



Land for a DOLLAR!
City of Hastings Land Credit Program
Hastings Business-Industrial Park

PROGRAM INFORMATION, GUIDELINES AND APPLICATION INSTRUCTIONS

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Hastings Business Industrial Park



CITY OF HASTINGS

LAND CREDIT PROGRAM: HASTINGS BUSINESS-INDUSTRIAL PARK

PROGRAM INFORMATION, GUIDELINES AND APPLICATION INSTRUCTIONS

SECTION ONE: GENERAL INFORMATION

The Hastings Business-Industrial Park is owned and developed by the City of Hastings and administered by the Hastings Economic Development and Redevelopment Authority (HEDRA), appointed by the Mayor and City Council. The Industrial Park includes a total of 230 acres, surveyed and zoned for industrial uses. Nearly 45 acres is available for sale and development ranging in size from one to 30 acres. Lots have been graded and stubbed for utilities.

Location: The Park is located southeast of the intersection of US Highway 61 and Minnesota Highway 316, within close proximity to the following:

- 10 miles from US Highway 52
- 15 miles from Interstate 494
- 16 miles from Interstate 94
- 22 miles from Downtown St. Paul
- 25 miles from MSP Airport
- 32 miles from Downtown Minneapolis

Land Price and City Assistance:

The appraised value is \$66,988.97 an acre (\$1.54/s.f.)*.

The sales price may be modified by the land credit program, as approved by Council. If a business is approved for the land credit program, the price is \$1.00 an acre.

The City will facilitate application for assistance from the Minnesota Department of Employment and Economic Development (DEED), 504 loan funds and/or SBA guarantees for the project. The City can request authority to issue Industrial Development Bonds, if available under the state quota, to help finance a qualifying project. The City of Hastings generally provides land as an incentive rather than establishing TIF districts.

Zoning & Uses:

The Park is Zoned I-1 Industrial Park allowing for most industrial, manufacturing, and office\warehousing uses. **Screened outside storage is allowed within the Park.** Limited retail and service operations may be permitted via a Special Use Permit.

Utilities:

Unusual demand for utilities, water, sewer capacity, special emission or effluent treatments and the storage and handling of combustibles and chemicals should be raised early in the process.

Taxes:

There will be no taxes or assessments due on the property at sale. To calculate an estimate as to what your future tax liability may be, please find the Dakota County Tax Estimator at the following link:
<https://www.co.dakota.mn.us/HomeProperty/Tax101/TaxEstimator/Pages/default.aspx>

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*Market valuation for Industrial Park property will be conducted annually, setting the price according to the average valuation set by the Dakota County Assessor.

SECTION TWO: PURCHASING LAND

The following outlines the steps from inquiry to closing the sale. This outline is not considered all-inclusive, as additional information may be necessary and will be available for each step.

Step One: Initial Inquiry.

Contact City Staff to discuss your business and building needs, including size and layout of the building and property, land price and credit conditions.

Step Two: Offer & Concept Plan.

Make a written offer to HEDRA for the purchase the land. Identify the specific lot(s) and blocks, or acres and location. Specify the price offered for the land and/or request the land price program and include the credit information form. Provide a concept plan including the location of building, parking, and storage areas, as well as a building elevation or image depicting the appearance of the building.

Step Three: HEDRA Review – Preliminary Land Credit, Sale, and Concept Plan

Offers, Preliminary Land Credit, Sale, and Concept plan will be reviewed by City Staff and scheduled for HEDRA consideration. HEDRA meetings are typically held at 6:30pm on the 2nd Thursday of the month.

Step Four: City Council Approval - Preliminary Land Credit, Sale, and Concept Plan.

Upon HEDRA recommendation, the City Council will consider approval of the Preliminary Land Credit, Sale, and Concept Plan, allowing for preparation of the final agreements for sale.

Step Five: Site Plan Approval

Approval of formal plans for the site and building are considered as part of the Site Plan application by the Planning Commission and City Council. Please see the attached *Site Plan Checklist* for further details

Step Six: Authorization & Execution.

