



# CITY OF HAM LAKE

15544 Central Avenue NE  
Ham Lake, Minnesota 55304  
(763) 434-9555  
Fax (763) 434-9599

## **CITY OF HAM LAKE PLANNING COMMISSION AGENDA MONDAY, MAY 8, 2023**

**CALL TO ORDER:** 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES:** April 24, 2023

**PUBLIC HEARINGS:**

**6:01 p.m.** Hany Omar, YSMN Properties LLC, and Faiz Jameel and Sami Sekhi of GT Auto Sales, requesting a Conditional Use Permit to operate GT Auto Sales, an auto sales and service, car repair and auto body shop, at 16905 Baltimore Street NE

**NEW BUSINESS:**

1. None

**COMMISSION BUSINESS:**

1. City Council Update

CITY OF HAM LAKE  
PLANNING COMMISSION MINUTES  
MONDAY, APRIL 24, 2023

The Ham Lake Planning Commission met for its regular meeting on Monday, April 24, 2023 in the Council Chambers at Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

**MEMBERS PRESENT:** Commissioners Brian Pogalz, Dave Ringler, Jeff Entsminger, Scott Heaton and Erin Dixon

**MEMBERS ABSENT:** Commissioners Kyle Lejonvarn and Jonathan Fisher

**OTHERS PRESENT:** Building and Zoning Clerk Jennifer Bohr

**CALL TO ORDER:** Chair Pogalz called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE:**

The pledge of allegiance was recited by all in attendance.

**APPROVAL OF MINUTES:**

**Motion by Ringler, seconded by Entsminger, to approve the minutes of the March 13, 2023 Planning Commission meeting as written. All present in favor, motion carried.**

**NEW BUSINESS:**

Andrew Buddensiek of ANB Auto LLC requesting a Certificate of Occupancy to operate a used car dealership at 15903 Lincoln Street NE

Andrew Buddensiek of ANB Auto LLC was present. Mr. Buddensiek stated he chose this location because he can display 8-10 cars inside of the building in addition to having up to seven cars displayed outside. Mr. Buddensiek stated he wants to have an indoor showroom to prevent theft and to keep the vehicles out of the elements. Mr. Buddensiek stated traffic generated by the business will be minimal as business will be conducted primarily by appointment. Mr. Buddensiek stated he will be updating the ventilation system to be code compliant, striping the parking lot and putting up a sign. Commissioner Heaton completed the inspection; a copy which is on file. Commissioner Heaton stated the building is located in an industrial park and the location is a good fit for what Mr. Buddensiek wants to use it for. Commissioner Heaton stated there is large, open areas for displaying cars; the parking lot needs to be striped and marked for handicap parking but is in good condition overall. Commissioner Heaton stated the ventilation system will need to be updated to comply with the 2020 Minnesota Mechanical Code. Chair Pogalz stated Building Official Mark Jones recommended approval of the Certificate of

Occupancy with conditions. **Motion by Heaton, seconded by Entsminger, to recommend approval of Andy Buddensiek's request for a Certificate of Occupancy to operate a used car dealership at 15903 Lincoln Street NE per the business and site plans provided subject to installing a ventilation system compliant with the 2020 Minnesota Mechanical Code, meeting the 2020 Minnesota State Fire Code for indoor storage of vehicles, striping the parking lot, adding an assessible parking space and meeting all City, State and County requirements. All present in favor, motion carried. *This application will be placed on the City Council's Monday, May 1, 2023 agenda.***

**COMMISSION BUSINESS:**

City Council Update

Commissioner Entsminger informed the Commissioners that the City Council concurred with the recommendation to approve the site plan for the expansion project in Flamingo Terrace manufactured home park. There will not be a Commissioner present at the May 1, 2023 City Council meeting.

**ADJOURNMENT:**

**Motion by Heaton, seconded by Dixson, to adjourn the Planning Commission meeting at 6:08 p.m. All present in favor, motion carried.**

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Jennifer Bohr  
Building and Zoning Clerk



# CITY OF HAM LAKE

15544 Central Avenue NE  
Ham Lake, Minnesota 55304  
(763) 434-9555  
Fax: (763) 434-9599

\*\*\*\*Notice of Correction – Parcel Outline on Map Corrected\*\*\*\*

## NOTICE OF PUBLIC HEARING CITY OF HAM LAKE COUNTY OF ANOKA STATE OF MINNESOTA

TAKE NOTICE, that pursuant to the requirements of Minnesota Law, a public hearing shall be held before the Ham Lake Planning Commission on Monday, May 8, 2023 at 6:01 p.m. at the City Hall located at 15544 Central Avenue NE, for the purpose of considering the application of Hany Omar, YSMN Properties LLC and Faiz Jameel and Sami Sekhi, GT Auto Sales, requesting a Conditional Use Permit to operate GT Auto Sales, an auto sales, service and repair shop, at 16905 Baltimore Street NE, such land situated in the City of Ham Lake, Anoka County, Minnesota and which is described as follows to wit:

08-32-23-13-0029

That part of the South 272.00 feet, as measured along the Westerly line of the plat of BIRCH VIEW ACRES, according to the recorded plat thereof, of the Southwest Quarter of the Northeast Quarter of Section 8, Township 32, Range 23, Anoka County, Minnesota, lying West of said Westerly line of BIRCH VIEW ACRES and lying Easterly of the following described centerline: Commencing at the Southwest corner of said plat of BIRCH VIEW ACRES; thence North 89 degrees 07 minutes 31 seconds West, assumed bearing along the South line of said Southwest Quarter of the Northeast Quarter, a distance of 273.41 feet to the point of beginning of the centerline to be described; thence North 0 degrees 52 minutes 29 seconds East, a distance of 72.70 feet to a point of curve; thence Northerly along a curve concave to the West having a radius of 590.41 feet, a central angle of 9 degrees 40 minutes 53 seconds, an arc length of 99.76 feet and a chord which bears North 3 degrees 57 minutes 50 seconds West to a point of reverse curve; thence Northerly along a curve concave to the East having a radius of 521.57 feet, a central angle of 10 degrees 57 minutes 07 seconds, an arc length of 99.70 feet and a chord which bears North 3 degrees 19 minutes 50 seconds West to a point of tangency; thence North 2 degrees 08 minutes 43 seconds East to a point on the North line of the said South 272.00 feet of the Southwest Quarter of the Northeast Quarter and there terminating. Subject to easements of record.

At such hearing both written and oral comments will be heard.

DATED: April 28, 2023

Jennifer Bohr  
Building and Zoning Clerk  
City of Ham Lake



16905 Baltimore Street NE



**CITY OF HAM LAKE  
PLANNING COMMISSION REQUEST APPLICATION  
INSPECTION REPORT**

**MTG DATE: 5/8/2023**

**INSPECTION ISSUED TO: Jeff Entsminger**

**APPLICANT/CONTACT: Hany Omar**

**TELEPHONE NUMBER: 612-730-7424 or hanyomar02@gmail.com**

**BUSINESS/PLAT NAME: GT Auto Sales**

**ADDRESS/LOCATION OF INSPECTION: 16905 Baltimore St NE**

**APPLICATION FOR: Conditional Use Permit**

**RECOMMENDATION:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DATE:** \_\_\_\_\_

**PLANNING COMMISSIONER SIGNATURE:** \_\_\_\_\_



# CITY OF HAM LAKE

15544 Central Avenue NE

Ham Lake, MN 55304

Phone (763) 434-9555 Fax (763) 235-1697

## PLANNING REQUEST

Date of Application 4/22/2023

Date of Receipt 4-25-23  
Receipt # 95806

Meeting Appearance Dates:  
Planning Commission 5-8-23

City Council \_\_\_\_\_

### Please check request(s):

- Metes & Bounds Conveyance
- Sketch Plan
- Preliminary Plat Approval\*
- Final Plat Approval
- Rezoning\*
- Multiple Dog License\*
- Commercial Building Permit
- Certificate of Occupancy
- Home Occupation Permit
- Conditional Use Permit (New)\*
- Conditional Use Permit (Renewal)
- Other grandfathered for auto dealer/mechanic

*\*NOTE: Advisory Signage is required for land use alterations and future road connections. This application also requires a Public Hearing. Such fees shall be deducted from deposit.*

Development/Business Name: YSMN properties LLC / GT Auto Sales

Address/Location of property: 16905 Baltimore, Ham Lake, MN

Legal Description of property: \_\_\_\_\_

PIN # \_\_\_\_\_ Current Zoning CD2 Proposed Zoning \_\_\_\_\_

Notes: \_\_\_\_\_

Applicant's Name: Hany Omar / Faeg Faeg / Sami Sekhi

Business Name: YSMN properties LLC / GT Auto Sales

Address 16905 Baltimore St., Ham Lake, MN

City Ham Lake State MN Zip Code 55304

Phone 612 730 7424 Cell Phone 612 54 58924 Fax \_\_\_\_\_

Email address hanyomar02@gmail.com / GT. Faeg@yahoo.com

*You are advised that the 60-day review period required by Minnesota Statutes Chapter 15.99 does not begin to run until all of the required items have been received by the City of Ham Lake.*

