

Ordinance No. ____ - ____
Amending St. Louis Park City Code chapter 36
related to zoning

The city council of the City of St. Louis Park, Minnesota does ordain:

Section 1: Chapter 36 shall be deleted in its entirety and replaced with the following:

ARTICLE I. INTRODUCTORY PROVISIONS

DIVISION 1. INTRODUCTORY PROVISIONS

Sec. 36-1. Title.

- (a) This chapter shall be known as the City of St. Louis Park Zoning Ordinance except as referred to herein as “this chapter.”

Sec. 36-2. Purpose and intent of chapter.

- (a) The intent, through the zoning ordinance chapter, is to promote the most appropriate and orderly development of the city.
- (b) This chapter establishes minimum requirements to protect the public health, safety, mobility, and general welfare of the people.
- (c) This chapter shall divide the city into zoning districts and establish regulations which control the location, erection, construction, reconstruction, alteration, and use of structures and land.

Sec. 36-3. Findings.

Through establishing and implementing this chapter, the city council finds it necessary to accomplish the following:

- (a) Require that development proceed according to the vision, strategic priorities, goals, land use designations and map, strategies and implementation actions established in the city's comprehensive plan, as well as other adopted plans.
- (b) Provide adequate light, air and convenient access to property.
- (c) Facilitate the provision of municipal utilities, transportation, schools, recreation and other public infrastructure supporting current and future needs.
- (d) Provide for compatibility of different land uses.
- (e) Enhance the city's development pattern, quality, character and long-term sustainability.
- (f) Conserve the natural resources and environmental assets of the community.
- (g) Provide effective administration of this chapter and any future amendments to the ordinance from which this chapter is derived and prescribe penalties for the violation of its requirements.

- (h) Establish a continuing system of review of this chapter to ensure it will be amended to meet the changing needs of the community and advances in technology and economic and social systems.

DIVISION 2. AUTHORITY

Sec. 36-4. Effective date.

- (a) The effective date of this chapter is 2026. This chapter hereby supersedes and replaces in its entirety, chapter 36 of the St. Louis Park, Minnesota, city code on the effective date hereof. The provisions of this title shall apply to all development plans and permits filed on or after the effective date. Plans on file before the effective date shall be reviewed for compliance with the zoning ordinance title effective at the time of filing.

Sec. 36-5. Jurisdiction and authority.

- (a) This chapter is enacted under the authority granted to the city in state statutes chapter 462, as well as other state statutes and rules. If those statutes are amended to restrict or enlarge the authority delegated to the city, those amendments shall be incorporated into this chapter.
- (b) This chapter governs the use of all land and structures in the city unless such regulation is specifically preempted by state or federal statutes or regulations.

DIVISION 3. ADMINISTRATION

Sec. 36-6. Enforcing officer.

- (a) The zoning administrator or their designee shall enforce this chapter under the direction and control of the zoning administrator's supervisor, department director and city manager.

DIVISION 4. INTERPRETATION

Sec. 36-7. Purpose of interpretation.

- (a) The purpose of interpreting and applying this chapter is to determine and carry out the intent of the city council. This chapter must be interpreted, whenever possible, so that all provisions are given effect.
- (b) The language of this chapter is clear and unambiguous as applied to a particular situation, it must be applied as written.
- (c) When the words of this chapter are not explicit, the intention of the city council may be ascertained by considering, among other matters:
 - (1) The occasion and necessity for this chapter or specific provision.
 - (2) The circumstance under which it was enacted.
 - (3) The object to be attained.
 - (4) The former zoning ordinance.
 - (5) The consequences of a particular interpretation.

- (6) Administrative interpretations of this chapter and interpretations by the board of zoning appeals and the city council.
- (d) In ascertaining the intention of the city council, the following presumptions apply:
 - (1) The city council does not intend a result that is absurd, impossible of execution, or unreasonable.
 - (2) The city council intends the entire chapter to be effective and certain.
 - (3) The city council does not intend to violate the Constitution of the United States or the state constitution.
 - (4) The city council intends to favor the public interest against any private interest.