The completed package of all plans and agreements will be presented to City Council for authorization to execute the deed and agreements and close on the property.

LAND CREDIT PROGRAM

This section includes a brief outline of the conditions under which the Hastings Economic Development and Redevelopment Authority (HEDRA) can consider a request to reduce the sale price of Industrial Park land (a business subsidy). The subsidy consists of selling the land for \$1.00 an acre and deferring the balance of the appraised value for five years. Credits based on the value of building construction and new jobs are then deducted from the land price. The City Council makes final decisions on the granting of business subsidies and program acceptance may require a public hearing.

Type of Business: Land credits can be used when the City owns the land. To be considered for a land credit, the business has to be permitted in the I-1 zone, such as manufacturing, processing or wholesaling. Businesses that need a special use permit to locate in the Industrial Park will be considered for the land price subsidy on a case-by-case basis.

Type of Building: HEDRA advises all applicants applying for the Land Credit Program that they review and meet requirements regarding building design, materials and site work as described in the *Appearance Guidelines (Architectural and Landscape Standards)*.

Business Subsidy Law: Minnesota requires a business which receives a subsidy (of up to \$150,000) to sign a commitment to remain in operation at the site for five years or repay the subsidy (Business Subsidy Act 116J-933-955). The law also requires that subsidy agreements include new job and wage goals that must be established and reported to the state. The City will provide reporting forms in early February, which must be returned by March 15, annually, until the goals are met. A job is considered a full-time equivalent or 2080 hours of work per year. Failure to meet these requirements requires reimbursement of a prorated amount of the subsidy.

Security: The purchaser executes a development agreement recorded on the land title. If the developer/owner does not complete construction of the building, meet its job and wage goals as reported to the state, defaults on the development agreement, or the city credits do not cover the subsidy, a prorated amount of the subsidy will have to be paid to the City. The purchaser's lender will need to acknowledge the purchaser's obligation to the City. Additionally, this agreement gives the City the right to assess the reimbursement against the property.

Calculation of Credits: The purchasers propose to construct building(s) on the site of a given value and propose an annual payroll of a given value at the site by a specified date, five years after transfer of the property. The proposal will be used to estimate the land price credit for the agreement. However the actual value of the credits can be calculated for certification anytime up to the fifth anniversary of the release of the Certification of Occupancy.



Construction Credit is the value of the improvements, less land. Divide the building value (determined by the county assessor's market value on the January proceeding), by 10 for the amount of the credit.

Example: Building valued by the county assessor at \$700,000 divided by 10 = \$70,000 credit.

Jobs Credit is based on the amount of the purchaser's payroll for the last 12 months or most recent four quarters, as documented by the businesses' quarterly tax/wage reports (MDES-1). Adjustments are made for jobs existing prior to the sale and for the owner's compensation. Divide the payroll by \$27,000 (a full time job at \$13.00 an hour) for the number of job equivalents. Multiply job equivalents by \$5,400 for the amount of the credit.

Example: 12 month payroll of \$400,000 divided by \$27,000 = 15 job equivalents; 15 x \$5,400 = \$81,000 credit.

The value of both credits is subtracted from the amount of the subsidy. If they exceed the subsidy, and all other terms are met, the City Council will certify that the purchaser has completed the conditions of the agreement. Upon certification of construction credits and job credits, a satisfaction will be recorded releasing the purchases from those repayment obligations.

Example: The owner received title to two acres. The subsidy is valued at \$133,978.. Five years later, the credits shown above show a total of \$151,000. The owner does not owe the City because the credit exceeds the land value.

The owners agree that if the building value and payroll calculations do not equal or exceed the value of the land, the company owes the balance to the City. Additionally, the balance will be due if the owners default on the agreement or sell the property prior to certification. If the company does not pay the City, that balance will be assessed against the property in the same manner as public improvements.