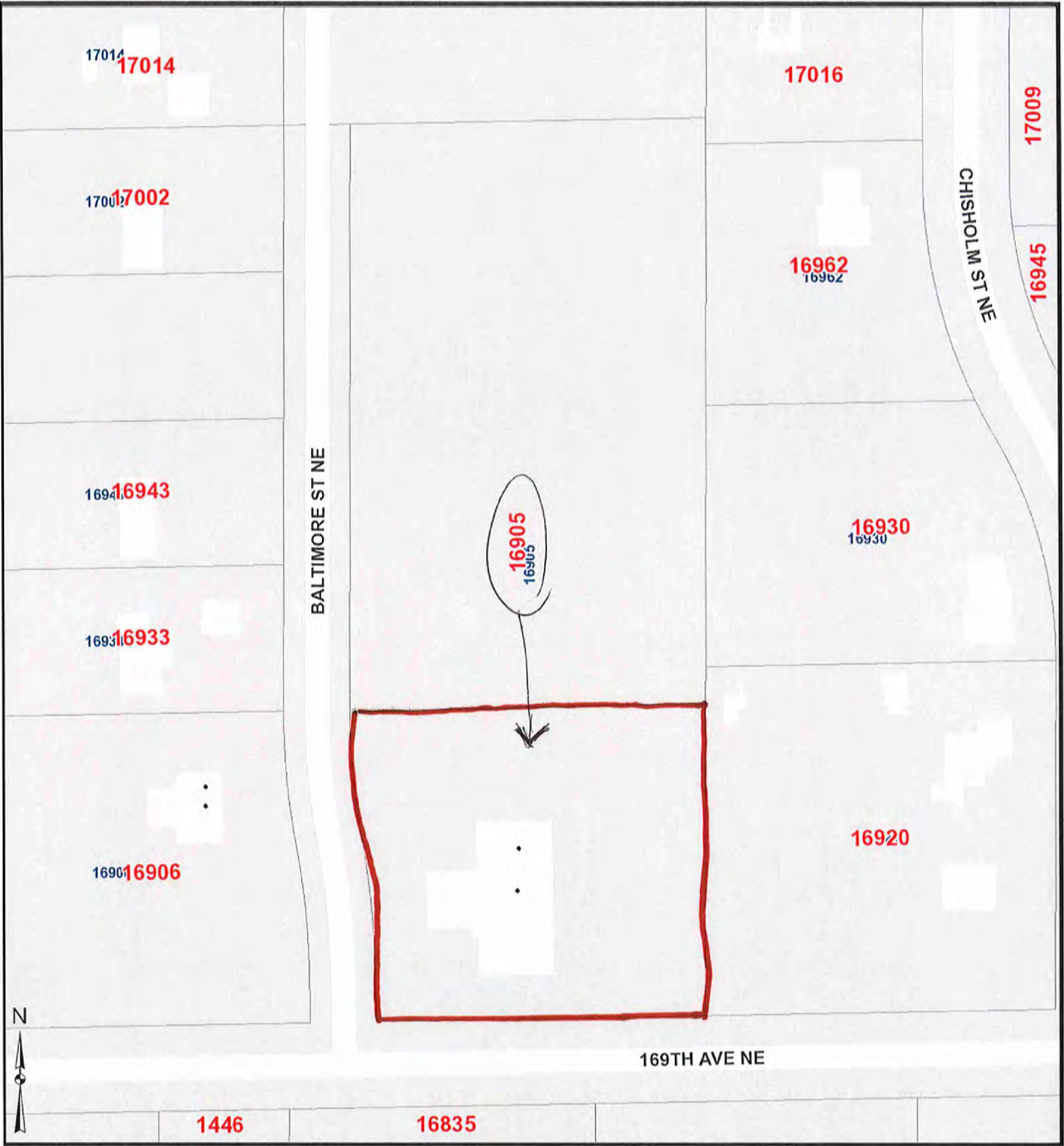
SIGNATURE [Signature] DATE 4/22/2023

### - FOR STAFF USE ONLY -

ACTION BY: Planning Commission \_\_\_\_\_  
City Council \_\_\_\_\_

PROPERTY TAXES CURRENT **YES** NO

# Anoka County Parcel Viewer



**Parcel Information:** Approx. Acres: 10.38009032  
 01-32-23-44-0001 Commissioner: JULIE BRAASTAD  
 17340 LEXINGTON AVE NE  
 HAM LAKE  
 MN 55304  
 Plat:

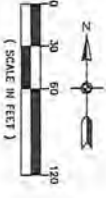
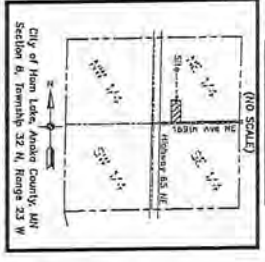
**Owner Information:**  
 CLAFLIN RONALD L & CONNIE M  
 17340 LEXINGTON AVE NE  
 HAM LAKE  
 MN  
 55304

Anoka County GIS 1:1,200 Date: 5/5/2023

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.



VICINITY MAP



PARCEL LINE ADJUSTMENT  
PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 32, RANGE 23, ANOKA COUNTY, MINNESOTA

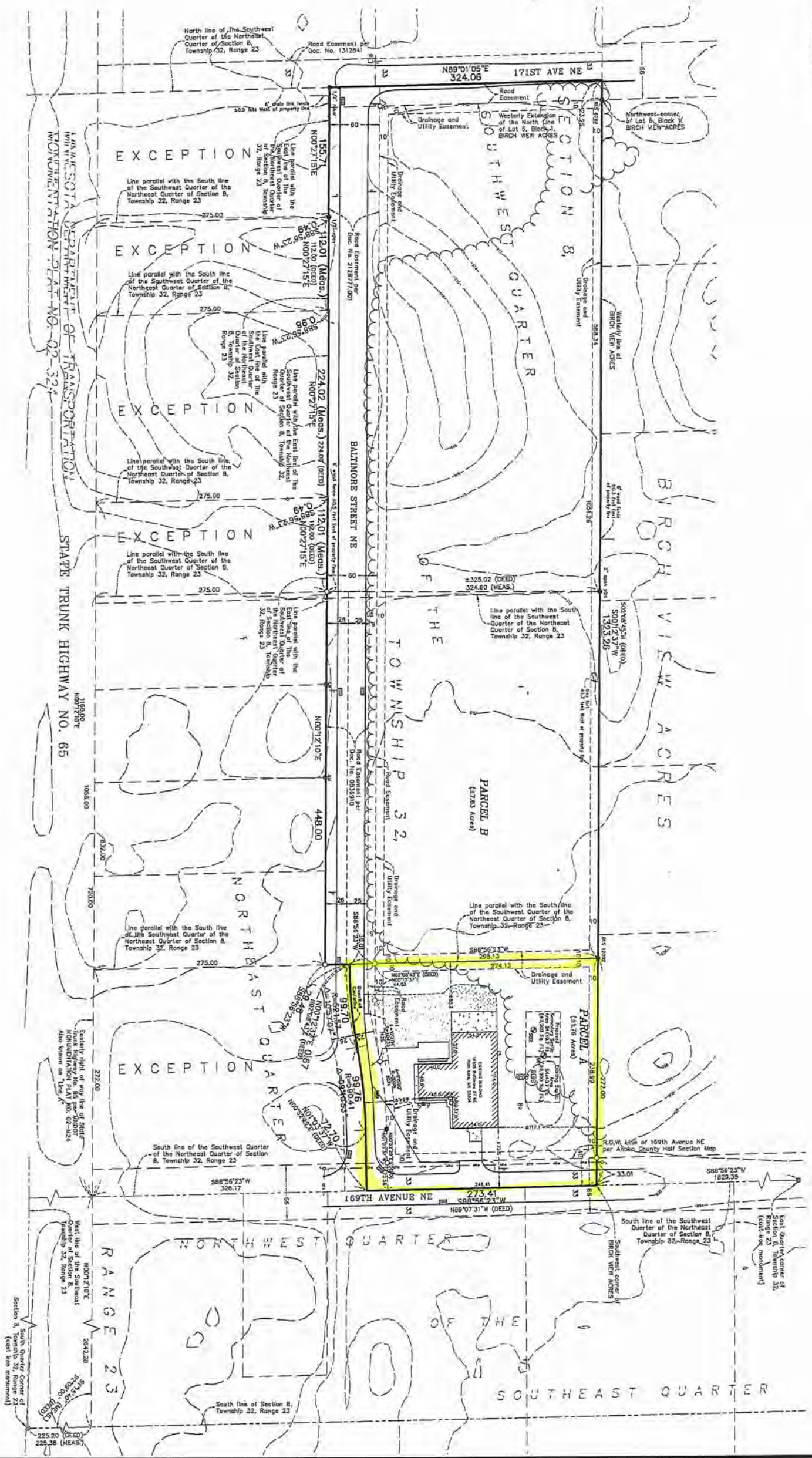
LEGEND

- - Denotes Overhead Utility Lines
- ⊕ - Denotes Found/Sat. Judicial Lot Mark, as noted
- - Denotes Anoka County Monument, as noted
- - Denotes 5/8 inch high by 1/4 inch radius, marked with R.S. 54850
- △ - Denotes Miscellaneous Sign
- - Denotes Paved End Section
- ⊖ - Denotes Gravel
- ⊕ - Denotes Existing Well
- ⊖ - Denotes Utility Pole
- ⊖ - Denotes Lot Box
- ⊖ - Denotes Telephone Box
- ⊖ - Denotes Catch Basin
- ⊖ - Denotes Dog Leaver
- ⊖ - Denotes Soil Boring
- ⊖ - Denotes Gravel Surface
- ⊖ - Denotes Concrete Surface
- ⊖ - Denotes Bituminous Surface
- ⊖ - Denotes Existing 2 Ft. Contour per DNR LIDAR
- ⊖ - Denotes Proposed Primary/Secondary Septic Area

**SITE DATA**

TOTAL SITE AREA	49.59 AC.
PARCEL A AREA (LESS ROAD EASEMENT)	41.76 AC.
PARCEL B AREA (LESS ROAD EASEMENT)	41.41 AC.
PARCEL A AREA (LESS ROAD EASEMENT)	41.83 AC.

- GENERAL NOTES**
- 1) Boundary Station Markers are based on the South line of the Southwest Quarter of Section 8, Township 32, Range 23, which is assumed to have 58875.23'.
  - 2) The existing right of way line for State Trunk Highway No. 65 per MINNESOTA DEPARTMENT OF TRANSPORTATION MONUMENTATION PLAT NO. 02-324 used for 'Take A'.
  - 3) Data and drawings may exist along the westerly property line. The client's records may wish to pursue this matter further, as on to determine any title issues that may exist.



**CARLSON MCGAIN**  
ENGINEERING  
SURVEYING  
ENVIRONMENTAL  
3890 PHEASANT RIDGE DR NE  
SUITE 100  
MINNETONKA, MN 55345  
TEL: 763.489.2700  
FAX: 763.489.2700  
CARLSONMCGAIN.COM

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer in the State of Minnesota.

