

CHAPTER 4. GENERAL REGULATIONS AND PERFORMANCE STANDARDS

Section:

- 9-4-1 Purpose.
- 9-4-2 Applicability.
- 9-4-3 Non-Conformities.
- 9-4-4 Lot Controls.
- 9-4-5 Dwelling Unit Restriction.
- 9-4-6 Traffic Visibility.
- 9-4-7 Agricultural Operations.
- 9-4-8 Underground Utilities.
- 9-4-9 Special Building Setbacks.
- 9-4-10 Accessory Uses and Structures.
- 9-4-11 Moving of Buildings.
- 9-4-12 Temporary Uses and Structures.
- 9-4-13 Fences.
- 9-4-14 Outdoor Storage.
- 9-4-15 Towers and Antennae.
- 9-4-16 Performance Standards.
- 9-4-17 Emergency Vehicle Access.
- 9-4-18 Water Surface Use Regulations.
- 9-4-19 Surface Water Appropriation.

9-4-1 Purpose.

This Chapter is established to provide regulations of general applicability for property throughout the City, to promote the orderly development and use of land, to protect and conserve the natural environment, to minimize conflicts among land uses, and to protect the public health, safety, and welfare.

9-4-2 Applicability.

The regulations set forth in this Chapter apply to all structures and all land uses, except as otherwise provided in this Title. No use or structure shall be operated or occupied so as to constitute a dangerous, injurious, or noxious condition because of fire, explosion or other hazard, noise, vibration, smoke, dust, fumes, odor or other air pollution, light, glare, heat, cold, dampness, electrical disturbance, liquid or solid refuse or waste, water or soil pollution, or other substance or condition. No use or structure shall unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities. In addition, no use or structure shall be operated or occupied in a manner not in compliance with any performance standard contained in this Title or with any other applicable regulation.

9-4-3 Non-Conformities.

- A. *Purpose.* This Section is established in recognition of the existence of uses, structures, site improvements, and lots which were lawfully established but which do not currently comply with the provisions of this Title or subsequent amendment of this Title. It is further established to specify the requirements, circumstances, and conditions under which non-conforming buildings, structures, site improvements, and uses will be operated and maintained and to encourage actions that bring non-conforming uses into conformity with this Title.
- B. *Continuance of non-conforming uses and structures.* Except as otherwise provided in this Title, any structure or use lawfully existing upon the effective date of this Title may be continued at the size and manner of operation existing upon such date, subject to the following:
 - 1. *Alterations.* A non-conforming building or structure shall not be reconstructed or altered to an extent exceeding fifty (50) percent of its market value for assessment purposes unless said building or structure is changed to conform with the regulations of this Title.

2. *Enlargement.* A nonconforming building or structure shall not be added to or enlarged in any manner unless such additions or enlargements are made so as to bring said building or structure into conformity with the regulations of this Title.
 3. *Restoration.* A non-conforming building or structure which is damaged by fire or other cause to the extent of more than fifty (50) percent of its market value, as estimated by the Building Official and approved by the City Council, shall not be restored except in conformity with the regulations of this Title.
 4. *Maintenance.* Normal maintenance of a non-conforming building or structure shall be permitted, including necessary nonstructural repairs and incidental alterations.
 5. *Extension.* A non-conforming use of a building may be extended throughout said building provided no structural alterations are made therein except as required by other pertinent codes or regulations.
 6. *Relocation.* A non-conforming use shall not be expanded or moved to any other part of the parcel of land upon which it was located at the time of adoption of this Title unless the movement will reduce the non-conformity.
 7. *Abandonment.* A non-conforming use of a building or parcel of land that has been discontinued for a period of one (1) year shall not be reestablished, and any future use shall be in conformity with the regulations of this Title.
 8. *Change.* A non-conforming use of a building or parcel of land may be changed to a similar non-conforming use or to a more restrictive non-conforming use. Once a structure or parcel of land has been placed in a more restrictive non-conforming use, it shall not return to a less restrictive non-conforming use.
- C. *Non-conforming lots of record.* A lawfully existing lot of record on the effective date of this Title, which does not conform to the regulations herein, shall be subject to the following provisions:
1. In any district in which one-family dwellings are permitted, a one-family dwelling and customary accessory buildings may be erected on any single lot of record, notwithstanding limitations imposed by other provisions of this Title. Such lot must be in separate ownership and not of continuous frontage with lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width or both of the lot shall conform to the regulations for the district in which such lot is located, but in no case shall building be permitted on a site less than fifty (50) feet in width. Variance of yard requirements shall be obtained only through the provisions identified in Section 9-2-9.
 2. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Title, and no portion of said parcel for the purposes of this Title shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Title.

9-4-4 Lot Controls.

Lot controls are established to provide for the orderly development and use of land, to minimize conflicts among land uses, and to provide adequate light, air, open space, and separation of uses.

- A. *Minimum lot area.* Lot area requirements shall be as specified in the applicable zoning district in which a property is located. No yard or lot existing at the time of passage of this Title shall be reduced in size or area below the minimum requirements identified within this Title.
- B. *Required setbacks.* Setback requirements shall be as specified in the applicable zoning district.

Setbacks provided for an existing structure or use shall not be reduced below, or further reduced if already less than, the minimum requirements of this Title for equivalent new construction.