Comparison of the Land Credit Program and the Business Subsidy Law

YEAR	CITY LAND CREDIT PROGRAM	STATE OF MINNESOTA BUSINESS SUBSIDY LAW
<p><i>Close on Land Sale:</i> considered the benefit date in the agreement for the land credits.</p> <p><i>Certificate of Occupancy:</i> considered the starting date for State wage and job goals.</p>	<p><i>Development Agreement Recorded:</i> payment of full land value is deferred for five years, at which time building and payroll credits are calculated and subtracted from the balance due on the land.</p>	<p><i>Business Subsidy Agreement Recorded:</i> developer/owner commits to job & wage goals, as well as to continuing operations at the site for five years.</p>
1 st Anniversary of Benefit Date		<i>May</i> have met job & wage goals per subsidy agreement.
2 nd Anniversary of Benefit Date	When the assessor has valued the new building and the business has acquired twelve months of payroll records for the new site, a request may be made asking the City to calculate the amount of credits and determine whether the credits exceed the subsidy.	<i>Must</i> have met job & wage goals unless request for one year extension is granted.
3 rd Anniversary of Benefit Date	same as above	<i>Must</i> have met job & wage goals or pay back pro rata share of land value.
4 th Anniversary of Benefit Date	same as above	Must still be in operation to this date or pay back pro rata share of land value.
5 th Anniversary of Benefit Date	Credits <i>must</i> be calculated as of this date, if not already done. If credits do not exceed the full value of the land, developer must pay back the balance to the City.	Must still be in operation to this date or pay back pro rata share of land value.

SUMMARY: Fulfilling the conditions of the land credit program does not exempt the developer from the conditions of the business subsidy act, or vice-versa. The terms of both agreements have to be met or a prorated share of the land value will have to be paid to the City. Please see Minnesota Statute (116J.933-995) for additional information regarding State of Minnesota Business Subsidy Law.



APPEARANCE GUIDELINES

The Industrial Park Board will review designs and materials proposed by applicants and approve and/or make recommendations to the City Council. The following is not considered all-inclusive, rather serves as a summary of building and/or site requirements. For more detailed information, please see [Hastings City Code Chapter 155 – Zoning Code](#).

Building Materials & Design

Exterior building finishes: The following materials or approved equivalents: brick, natural stone, decorative (rock-face or break-away) block, cast in place or pre-cast concrete, stucco and composite panels with a natural masonry or stone surface; wood: provided the surfaces are of proven exterior durability such as cedar and redwood or treated and finished for exterior use with paint or stain; metal: steel or aluminum panels provided they are factory fabricated and finished with a durable, non-fade coating and the fasteners are non-corrosive and rust-proof. Unfinished (included galvanized) metal cannot be used on exterior surfaces including roofs. Please see the attached *Architectural Standards* for further information

Parking Spaces & Driveways: Driveways, parking areas and loading dock areas shall be surfaced with asphalt or concrete; the number design, and layout of spaces shall meet code; asphalt and concrete surfaces must also have concrete curbs and be graded to drain.

Outdoor Storage: Everything outside of the building except vehicles shall be screened from streets and neighbors by opaque fencing, dense evergreens, landscaped berms or storage buildings. Everything includes but is not limited to product, materials, pallets, drums, spare parts, process by-products or waste materials, tires, boats, RV's, trailers, recreation vehicles and dumpsters.

Landscaping: The area of a lot not covered by buildings, parking, driveways and outdoor storage areas shall be planted with ground cover and maintained at a uniform height specified by City Code. The lot owner is responsible for the area between the lot lines and streets, including the surface drainage. Loading docks facing the street or residential neighborhoods shall be screened with berms and/or dense evergreens to buffer sound, light and sight lines. Please see the attached *Landscape Standards* for further information

Signs & Lighting: Wall signage up to five percent of the building façade or 40 s.f. (whichever is greater) is allowed along with one monument sign per street frontage. Outdoor security or yard lighting must be hooded or focused so the lit area is restricted to the property.