Date: 08/01/22 License #: 54850

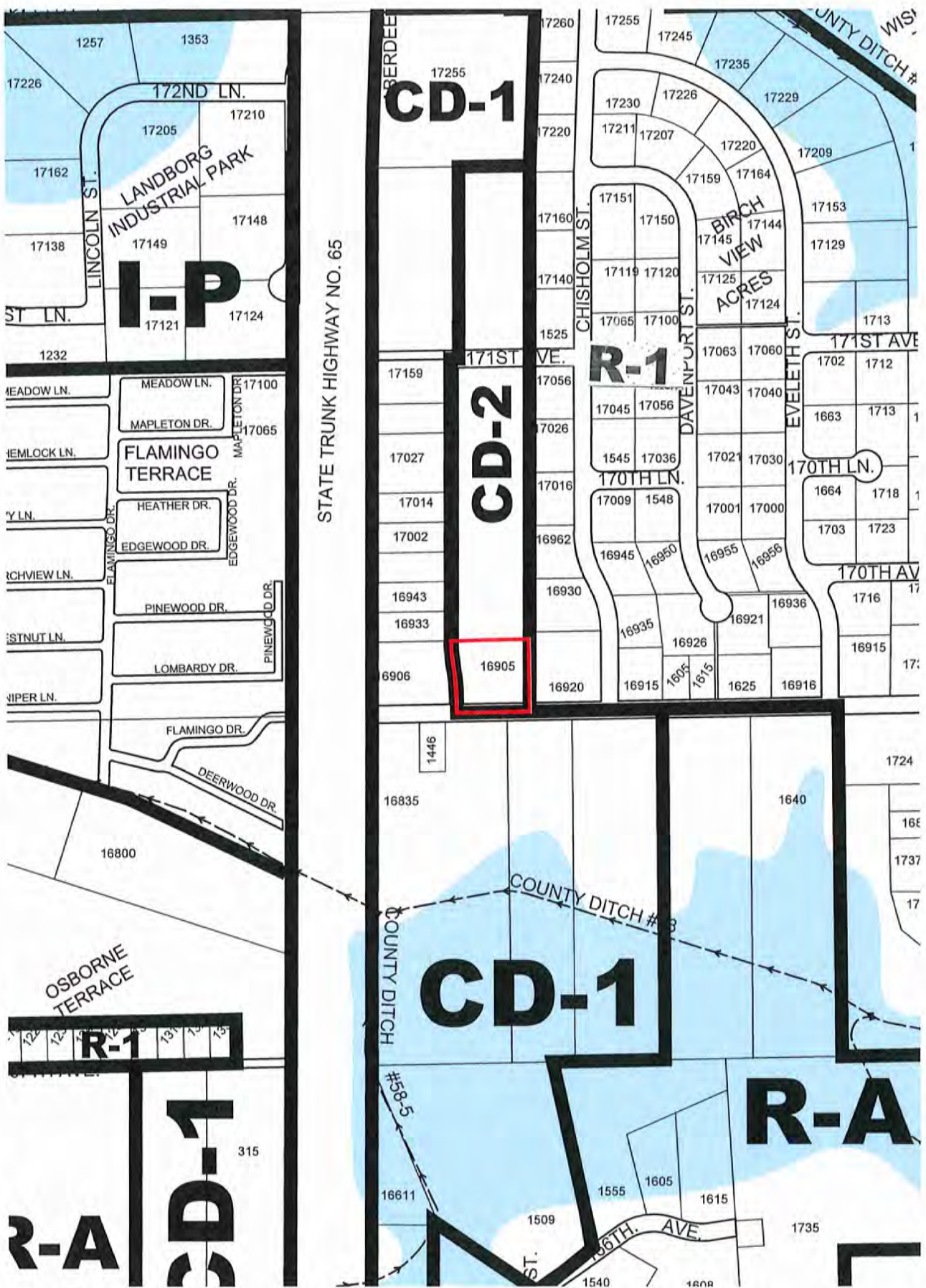
Project Name: Street E, Lot 2, S.S. 1522  
Signature: [Signature]  
Issue Date: 08/01/22  
File No.: 3195

Revisions:  
1. Updated Parcel A and B Descriptions: 08/01/22  
2. Updated Parcel A and B Descriptions: 08/01/22  
3. Updated Parcel A and B Descriptions: 08/01/22

**HJR FAMILY L.L.P.**  
16905 Baltimore Street NE  
Ham Lake, Minnesota 55304

16905 Baltimore Street NE  
Ham Lake, Minnesota

PARCEL LINE ADJUSTMENT



**CD-1**

**I-P**

**CD-2**

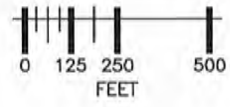
**R-1**

**CD-1**

**R-A**

**R-A**

**CD-1**



May 8, 2023

**CITY OF HAM LAKE**

**STAFF REPORT**

**To: Members of the Planning Commission**

**From: Mark Jones, Building Official**

**Subject: Conditional Use Permit for GT Auto Sales for auto repair at 16905  
Baltimore St. NE**

**Introduction/Discussion:**

Currently GT Auto Sales is operating a used car sales lot. The property is zoned Commercial Development II (CD-2). GT Auto Sales also wants to offer auto repair services. Auto sales is a permitted use for CD-2, auto repair requires a Conditional Use Permit (CUP).

Per Article 7-905.E and 7-905.F, a business holding a Motor Vehicle Sales Lot License, must ensure *all motor vehicles be currently capable of obtaining applicable licenses, and all motor vehicles shall be completely assembled motor vehicles as customarily delivered from the factory. No junk cars, parts stockpiling or storage of dismantled cars shall be permitted.* GT Auto Sales obtains some vehicles that require repair prior to selling them and wants to be able to do the repair work on-site. They will be providing a screened in area to store damaged vehicles waiting to be repaired. GT Auto Sales plans to phase in service offerings and modify the parking configuration and fencing in each phase per what is stated in the narrative and shown on the sketches in the packet.

**Recommendation:**

I recommend approval of the Conditional Use Permit (CUP) for GT Auto Sales with these conditions:

1. That all damaged vehicles be parked within the screened in area and that a 12-foot drive aisle be maintained between rows of cars.
2. No outside storage of liquids, tires, parts, etc.
3. No "parts" cars (vehicles bought for the sole purposes of removing parts for other vehicles)
4. All repairs to be done inside the building. This includes any type of repair work such as body work or replacement of headlights.
5. All fluids to be contained and disposed of according to State and County requirements.
6. That proper screening be provided between commercial and residential property and that the primary and secondary septic area and septic tanks be protected.
7. That all auto sales activities be kept separate from the auto repair, and all requirements of Article 7-900 be adhered to for auto sales.
8. Meeting all City, county, and State requirements.
9. Work hours. I suggest the Planning Commission discuss proposed work hours, especially proposed hours on Sunday.

To whom it may concern  
City of Ham Lake

Date: 4/22/2023

This plan / form is for the Property.

16905 BALTIMORE ST NE HAM LAKE, MN, 55304

Currently the property is being used to buy and sell new / used cars / vehicles. The future plan is to buy/sell used and new cars/vehicles plus vehicle repair.

Vehicle repair will include: Mechanical work, Body repair, Oil change, detailing, paint and tires. Such services will be opened as potentially separate entities on the premises to provide full repair service for damaged vehicles.

Current employees: total count is 4

Future employees: total count is 7 however we are expecting 4 employees to be available per shift. For example: Mechanic shop (1), Body Shop / paint booth (3), oil change (1), Detailing (1), Tire shop (1)

Current Customers: 5 per day

Potential future customers: 10 per day (not at same time)

Current work days: Mon thru Sun

Current work hours: Start at 9 am and end by 6 pm

Future work days: Mon thru Sun

Future work hours: start at 9 am and end by 9 pm

Our plans to get the place setup for such services submitted via multiple drawings.

### Phase 1 (drawing 3): in 2023

- Build a fence 6 feet high Wood or Chain-link fence to house damaged vehicles in the northwest corner of the parcel. The ground will be covered with grade 5 surface
- Build wood fence 6 feet high around trash container
- Get approval for Mechanic, Body shop, Oil change, Detailing and tire shop

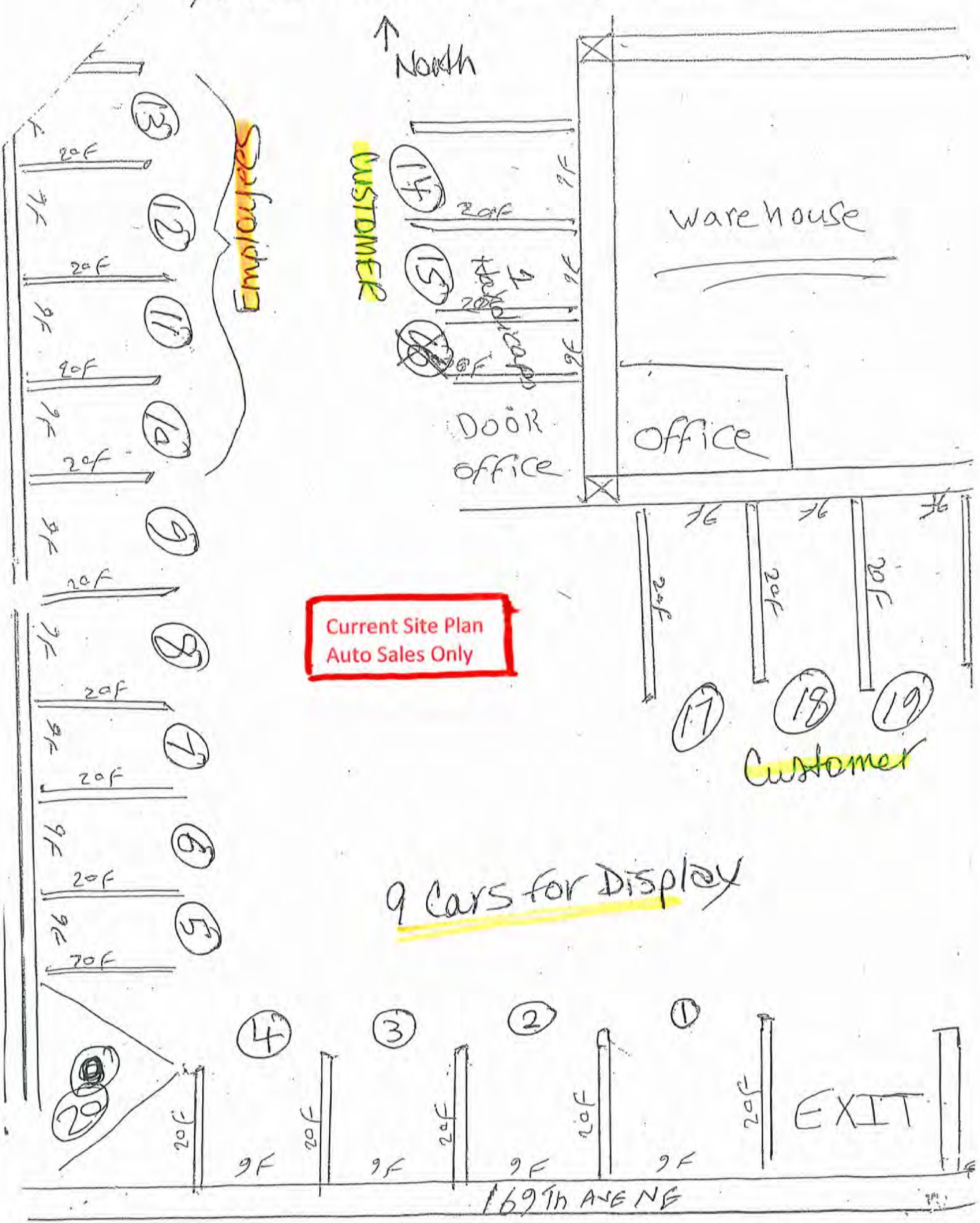
### Phase 2 (drawing 4): 2024

- Setup paint booth
- Extended fence that is 6 feet high wood or chain-link fence around the perimeter of the lot to give privacy to the property.
- Setup 3 separate offices. This means the site will have up to 5 separate dealer licenses.