Sec. 36-8. Minimum and maximum requirements.

- (a) The provisions of this chapter are the minimum and maximum requirements for the promotion of the public health, safety, mobility and general welfare.

Sec. 36-9. Rules of construction.

- (a) The following rules of construction govern the interpretation of the language of this chapter:
 - (1) The singular number includes the plural and the plural the singular.
 - (2) The present tense includes the past and future tenses and the future includes the present.
 - (3) The word "shall" is mandatory, and the word "may" is permissive.
 - (4) Whenever a word or term which is defined in this chapter appears in the text of this chapter, its meaning shall be that stated in the chapter definition. Words or terms which are not defined in this chapter shall have the meaning found in the most recent edition of Merriam-Webster's Unabridged Dictionary. Words not defined in that dictionary shall have their ordinary, usual meaning at the time the word or term is being applied to a zoning question or situation. General words are construed to be restricted in their meaning by preceding particular words.
 - (5) Unless otherwise specified, calculations completed as a result of the provisions in this chapter shall be rounded to the nearest whole number.
- (b) Distance. All measured distance expressed in feet shall be to the nearest tenth of a foot. The measurement of distances when required by this chapter shall be done in a straight line in the plane located at a point one foot above the highest point in the surface of the ground along the path of measurement, from the closest exterior wall (extended vertically if a cantilever) of a building containing the use to the property line of the adjacent street, district, or lot or other boundary line. If the use is not within a building, the measurement shall be the shortest distance from the location of the use to the property line of the adjacent street, district, or lot or other boundary line.
- (c) Performance time; delivery and filing time. Where the performance or doing of any act, duty, matter, payment or thing is ordered or directed and the period of time or duration for the performance or doing thereof is described and fixed by this chapter, the time shall be computed so as to exclude the first and include the last day of the

prescribed or fixed period or duration of time. When the last day of the period falls on Saturday, Sunday, or a legal holiday, that day shall be omitted from the computation. When an application, payment, drawing, contract or other document is to be delivered to or filed with any department of the city or other unit of government on or before a prescribed date and the prescribed date falls on a Saturday, Sunday, or legal holiday, it is timely delivered or filed if it is delivered or filed on the next succeeding day which is not a Saturday, Sunday, or legal holiday.

- (d) Grammatical errors. Grammatical errors shall not destroy the application of this chapter. A transposition of words and clauses may be resorted to when a sentence is without meaning as it stands. Words and phrases which may be necessary to the proper interpretation of this chapter and which do not conflict with its obvious purpose and intent, nor in any way affect its scope in operation, may be added in the construction thereof.
- (e) Provisos. Provisos shall be construed to limit rather than to extend the operation of the clauses to which they refer. Exceptions expressed in this chapter shall be construed to exclude all others.
- (f) Penalty; forfeiture. When a penalty or forfeiture is provided for the violation of this chapter, such penalty or forfeiture shall be construed to be for each such violation. Each day that a violation exists shall constitute a separate violation.
- (g) Provision conflicts. When a general provision of this chapter conflicts with a special provision in this chapter, the two shall be construed if possible so that effect shall be given to both. If the conflict between the two provisions is irreconcilable, the special provisions shall prevail and shall be construed as an exception to the general provision unless the general provision was enacted subsequent to the special provision and it shall be the manifest intention of the city council that such general provisions shall prevail. When several clauses are irreconcilable, the chapter clause last in order of date or position shall prevail. When the provisions of two or more amendments to this chapter passed at different dates are irreconcilable, the amendment latest in date of final enactment shall prevail.
- (h) Amendment. When a section or part of the ordinance from which this chapter is derived is amended, the amendment shall be construed as merging into the original ordinance, becoming a part thereof, and replacing the part amended, and the remainder of the original ordinance and the amendment shall be read together and viewed as one ordinance passed at one time. The portions of this chapter which were not altered by the amendment shall be construed as effective from the date of the first enactment, and the new provision shall be construed as effective only from the date when the amendment became effective. When this chapter adopts the provisions of state statute by reference, it also adopts by reference any subsequent amendments of that statute except when the intent of the city council is clearly to the contrary. If two or more amendments to the same provision or this chapter are enacted at the same or at different times, one amendment overlooking and making no reference to the other, the amendments shall be construed together if possible and effect be given to each. If

the amendments are irreconcilable, the amendment latest in date of final enactment shall prevail.