- C. *Division of lot.* No lot shall be divided into two (2) or more lots unless all lots resulting from such division conform to all applicable regulations of this Title.
- D. *Street frontage.* Each lot shall have frontage on a public street at a width satisfying the requirements specified for each zoning district. In the case of a condominium, unified shopping center, or planned unit development, the entire site shall be considered one (1) lot.
- E. *Limited principal buildings.* There shall be no more than one (1) principal building on one (1) zoning lot in any residential district except as part of a planned unit development. For all other zoning districts, a conditional use permit shall be required to allow more than one (1) principal building on a lot, in accordance with the provisions of Section 9-2-7.
- F. *Setback encroachments.* All required setbacks shall remain open and unobstructed from ground level to the sky, subject to the following permitted obstructions. In no case, however, shall the identified permitted obstructions be located closer than one (1) foot to a property line, except for fences.
 - 1. Chimneys, cornices, canopies, eaves, and other ornamental features, provided they do not extend more than two and one-half (2½) feet into a required yard.
 - 2. Bay windows, provided the encroachment does not exceed twenty (20) square feet in area and the setback of the principal wall structure is ten (10) feet or greater.
 - 3. Terraces, steps, stoops, and other similar structures that do not extend above the height of the ground floor level of the principal structure, provided they do not extend to a distance less than two (2) feet from any lot line.
 - 4. Fire escapes not exceeding three (3) feet in width, within side or rear yards only.
 - 5. In areas zoned R-2, Medium Density Residence District, decks, breezeways, uncovered porches, and similar structures may extend to within five (5) feet of a side property line or eight (8) feet of a rear property line.
 - 6. Driveways and parking areas, subject to the provisions established in Chapter 24.
 - 7. Light fixtures provided that the performance standards of Section 9-4-16 are satisfied.
 - 8. Recreational playground equipment and landscape features.
 - 9. Fences in compliance with Section 9-4-13.
 - 10. Accessory buildings in compliance with Section 9-4-10.
 - 11. Air-conditioning, heating, ventilation, or other mechanical equipment, subject to the screening requirements specified in Chapter 25. In no case, however, shall such equipment be located in the front or corner side yard area or closer than five (5) feet to a side or rear property line unless it is clearly established that no other alternatives exist.
 - 12. Signs in compliance with the provisions of Chapter 23.
- G. *Corner lots.* On a corner lot, one (1) of the lot lines that abuts the street shall be considered a front lot line and the other shall be considered a corner side lot line. Establishment of the front lot line shall be based on the orientation of the existing or proposed building.
- H. *Through lots.* On a through or double frontage lot, both lot lines that abut the street shall be considered front lot lines for applying the yard setback requirements of this Title, except in the case of a fence or accessory building. In addition, no home on a through lot or corner lot in any residential zone shall be allowed direct access to any major collector or arterial street designated as such by the Comprehensive Plan, except as may be permitted by the City Engineer.
- I. *Flag Lots.* The following regulations shall apply to the platting of flag lots:
 - 1. Flag lots must connect to a public street by means of an access connection that has a minimum width of thirty-five (35) feet.

2. Width of the driveway within the access shall be a minimum of twelve (12) feet and a maximum of fifty (50) percent of access width, not to exceed twenty-four (24) feet.
 3. House location and setbacks shall be specified through the planned development zoning process.
 4. The centerline of the driveway shall be radial to the right-of-way lines.
 5. Driveways located within street right-of-way shall maintain a five (5) foot setback from the projection line of side lot lines to the center of the street.
- J. *Outlots.* Outlots are deemed unbuildable and no building permit shall be issued for such properties, except in the case of public park facilities and essential services.
- K. *Building height.* The building height limitations established in each separate zoning district shall apply to all buildings and structures, with the exception of the following, provided however that no excluded roof equipment or structural element extending beyond the defined height of a building may occupy more than twenty-five (25) percent of the roof area.
1. Church steeples, spires, or belfries.
 2. Chimneys or flues.
 3. Cupolas and domes that do not contain useable space.
 4. Flagpoles.
 5. Mechanical or electrical equipment, subject to applicable screening requirements in Chapter 25.
 6. Monuments.
 7. Parapet walls extending not more than three (3) feet above the limiting height of the building.
 8. Communication antennas and towers in accordance with the standards identified in Section 9-4-15.
 9. Towers, poles, or other structures for essential services.
 10. Water towers.

9-4-5 Dwelling Unit Restriction.

- A. Except as may be expressly allowed by this Title, no garage, tent, accessory building or recreational vehicle shall, at any time, be used as living quarters, temporarily or permanently. Tents, playhouses, or similar structures may be used for play or recreational purposes.
- B. Basements and cellars may be used as living quarters or rooms as a portion of the principal residential dwelling.

9-4-6 Traffic Visibility.

No fences, structures, or plantings shall be permitted to exceed thirty (30) inches in height within any front or side yard area on a corner lot that may interfere with the visibility across the corner. A minimum sight triangle shall be established on each corner lot at every street intersection through which motorists shall have reasonable unobstructed view. The minimum sight triangle is a triangle located at the corner of intersecting streets. The adjacent sides shall be located along the curb line or along the gutter line of streets without curb and gutter, and shall be fifty (50) feet in length. The third side shall be a straight line joining the end points of the adjacent sides. The City may order removal of vision obstructions located within the minimum sight triangle.

9-4-7 Agricultural Operations.

- A. All agricultural operations currently in existence will be permitted to continue operation subject to

the following conditions:

1. Agricultural uses, as defined in Section 9-1-12, excepting commercial animal farms, fur farms, kennels and poultry farms, but including truck gardening and other horticultural uses, are a permitted use in the district in which an existing operation is located; provided that any new private stable or other new building in which farm animals are kept shall be a distance of one-hundred (100) feet or more from any other lot in a residential zoning district.
 2. Limited sales of products produced may be conducted on the premises from a roadside stand, but such stand shall not exceed twelve (12) feet in height or five-hundred (500) square feet in floor area, and no portion of any such stand shall be located or erected nearer than fifty (50) feet to any public street.
- B. A conditional use permit shall be required to allow establishment of any new agricultural use after the effective date of this Title.