### Phase 3: 2025 or after

- Based on business growth, the fence will be moved to the north east corner of the parcel so property West and South sides (facing streets) would be used to display vehicles. The ground for the displayed vehicle will be asphalt however the ground for the fenced area will be covered with grade 5 surface.

# 16905 Baltimore - GT Auto Sales



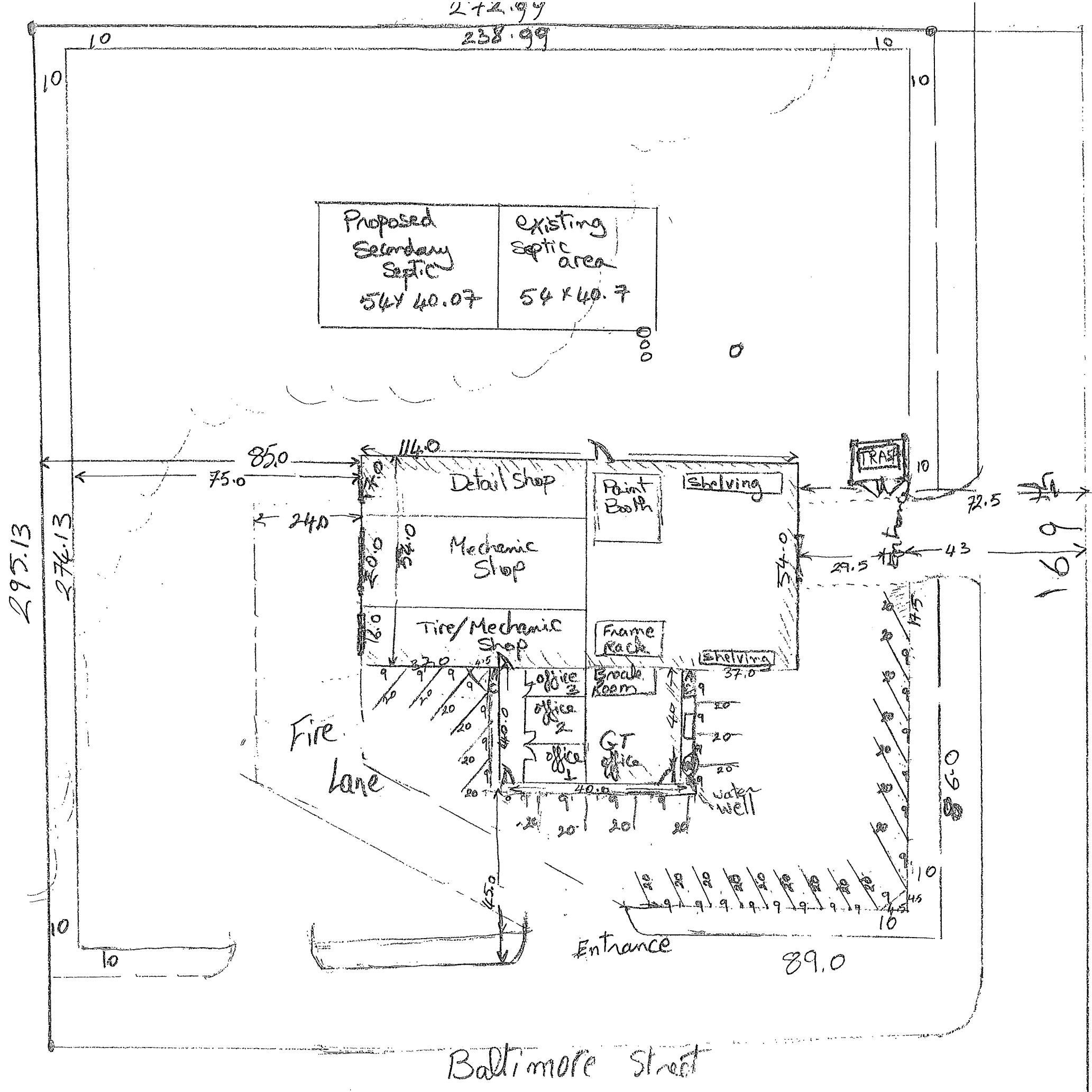
Current Site Plan  
Auto Sales Only

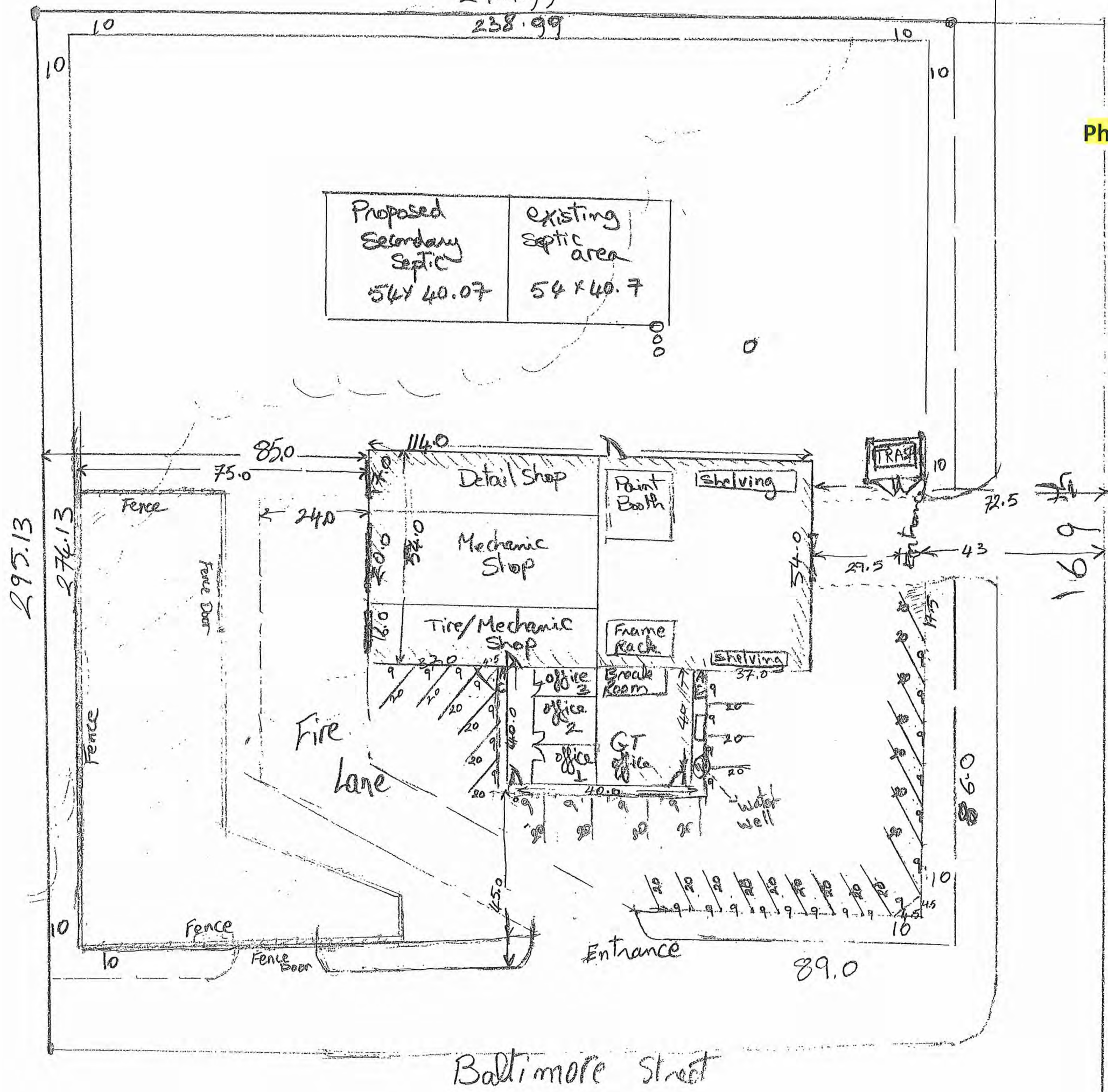
9 Cars for Display

CUSTOMER

169th AVE NE

Current





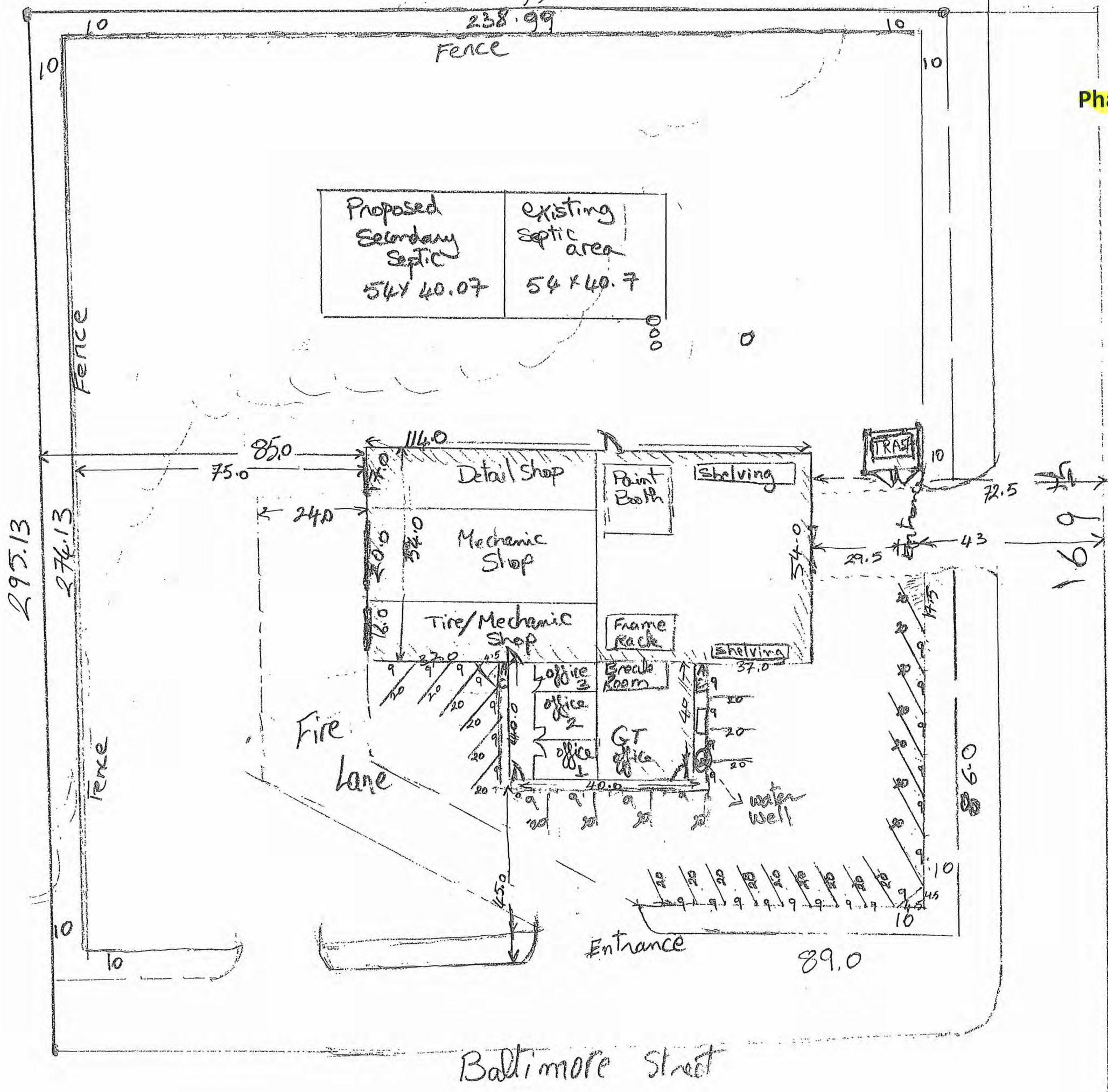
Baltimore Street



Phase 2

Fence  
to be string  
to be cost

Phase 2



Proposed Secondary Septic	Existing Septic area
54 x 40.07	54 x 40.7

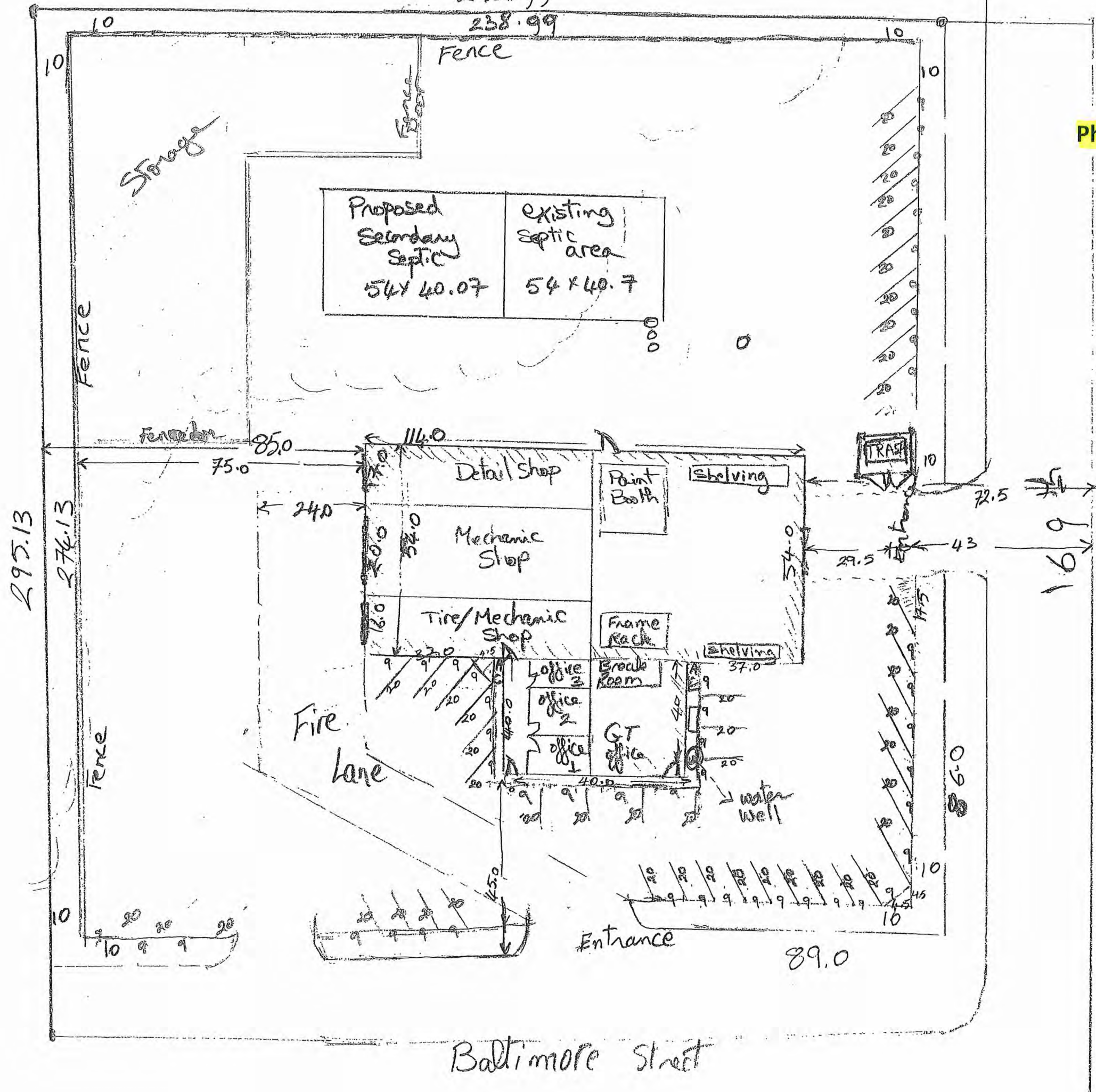
Baltimore Street

Phase 3

275.17  
238.99  
Fence

Phase 3  
Site Plan  
Mechanics Shop

Phase 3



Privacy Wood Fence



Privacy Link Chain Fence



**Excerpt from Article 7 of the Ham Lake City Code**

...

**7-900 Motor Vehicle Sales Lots**

**7-901 License Required**

A license shall be required for any person operating a motor vehicle sales lot. Application for such license shall be made in writing to the City Clerk on such form as the Clerk may from time to time designate and shall include such information as may be required by the Clerk including the following:

- A. The correct legal description of the premises.
- B. The name and address of the applicant and owner of the land.
- C. The number of motor vehicles intended to be displayed thereon.
- D. Such other information as may be required by the City Council.

**7-902 Prohibited Conduct**

It shall be unlawful within the City of Ham Lake for any person to conduct the business of a motor vehicle sales lot unless he meets the requirements of this Ordinance and other applicable provisions of the City Code except that the owner or lessee of any premises may offer to show one motor vehicle for sale on those premises as long as the business of a motor vehicle sales lot is not engaged in on those premises.

**7-903 Definitions**

Whenever used in this ordinance unless a different meaning appears from the context, the following definitions shall be applied.

- A. **Motor Vehicle Sales Lot**  
Premises outside a building whereon one or more motor vehicles are offered for sale.
- B. **Motor Vehicle**  
The word motor vehicle shall include passenger cars, snowmobiles, trucks, motor scooters, motor cycles, trailers, and all other equipment customarily moved on and touching the streets and highways.

**7-904 Fee.** An annual license fee shall be charged.

**7-905 Additional Requirements**

The following requirements shall be followed:

- A. There shall be sufficient space provided so that the total space will accommodate each motor vehicle parked, stored, or displayed as determined by the City Council.
- B. The parking, storing, and display area shall be paved, according to the recommendations of the City Engineer.
- C. Lighting shall be such as not to disturb the users of adjoining land.
- D. Any signs constructed shall conform to the requirements of the City Code.
- E. All motor vehicles be currently capable of obtaining applicable licenses, and all motor vehicles shall be completely assembled motor vehicles as customarily delivered from the factory.