155.52 ARCHITECTURAL STANDARDS.

- (A) *Purpose.* The purpose of establishing criteria for architectural design and exterior treatment of buildings is to ensure high standards of development that is compatible with neighboring development and contributes to a community image of permanence, stability, and visual aesthetics, while preventing impermanent construction and use of materials that are unsightly, rapidly deteriorate, contribute to depreciation of neighborhood property values, or cause urban blight. The standards are further intended to ensure coordinated design of building facades, additions, and accessory structures in order to prevent visual disharmony, and to reduce visual monotony through variation of building materials, heights, offsets, changes in building plane, and the like.
- (B) *Applicability.* Architectural standards in this section shall apply to the exterior construction of new commercial, industrial, institutional buildings, and the like, as well as multiple family buildings exceeding 8 units, and as follows.
- (1) *Existing buildings.* Building additions and remodeling of existing commercial, industrial, and institutional buildings shall also be subject to architectural standards, however the effect of the architectural standards on the buildings existing appearance shall be considered, to ensure visual harmony, and consistency with the purpose of the architectural standards section.
 - (2) *Heritage Preservation Sites and Heritage Preservation District.* Buildings and properties within the Heritage Preservation District, or designated as a Heritage Preservation Site shall also be subject to conformance with § 30.10. In areas of discrepancy between standards, the City Council shall decide on the applicability of the standard.
 - (3) *Original Hastings Design Guidelines.* Buildings and properties as identified in the Original Hastings Design Guidelines (adopted by the City Council on 5-5-2003) must adhere to the requirements of the adopted guidelines in addition to the provisions of this section. In areas of discrepancy between standards, the City Council shall decide on the applicability of the standard.
- (C) *General requirements.*
- (1) Building design and construction standards must be used to create a structure with equally attractive sides. Primary emphasis shall be placed on the most visible sides of a building.
 - (2) Primary building entrances must be clearly defined to promote visual interest and architectural presence.



- (3) Large, uninterrupted expanses of a single building material shall not be permitted, unless the use meets the purpose or intent of this section as determined by the Administrative Official.
- (4) No wall that faces a public right-of-way, parks, the public view from adjacent properties or a residential use or district may have an uninterrupted length exceeding 100 feet without including at least 2 of the following:
 - (a) Change in plane;
 - (b) Change in texture or masonry pattern;
 - (c) Inclusion of windows; and/or
 - (d) Equivalent change or incorporation of a building element that subdivides the wall into smaller proportions.
- (5) All buildings on a lot, or as part of a unified development, shall be of compatible design and materials. Emphasis shall be given on the position of buildings on the site to give visual interest.

(D) *Specific requirements.*

- (1) *Design creativity.* Creativity and innovation in building design is encouraged. Design creativity shall be a determining factor in deviating from the specific materials standards listed in this section
- (2) *Classes of material.* For the purposes of this section, acceptable exterior materials are divided into Class 1, Class 2, and Class 3 categories as presented in the table below.

<i>Class 1</i>	<i>Class 2</i>	<i>Class 3</i>
Brick	EIFS or Drivit	Industrial grade concrete precast panels
Natural Stone	Masonry Stucco	Smooth concrete
Glass (including block, windows, or opaque mirrored panels)	Specialty Integral Colored Concrete Block (including textured, burnished block, rock face block)	Ceramic
Seamless metal panels (including copper)	Architecturally textured concrete precast panels	Wood
Other materials not listed elsewhere as approved by the Administrative Official	Tile (masonry, stone, or clay)	Aluminum or Vinyl Siding
	Other materials not listed elsewhere as approved by the Administrative Official	Other materials not listed elsewhere as approved by the Administrative Official



(3) *Required combinations of materials.* Buildings must incorporate classes of materials for each facade in the following manner.

(a) *Office, retail, service, or institutional buildings.*

1. Front facades, and side and rear facades visible from public right(s)-of-way, the public view from adjacent properties, parts, or residential uses or districts must be composed of at least 65% of Class 1 or 2 materials, with Class 1 materials comprising at least 25% of the total facade.
2. Side and rear facades not visible from public right(s)-of-way, parks, public view from adjacent properties or residential uses or districts may use any combination of Class 1, 2, or 3 materials.