9-4-8 Underground Utilities.

- A. *Underground utilities required.* All utility lines hereafter installed, constructed, or otherwise placed within the City for electric, telephone, TV cable or other like or similar services to serve residential, commercial and industrial customers in newly platted areas 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:
1. Above ground placement, construction, modification or replacement of:
 - a. Meters, gauges, transformers, street lighting and service connection pedestals.
 - b. Those lines commonly referred to as "high voltage" transmission lines; provided that sixty (60) days prior 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.
 - c. Those lines 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.
 2. Above ground placement of temporary service lines shall only be allowed:
 - a. During the new construction of any project for a period not to exceed twenty-four (24) months.
 - b. During an emergency to safeguard lives or property within the City.
 - c. For a period of not more than seven (7) months when soil conditions make excavation impractical.
- B. *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.

9-4-9 Special Building Setbacks.

- A. *Setbacks between buildings.* In cases where several buildings might be constructed on one (1) lot of record, excluding residential lots, the minimum space between said buildings shall be no less than a distance equal to one-half ($\frac{1}{2}$) of the building heights of the two (2) buildings involved.
- B. *Building setback from state or county highways.* In addition to requirements contained elsewhere in this Title, the following setbacks shall apply to properties located adjacent to state or county highways:

ROAD CLASSIFICATION	MINIMUM SETBACK FROM CENTERLINE
STH 101 and STH 13	40 Feet from right-of-way
CSAH 42	150 Feet from centerline
Other County Highways	100 Feet from centerline

- C. *Building setback from railroads.* Fifty (50) feet from railroad right-of-way.

9-4-10 Accessory Uses and Structures.

- A. *General requirements.* Accessory uses and structures shall comply with the following standards and all other applicable regulations of this Title:
1. No accessory use or structure shall be constructed or established on any lot prior to the time of construction of the principal use to which it is accessory.
 2. The accessory use or structure shall be incidental to and customarily associated with the principal use or structure.
 3. The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served.
 4. The accessory use or structure shall contribute to the comfort, convenience, or necessity of the occupants of the principal use or structure served. In no case shall an accessory structure be utilized as an independent residence, either permanently or temporarily.
 5. The accessory use or structure shall be located on the same zoning lot as the principal use or structure, except for accessory off-street parking and loading facilities, subject to the provisions of Chapter 24.
 6. The accessory use or structure shall not be injurious to the use and enjoyment of surrounding properties.
- B. *Residential accessory buildings and garages.*
1. *Design criteria.* In all residential districts, the design and construction of any garage, carport, or storage building shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to the main building or shall be commonly associated with residential construction. In addition, the following shall apply:
 - a. Garage door openings shall be limited to nine (9) feet in height.
 - b. Pole buildings are prohibited.
 2. *Minimum garage area requirement.* A two (2) car garage of not less than three-hundred fifty (350) square feet per dwelling unit shall be required for all single-family detached and single-family attached dwellings. A one (1) car garage of not less than two-hundred forty (240) square feet per dwelling unit shall be required for all multi-family residential structures.
 3. *Maximum accessory building size.* The maximum accumulative size of accessory buildings allowed in a residential district shall be one-thousand (1,000) square feet per lot for single-family and two-family dwellings and three-hundred fifty (350) square feet per unit for multi-family residential properties. Such calculation shall include the area of both attached garages and any detached accessory buildings. Maximum accumulative size may be increased by conditional use permit, in accordance with the provisions of Section 9-2-7. In no case, however, shall the total floor area of all accessory structures exceed the

- ground floor area of the principal building located on the same lot.
4. *Attached structures.* An accessory structure shall be considered attached, and an integral part of, the principal structure when it is connected by an enclosed passageway. Such structures shall be subject to the following requirements:
 - a. The structure shall meet the required setbacks for a principal structure, as established for the zoning district in which it is located.
 - b. The structure shall not exceed the height of the principal building to which it is attached.
 5. *Detached structures.* Detached accessory structures shall be permitted in residential districts in accordance with the following:
 - a. For lots less than one-half ($\frac{1}{2}$) acre in size, one (1) detached accessory structure may be permitted in addition to one (1) private garage, whether detached or attached. Only one (1) detached accessory structure may exceed one-hundred twenty (120) square feet in size.
 - b. For lots one-half ($\frac{1}{2}$) acre in size or larger, two (2) detached accessory structures may be permitted in addition to one (1) private garage, whether detached or attached. Only one (1) detached accessory structure may exceed one-hundred twenty (120) square feet in size.
 - c. Detached accessory structures shall be located to the side or rear of the principal building, and are not permitted within the front yard or within a corner side yard. Minimum setbacks for such structures shall be five (5) feet from side property lines and eight (8) feet from a rear property line.
 - d. Maximum height shall not exceed twelve (12) feet.
 - e. Detached accessory structures shall not cover more than five (5) percent of the rear yard of residential properties. For lots five thousand (5,000) square feet in size or smaller, the combined area of all detached accessory structures may cover up to ten (10) percent of the total lot area.
- C. *Exceptions.* Properties that exceed five (5) acres in size and that are not served by municipal sewer and water shall generally be subject to the provisions of Sections 9-4-10-A and 9-4-10-B, except as follows:
1. Properties utilized for farming purposes, as defined in Section 9-1-11, shall be exempt from all number, size, and design requirements established by this Section, provided that any accessory building shall maintain a minimum setback of one-hundred (100) feet from a front lot line and fifty (50) feet from all side or rear lot lines.
 2. For non-farm residential properties, one (1) of the allowable detached structures may be increased in size up to two (2) times the size of the dwelling at its foundation, subject to approval of an interim use permit in accordance with Section 9-2-8. Design criteria standards may be modified or waived by the City Council, depending on the proposed use of the structure. Additionally, placement of the structure will be subject to the provisions identified in Section 9-5-3-DD.