- F. No junk cars, parts stockpiling or storage of dismantled cars shall be permitted.
- G. Such other requirements as the City Council may impose.

**7-906 Insurance**

No license shall be issued hereunder unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the State of Minnesota covering all vehicles to be driven by prospective customers and others members of the public with limits of one hundred thousand (\$100,000) dollars for bodily injury to any one person. Three hundred thousand (\$300,000) dollars for each accident and fifty thousand (\$50,000) dollars property damage.

## Excerpt from Article 9 of the Ham Lake City Code

...

**9-220 Mercantile Districts** The land uses described in Article 9-220 are intended to be applicable to developments which utilize subsurface sewage treatment systems (SSTS), and to developments which use approved combined sewage treatment systems. All building permits and Certificates of Occupancy in the Mercantile Districts shall require the review and approval of the City Council, after review and recommendation by the Planning Commission, excepting building permits and/or certificates of occupancy being issued for an alteration to an existing structure under circumstances in which the land use will be unchanged, and in which the alteration will not materially affect parking requirements, stormwater runoff, traffic, sewage treatment needs or aesthetics.

### **9-220.1 Standards Common to All Mercantile Districts**

The following standards shall apply to all of the mercantile districts as listed in Article 9-220.

- a) **Paving** All parking lots, drives and surfaces upon which the general public and employees shall have access shall be paved according to specifications to be established by the city's engineer;
- b) **Drainage** Surface water drainage and ponding needs shall be implemented in the manner directed by the city's engineer;
- c) **Landscaping** Landscaping shall be implemented in the manner provided in Article 11-1800;
- d) **Setbacks for Paved Areas** There shall be a ten-foot setback between any lot line and the back of curb of any parking lot or driveway, and a six-foot setback between the back of curb of any parking lot and any building;
- e) **Buffering** When any mercantile land use is located adjacent to a residential area, it shall be screened by opaque fencing, vegetation, or both;
- f) **Refuse Containers** Refuse containers shall be stored in locations which are completely screened from outside view; hazardous materials shall be stored and disposed of in the manner provided by law;
- g) **Parking Lots and Lighting** Off-street parking shall be provided for the general public and employees. The *Zoning Officer* shall maintain a schedule of parking requirements, to be ratified from time to time by resolution of the City Council, to serve as the general guideline for the establishment of parking requirements, subject to modification by the City Council where merited. Security lighting shall be permitted, and may be required on review of site plans, but shall be

directed away from adjacent properties. No light or combination of lights that cast light upon a Residential Land Use shall exceed 4-foot candle meter reading as measured at the residential property line. All measurements shall be made after dark at the property line or edge of roadway.