- (i) Appendix. The appendix is for information purposes only and is not intended to govern.

Sec. 36-10. Compliance with the comprehensive plan.

- (a) No building permit, certificate of occupancy, registration of land use, or any other permit required by this chapter, shall be issued unless the proposal complies with the comprehensive plan and the requirements of this chapter. If a conflict exists between this chapter and the comprehensive plan on land for which an approval is requested, such approval cannot be issued unless the conflict is resolved.

Sec. 36-11. Diagrams.

- (a) Diagrams, where provided, are intended to be illustrative only and may not be drawn to scale. Where a conflict exists between a diagram and text, the text shall prevail.

Sec. 36-12. More restrictive applications.

- (a) Where the conditions imposed by any provision of this chapter are either more or less restrictive than comparable conditions imposed by any other applicable law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall control.

Sec. 36-13. Abbreviations

- (a) Purpose. The purpose of this section is to identify the abbreviations which are used in this chapter to clarify meaning.
- (b) Abbreviations.
 - (1) BOZA Board of zoning appeals
 - (2) DSH Diameter at standard height
 - (3) DORA Designed outdoor recreational area
 - (4) DU Dwelling unit
 - (5) EVSE Electric vehicle supply equipment
 - (6) EVCS Electric vehicle charging station
 - (7) PUD Planned unit development
 - (8) FW Floodway district
 - (9) FF Flood fringe district
 - (10) FP General floodplain district

DIVISION 5. SEPARABILITY

Sec. 36-14. Separability.

- (a) Provisions in this chapter are separable if the following events occur:

- (1) If a court of competent jurisdiction finds any provision of this chapter to be invalid, that judgment shall not affect any other provision of this chapter not specifically included in the judgment.
 - (2) If a court of competent jurisdiction finds the application of any portion of this chapter to a particular property, building, or other structure invalid, that judgment shall not affect the application of the provision to any other property, building or structure not specifically included in the judgment.
- (b) If a court of competent jurisdiction finds any individual condition of a conditional use permit invalid, that judgment shall not invalidate any other condition of the same conditional use permit not specifically included in such judgment nor shall it invalidate the application of the same condition in any other conditional use permit.

DIVISION 6. NONCONFORMITIES

Sec. 36-15. Scope of article.

- (a) Nothing in this division shall be construed to permit a violation of any section of this chapter or the continuation of any unsafe or unsanitary condition.

Sec. 36-16. Purpose.

The purpose of this division is to provide for the continuation and eventual elimination of nonconformities and other instances of nonconformance by:

- (a) Recognizing nonconformities which lawfully existed prior to the effective date of the ordinance from which this article is derived.
- (b) Prohibiting the enlargement or extension of nonconformities.
- (c) Providing criteria which provide for the reconstruction of nonconformities which are damaged by fire or other natural disaster.
- (d) Encouraging the elimination of nonconformities or minimizing their impact on adjacent properties.
- (e) Requiring nonconformities and other instances of nonconformance in certain situations to either comply with this chapter or terminate.

Sec. 36-17. General requirements.