9-4-11 Moving of Buildings.

- A. *Permit required.* No person shall move any principal building from within or without the City limits to a new location within the City without first obtaining approval of a conditional use permit in accordance with the provisions of Section 9-2-7. This requirement shall apply to the moving of pre-existing buildings and is not meant to apply to new buildings manufactured off-site and moved to a permanent site in sections or as completed structures.
- B. *Standards.*
 1. The Building Official or a qualified independent inspector shall inspect the building to be

- moved to determine compliance with the Building Code and applicable ordinances of the City, and shall make a report to the Planning Commission and City Council identifying any conditions of non-compliance and proposed remedies.
2. Aside from functional requirements determined by the Building Official, the central objective of this Section is to assure visual compatibility and preservation of property values within the City. In evaluating such compatibility and preservation of property values, the Planning Commission and City Council shall consider, among other things, the structure's size, height, age, architectural style and general appearance.
- C. *Time limit.* Buildings shall not be removed from their foundation and temporarily stored within the City of Savage until assurance is provided that the new foundation is capable of receiving the building. In no case shall buildings in transit to or from the City be stored off their foundation within the City for more than thirty (30) days. Such temporary storage is restricted on the basis of public safety and negative visual impact.
- D. *Financial security.* The person or persons responsible for moving a building shall provide a cash escrow or bank letter of credit in an amount determined by the Building Official to assure compliance with the provisions of this Section. Evidence of sufficient liability insurance shall also be required.

9-4-12 Temporary Uses and Structures.

The following temporary uses and structures shall be permitted in all zoning districts, except as otherwise specified below, provided such temporary use or structure shall comply with the regulations of the zoning district in which it is located and all other applicable regulations of this Title.

- A. *Garage sales.* Garage sales shall be limited to a total of ten (10) days of operation per calendar year at any residential location.
- B. *Seasonal outdoor sale of products.* The seasonal outdoor sale of products, including but not limited to produce, plants, and Christmas trees, may be allowed as a temporary use, in accordance with the provisions established in Title 3, Chapter 3, Article B, Savage City Code.
- C. *Temporary structures.* The placement of a temporary structure on any property within the City shall require approval of a conditional use permit, except as specifically provided for elsewhere in this Title. Such structures shall meet the following standards:
 1. All required building setbacks shall be observed.
 2. All applicable requirements of the State Building Code shall be met.
 3. Provisions for water and sewer servicing the temporary structure shall be subject to review and approval of the Building Official.
 4. Placement of the structure shall not reduce the number of parking stalls below the minimum requirements established in Chapter 24.

9-4-13 Fences. Fences shall be permitted in all yards subject to the following:

- A. *Permit not required.* Building permits are not required to construct fences, except in cases where the height of the fence will exceed six (6) feet in height.
- B. *Location.* Fences shall be located entirely upon the private property of the persons constructing the fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. Additionally, the location of fences shall be subject to the following:
 1. All fences shall be constructed to allow access by utility company personnel to read utility meters on the property.
 2. No fence shall be located across or on an easement for driveway, sidewalk, or other vehicle or pedestrian access.

3. No fences shall be located or constructed in such a manner to impede the flow of water upon a drainage or ponding easement.
 4. A three (3) foot setback from the right-of-way line along arterial or collector streets is required where sidewalks or trails exist or are planned.
 5. All fences are subject to site distance requirements as established in Section 9-4-6.
- C. *Construction.* Fences shall be constructed in a workmanlike manner and of substantial material reasonably suited for its intended purpose. All fence posts and supporting members shall be erected so that the finished side or sides of the fence face the adjacent property or public right-of-way.
- D. *Maintenance.* Every fence shall be maintained on both sides in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence that is, or has become dangerous to the public health or welfare, is a public nuisance, and the City may commence proper proceedings for the abatement thereof.
- E. *Electric fences.* Electric fences shall not be permitted.
- F. *Barbed wire fences.* Barbed wire fences shall only be permitted on farms or for special security requirements by conditional use permit, as identified in Section 9-4-13-H-2.
- G. *Fencing in residential areas.*
1. Except in required front yard areas, fences may be erected up to six (6) feet in height. In cases where a lot abuts a roadway designated as a County or State highway, the height of the fence may be extended up to eight (8) feet in height along such lot lines that abut the roadway.
 2. Fences extending across front yards shall not exceed four (4) feet in height and shall be at least seventy-five (75) percent open space for passage of air and light.
- H. *Fencing in non-residential areas.*
1. Business and industrial fences may be erected up to eight (8) feet in height. Fences in excess of eight (8) feet shall require a conditional use permit.
 2. Business and industrial fences with barbed wire security arms a minimum of six (6) feet in height (measured without the security arm) may be allowed by conditional use permit. The security arm shall be angled in such a manner that it extends only over the property of the permit holder and does not endanger the public. Such security fencing shall not be located along a property line abutting a residential use.
- I. *Special purpose fences.* Fences for special purpose and fences differing in construction, height or length may be permitted in any district by conditional use permit. Findings shall be made that the fence is necessary to protect, buffer or improve the premises.