- h) Off-Street Loading** All deliveries and bulk pickups of merchandise, inventory and supplies shall be made to loading facilities preferably located in the rear of the building, which loading facilities shall be sufficient to enable the prompt and safe transfer of goods.
- i) Signage** All signage shall conform to the provisions of Article 11-300.
- j) Special Considerations** Notwithstanding the limitations as to building styles, construction types and exterior treatments, the City Council, after Planning Commission review, may depart from strict adherence to the standards found in Article 9-220, where special conditions merit such departure, and where certain standards are met. Such special conditions and standards may include, without limitation, the following items.

  - i)** The departure is not being requested for purely economic reasons;
  - ii)** The nature of the business is such that it requires a specific type of building construction in order to improve the business function, such as requirements for sunlight, specialty equipment, interior lighting or the like;
  - iii)** The business is a permitted or conditional use in the zoning district;
  - iv)** The applicant proposes the usage of special aesthetic treatments which provide a superior exterior view, such as landscaping, vegetation screening, berming, or the like;
  - v)** The property contains unusual topography, mature vegetation or other features which can be preserved or enhanced to produce an overall superior appearance;
  - vi)** The property contains unusual accessibility problems to or from adjacent roadways;
  - vii)** The applicant offers to implement more stringent design limitations in certain site plan features than would normally be required, in exchange for being



permitted less stringent design limitations in other site plan features.

- k) **Outside Storage** Outside storage and activities for areas zoned CD-3, CD-4, Industrial Park (I-P) and Light Industrial (I-1) shall be as specifically detailed in the Code Sections dealing with those land uses (Articles 9-220.4 through 9-220.7). For areas zoned CD-1 and CD-2, the following provisions shall apply to outside storage, excepting Fireworks sales and storage, which are governed by the provisions of Article 9-330.6. **Unless specifically permitted by this Article 220.1(k), no Outside Storage shall be allowed in any area zoned CD-1 or CD-2.**

1) **Definitions**

- aa) **Outside Storage** – personal property (not fixtures) that are located within the Approved Property Lines of any parcel bearing a CD zoning classification, but which are found outside of an enclosed, roofed building (including temporary structures). Outside Storage does not include Refuse Containers, customer vehicles, employee vehicles parked while the employee is on duty, delivery vehicles while in the process of delivery or pickup, construction materials or vehicles being used in an active construction project on the parcel, legal signs or banners, or legal temporary structures. Except where specifically excepted, Outside Storage does include inventory of the business occupying the parcel.
- bb) **Inventory** - goods, except Vehicle Inventory, that are offered for sale in the ordinary course of business of any business occupying the parcel. For auto repair shops, inventory shall also be deemed to mean passenger vehicles or pickup trucks awaiting repair services.
- cc) **Vehicle Inventory** – Automobiles, Trucks, Trailers, Manufactured Homes, Recreational Vehicles, Campers, Camper Tops, Truck Toppers, Boats or other wheeled conveyances that are offered for retail sale at a legal business location whose primary business is the retail sale of one or more of the above items. Rental equipment that may be offered for sale is not Vehicle Inventory. Vehicle Inventory that bears obvious signs that the vehicle is not presently capable of being legally operated or conveyed on a public road is not Vehicle Inventory, including, but not limited to vehicles lacking wheels or inflated tires, operable drive train components, broken windows or lights, required current vehicle registration, missing body parts, such as fenders, doors, hood lids, trunk lids, bumpers, lights or trim.

- dd) **Aesthetically Screened Outside Storage** - Inventory or Vehicle Inventory behind an opaque barrier constructed of masonry or brick, attached to and matching or complementary to the main building, and of sufficient height and design so as to give the appearance that the barrier is a part of the main building. No object shall be stored inside of such a barrier if the object protrudes above the height of the barrier. Any gates through the barrier shall be opaque and of aesthetic design.
- ee) **Limited Outdoor Displays** - Temporary displays of merchandise which are normally sold or displayed from within an enclosed retail store location, but which are temporarily placed not more than ten feet from an outside wall of the main retail sales building during business hours, and then returned to inside storage during non-business hours.”
- ff) **Improvement Stores** – Businesses that have as their primary source of revenue the retail sale of plants, seeds, landscaping supplies, produce, or yard statuary.
- gg) **24-Hour Convenience Stores** – Businesses that sell gasoline at retail, and, from the same store location, also sell groceries, auto supplies, sundries, over-the-counter medications and personal products, sundries and other items for human consumption, and which remain open for business at all times of every day.
- hh) **Approved Property Lines** – Are the outside perimeter of the real estate parcel or parcels which were shown on the site plan used for the initial municipal approval of a certificate of occupancy or conditional use permit for a particular operation.
- ii) **Pool Stores** – retail stores that engage in the retail sales of above ground or below ground recreational swimming pools that contain electric filtration devices providing water circulation and filtration in the pool, and under conditions where an inventory of above ground or in ground swimming pools is maintained, connected by water and electricity to a source originating in a permanent retail building located on the same parcel. A Pool Store shall not be considered a retail store for the purposes of determining permitted uses under Article 9-220.2 (b) or 9-220.3(b).
- jj) **Screened Outside Storage** – is Inventory or Vehicle Inventory behind an opaque barrier constructed of wood, metal, plastic, masonry, brick or earthen berm, or which is behind an opaque barrier composed of existing buildings or other structures on the property, or which is behind a semi-opaque barrier of vegetation that substantially conceals the storage from outside view.

## 2) Permitted Outside Storage

- aa) Vehicle Inventory is permitted Outside Storage on any CD-1 or CD-2 parcel in connection with a business that is legally permitted to sell Vehicle Inventory. If specifically permitted by the conditions of any Conditional Use Permit or Temporary Conditional Use Permit for any such parcel, vehicles that do not meet the definition of Vehicle Inventory may also be permitted Outside Storage.
- bb) Aesthetically Screened Outside Storage is permitted outside storage if used as a condition of approval of any site plan, Conditional Use Permit or Temporary Conditional Use Permit on any CD-1 or CD-2 parcel in connection with the new construction of a main commercial building on the parcel.
- cc) Limited Outdoor Displays are permitted Outside Storage in both the CD-1 and CD-2 districts. If the business is a 24-Hour Convenience Store, the Limited Outdoor Display need not be moved indoors, but the business shall at all times maintain a clear pedestrian path on sidewalks that is at least 36 inches in width.
- dd) Inventory is permitted Outside Storage for Improvement Stores and Manufactured/Prefabricated Structure Sales but must be separately identified on the initial site plan submitted with the initial request for certificate of occupancy or conditional use permit, and must be stored only in conformance with that site plan. Bins or containers housing the Inventory shall also be permitted Outside Storage for Improvement Stores and Manufactured/Prefabricated Structure Sales as shall be other items necessarily incident to the storage, maintenance or protection of the Inventory.
- ee) No Outside Storage shall be permitted for any business unless the storage is within the Approved Property Lines.
- ff) Pool Stores may display above ground or below ground swimming pools as Permitted Outside Storage only on property under conditional use permit, subject to conditions to be established by the City Council, which must include, at a minimum, the following:
  - 1) Pool water must be maintained in a sanitary condition;
  - 2) Below ground pools must be surrounded by code-compliant fencing;
  - 3) Above ground pools must be constructed in a code-compliant method relative to either fencing or sufficient elevation to prevent accidental entry into the pool;
  - 4) Adequate security fencing around the storage display area must be installed to discourage after-hours entry into the pool storage area;

- 5) Reasonable screening from outside view shall be installed;
- 6) All sources of water and electricity shall be connected to the pools in a code-compliant manner;
- 7) Only pools that are intended for use with circulating filters shall be permitted outside; no “kiddy pools”, wading pools or inflatable pools shall be permitted to be displayed outside.
- 8) Winter storage of outside pools shall be done in a manner that covers the pool surface and prevents the accidental entry into the pool;
- gg) Screened Outside Storage is permitted outside storage if used as a condition of approval of any site plan, Conditional Use Permit or Temporary Conditional Use Permit on any CD-1 or CD-2 parcel involving pre-existing main buildings or structures that:
  - 1) Historically utilized outside storage in connection with business operating on the property, and which uses were never abandoned;
  - 2) Do not involve replacement or major remodeling of the existing structures, but utilizes the existing structures for the business to be operated;

Approval of Screened Outside Storage is discretionary with the City Council.

- hh) **Revocation** All permits and certificates of occupancy issued in the mercantile districts are subject to revocation under the provisions of Article 9-240.

- 3) **Office/Warehouses** Office/Warehouse is a term given to a structure that is designed to have office space in front, behind which is situated an open bay or bays, with the office and bay space to be occupied by a single business. The office space and the bay space may also include area for retail sales. The bay space may also be used for manufacturing, other industrial activity, or warehousing. Building Permits may be issued for Office/Warehouses in any Mercantile District as found in Article 9-220. However, specific uses within each Office/Warehouse are subject to the Permitted Use, Conditional Use and Temporary Conditional Use restrictions for the given zoning district in which the Office/Warehouse is constructed. The issuance of a building permit for an Office/Warehouse does not confer upon the property owner the right to use any portion of the structure in a manner inconsistent with the use restrictions for the zoning district in which the structure is located. All new tenants or occupants of any Office/Warehouse must observe the same conditions for site plan or other approval, as would any other occupant. Further, if the zoning district in which the Office/Warehouse is to

be constructed contains restrictions on building materials or design, those restrictions must be followed. No outside storage unless permitted by Conditional Use Permit, Temporary Conditional Use Permit, or by the given zoning district in which the Office/Warehouse is constructed.

**9-220.2 Commercial Development I (CD-1)**

The CD-1 zone is intended to apply to certain commercial uses on lands abutting the city's only major thoroughfare, Trunk Highway 65. In that these lands have high visibility to the traveling public, it is considered important to the preservation of land values in general, as well as important to the continuing ability of the city to generate the establishment of quality commercial development and the concomitant tax and employment base, that structures in the CD-1 zones observe specific construction and aesthetic standards, which are listed below. No usage shall be permitted in the CD-1 zone which does not observe the standards found in Article 9-220.2 (a) below.