- (a) Right to continue. Except for a sexually oriented business as defined in the city code, a nonconformity may be continued in the manner of operation existing at the time of adoption of the ordinance from which this chapter is derived, subject to the provisions of this division.
- (b) Subject to general requirements of this chapter. Subject to its right to continue, a property having a nonconformity is subject to all provisions of this chapter and future amendments thereto.
- (c) Expansion prohibited. A nonconformity shall not be expanded in any manner. Expansion includes the intensification of the character or operation of a nonconformity. Expansion shall include, but not be limited to, increased hours of operation, expansion of the use to a portion of the property not previously used,

reducing the size of the parcel containing the nonconformity by subdivision or administrative lot line adjustment, expansion of a parking area, and increased number of employees.

- (d) Damaged or destroyed structures. If any nonconformity is destroyed by fire or other peril to the extent of greater than 50% of its assessed market value, and no building permit has been applied for within 180 days of when the property is damaged, the building official may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property. If the building permit has not been applied for within one year of the date of destruction, any right to continue the nonconformity is terminated and any future use of the land must comply fully with this chapter.
- (e) Termination of rights through discontinuation of the use. If a nonconformity is discontinued for a period of more than one year, any right to continue the nonconformity is terminated and any future use of the land must comply fully with this chapter.

Sec. 36-18. Special requirements.

- (a) City approvals.
 - (1) Condition of approval. An addition or expansion to a nonconforming structure may be granted a Conditional Use Permit (CUP) or building permit so long as the addition or expansion adheres to all requirements of this chapter. Amendments to existing special permits shall be administered in accordance with section 36-445.
 - (2) Exception. A new use in part of a nonconforming multiple tenant structure may be granted a CUP or special permit amendment, so long as there are no exterior modifications needed to accommodate the new tenant which would result in an increase in building height, density, or a decrease in required yards, or other substantial change (other than property improvement to meet building code requirements), and the following standards are met:
 - a. The new use does not involve an expansion of the nonconformity or otherwise increase the noncompliance with the provisions of this chapter.
 - b. Any nonconformity or other items of noncompliance existing on the site shall be brought into greater or complete compliance with this chapter to the extent reasonable and possible, except that greater or complete compliance will not be required with the following provisions of this chapter:
 - 1. Lot area.
 - 2. Lot width.
 - 3. Required yards.
 - 4. Building height
 - 5. Density.
 - 6. Usable open space.
- (b) Permitted construction. Construction is permitted under the following circumstances:

- (1) The repair, replacement, restoration, maintenance or improvement of any nonconformity, but not including expansion, except that such construction is prohibited in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of construction to flood flows in the floodway.
- (2) Construction which would allow additions and alterations to buildings containing nonconforming dwelling units complying with the following conditions:
 - a. The construction will not result in an increase in the number of dwelling units; and
 - b. The building or parcel is not located in an area which the council has designated as a high priority for redevelopment according to an adopted redevelopment strategy or plan. For the purpose of this section, a redevelopment strategy or plan shall be defined as a document and/or process which specifically outlines the area to be redeveloped and may include timelines and/or action steps to be taken, or which are being taken, to achieve the redevelopment. These action steps may include, but are not limited to: solicitation of developers, the purchase of property, environmental testing or remediation, demolition of structures and other similar activities.
- (c) Change in tenant or ownership. Any change of a tenant or in the ownership of any land which is classified as a nonconforming use shall require the new tenant or owner to obtain a certificate of occupancy or Registration of Land Use before the nonconforming use may be continued.
- (d) Change to less intense use. A nonconforming use may be changed to a less intense nonconforming use subject to approval by the zoning administrator. The property owner or tenant has the burden of providing evidence that the proposed use is less intense than the existing nonconforming use. The zoning administrator shall consider the evidence provided by the property owner or tenant in evaluating relative intensities including, but not limited to, each of the following factors:
 - (1) Hours of operation.
 - (2) Signage.
 - (3) Off-street parking and loading.
 - (4) Nature of business operations.
 - (5) Type of equipment or machinery.
 - (6) Outdoor storage.
 - (7) Number of employees.
 - (8) Aesthetic impacts on surrounding property.
 - (9) Property values.
- (e) Reduction in nonconformity. Any nonconformity which is reduced in size, intensity or otherwise becomes more conforming may not again expand or become less conforming.
- (f) Nonconformity as a result of government action.