9-4-14 Outdoor Storage.

Except as specifically provided for by this Title, all materials and equipment shall be stored within a building.

- A. *Exceptions.*
1. Laundry drying and recreational equipment such as clothesline poles, swing sets and sandboxes.
 2. Construction and landscaping materials and equipment currently being used on the premises.
 3. Agricultural equipment and materials if these are used or intended for use on the premises.
 4. Off-street parking of motor vehicles and recreational vehicles as specified in Section 9-24-5.

5. Firewood piles, provided they are kept or stored as follows:
 - a. In neat and secure stacks (maximum of four (4) stacks, each of which shall be no higher than five (5) feet. The total volume of all stored wood shall not exceed five (5) feet high by ten (10) feet wide by twenty-five (25) feet long.
 - b. Stacks shall not be closer than five (5) feet from side property lines and ten (10) feet from rear property lines unless screened by a solid fence or wall.
 - c. The wood stacks shall not be infested or inhabited with rats, rodents, vermin or insects noxious or dangerous to person or property.
 - d. The wood shall not be stored or kept in the front yard or corner side yard.
 - e. Temporary storage of lots for up to fourteen (14) days outside of the required areas of setback from property lines and street is allowed for the purpose of cutting and splitting lots to a size usable in the residence's wood burning device.
- B. *Standards for outdoor storage.* Outdoor storage shall be allowed as a conditional use in the industrial zoning districts and in the C-2, General Commerce District, under the following conditions:
 1. The outdoor storage shall be an accessory use of the property and shall occupy space other than a required front or corner side yard.
 2. The outdoor storage area shall be fenced around its perimeter with a minimum six (6) foot high fence and shall be screened in compliance with the provisions of Section 9-25-8-D.
 3. The height of materials stored, excluding operable vehicles and equipment, shall not exceed the height of the perimeter fence, except that the height of materials may be increased to two (2) times the height of the fence when the stored materials meet building setback requirements.
 4. The outdoor storage area is hard-surfaced with either bituminous or concrete. In industrial districts, compacted bituminous millings or other comparable dust-free surface material may be used at the discretion of the City Council.
 5. The storage area shall not take up, or interfere with access to, any required parking spaces as established in Chapter 24.
 6. The outdoor storage area shall not encroach into the required rear or side yard building setback area if abutting a residential district.
 7. There shall be no outdoor storage of scrap or cannibalized motor vehicles, machinery, or equipment.

9-4-15 Towers and Antennae.

- A. *Purpose.* In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the City Council finds that these regulations are necessary to:
 1. Maximize the use of existing and approved towers and buildings to accommodate new personal wireless service antennas in order to reduce the number of new towers necessary to serve the community.
 2. Ensure antennas and towers are designed, located, and constructed in accordance with all applicable code requirements to avoid potential damage to adjacent properties from failure of the antenna and tower through structural standards and setback requirements.
 3. Require tower equipment to be screened from the view of persons located on properties contiguous to the site and/or to be camouflaged in a manner to complement existing structures to minimize adverse visual effects of antennas and towers.
- B. *Height restrictions.* The height of towers shall be determined by measuring the vertical distance

from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the combined height of the structure at the tower's point of attachment and tower must meet the height restrictions of this Section. Except as specifically exempted in this Section, maximum heights for towers are as follows:

1. In all residential zoning districts, the maximum height of any antenna or tower, including all antennas and other attachments, shall not exceed forty (40) feet, except that the height may be increased by conditional use permit if the applicant can demonstrate that based upon the topography of the site and surrounding area, siting of the antenna, antenna design, surrounding tree cover and structures and/or through the use of screening, that off-site views of the tower will be minimized.
2. In all non-residential zoning districts, the maximum height of any tower, including all antennas and other attachments, shall not exceed forty (40) feet, except that the height may be increased by conditional use permit.

C. *Exceptions to height requirements.* The following are exceptions to the maximum height restrictions for towers:

1. In accordance with the preemption ruling PRB1 of the Federal Communications Commission, towers supporting amateur radio antennas that comply with all other requirements of this Section are exempted from the height limitations up to a total height of seventy (70) feet, provided that such height is technically necessary to receive and broadcast amateur radio signals.
2. Towers and other antenna devices which are attached to a structure and not freestanding may be located in any district under the following conditions:
 - a. The towers and antennae are located upon existing or proposed structures allowed as principal or conditional uses in the underlying zoning district and/or upon public structures; and
 - b. The towers and antennas are limited to a height of ten (10) feet projecting above the structure. The City Council may allow, through a conditional use permit, an antenna height of up to twenty-five (25) feet above the structure if the applicant can demonstrate that, by a combination of antenna design, positioning of the structure and/or by screening erected or already in place on the structure, off-site views of the antenna are minimized to accepted levels.
3. Public utility structures, including but not limited to water towers, antennas, lights and signals, power and telephone poles, and poles supporting emergency warning devices.

