

**CITY OF CHANHASSEN
CARVER AND HENNEPIN COUNTIES, MINNESOTA**

ORDINANCE NO. 710

**AN ORDINANCE AMENDING CHAPTER 13, NUISANCES, CHAPTER 18,
SUBDIVISIONS, AND CHAPTER 20, ZONING, OF THE CHANHASSEN CITY CODE**

**THE CITY COUNCIL OF THE CITY OF CHANHASSEN, MINNESOTA,
ORDAINS:**

Section 1. Section 13-2(c)(24) of the Chanhassen City Code is amended to read as follows:

(24) *Nuisance light on residential properties.*

a. *Definitions.* In this section:

1. *Direct glare* means an excessive brightness contrast producing a sensation of visual discomfort resulting from insufficiently shielded light sources in the field of view.
2. *Intermittent light* means any artificial light which flashes, revolves, or fluctuates in such a manner that the variance is easily distinguished by personal observation.
3. *Light source* means a device (such as a lamp) that provides visible energy.
4. *Light trespass* means light emitted that is visible beyond the boundaries of the property on which the light source is located.
5. *Person* means an individual, firm, partnership, trustee, agent, association, corporation, company, governmental agency, club, or organization of any kind.

b. *Direct glare and light trespass declared a nuisance.* Glare, light trespass, and intermittent artificial light impacting on residential properties between the hours of 11:00 p.m. and 7:00 a.m., which cause loss of enjoyment, comfort or repose, and use of such properties as determined under subsection 13-2(24)c. of this section is declared a nuisance.

c. *Nuisance determined.*

1. Light trespass shall be considered a nuisance when it impacts another dwelling with such intensity as to cause discomfort or annoyance.
2. Direct glare shall be considered a nuisance when an artificial light source has not been properly located, shielded, directed, or controlled, and as a result, there is a direct line of sight between the light source or its reflection to another dwelling with such intensity as to cause discomfort or annoyance.

3. Intermittent light shall be considered a nuisance when it impacts upon another dwelling with such intensity and variance as to cause discomfort or annoyance.
- d. *Production of light nuisance prohibited.* No artificial light source shall be installed, allowed to be installed or permitted on any property in which the light source is an intermittent light source or due to its intensity or physical characteristics, causes direct glare or trespasses onto a residential property in such a manner as to cause a nuisance during the hours of 11:00 p.m. through 7:00 a.m.
- e. *Responsibility.* It shall be the responsibility of every installer of artificial lights and every owner or occupant of the property on which artificial lights are installed to comply with subsection 13-2(24)d. of this section.
- f. *Exemptions.* The provisions of subsections 13-2(24)d. and e. of this section shall not apply where:
 1. Such lights are caused to be installed by the federal, state, or local government or agency to light public ways or areas for public benefit; or
 2. Such lights are required by law for safety reasons, and there is no practical way to control them to eliminate the nuisance.
 3. Such lights are porch, garage, and/or motion-activated lights located, directed, and shielded to illuminate the owner's property for safety and/or security reasons, and the light trespass is incidental to these purposes, and reasonable efforts have been made to mitigate the impact of these lights on neighboring residences.

Section 2. Section 18-41(a) of the Chanhassen City Code is amended to read as follows:

- (a) Unless otherwise provided in the development contract for phased development, within one year after the date of the city council approval of the preliminary plat, the subdivider shall file an application for approval of the final plat. In addition to the application, the subdivider shall submit:
 - (1) Copies of the plat in such quantities as is required by the city; and
 - (2) One mylar of the plat; and
 - (3) A digital copy in .dxf format and a digital copy in .tif and .pdf format of the final plat shall be submitted. The digital files must be in the current Carver County coordinate system.

If the final plat application is not filed within this period, the preliminary plat will be considered void unless, for good cause shown, an extension is requested in writing by the subdivider and granted by the city council prior to the one-year anniversary date of the preliminary plat approval. The application for final plat approval shall be filed at least 30 days prior to the meeting of the city council at which action is desired.

Section 3. Section 20-264 of the Chanhassen City Code is amended to read as follows:

Section 20-264 (Reserved)

Section 4. Section 20-572(h) of the Chanhassen City Code is amended to read as follows:

- (h) Temporary real estate office or model home, subject to the requirements of section 20-963.

Section 5. Section 20-592(g) of the Chanhassen City Code is amended to read as follows:

- (g) Temporary real estate office and model home, subject to the requirements of section 20-963.

Section 6. Section 20-612(f) of the Chanhassen City Code is amended to read as follows:

- (f) Temporary real estate office and model home, subject to the requirements of section 20-963.

Section 7. Section 20-632(g) of the Chanhassen City Code is amended to read as follows:

- (g) Temporary real estate office and model home, subject to the requirements of section 20-963.

Section 8. Section 20-642(e) of the Chanhassen City Code is amended to read as follows:

- (e) Temporary real estate office and model home, subject to the requirements of section 20-963.

Section 9. Section 20-652(d) of the Chanhassen City Code is amended to read as follows:

- (d) Temporary real estate office and model home, subject to the requirements of section 20-963.