(b) *Industrial and warehouse buildings, multi-tenant office/industrial/warehouse, or showroom/warehouse or other combination.*

1. Front facades must be composed of at least 75% of Class 1 or 2 materials, with Class 1 materials comprising at least 25% of the total facade.
2. Side and rear facades visible from public right(s)-of way, parks, public view from adjacent properties, or residential uses or districts must be composed of a least 25% of Class 1 or 2 materials.
3. Side and rear facades not visible from public right(s)-of-way, parks, public view from adjacent properties or residential uses or districts may use any combination of Class 1, 2, or 3 materials.

(c) *Multiple-family residential buildings exceeding 8 units.*

1. Front facades, and side and rear facades visible from public right(s)-of-way, the public view from adjacent properties, parts, or residential uses or districts must be composed of at least 25% of Class 1 materials, and at least 25% of Class 2 materials.
2. Side and rear facades not visible from public right(s)-of-way, parks, public view from adjacent properties or residential uses or districts may use any combination of Class 1, 2, or 3 materials.
(Prior Code, § 10.28) (Ord. 506, passed 11-17-2003) Penalty, see § 10.99



155.53 LANDSCAPE STANDARDS.

(A) *Intent and purpose.* The City of Hastings places a high value on landscaping and greenery in both the natural and the built environments. Landscaping and screening provide many aesthetic, ecological, economic, and health safety benefits. The provisions of this section are intended to:

- (1) Enhance the overall aesthetic conditions within the city;
- (2) Provide screening and mitigation of potential conflicts between different land uses;
- (3) Improve air quality and provide a buffer from air and noise pollution;
- (4) Ensure significant tree canopy shading to reduce glare and heat build-up;
- (5) Add visual interest to open spaces and blank facades; and
- (6) Provide definition for public walkways and open space areas.
- (7) Serve the following ecological functions:
 - (a) Interception and filtration of precipitation and storm water through maximizing multiple-layered vegetative cover, rainwater gardens, and vegetative swells.
 - (b) Reduction of reflectance and urban heat islands through increasing canopy cover.
 - (c) Conservation of energy through strategic shading and the use of windbreaks.
 - (d) Conservation of water through xeriscaping design strategies including using decorative rock as ground cover, limiting turf areas, selecting low-water-use plants and designing efficient irrigation systems.
 - (e) Selection and placement of plant materials to limit required maintenance of landscaped areas.
- (8) Preservation or restoration of natural amenities.

(B) *Applicability.*

(1) A detailed landscape plan must be submitted to the Planning Department in the following cases:

- (a) *Application for new development.* With any application for new development requiring site plan review;
- (b) *Changes to existing landscape plan.* When changes are made to an existing landscape plan on file with the city; or
- (c) *Redevelopment or large addition.* When either substantial redevelopment of a site is proposed or an addition that would increase total floor area on a site by 25% or more, a landscape plan for the entire site, demonstrating compliance with the requirements of this section, must be submitted for approval.
- (d) *Small addition.* When an addition is proposed that would increase total floor area of a site by less than 25%, but would physically impact the existing landscape, a modified landscape plan for the portion of the site affected by the addition, demonstrating compliance with the requirements of this section, must be submitted for approval.
- (e) *Constrained sites.* The City of Hastings recognizes that highly constrained redevelopment may have difficulty meeting the standards of this section. Given that the city would like to encourage redevelopment rather than interfere with redevelopment, highly constrained redevelopment sites may seek relief from the landscape standards. In considering planned development flexibility to landscape standards, the city shall:
 - 1. Balance the public interest in promoting redevelopment with the public interest in providing landscaping; and
 - 2. Consider whether reduced landscaping levels are balanced by alternative methods of providing visual interest to the site including but not limited to sculpture, public art or higher quality landscaping materials.

