)

(9) Other materials deemed appropriate and subject to approval by the Zoning Administrator.

- d. Prohibited materials. Prohibited materials include face materials that rapidly deteriorate or become unsightly such as unfinished/non-pigmented structural concrete block, galvanized metal, unglazed structural clay tile or common or back-up quality brick.
- e. The building design should exhibit architectural uniqueness in building lines, shades and angles to maximize architectural uniqueness.

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.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Wendling	_____	_____	_____	_____
Councilmember Delfs	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

Robert Nelson, Mayor, Spring Lake
Park

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