D. *Setback requirements.* Towers shall conform with each of the following minimum setback requirements:

1. Towers shall meet the setbacks of the underlying zoning district with the exception of industrial and commercial zoning districts, where towers may encroach into the rear and/or side setback area provided that the rear and/or side property line abuts another industrially or commercially zoned property and the tower does not encroach upon any easements.
2. Towers shall be set back from the planned public rights-of-way as shown on the most recently adopted Master Street Plan of the City by a minimum distance equal to one-half ($\frac{1}{2}$) of the height of the tower including all antennas and attachments.
3. Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - a. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
 - b. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

4. A tower's setback may be reduced or its location in relation to a public street varied through a conditional use permit, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light pole, power line support device, or similar structure. The term "integration" may include replacement of an existing structure to include a personal wireless service provider, but does not include replication of a structure.
- E. *Towers in residential zoning districts.* Towers in the residential zoning districts are subject to the following restrictions:
1. Towers supporting amateur radio antennas and conforming to all applicable provisions of this Title shall be allowed only in the rear yard of residentially zoned parcels.
 2. Towers supporting personal wireless service antennas and conforming to all applicable provisions of this Title shall be allowed only in the following residentially zoned locations with a conditional use permit:
 - a. Church sites, when architecturally integrated into steeples or bell towers.
 - b. Park sites, when compatible with the nature of the park.
 - c. Government, school, utility, and institutional sites.
- F. *Lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower for camouflage purposes, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
- G. *Signs and advertising.* No signage, advertising, or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by federal, state, or local authorities.
- H. *Accessory utility buildings.* All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements for accessory structures of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- I. *Design standards.* Proposed or modified towers and antennas shall meet the following requirements:
1. Towers and antennas (including antenna cables) shall be designed to blend into the surrounding environment to the maximum extent possible as determined by the City through the use of building materials, colors, texture, screening, landscaping, and other camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
 2. Personal wireless service towers shall be of a monopole design unless the City Council determines that an alternative design would better blend in to the surrounding environment.
- J. *Co-location requirement.* All personal wireless service towers erected, constructed, or located within the City shall comply with the following requirements:
1. A proposal for a new personal wireless service tower shall not be approved unless the City Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one-quarter ($\frac{1}{4}$) mile search radius for towers less than eighty (80) feet in height, a one-half ($\frac{1}{2}$) mile search radius for towers less than one-hundred twenty (120) feet in height, and a one (1) mile search radius for towers equal to or greater than one-hundred twenty (120) feet in height of the proposed tower due to one (1) or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the existing or

- approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
- b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - c. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency engineer.
 - d. Other unforeseen reasons that make in unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building, including the inability of the existing tower or building to meet the technological radio frequency requirements of the proposed wireless facility or the refusal of the owner of the existing tower or building to make space available for the wireless facility on that tower or building.
2. The applicant must demonstrate that a good faith effort to co-locate on existing towers and structures was made, but an agreement could not be reached.
 3. Any proposed personal wireless service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one-hundred twenty (120) feet in height or for at least one (1) additional user if the tower is over eighty (80) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- K. *Tower construction requirements.* All towers erected, constructed, or located within the City shall comply with the requirements of the State Building Code.
- L. *Antenna mounted on roofs, walls, and existing towers.* The placement of personal wireless service antennas on roofs, walls, and existing towers may be approved by the City, without a conditional use permit, provided the antenna meets the requirements of this Section and provided that no such antenna shall be placed on the roof of a building within the Hamilton District, as defined in Chapter 20. In addition to the submittal requirements required elsewhere in this Title, an application for a building permit for antennas to be mounted on an existing structure shall be accompanied by the following information:
1. A site plan showing the location of the proposed antennas on the structure and documenting that the request meets the requirements of this Section.
 2. A building plan showing the construction of the antennas and the proposed method of attaching them to the existing structure, and documenting that the request meets the requirements of this Section.
 3. Certification by a qualified and licensed professional engineer indicating the existing structure or tower's ability to support the antennas.
- M. *Abandoned or unused towers or portions of towers.* All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless the City approves a time extension. In the event that a tower is not removed within twelve (12) months of the cessation of operations at a site, the City may remove the tower and associated facilities with the costs of removal assessed against the property. After the facilities are removed, the site shall be restored to its original or an improved state.
- N. *Interference with public safety telecommunications.* No new or existing telecommunications service shall interfere with public safety telecommunications.
- O. *Additional submittal requirements.* In addition to the information required elsewhere in this Title in

support of an application for a building permit for towers and their antennas, applications for conditional use permits for such towers shall include the following supplemental information:

1. A report from a qualified and licensed professional engineer demonstrating the following:
 - a. Description of the tower height and design including a cross-section and elevation.
 - b. Documentation of the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas.
 - c. Description of the tower's capacity, including the number and type of antennas that it can accommodate.
 2. For all personal wireless service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, so long as there is no negative structural impact upon the tower and there is no disruption to the service provided.
 3. Before the issuance of a building permit, the following supplemental information shall be submitted:
 - a. Confirmation that the proposed tower complies with the requirements of the Federal Aviation Administration, Federal Communications Commission, and any appropriate state review authority or that the tower is exempt from those regulations.
 - b. A report from a qualified and licensed professional engineer that demonstrates the tower's compliance with the applicable structural and electrical standards as required by the State Building Code.
- P. *Exemptions.* The following antennas are exempt from the requirements of this Section except as otherwise provided:
1. Satellite earth station antennas that are two (2) meters or less in diameter and located or proposed to be located in a commercial or industrial district.
 2. Antennas designed to receive signals as follows:
 - a. Antennas that are one (1) meter or less in diameter and that are designed to receive direct broadcast satellite service, including direct-to-home satellite services.
 - b. Antennas that are one (1) meter or less in diameter and that are designed to receive video programming services via multipoint distribution services, including multi-channel multi-point distribution services, instructional television fixed services, and local multi-point distribution services.
 - c. Antennas designed to receive television broadcast signals.
 3. Antennas exempted under Section 9-4-15-P are subject to the following requirements:
 - a. Antennas (including antenna cables) shall be designed to blend into the surrounding environment through the use of appropriate colors, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
 - b. No lighting, signage, advertising, or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by federal, state, or local authorities.
 - c. Antennas and any guy wires or guy wire anchors shall not be erected within a public or private utility and drainage easement or within a required front or corner side yard, and shall be set back a minimum of five (5) feet from all lot lines.