(C) *Landscape plan components.*

- (1) Landscape plans shall be prepared consistent with the general site plan requirements in § 155.51. The applicant shall submit a landscape plan prepared by a landscape architect, nursery designer, or other qualified person. Landscape plans shall be reviewed and approved by the Planning Department.

(2) When a landscape plan is required, the following information shall be included.

(a) *General information.*

1. Name of project, owner and developer and street address of project; and
2. Name, address, phone number of plan preparer and, if applicable, Minnesota license/certification number of the Landscape Architect or Certified Nursery and Landscape Professional (CNLP).

(b) *Landscape plan features.*

1. Scale and north arrow;
2. Locations of existing/proposed buildings and all other structures;
3. Location, height, materials of any existing and proposed screening;
4. Location, approximate size, and common name of existing trees, shrubs, and other vegetation that are to be retained as part of the new landscaping and description of how they will be protected during construction;
5. Location and details of irrigation systems;
6. Location, width, and height of all proposed earth berms and retaining walls;
7. Planting details illustrating proposed locations of all new plant material;
8. Planting schedule containing:
 - a. Plant key;
 - b. Common and botanical plant names;
 - c. Quantity of plants for each species;
 - d. Size of plant material at time of planting and at maturity;
 - e. Root condition (balled and burlapped, bare root, container, and the like); and

f. Special planting instructions

9. Any other existing or proposed features that relate to or affect site finish and landscaping.

(D) *Residential building requirements (1 to 8 units per building)*. The developer or builder of any new residence (or substantial modification to an existing residence) between 1 and 8 housing units that is exclusively residential must adhere to the following requirements:

- (1) *Boulevard tree requirements*. Boulevard trees shall be planted every 50 feet along public right-of-ways. The tree must be planted within 10 feet of the curb and shall not encroach within the site visibility triangle.
- (2) *Front yard tree requirements*. One front yard tree shall be planted for every unit in addition to boulevard tree requirements. The tree shall be planted outside the city right-of-way.
- (3) *Vegetative cover requirement*. Vegetative cover including sod, shrubs, trees and related landscaping materials must be established in all front yard areas, and within the first 20 feet from the primary structure of all side yard and rear yard areas. The vegetative cover requirement shall not preclude the construction of the following provided minimum zoning setback requirements are met: decks, patios, and placement of rock and related landscape materials associated with foundation planting adjacent to a structure.
- (4) *Landscaping in drainage and utility easements*. Shallow root plantings including sod, turf, grass and shrubs shall be established in drainage and utility areas. The placement of landscaping or structures that significantly changes or impeded the designed drainage pattern shall be prohibited. The city reserves the right to review all landscaping plans subject to the provision of the city's landscape fence and easement policy, April 2005, as amended.

(E) *Commercial, industrial, institutional, and multiple-family (greater than 8 units per building) requirements*. Landscaping for all commercial, industrial, institutional, or multiple-family building greater than 8 units shall consist of a combination of deciduous, coniferous, and ornamental trees, shrubs, hedges, flowers, sod, ground cover and other natural materials. Landscaping shall cover all areas not used for structures, drives, sidewalks, or parking.

(1) *Interior parking lot*.

- (a) In any aisle in excess of 30 parking stalls, an interior landscaped island shall be provided.

- (b) Landscaped islands shall be provided at each end of all rows of parking in parking lots in excess of 40 parking stalls.
- (c) One tree per 4,000 square feet of paved surface is required of which 75% must be deciduous, overstory trees. Trees shall be planted in medians or directly adjacent to the parking lot perimeter.
- (d) The following requirements apply to all parking lot islands:
 - 1. Each island shall contain at least 1 deciduous shade tree.
 - 2. Each island shall not contain any shrub over 18 inches in height.
 - 3. Islands shall have a minimum inside width of 10 feet.