Section 10. The Chanhassen City Code is amended to add Section 20-672(g) to read as follows:

- (g) Temporary real estate office and model home, subject to the requirements of section 20-963.

Section 11. Section 20-676(b) of the Chanhassen City Code is amended to read as follows:

- (b) Reserved.

Section 12. Section 20-683(f) of the Chanhassen City Code is amended to read as follows:

- (f) Reserved.

Section 13. Section 20-913 of the Chanhassen City Code is amended to read as follows:

Section 20-913 Lighting

- (a) Glare, whether direct or reflected, as differentiated from general illumination, shall not be visible beyond the limits of the site from which it originates.
- (b) No light which is flashing, revolving, or otherwise resembles a traffic-control signal shall be allowed in any area where it could create a hazard for passing vehicular traffic. State law reference(s)—Similar provisions, M.S. § 169.073.

(c) Lighting fixtures on poles shall comply with the following:

- (1) All fixtures on properties not containing a residential dwelling must be shielded, high-pressure sodium or light-emitting diode (LED), with a total cutoff angle equal to or less than 90 degrees. Pole-mounted fixtures on properties containing a residential dwelling must comply with Section 13-2(c)(24).
- (2) Fixture height shall not exceed 30 feet. Recreational facility light poles shall not exceed 75 feet in height.
- (3) Photometrics shall incorporate existing light fixtures, public or private, that may impact the site.
- (4) All outdoor light fixtures existing and legally installed prior to February 22, 1999, are exempt from the requirements of this article unless work is proposed in any one-year period so as to replace 50 percent or more of the existing outdoor light fixtures, or to increase to the extent of 50 percent or more the number of outdoor light fixtures on the premises.

(d) Wall-mounted lighting in commercial, industrial and institutional districts shall comply with the following:

- (1) All wall-mounted light fixtures shall be shielded with a total cutoff angle equal to or less than 90 degrees.

(e) Lighting shall not be directed skyward except for lighting designed for illuminating the United States of America flag.

Section 14. Section 20-963 of the Chanhassen City Code is amended to add Section 20-963 to read as follows:

Sec 20-963 Temporary Real Estate Office or Model Home

- (a) *Purpose.* It is the intent of this section to provide for the erection of model homes, which may include temporary real estate offices, in new residential developments. As model homes represent a unique temporary commercial use within a residential context, standards must be applied to ensure their compatibility with this environment and to prevent the creation of nuisances.
- (b) *Permit requirements.* A building permit may be issued for a model home upon approval and recording of the final plat, provided that:
 - (1) If constructed prior to the completion of public infrastructure improvements, access must be provided by at least a maintainable Class 5 aggregate base structurally sufficient to allow the public safe access to the proposed building site. The proposed access must be approved by the City Engineer prior to the issuance of a building permit; and
 - (2) The parcel must be located within 150 feet of a paved road surface (either concrete or bituminous roadway) or be served by a construction road meeting the road design and standards necessary to support a fire truck.

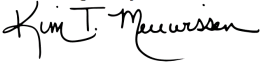
(3) Adequate utility services must be provided to the model home, which shall include fire hydrants for fire suppression needs as required by the Fire Code.

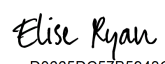
(c) *Standards and limitations.* Model homes within a residential development are subject to the following:

- (1) A temporary certificate of occupancy may be issued for model homes provided the public infrastructure improvements, excluding the final lift of asphalt and final restoration, if applicable, have been completed. These improvements must include approved sewer and water connections to in-service public mains. No permanent certificate of occupancy will be issued for a model home until all of the public infrastructure improvements have been completed and approved by the City Engineer, including final grading and stabilization in accordance with the building permit and development plans as approved by the City.
- (2) Model homes and temporary real estate offices shall be utilized solely for selling lots and/or homes within the residential development in which it is located.
- (3) Temporary off-street parking facilities equal to three (3) paved spaces per model home dwelling unit or a model home with a temporary real estate office shall be provided. The head-in parking area on the driveway for the model home may be used to satisfy the off-street parking requirement provided that the stalls are not in a tandem arrangement and no portion of the stall encroaches into the public right-of-way. The overall design, drainage, and surfacing of the temporary off-street parking facility shall be subject to City approval.
- (4) Use of a structure as a model home shall terminate three years from the date of the issuance of a temporary or permanent certificate of occupancy or when 90 percent of the building permits for the residential development have been issued, whichever comes first unless the period for use of a structure as a model home is extended by the Community Development Director.
- (5) No residential certificate of occupancy shall be issued for a model home or model home with a temporary real estate office until such time as the structure has been fully converted to a residence in compliance with the adopted Building Code. Additionally, such conversion shall include, but not be limited to, parking lot restoration and the removal of signage.

Section 15. This ordinance shall be effective immediately upon its passage and publication.

PASSED AND ADOPTED this 5th day of June 2023 by the City Council of the City of Chanhassen, Minnesota.

DocuSigned by:

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Kim Meuwissen, City Clerk

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Elise Ryan, Mayor

(Summary Ordinance 710 published in the Chanhassen *Villager* on June 15, 2023)