

SECTION 14: PERFORMANCE STANDARDS

Subdivision 1	Intent
Subdivision 2	Performance Standards for All Uses in All Zoning Districts
Subdivision 3	Refuse and Trash Receptacle Enclosures
Subdivision 4	Mechanical Equipment
Subdivision 5	Outdoor Lighting Standards
Subdivision 6	Swimming Pools

Subdivision 1: Intent

The intent of this section of the Zoning Ordinance is to establish criteria to evaluate and control noise, odor, toxic or noxious matter, vibration, fire, explosive hazards, glare, heat, and other similar occurrences that may be generated by uses on land or in buildings within the City of Isanti. The development of performance standards ensures that uses are compatible and the health, safety, and general welfare of City residents and businesses are protected.

Subdivision 2: Performance Standards for All Uses in All Zoning Districts

All uses shall comply with all federal, state, and local pollution and nuisance laws and regulations, including but not limited to glare, smoke, dust, odors, and noise. The burden of proof for compliance with appropriate performance standards shall lie with the applicant. Properties and / or uses shall control for the following:

- A. Noise: Noise shall be so controlled as to not become a nuisance to adjacent uses. Noise shall be measured at the property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency, shrillness, or intensity. Noise shall be subject to the regulations and provisions provided within the Isanti City Code of Ordinances.
- B. Odor: No activity or operation shall cause at any time the discharge of toxic, noxious, or odorous matter beyond the limits of the immediate site where it is located in such concentrations as to be obnoxious or otherwise detrimental to or endanger the public health, welfare, comfort, or safety or cause injury to property.
- C. Glare: Whether direct or reflected, such as from floodlights, spotlights, or high temperature processes, and as differentiated from general illumination, shall be visible beyond the origin of the property line.
- D. Exterior Lighting: Any lights used for exterior illuminations shall be directed away from adjacent properties.
- E. Smoke: Measurement shall be at the point of emission. The Ringelman Smoke Chart published by the United States Bureau of Mines shall be used for measurement of smoke. Smoke not darker or over opaque than Number 1 of said chart may be emitted for periods longer than four (4) minutes in any thirty (30) minute period. These provisions, applicable to gray smoke, shall also apply to visible smoke of a different color but with an equivalent apparent to opacity.
- F. Hazards: Every property, building, structure, or use shall be carried on in accordance with local Fire and Safety Codes.
- G. Water Supply: The design and construction of water supply facilities and water supply sources shall be in accordance with local and Minnesota State Department of Health standards and requirements.
- H. Waste: All sewage and industrial wastes shall be treated and disposed of in such a manner as to comply with Minnesota State Department of Health and Minnesota Pollution Control Agency standards and requirements as well as local codes. All solid waste material, debris, refuse, or garbage shall be kept within a completely enclosed building or properly contained in a closed container designed for such purpose. The dumping or storage above ground or under the surface of chemical waste and other hazardous waste products will not be permitted as potential hazards may affect public health, safety, and welfare.

- I. Dust and Dirt: Solid or liquid particles shall not be emitted as any point in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred (500) degrees Fahrenheit and fifty (50) percent excess air.
- J. Vibration: No activity or operation shall at any time cause vibrations perceptible beyond the limits of the immediate site on which the operation is located.
- K. Tests: In order to assure compliance with the performance standards set for the above, the Planning Commission and/or City Council may require the owner or operator of any permitted use to make such investigations and tests as may be required to show adherence to the performance standards. Such investigation as may be agreed upon by all parties concerned, or if there is failure to agree, by such independent testing organization as may be elected by the Planning Commission or City Council after thirty (30) days notice. The cost incurred in having such investigations and test conducted shall be paid by the City, unless the investigation and test disclose non-compliance with the performance standards, in which event the entire investigation and testing shall be paid by the owner or operator. Any unpaid costs owed by the property owner shall be subject to assessment as defined within the nuisance abatement process. The procedures above stated shall not preclude the Planning Commission or City Council from making any tests and investigations if finds appropriate, to determine compliance with these performance standards.

Subdivision 3: Refuse and Trash Receptacle Enclosures

- A. Refuse. All lots within all zoning districts shall be maintained in a neat and orderly manner. No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open when the same is construed by the City Council to be a menace or nuisance to the public health, safety, or general welfare of the City, or to have a depressing influence upon property in the area.
- B. Trash Dumpsters and Garbage Receptacles Required: All new uses and buildings in all zoning districts, with the exception of the “R-1”, “R-2”, and “R-3A” Districts; shall have trash dumpsters or garbage receptacles provided on the parcel or lot and be adequately screened and enclosed. The location of trash dumpsters and garbage receptacles shall be approved during the site plan approval process.
- C. Standards for Trash Enclosures: Trash dumpsters and garbage receptacles shall be screened from all lot lines and public roadways, in accordance with the following provisions:
 - 1. The screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and shall meet the requirements as specified in Section 15 of this Ordinance.
 - 2. Trash enclosures shall be lit.
 - 3. Trash enclosures shall be of an adequate size to accommodate all refuse and recyclables.
- D. Enclosure and Receptacle Maintenance Required: Fencing and landscaping for trash dumpsters and garbage receptacles shall be maintained in good condition and shall be kept litter-free at all times.