(2) *Streetscape and open space.*

- (a) One tree per 50 feet of lot perimeter is required. Trees shall be planted every 50 feet along public and private street frontages between the front lot line and back of curb. Remaining trees can be placed somewhere else on the site.
- (b) At least one shrub per 40 feet of lot perimeter must be planted.
- (c) An opaque landscaping feature a minimum of 30 inches in height is required between any parking lot or driveway and the adjacent street. Said feature shall be one or combination of the following:
 - 1. A 10-foot wide landscaped strip which must screen at least 70% of the length of the lot frontage with an opaque barrier 30 inches high at initial planting.
 - 2. Landscaped berms at least 3 feet in height measured from the top of street curb adjacent to the berm at a slope not greater than 3:1.

(3) *Properties adjacent to residential uses.* All off-street parking, loading facilities, exterior storage areas, mechanical area, and driveway shall be effectively screened from areas zoned or guided residential by 1 or a combination of the following:

- (a) A 6-foot high opaque fence or wall. Chain link fences with slats are not acceptable.
- (b) Berming or landscaping measuring at least 6 feet in height measured from the top of the parking lot or drive aisle curb. Landscaping must provide year-round screen opacity of 75% at initial planting.

(4) *Landscaping in drainage and utility easements.* Shallow root plantings including sod, turf, grass and shrubs shall be established in drainage and utility easement areas. The placement of landscaping or structures that significantly changes or impeded the designed drainage pattern shall be prohibited. The city reserves the right to review all landscaping plans subject to the provision of the city's landscape fence and easement policy, April 2005, as amended.

(F) *Performance standards.*

- (1) *Rainwater gardens.* Rainwater gardens shall be encouraged to accommodate storm water drainage and to meet landscape vegetation requirements. Rainwater gardens may be eligible for a reduction in the open space tree planting requirements upon approval of the Planning Director as follows:
 - (a) One square foot of raingarden shall be equal to 1 square foot of tree coverage (based on mature tree growth.)
 - (b) Tree planting requirements shall not be reduced greater than 50%.
 - (c) Raingardens cannot be substituted for landscape screening.
- (2) *Site triangle/visual clearance.* No fence, wall, dense landscaping, or other visual obstruction above a height of 30 inches from the established street grade shall be permitted within the site triangle as formed by a straight line drawn between points on the property line at a distance of 30 feet in each direction from the intersection of any street, alley, parking lot entrance, or loading area.
- (3) *Utility clearance.* Access to utilities (manhole covers, fire hydrants, electrical transformers, etc.) must be maintained.
- (4) *Minimum planting sizes.*
 - (a) Deciduous tree: 1.5 inch trunk diam, measured 6 inches above ground.
 - (b) Ornamental tree: 1.5 inch trunk diam, measured 6 inches above ground.
 - (c) Coniferous trees: 6 feet tall.
 - (d) Shrubs: minimum of 18 inches tall at planting.

(5) *Spacing.*

- (a) Plant material centers shall not be located closer than 3 feet from the fence line or property line and shall not be planted to conflict with public plantings, sidewalks, trails, fences, parking areas, and driveways based on the judgement of the Planning Department.
 - (b) Where plant materials are planted in 2 or more rows, plantings shall be staggered in rows unless otherwise approved by the Planning Department.
 - (c) Where massing of plants or screening is intended, large deciduous shall be planted 4 feet on center or closer, and/or, evergreen shrubs shall be planted 3 feet on center or closer.
- (6) *Permitted deciduous trees.* Deciduous tree plantings shall be reviewed by the City Forester. Please reference the *Hastings Tree Guide* for suggested planting varieties.
- (7) *Overhead utility lines.* When trees are to be installed under overhead utility lines, discretion must be used in the selection of the type of species. The trees installed must not interfere with the utility lines as maximum growth.
- (8) *Certificate of occupancy.* All required landscaping must be installed prior to issuance of a certificate of occupancy. In cases where occupancy will occur during winter months, a temporary certificate of occupancy will be issued and planting will be required by the next July 1. Prior to issuance of a temporary certificate of occupancy, the developer or builder shall post a cash deposit/bond as established by the Building Department.