- (1) When lot area, width or setbacks are reduced as a result of conveyance to a federal, state, or local government for a public purpose and the remaining area is at least 50% of the otherwise applicable standards, then that lot and any structures existing at the time of public action shall be deemed to be in compliance with the minimum lot area, lot width and setbacks of this chapter.
- (g) Nonconforming parking.
 - (1) Any use on any property which contains a nonconforming parking lot or paved area shall not be expanded unless the property is brought into compliance with the standards contained in sections 36-363 and 36-368. In addition to the other penalties provided by law, the city may withhold a certificate of occupancy for any property not in compliance with this section.
 - (2) Any use which does not provide the number of parking spaces required by section 36-363 for the amount of parking provided may not be expanded unless it provides the parking spaces required under this chapter for the expansion.
 - (3) Uses with nonconforming parking in terms of numbers of stalls shall need not be required to provide additional parking to bring the use into compliance if such parking would occupy required yards or interfere with screening requirements.
- (h) Nonconforming landscaping. If buildings were existing on a parcel of land on the effective date of the ordinance from which this chapter is derived which, due to their location, make construction of the required landscaping impossible, then an alternative landscaping plan may be approved as outlined in section 36-374.
- (i) Nonconforming impervious surface coverage. Impervious surfaces can be replaced with other types of impervious surfaces so long as the amount of impervious surface is not increased.
- (j) Non-conforming rear yard. Additions may be made to a principal structure with a nonconforming rear yard provided that the addition meets the rear yard requirements of this chapter.

Secs. 36-19 to 36-39 reserved.

ARTICLE II. GENERAL ZONING PROVISIONS

Sec. 36-40. Zoning districts established.

All land in the city shall be assigned to one of the following zoning districts:

- (a) Neighborhood districts, see article III.
 - (1) N-1 neighborhood district
 - (2) N-2 neighborhood district
 - (3) N-3 neighborhood district
 - (4) N-4 neighborhood district
- (b) Mixed use districts, see article IV.
 - (1) MU-1 neighborhood mixed use district
 - (2) MU-2 community mixed use district
 - (3) MU-3 transit oriented development mixed use district
- (c) Business districts. B-1 general business district, see article IV.
- (d) Industrial districts, see article IV.
 - (1) I-1 light industrial district
 - (2) I-2 general industrial district
- (e) Park and open space districts. P-1 park and open space district, see article IV.
- (f) PUD planned unit development districts, see article V.

Sec. 36-41. Overlay districts established.

Overlay districts are as follows:

- (a) FW floodway district, see article VI, division 1.
- (b) FF flood fringe district, see article VI, division 1.
- (c) FP general floodplain district, see article VI, division 1.
- (d) TDM travel demand management district, see article VI, division 2.
- (e) HWL historic Walker Lake district, see article VI, division 3.

Sec. 36-42. Map.

The boundaries of the use districts listed in section 36-40 are shown on the zoning map, as amended. The map is certified by the city clerk and is stored in the office of community development and is referred to as the "zoning map" or "map," in this chapter. The map and all

of the notations, references and other information shown on it shall have the same force and effect as if fully set forth in this chapter and are hereby made a part of this chapter by reference.