Subdivision 4: Mechanical Equipment

Mechanical equipment shall be screened from the public right-of-way and from adjacent residential properties. Screening shall be compatible with the principal building and shall be provided in accordance with the regulations as provided within Section 15, Subdivision 3 of this Ordinance.

Subdivision 5: Outdoor Lighting Standards

- A. Prohibited 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 with by any person or normal sensitivities, or otherwise as to create a public nuisance.
- B. Minimum Standards: All uses shall comply with the following standards except as otherwise provided in this section:
 - 1. Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall be subject to the following:
 - a. Maximum initial lumens generated by each fixture shall not exceed two

- thousand (2,000) lumen (equivalent to a one hundred fifty (150) watt incandescent bulb).
- b. Mounting heights of such fixtures shall not exceed fifteen (15) feet.
2. Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions so as to create annoyance, discomfort, or decreased visual performance or visibility.
 3. Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) foot candle measured at the closest residential property line and five (5) foot-candles 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 façade or roof.
 6. Lighting shall be maintained stationary and constant in intensity and color, and not be of a flashing, moving, or intermittent type.
 7. Business and industrial zoned property must light the trash enclosure areas for the safety of their employees.
- C. Exceptions: The uses listed below shall be exempt from the provisions of this section as follows:
1. Publicly controlled or maintained street lighting and warning and emergency or traffic signals.
 2. Athletic fields and outdoor recreation facilities serving or operated by an institutional or public use that otherwise meets all of the requirements of this ordinance shall be exempted from the requirements of the above Section B 1 thru 4 due to their unique requirements for nighttime visibility and limited hours of operation.
 3. Neon signs, theater marquee lights, and decorative lighting.

Subdivision 6: Swimming Pools (*Ord. No. 644*)

Any structure intended for swimming, recreational bathing or wading that contains water, over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

- A. Barrier requirements.
1. Storable swimming or wading pools shall be exempt from this section provided all means of access into the pool are removed and the pool is covered when it is not attended.
 2. A minimum 48-inch high barrier, which completely surrounds and restricts access to the swimming pool, shall be installed and maintained in a sound and safe condition around a swimming pool or around the tract of land where the pool is located. The barrier may consist of a security fence, freestanding wall, a building's wall, or combination thereof. When the swimming pool is an above ground swimming pool of which the wall(s) of the swimming pool are greater than 48 inches from the ground to the top of the pool wall(s) at every point around the pool, then no barrier is required, but the means of access into the swimming pool (e.g. ladder or steps), shall be secured, locked or removed to prevent access during any period of time that the pool is unattended or not in use. Spas or hot tubs with a locking safety cover which complies with ASTM Standard F 1346-91 shall be exempt from these barrier requirements, provided they are equipped with a safety locking cover which is locked at all times the spa or hot tub is not in use.
 3. The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall not allow passage of a four-inch-diameter-sphere. Where the top of the pool structure is above grade, such as an above ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall not allow passage of a four-inch-diameter sphere.
 4. Openings in the barrier shall not allow passage of a four-inch-diameter sphere.
 5. To prevent a person from scaling a solid barrier, which does not have openings, such as a masonry or stone wall, such barrier wall shall not contain indentations or protrusions in excess of 1.25 square inches except for normal construction tolerances and tooled masonry joints.
 6. Where the barrier is composed of horizontal and vertical members and the distance between the tops of each of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches in width.

7. Where the barrier is composed of horizontal and vertical members and the distance between the tops of each of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches in width.
8. Maximum mesh size for chain link fences shall be a 2.25-inch square unless the fence is provided with slats fastened at the top or the bottom of which reduce the openings to not more than 1.75 inches.
9. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches.
10. The Building Official shall approve the plans and specifications for the barrier prior to its installation. The barrier shall be equipped with doors or gates which are self-closing and self-latching with the latch to be located a minimum of 42 inches above ground level and equipped with a lock which shall be kept locked when the swimming pool is unattended.

B. Setbacks.

1. Swimming pools shall be set back a minimum of five feet from any side or rear lot line as measured from the nearest edge of the slope around the pool or perimeter walk.
2. Swimming pools shall not be located in an easement of record as measured from the nearest edge of the slope around the pool or perimeter walk.
3. Swimming pools shall be located in the rear yard only.

- C. Maintenance: It shall be the responsibility of the property owner where said pool is located to maintain all pool covers, fences, gates and closure devices in good operating condition. Failure to maintain pool covers, fences, failure to have gates closed or failure to remove or retract the ladder access to the pool shall constitute a violation of the Zoning Ordinance and is subject to the penalties provided therefore.

- D. Permit required: No person shall construct, install or locate a swimming pool, as defined herein, without first obtaining a building permit from the city. Storable swimming or wading pools are not required to obtain a building permit unless they are in excess of 24 inches in depth and 5,000 gallons. The applicant for a swimming pool permit shall submit any information as the Building Official shall deem necessary.