- d. Antennas shall, to the extent feasible, be placed in a position that is not visible from the street, unless placement in accordance with these requirements would impair reception of an acceptable signal.
 - e. Antennas shall not exceed twelve (12) feet in height in a residential zoning district or twenty (20) feet in height in a non-residential zoning district.
 - f. Antennas shall not be constructed, installed, or maintained so as to create a safety hazard or cause damage to the property of other persons and shall conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association and any other applicable reviewing agencies.
4. *Residential district standards.* Satellite earth station antennas in excess of one (1) meter in diameter and antennas designed to receive direct broadcast services or multi-channel multipoint distribution services in excess of one (1) meter in diameter may be allowed by conditional use permit within the residential zoning districts of the City and, in addition to the requirements of this Section, shall comply with the following standards:
- a. The lot on which the antenna is located shall be of sufficient size to assure that an obstruction-free receive window can be maintained within the limits of the property ownership.
 - b. Except where the antenna is screened by a structure exceeding the antenna height, landscape buffering and screening shall be maintained on all sides of the antenna in a manner in which growth of the landscape elements will not interfere with the receive window.
 - c. The antenna is not greater than three (3) meters in diameter.
5. *Non-residential district standards.* Satellite earth station antennas in excess of two (2) meters in diameter and antennas designed to receive direct broadcast services or multi-channel multipoint distribution services in excess of one (1) meter in diameter are allowed as a conditional use within the non-residential zoning districts of the City and, in addition to the requirements of this Section, shall comply with the following standards:
- a. The lot on which the antenna is located shall be of sufficient size to assure that an obstruction free transmit-receive window or windows can be maintained within the limits of the property ownership.
 - b. Except where the antenna is screened by a structure exceeding the antenna height, landscape buffering and screening shall be maintained on all sides of the antenna in a manner in which growth of the landscape elements will not interfere with the transmit-receive window.

9-4-16 Performance Standards.

- A. *Lighting.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. All uses shall comply with the following standards except as otherwise provided in this Section:
- 1. All lighting fixtures shall be of a downcast, cutoff type, concealing the light source from view and preventing glare from spilling into any residential property.
 - 2. Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions so as to cause annoyance, discomfort, or decreased visual performance or visibility.
 - 3. Lighting shall not directly or indirectly cause illumination or glare in excess of one-half ($\frac{1}{2}$) foot-candle measured at the closest residential property line and one (1) foot-candle measured at the street curb line or non-residential property line nearest the light source.

4. Lighting shall not create a hazard for vehicular or pedestrian traffic.
 5. Lighting of building facades or roofs shall be located, aimed, and shielded so that light is directed only onto the facade or roof.
 6. Lighting shall be maintained stationary and constant in intensity and color, and shall not be of a flashing, moving, or intermittent type.
 7. The uses listed below shall be exempt from the provisions of this Section as follows:
 - a. Publicly controlled or maintained street lighting and warning and emergency or traffic signals.
 - b. Athletic fields and outdoor recreation facilities serving or operated by an institutional or public use that otherwise meets all of the requirements of this Title shall be exempt due to their unique requirements for nighttime visibility and limited hours of operation.
 - c. Neon signs, theater marquee lights, and decorative lighting.
- B. *Glare and heat.* No use or structure shall be operated or occupied as to create glare or heat from high temperature processes such as welding or metallurgical refining in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. Uses producing glare or heat shall be performed within a completely enclosed building in such manner as to make such glare or heat completely imperceptible from any point along a property line.
- C. *Vibration.* No use or structure shall be operated or occupied as to vibration in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. Any use creating periodic earth-shaking vibrations shall be prohibited if such vibrations are perceptible beyond the lot line of the site on which the use is located. Such standards shall not apply to vibrations created during a construction process.
- D. *Radiation and electrical emissions.* No use or structure shall be operated or occupied as to emit dangerous radioactivity beyond enclosed areas or to create electrical disturbance in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.
- E. *Noise.* No use or structure shall be operated or occupied as to create noise in such an amount or with such recurrence or at such time of day as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. All uses shall comply with the standards governing noise as regulated by the Minnesota Pollution Control Agency and by Title 4, Chapter 2, Savage City Code.
- F. *Odor emissions.* No use or structure shall be operated or occupied as to create odor in such an amount or to such degree as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. All uses shall comply with the standards governing odor emissions as regulated by the Minnesota Pollution Control Agency.
- G. *Air emissions.* No use or structure shall be operated or occupied as to create the emission of smoke, particulate matter, noxious gas, or other air emission in such an amount or to such degree as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. All uses shall comply with the standards governing air emissions as regulated by the Minnesota Pollution Control Agency.
- H. *Water pollution.* No use or structure shall be operated or occupied as to create water pollution in such an amount as to constitute a hazardous condition, or as to unreasonably interfere with the use

and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. All uses shall comply with the standards governing water pollution as regulated by the Minnesota Pollution Control Agency.