Sec. 36-43. Boundaries

- (a) District boundary lines indicated on the zoning map follow lot lines, the center lines of streets or alleys projected, railroad right of way lines, the center of watercourses, or the corporate limit lines as they exist upon the effective date of the ordinance from which this chapter is derived. If zoning district boundary lines do not follow any of the above-described lines, the zoning district boundary lines are established as drawn on the zoning map.
- (b) Where a district boundary line divides a lot of record which was in single ownership at the time of enactment of the ordinance from which this chapter is derived and places portions of such lot of record in two or more use districts, any portion of such lot within 50 feet on either side of dividing district boundary line may be used for any use permitted in either use district. If the lot shall be wider than the 50-foot limitation, the use district line as shown shall prevail.
- (c) Appeals from the zoning administrator's determination and questions of doubt concerning the exact location of district boundary lines shall be heard by the board of zoning appeals.
- (d) Whenever any street, alley or other public way is vacated by official action of the city, the location of the zoning district line shall not be affected by such proceeding.
- (e) A determination of whether a property is within the boundaries of the FW, FF or FP district shall be made by the zoning administrator. Any person objecting to that determination may appeal to the zoning administrator by submitting a topographic survey which includes the contour of the flood protection elevation and the location and elevation of all proposed structures. The zoning administrator may change the determination based on the topographic survey, but the zoning administrator shall notify the commissioner of the state department of natural resources at least ten days before granting the permit. Provisions for the modification of floodplain district boundaries are contained in division 8 of article IV of this chapter.

Sec. 36-44. Uses

- (a) Interpretation of allowed uses:
 - (1) The only uses which can be made are those uses listed in the zoning district and these are permitted only in the manner described by this chapter.
 - (2) Any person seeking to establish a use of land or a building which is not specifically listed in any of the use categories in this chapter may ask the zoning administrator which category of use shall be applied. The zoning administrator's decision will

establish whether the proposed use is permitted under any of the categories in this chapter. The zoning administrator shall consider functional similarities between uses listed in this chapter and the proposed use including nuisance characteristics, traffic, appearance and mode and hours of operation in making this determination. The determination of the zoning administrator shall be in writing and shall include a statement whether the use is designated as "permitted," "permitted with standards," or "conditional." If the zoning administrator determines that the proposed use is not permitted under any category, that conclusion shall be stated in the written determination.

- (b) Accessory uses shall be limited to a maximum area of 25% of the gross floor area of the principal use unless otherwise specified by this chapter.
- (c) The following definitions shall apply to the uses tables found in articles III and IV:
 - (1) Permitted use: "P" indicates that a use is allowed by right, subject to compliance with all other applicable provisions of this code.
 - (2) Permitted with standards use: "PS" indicates that a use is allowed when standards identified in article VII "Use-Specific Standards" are met. Uses permitted with standards are also subject to all other applicable requirements of this chapter. The use-specific standards shall apply when they are contradictory or otherwise inconsistent with other applicable requirements in this chapter. Any request to vary from the standards set forth for a permitted with standards use shall be processed as a variance.
 - (3) Conditional use: "C" indicates that a use is allowed only when standards identified in article VII "Use-Specific Standards, Principal" are met, and a conditional use permit is issued by the city. Uses permitted by conditional use permit are also subject to all other applicable requirements of this chapter. The use-specific conditions shall apply when they are contradictory or otherwise inconsistent with other applicable requirements in this chapter. Any request to vary from the standards set forth for a conditional use permit shall be processed as a variance.
 - (4) Prohibited use: A blank cell in the use table indicates that the land use is prohibited in that zoning district.

Sec. 36-45. Lot provisions.

- (a) Limitations. Unless permitted by this section:
 - (1) A lot which does not conform with the lot width and lot area requirements of the zoning district in which the lot is located shall not be a buildable lot unless the lot already contains an occupiable structure.
 - (2) A developed lot which does not meet the area or width requirements of this chapter shall not be more intensively developed unless it is combined with one or

more abutting lots or parcels of land to create a lot meeting the requirements of this chapter. This provision does not apply to single-unit dwellings.

(b) Lots of record, buildable.