(G) *Maintenance.*

- (1) *Surety.* To ensure that landscaping and screening is installed as proposed and survives through at least 1 full growing season, a landscape performance surety must be submitted prior to issuance of building permits for new development where a landscape plan is required.
- (a) A landscape surety for providing, installing and warranting typical landscaping and screening materials must be submitted in the amount of 125% of the value of the proposed landscaping.
 - (b) Once the landscaping and screening has been in place for 1 year, Planning Department staff will review the landscaping on site. If site conditions match the approved landscape plan and all material is healthy, the surety will be released. If landscaping or screening is missing or incorrectly placed or some material is not in a healthy

condition, the owner will be contacted and given an opportunity to correct these issues. Once the issues are resolved, the landscape surety will be released.

- (2) *Material maintenance.* The property owner must maintain all landscaping and screening materials shown on the approved landscape plan in a manner consistent with the intent and purpose of the plan. Approved landscaping and screening materials that die, become diseased or are significantly damaged must be replaced at the next appropriate planting period with new materials in conformance with the approved landscape plan.
- (3) *Structure maintenance.* Landscaping and screening structures such as fences and walls must be maintained in good condition, free of graffiti, peeling paint, decay or warping, must be repaired when needed and replaced periodically to maintain a structurally sound condition. (Ord. 539, passed 10-3-2005; Am. Ord. 551, 2nd Series, passed 5-1-2006) Penalty, see § 10.99

155.53.5 EXTERIOR LIGHTING STANDARDS.

- (A) *Intent and purpose.* It is the intent of this Ordinance to define practical and effective measures by which the obtrusive aspects of excessive and \or careless outdoor light usage can be minimized, while preserving safety, security, and the nighttime use and enjoyment of property. These measures will curtail the degradation of the nighttime visual environment by encouraging lighting practices that direct appropriate amounts of light where and when it is needed, decreasing the unnecessary light and glare resulting from over-lighting and poorly shielded or inappropriately directed lighting fixtures.
- (B) *Applicability.* For all proposed new land uses, developments, buildings, and structures that require Site Plan or Conditional Use Permit approval, all outdoor lighting fixtures shall meet the requirements of the Ordinance. All existing and future lighting shall adhere to the foot-candle illumination requirements of subsection (C) (4). Building additions or modifications of twenty-five (25) percent or more in terms of additional dwelling units gross floor area, or parking spaces, either with a single additional or with cumulative additions within a five (5) year period, shall invoke the requirements of this Ordinance for the entire property.
- (C) *Shielding and Outdoor Lighting Standards.*
- (1) All non-exempt outdoor lighting fixtures including pole lighting and wall-pack lighting shall not be directed onto any adjoining property, or controlled in some manner so as not to light adjacent property. Mitigative measures shall be employed to limit glare and spill light to protect neighboring parcels. These measures may include lenses, shields, louvers, prismatic control devices and limitations on the height and type of fixtures.
 - (2) Automatic Switching Requirements. Controls shall be included on the installation of lighting that allow for the reduction in lighting levels when the building or property is not in operation such as a photoelectric switch, astronomic time switch, or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system. Building and properties that are in a continual, twenty-four (24) hour a day operation, or utilize motion activated lighting are exempt from this provision.
 - (3) Service Station Canopies and Parking Structures. All lighting fixtures mounted on or recessed into the lower surface of service station canopies or parking structures shall be fully shielded or utilize flat lenses so as not to extend below the bottom face of the canopy or structure.

(4) Illumination Limits. Reflected glare or light from non-exempt outdoor lighting may not exceed the following limits as measured from the property line of the lighting source:

(a) 0.5 foot-candles at any residential property line.

(b) 1.0 foot-candles at any non-residential property line.

(c) Abutting parking lots on separate parcels shall be exempt from illumination limits.

(D) *Exemptions.*

(1) Streetlights along public and private streets.

(2) City Council Authorized Special Event.