- I. *Explosive and flammable materials.* No use or structure involving the manufacture, storage, or use of explosive or flammable materials shall be operated or occupied as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. All uses involving the manufacture, storage, or use of explosive or flammable materials shall comply with all pertinent regulations, including but not limited to the Minnesota Building Code and Minnesota Uniform Fire Code. Any use requiring the storage, use or manufacturing of products that could decompose by detonation shall be located not less than four-hundred (400) feet from any non-industrially zoned district line, provided that this Section shall not apply to the storage or use of liquefied petroleum or natural gas for normal residential or business purposes.
- J. *Hazardous materials.* No use or structure involving hazardous materials shall be operated or occupied as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. All uses shall comply with the standards governing hazardous materials as regulated by the Minnesota Pollution Control Agency.
- K. *Waste disposal.* No use or structure shall be operated or occupied as to discharge waste material in such an amount as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. All uses shall comply with the standards governing waste discharge as regulated by the Minnesota Pollution Control Agency. Waste material shall not be washed or dumped into the public storm sewer system or the sanitary sewer system without a permit from the City. If the permit is not granted, a method of disposal shall be devised which shall not require continuous land acquisition for permanent operation and will not cause a detrimental effect to the adjacent land. Should the waste be of a solid form rather than fluid, the storage area shall be so located and screened from public view. In all districts, all waste material, debris, refuse, garbage materials not currently in use for construction or otherwise regulated herein shall be kept in an enclosed building or be properly screened according to the requirements of this Title.
- L. *Drainage and erosion control.* No land shall be developed and no use shall be permitted that results in water runoff, flooding or erosion on adjacent properties. Run-off shall be properly channeled into a storm drain, water course, ponding area or other suitable facility.
 1. In the development, improvement, excavation or alteration of land, the existing direction of drainage shall not be changed if functioning properly, unless plans for the development are approved by the City Engineer.
 2. Prior to issuance of a building or grading permit for any development, improvement, excavation or alteration of land, a drainage and erosion control plan shall be prepared and submitted to the City Engineer for approval. Such plan shall specify the measures to be used before, during and after construction until the soil and slope are stabilized by permanent cover. These control measures shall be maintained in good working order until site stabilization occurs.
 3. In areas that are susceptible to erosion hazard or sedimentation damage such as damage swales and steep slopes, sod, rip-rap or other erosion control measures shall be required subject to City Engineer review and approval.
- M. *Traffic control.* 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 business and industrial uses or areas shall be forward moving with no backing onto streets or pedestrian ways. No access drive to any lot shall be located within thirty (30) feet of any two (2) intersecting street right-of-way lines.
- N. *Maintenance.* All structures, landscaping and fencing shall be maintained in a manner compatible with adjacent properties and consistent with the goals and objectives of the Comprehensive Plan

and as further specified within this Title. All property owners shall be responsible for keeping their land free of waste material, noxious weeds, and conditions potentially detrimental to the general health, safety and welfare.

9-4-17 Emergency Vehicle Access.

- A. *Purpose.* The purpose of this Section is to facilitate the rapid and effective extinguishment of fires and the provision of emergency services by insuring that all premises that the Fire Department and other emergency public rescue and other safety departments are called upon to protect will be readily accessible for effective emergency service operations.
- B. *Emergency access required.* Every use permitted by this Title shall provide access for fire vehicles and emergency apparatus from a public street, except structures with less than three (3) dwellings. Emergency access shall be provided as required by the Minnesota Uniform Fire Code and other regulations adopted by the City.
- C. *Fire lane standards.* All fire lanes shall comply with the following standards:
 - 1. The fire lane shall provide clear, unobstructed access for vehicles and apparatus at all times.
 - 2. Signs prohibiting parking or standing of motor vehicles shall be required.
 - 3. Fire lanes shall be at least twenty (20) feet in width. The Fire Chief shall have the authority to require additional width in order to insure adequate fire or rescue operation.
- D. *Alternatives to required access and fire lanes.* The requirements for fire access roadways and fire lanes may be modified when an approved fire protection system or systems, as defined by the Savage Uniform Fire Code, are installed if, in the opinion of the Fire Chief, fire fighting and rescue operations are not impaired.

9-4-18 Water Surface Use Regulations.

- A. *Purpose.* As authorized by Minnesota Statutes 459.20, this Section is enacted for the purpose and with the intent to control and regulate the use of the waters within the City of Savage, to promote the fullest use and enjoyment by the public in general and the citizens of the City of Savage in particular of said waters; to insure safety for persons and property in connection with the use of said waters; to harmonize and integrate the varying uses of said waters; and to promote the general welfare, safety and welfare of the public.
- B. *Specific regulations.* No motor powered watercraft shall be operated at any time upon the water surface of McColl Pond (DNR #70-17W). This restriction does not apply to electric motors or scale model boats.
- C. *Enforcement.* The enforcement of this Section shall be the primary responsibility of the Scott County Sheriff's Department and City of Savage police officers. Other licensed peace officers including Conservation Officers of the Department of Natural Resources of the State of Minnesota are also authorized.
- D. *Exemptions.* All authorized Resource Management, Emergency and Enforcement Personnel, while acting in the performance of their assigned duties are exempt from the foregoing restrictions.

9-4-19 Surface Water Appropriation.

- A. *Purpose.* This Section is enacted to eliminate potential for shoreland erosion, to protect against potential for legal liability, to preserve the quality of natural resources within the City and thereby promote fullest enjoyment of the City's lakes and streams.
- B. *Specific regulations.* The appropriation of water from any public lake, pond, water body, wetland, river, creek, stream or water course located within the City of Savage, for any purpose and by use of any type of pump or piping system, is strictly prohibited.

- C. *Exemption.* This restriction shall not apply to pumping/piping that existed prior to March 10, 1994, provided there is no feasible option for such water intake, as determined by the City Engineer, and conditioned upon submittal to the City of written verification of such pre-existing situation.