**a) Standards for Site and Building Construction**

- i) Except for structures housing public utility feature, no metal or pole-type building shall be permitted;
- ii) Exterior wall surfaces shall be of brick, decorative masonry, stone, precast panel, architectural concrete, glass, stucco, architectural metal panel with hidden fasteners, or wood framed with horizontal lap siding;
- iii) No galvanized surfaces shall be permitted, either on roofs or siding;
- iv) All roofs shall be colored and shall incorporate a minimum 18-inch soffit on the eave edge of the roof;
- v) All roofs shall have a minimum 12-inch overhang on the gable ends;
- vi) All roofs have a minimum 6-inch fascia;
- vii) Standing metal seam roofing shall be permitted (minimum 24-gauge, non-galvanized);

**b) Permitted Uses (Including uses that are ancillary to the main use)**

- Clubs and Lodges
- Medical Facilities
  - Assisted Living Facilities
  - Chiropractic
  - Clinics of all medical disciplines
  - Dental
  - Diagnostic Facilities
  - Hospitals
  - Laboratories

- Nursing Homes
- Residential Treatment Centers
- Treatment Rooms and Centers
- Veterinary Clinics
- Hotels, Motels and Lodging Houses under Article 11-1100
- Light Manufacturing, defined as follows: The fabrication or processing of goods for sale to retailers, wholesalers, other manufacturers or at retail that takes place entirely within an enclosed building and that meets the following criteria:
  - a) The business does not generate any noise, odor or vibration detectable from adjoining properties, other than that which occurs in the normal course of business during shipping and receiving activities;
  - b) There is no outside storage of any item except Aesthetically Screened Outside Storage as defined in Article 9-220(k)(1)(dd) of this Code.
  - c) No outside cranes or booms are located on the site;
  - d) Retail sales of the business products can occur on the premises if the commodities are the commodities manufactured on site.
- Offices and Office Buildings
- Office Warehouses
- Park and Ride Lots
- Post Offices
- Public Utilities (metal or pole type construction allowed)
- Recreational Facilities (indoor unless noted)
  - Batting Cages
  - Billiard Parlors
  - Bowling Alleys
  - Dance/Gymnastic Studios
  - Health Clubs
  - Martial Arts Studios
  - Miniature Golf Courses (outdoor)
  - Paintball or Laser Tag Facilities
  - Parks (outdoor/publicly owned)
  - Roller Skating Facilities
  - Shooting Range
  - Skateboard Facilities
  - Virtual Golf Facilities
- Restaurants, including liquor service
- Retail Facilities - engaged in the sale of goods (Excluding Motor Vehicle/ Boat/RV/Camper Sales), from freestanding one-store locations, shopping centers, strip malls or enclosed malls, including, but not limited to:
  - Antique Stores
  - Appliance Stores

- Automobile Parts Stores (new parts only)
- Bakeries
- Bicycle Stores
- “Big Box” Stores (subject to Article 9-400)
- Book Stores
- Butcher Shops/Meat Markets
- Camera Stores
- Candy Stores
- Carpet Stores
- Clothing Stores
- Coin Stores
- Convenience Stores
- Cosmetic Stores
- Discount Stores
- E-Cig Stores
- Electrical, HVAC and Plumbing Equipment Stores
- Electronics Stores
- Fireworks (under Article 9-330.6)
- Floral Stores
- Furniture Stores
- Gift Shop
- Grocery Stores
- Hardware Stores
- Health Stores
- Hobby/Game Stores
- Housewares Stores
- Improvement Stores (Lawn & Garden) as defined in Article 9-220.1 (k)(1)(ff)
- Jewelry Stores
- Liquor Stores
- Luggage Stores
- Music Stores
- Office Supply Stores
- Optical Supply Stores
- Paint/Wallpaper Stores
- Pet Stores
- Petroleum product sales (excluding vehicle repair)
- Pharmacies
- Shoe Stores
- Sporting Goods Stores
- Souvenir Stores
- Thrift Stores
- Tobacco Stores
- Video Stores
- Schools and Colleges
- Service Businesses with no outside storage or displays

- Service Businesses
  - Appliance Repair Shops
  - Barber Shops
  - Beauty Shops
  - Car Washes
  - Day Cares (licensed)
  - Dry Cleaners
  - Electronics Repair Shops
  - Financial Institutions
  - Funeral Homes
  - Government Buildings
  - Insurance Agencies
  - Law Offices
  - Locksmiths
  - Manicure/Pedicure/Nail Care shops
  - Pet Grooming Shops
  - Photography Studios
  - Print Shops
  - Shoe Repair Shops
  - Specialty Retail Shops
  - Tailor Shops
  - Tanning Facilities
  - Travel Agencies
- Small Engine Sales and Repair
  - Air Compressors
  - Chain Saws
  - Garden Tractors
  - Lawn Mowers
  - Leaf Blowers
  - Other Motorized Gardening Equipment
  - Power Rakes
  - Power Washers
  - Rototillers
  - Shop Vacs
  - Snowblowers
  - Woodchippers
  - Wood-splitters
- Theatres
- Therapeutic Massage where the business meets the following criteria:
  - a) *Therapeutic Massage* means the practice of administering physical therapy through the massaging, rubbing, kneading or other manipulations of the body, administered solely for therapeutic purposes, but not intended to result in the sexual gratification of the recipient.
  - b) No person shall engage in *Therapeutic Massage* who is not a *Massage Therapist* (defined as a person who maintains



certification with the National Certification Board for Therapeutic Massage & Bodywork (NCBTMB), has passed the MBLEx examination given by the Federation of State Massage Therapy Boards, is a member in good standing in the American Massage Therapy Association (AMTA), or is a member in good standing in the Associated Bodywork and Massage Professionals (ABMP);

- c) Hours of operation shall be limited to 8:00 am to 10:00 pm;
- d) The business shall at all times maintain a complete listing of all persons engaged as *Massage Therapists* and shall on request of City staff furnish evidence that each such person meets the qualifications to be a *Massage Therapist*.
- Worship Centers and ancillary features owned by the entity that owns the Worship Center, including classrooms, recreational features, residences for staff, offices and kitchen/dining.

**c) Conditional Uses**

- **Automobile Repair Shops** (Passenger Vehicles, Pickup Trucks, ATVs, Snowmobiles, Motorcycles, Jet-skis, Boats and other Marine Equipment)
- Equipment Rental Businesses
- Event Center/Convention Center defined as a structure or area used for the purposes of public performances, sporting events, private receptions or parties, conventions, shows, or similar attractions that may generate heavy traffic
- Indoor Agricultural Facility
- Manufactured Home Sales (including, without limitation, housing units, gazebos, storage sheds, playhouses, screened porches, and shelters) together with incidental furnishings such as lawn chairs and picnic tables
- New Vehicle Sales (must have indoor showroom) limited to the following:
  - **Note:** Where the word "vehicle" is used, the term is hereby defined to exclude manufactured homes, busses, semi-tractors, semi-trailers over 30 feet in length, and heavy construction equipment, such as bulldozers, backhoes, road graders, earth moving equipment, cranes and excavators.
  - ATV's (all-terrain vehicles)
  - Automobiles
  - Boats
  - Campers
  - Golf Carts
  - Motorcycles, Motorbikes and Scooters
  - Recreational Vehicles
  - Snowmobiles
  - Commercial Trucks

- Pickup Trucks
- Trailers less than 30 feet in length
- Pool Stores
- Service Businesses with outside storage or displays
  - Landscaping
- Sexually Oriented Business under Article 9-330.3
- Self-Storage Facilities, limited to properties on which self-storage facilities were in existence as of January 1, 2014. "Properties" as used herein is intended to include "Expansion Parcels", which are tax parcels that were on said date contiguous to and in common ownership or control with the parcel on which self-storage facilities were in use on said date and which were lacking a permanent structure/usage and/or providing a parking area or driveway serving the parcel on which the self-storage units were located. Expansion Parcels do not include parcels that are separated by public roads from the parcel on which the self-storage units were located on said date. It is the intent of this language that the self-storage use be permitted to expand onto the Expansion Parcels if a Conditional Use Permit for such expansion is approved. Notwithstanding these provisions, all self-storage uses shall be considered non-conforming uses and if abandoned or damaged and unrepaired, are subject to the same criteria for termination of allowed usage status as for other non-conforming uses as provided in Article 9-150.1 of this Code.
- Temporary Commercial Structures under Article 9-330.7
- Transportation Facilities
- Used Vehicle Sales limited as follows
  - Collector Cars
  - Motor Homes and Recreational Vehicle Trailer Sales\*
    - \*(A "Trailer", for the purposes of this code, shall mean a conveyance which is primarily designed to be towed behind a motor vehicle on public highways for usage in camping at bona fide campgrounds or RV parks. The conveyance commonly known in the industry as a "Park Model" is not to be considered a Trailer.)
  - Facilities that meet the following criteria:
    - The lot on which the use is proposed is presently and lawfully used by a business whose primary business is in the automotive industry such as automobile specialty shop, auto repair or recreational vehicle sales lot; and
    - The sales are limited to passenger cars and pickup trucks; and
    - The primary business activity in the automotive industry that qualified the lot to be used for Used Vehicle Sales

must continue to be the primary business activity on the lot; Used Vehicle Sales shall be an incidental use only, and shall not replace the primary business activity; or

- The used vehicle inventory is part of the overall inventory of a New Vehicle Sales operation, limited to vehicles that have been taken in trade by the owner

**d) Temporary Conditional Uses Only**

Modular or prefabricated housing sales lots may be allowed as Temporary Conditional Uses in the CD-1 areas under the following limited conditions:

- i) The permit shall be for no longer than five years;
- ii) No housing units shall be permitted which are manufactured homes, which were at one time manufactured homes, or which could become manufactured homes with the addition of wheels installed in a pre-engineered or pre-planned receptacle. It is the intention of this usage that the only housing units permitted for display in such areas are single family dwellings of wood frame construction, designed for placement on a permanent foundation in a typical single-family residential neighborhood, and not designed for or commonly found in manufactured home parks.
- iii) A single housing unit may be used as a sales office.
- iv) Marketing of housing units shall be only to consumer-homeowners, and not to retailers or wholesalers;
- v) All units shall be placed on concrete blocks, at least two courses in height, giving the appearance of a full basement.
- vi) All units shall be completely finished on the exterior to give the appearance that the unit is inhabited as a part of a quality single family neighborhood. Units may be assembled from pre-constructed component parts on site, but may not be constructed from scratch on the site. Assembly of any display unit shall be complete (weather permitting) within 14 days after commencement of assembly. Each display unit shall obtain a building permit from the City prior to commencement of assembly.
- vii) All surfaces upon which the public is expected to drive, park or walk shall be paved with bituminous or concrete material according to specifications to be established by the City's engineer.
- vii) A Site Plan shall be reviewed and approved by the City Council, after review and comment by the Planning Commission, which plan shall limit the number of units to be displayed, provide a landscaping plan, show the

locations of all drives, walkways and parking areas, and provide photographic samples of the styles of units to be displayed.

- ix) The City Council may attach such other conditions to the Temporary Conditional Use Permit as are deemed appropriate or necessary to protect public safety, health or welfare, or to protect nearby property values.

### **9-220.3 Commercial Development II (CD-2)**

The CD-2 Districts are located adjacent to the CD-1 Districts, and constitute a second tier of commercial activities along the T.H. 65 corridor. These districts also have importance in presenting a visually pleasing image to the traveling public, but are less visible from the T.H. 65 roadway than the CD-1 districts.

#### **a) Standards for Site and Building Construction**

- i) Metal or pole-type buildings shall be permitted if surfaces meet the requirements of ii below, and, provided that no galvanized surface may appear, all roofs shall be colored and incorporate a minimum 18-inch soffit on eave edges, 12-inch overhang on gable ends, and 6-inch fascia.
- ii) Metal panel with exposed fasteners or architectural metal panel with hidden fasteners may be used for roof surfaces. All wall surfaces may be composed of metal panel, brick, decorative masonry, stone, precast panel, architectural concrete, glass, stucco or wood framed with horizontal lap siding. The exterior wall surface facing or with the most exposure to a public street or right-of-way, shall have a wainscot at least 42-inches in height which is composed of a contrasting color or material.

#### **b) Permitted Uses (Including uses that are ancillary to the main use)**

- All Permitted Uses in the CD-1 District
- Broadcasting Studios
- Building Supply Yards/Lumber Yards
- Enclosed Storage and Office/Warehousing
- Landscaping Businesses
- Manufacturing involving no non-enclosed storage
- Public Utilities (metal or pole type construction allowed)
- Research laboratories
- **Used Vehicle Sales - limited to the following:**
  - ATV's (all-terrain vehicles)
  - Automobiles
  - Boats

- Campers
- Golf Carts
- Motorcycles, Motorbikes and Scooters
- Recreational Vehicles
- Snowmobiles
- Commercial Trucks
- Pickup Trucks
- Trailers less than 30 feet in length
- Utility Companies

**c) Conditional Uses**

- All conditional uses or temporary conditional uses in the CD-1 District
- Construction Service Contractors such as Concrete Masonry, Roofing, Siding, and Landscaping Contractors
- Flea Markets under Article 11-1500
- Kennels
- Pawn Shops under Article 11-1300
- Truck Terminals – as defined as a location where commercial trucks load and unload cargo on a regular basis with Large Truck and Equipment Repair (Body and Driveline Repair) as a secondary use
- Self-storage facilities, but not including the limitations and conditions imposed for such facilities as found in Article 9-220.2 (c).

**Excerpt from Article 11 of the Ham Lake City Code**

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**11-200 FENCES AND HEDGES**

**11-210 Definitions**

For the purposes of this Code, the following terms shall have the meanings herein stated:

- A. **Fence.** Any structure which is 36 inches or more in height, and a length of 6 feet or more, which is composed on non-living materials which cover the entire area bounded by said height and length criteria;
- B. **Hedge.** Any grouping of vegetation which creates a visual barrier of a substantially opaque nature for a length of 6 feet or more and for a height of from ground level to 36 inches above ground level;
- C. **Front Yard.** The area between the public street right-of-way line and the minimum required building setback line, as measured along any side of a lot. Lakeshore properties shall be considered on both lakeside and roadside to be front yards.
- D. **Side Yard.** The area between the front yard and back yard of any lot;
- E. **Back Yard.** The area lying to the rear of the rear building line of the principal structure on any lot;
- F. **Principal Structure.** In the case of property used wholly or partially for residential purposes, the principal structure shall be the structure housing any dwelling unit. In all other cases, the principal structure shall be the structure located closest to any adjacent street, or, in the case of more than one building equidistant from such street, the building containing the greater square footage shall be deemed the principal structure.

**11-220 Height**

Fences and hedges shall not exceed the following heights unless a variance from this ordinance is granted by the City Council.

**11-220.1 Varied Height Requirements**

The above fence height requirements may be varied by resolution of the City Council, where the following conditions are met:

- a) The fence will not present any public safety problems;
- b) The height requested will not deprive adjoining properties of air, light, or ventilation, sight lines or create aesthetic problems.

Zoning Classification	Front Yard	Side yard	Back Yard
R-1, R-2, RS-1, RS-2, ML-PUD, PUD	4 feet	6 feet	6 feet
R-A, C-A	4 feet	6 feet	6 feet

Zoning Classification	Front Yard	Side yard	Back Yard
CD-1-2-3 & 4	• 6-12 feet	• 6-12 feet	• 6-12 feet
I-1, I-2	• 6-12 feet	• 6-12 feet	• 6-12 feet

- Height marked with an asterisk may be increased by two feet to accommodate a barbed wire security arm top.

**11-230 Permit Required.** No person, firm, or corporation shall hereafter construct or erect or cause to be constructed or erected within any Commercial or Industrial Zoning District any fence which is intended to be a permanent structure on the premises, without first securing a building permit.

**11-240 Construction and Maintenance of Fences Generally.** Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Fences shall be constructed so that their more attractive side faces neighboring property. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance and the Ham Lake Building Inspector shall commence proper proceedings for the abatement thereof. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top except in Industrial and Commercial Districts. Electric and barbed wire fences shall be permitted only on agriculturally zoned property (R-A), and shall be permitted only when necessary to further so bona fide agricultural purpose.

...

**11-260 Commercial and Industrial Fences.**

Fences in all Commercial and Industrial Zoning shall not be less than 6 (six) feet and not exceed twelve (12) feet in height and may be increased to accommodate a barbed wire security arm top except that:

- (1) Special Purpose Fences. Fences for special purposes and fences differing in construction, height or length may be permitted in any district in the City of Ham Lake with approval by the Planning and Zoning Commission and City Council. Findings shall be made that the fence is necessary to protect, buffer or improve the premises for which the fence is intended.

- (2) Metal panel and chain link fencing are not appropriate in Commercial Development Tier 1 (CD-1) zoning. Fencing is not appropriate in front yard area facing Highway 65.

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### **11-1800 LANDSCAPING IN COMMERCIAL ZONED AREAS**

In all areas of the City zoned CD-1, CD-2, CD-3 or CD-4, the following conditions shall apply to landscaping and ground cover.

**11-1810 Landscape Plan Required** No building permit shall be issued for construction on a vacant lot, nor for any addition to an existing building involving the addition of 500 square feet or more of additional building space, unless the applicant shall have first submitted and obtained approval of the City Council, after review by the Planning Commission, of a landscaping plan meeting the requirements of this code.

**11-1820 Installation Required** No certificate of occupancy shall be issued for any construction which required a landscaping plan unless the applicant has installed all of the elements of the landscaping plan, or unless the applicant has posted security acceptable to the City to guarantee timely installation of all landscaping.

**11-1830 Time for Submission** The landscaping plan shall be submitted, whenever possible, at the time of site plan approval. If the landscaping plan is not submitted at the time of site plan approval, it must be separately reviewed by the Planning Commission and approved by the City Council prior to the issuance of any building permits.

### **11-1840 Contents and Specifications**

The landscaping plan shall be a quality document prepared at a scale of one-inch equals thirty feet, showing all relevant dimensions. Fifteen copies of the plan shall be submitted by the applicant. The following data shall be displayed on the plan, legibly labeled:

- A. Perimeter of all buildings, signs or other structures;
- B. Parking lots and walkways, identifying pavement material;
- C. Areas of decorative rock, identifying type of rock;
- D. Areas of lawn;
- E. Other areas where other than natural wooded vegetation is to be used as ground cover, identifying the ground cover to be used;
- F. Locations, trunk size, height and species of all trees to be planted;
- G. Locations where existing natural wooded vegetation will remain undisturbed;
- H. All other landscaping features to be used.



## **11-1850 MINIMUM LANDSCAPING REQUIREMENTS**

**11-1851 Paved Surfaces** All surfaces upon which motor vehicles will be parked or driven, and all areas in which pedestrians will be walking from point to point shall be surfaced with asphalt or concrete, to specifications established by the City's engineer.

**11-1852 Ground Cover** On any side of a lot which abuts a public road, the area from the road right-of-way to the nearest building side shall be entirely covered with ground cover consisting of pavement, decorative rock bordered with edging, lawn grass intended for regular mowing, mulch, bark, wood chips or other commonly used landscaping ground cover. Shingles, aggregate and clay mixtures such as Class V material, recycled concrete or asphalt, and other non-conventional ground covers shall not be permitted. Loose ground cover shall be installed to a depth of at least three inches. Any area which is covered by landscaping ground cover (not lawn or pavement) shall also include one decorative shrub for each ten square feet of ground cover.

Side yards and rear yards which do not contain existing natural wooded vegetation shall either be covered with ground cover in the manner stated above for front yards, or shall be planted so as to encourage the emergence of natural wooded vegetation, through the planting of tree species expected to reach a height of at least twenty five feet. Areas so prepared shall not be required to have mown lawn areas, but may be allowed to return to a natural state.

**11-1853 Tree Plantings** Trees which are planted outside of areas intended to return to a natural wooded state shall be of a variety indigenous to the local climate. Deciduous trees shall, when planted, have a trunk size of at least one and one half inches at a height of four feet from ground level. Conifers shall have a height of at least five feet. Tree locations are subject to review and approval of the City in the landscaping plan review process, and while no specific number of trees are required, the following general principles shall be observed;

- A. Where property lines are adjacent to residential areas, a planting screen of conifers shall be required, of sufficient size and proximity to provide an intermingled screen within five years;
- B. Decorative trees shall be planted along the right of way lines of adjacent public roadways;
- B. The use of conifers shall be encouraged and preferred.
- C. Whenever possible, an attempt will be made to preserve stands of existing vegetation, particularly treed or wooded areas.

### **11-1860 Case by Case Evaluation**

Recognizing that the City contains a wide variety of commercial land, the landscape approval process shall be on a case by case basis. Where wetlands are present, or where large distances separate a commercial lot from adjacent lands, for example, strict adherence to screening requirements may be unnecessary. Likewise, strict adherence to the remaining provisions of Article 11-1800 may be unnecessary where size, spatial

relationships, topography or other physical features render a given landscaping plan aesthetically acceptable, and departures from the strict observance of the elements of Article 11-1800 shall not be considered variances requiring a showing of physical hardship. Conversely, an applicant shall be expected to meet the general spirit of this article in establishing an aesthetically pleasing landscaping plan.