- (1) A lot of record existing upon the effective date of the ordinance from which this chapter is derived in the N-1 or N-2 district, which does not meet either the area or width requirements of this chapter required for a single-unit or two-unit dwelling may be utilized for single-unit or two-unit dwelling purposes if the dimensions of its area and width shown exactly on the plat of record, meet the requirements of this chapter.
 - (2) Any single-unit or two-unit dwelling which exists on the effective date of the ordinance from which this chapter is derived on any substandard lot located within a N district which is later destroyed by fire or other natural disaster or otherwise removed may be rebuilt if a building permit for reconstruction is issued within 365 days of its destruction and if it otherwise is in conformance with the provisions of this chapter.
 - (3) Any substandard lot which is in common ownership with an abutting lot on or after the effective date of the ordinance from which this chapter is derived may not be developed. No building permit shall be issued for such development unless the two lots are combined to increase the substandard dimension of the lot to meet the area and width requirements of this chapter. Under these circumstances, only one single-unit dwelling may be built on the two lots.
- (c) Except as specifically permitted, all activities conducted in a MU, B, or I district shall be conducted wholly within an enclosed structure. This provision does not apply to off-street vehicular parking or off-street loading.

Sec. 36-46. No sewer and water.

- (a) All developments and structures intended for human use or occupancy shall be connected to the public water supply and sanitary sewer systems.
- (b) If a development is proposed for a site which does not have either a public water supply or sanitary sewer system available adjacent to the property proposed to be developed, no building permit shall be issued for such development until adequate provisions have been made by the person proposing the development to provide public water supply and sanitary sewer service to the property. The city shall determine what constitutes adequate water and sewer service.
- (c) The city may also require that a surety in a form approved by the city manager be provided to the city in an amount equal to 125% of the estimated cost of extending public water and sanitary sewer facilities to the subject property.

- (d) No certificate of occupancy shall be issued until the new structure or development is connected to the public water supply and sanitary sewer system.

Sec. 36-47. Utility service lines

- (a) New structures and structures which expand the gross square footage of the structure by more than 50% shall be required to place all utility service lines including electric, gas, water, sanitary sewer, telephone and cable underground. Any new service to an existing building shall be placed underground.

Sec. 36-48. Required yards and open space.

- (a) The area of a yard or designed outdoor recreation area shall not be reduced below the minimum size required by this chapter.
- (b) If the existing designed outdoor recreation area is less than the minimum size required by this chapter, it shall not be reduced in size.
- (c) On a through lot, both street lines shall be front lot lines for the application of this chapter.

Sec. 36-49. Permitted yard encroachments.

- (a) No permanent structure may be placed in an easement without first obtaining approval of an encroachment agreement.
- (b) The following may encroach on yard requirements provided all structures are located entirely upon the private property of the party requiring or requesting the construction of the structure, the encroachment is within height limitations of this chapter and ornamental structures are constructed so the finished side is facing towards the neighboring properties, exposing the structural side to the party requiring or requesting the structure:
 - (1) Front enclosed entryways not exceeding a depth of five feet toward the front lot line and not exceeding a total of 40 square feet in area.
 - (2) Balconies, bays and window wells not exceeding a depth of three feet and containing an area of less than 20 square feet.
 - (3) Chimney, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, and eaves; provided they do not extend more than three feet into a required yard; and provided such encroachment is no closer than four feet from all lot lines. Building overhangs shall also comply with the state building code.
 - (4) Gutters up to six inches wide.
 - (5) Steps which do not extend above the ground floor level of the principal building may encroach up to five feet into any yard.

- (6) Stoops which do not extend above the ground floor level of the principal building and do not exceed 25 square feet.
- (7) Canopies and door hoods.
 - a. In the N-1 and N-2 districts, door hoods and canopies may extend up to four feet into a front and side yard abutting a street.
 - b. In all other N, MU and B districts, door hoods and canopies may extend to the front lot line and side lot line abutting a street.
- (8) Open covered porches that do not contain either windows or screens may extend up to 10 feet into a front and rear yard. Porches shall be open between the floor and the ceiling. All railings shall be open utilizing posts and spindles.
- (9) Uncovered porches, patios or decks.
 - a. Uncovered porches, patios or decks which do not extend above the height of the ground floor level of the principal building may be located a minimum of two feet from any interior side or rear lot line and 15 feet from any front lot line. Encroachment on any side yard abutting a street is prohibited.
 - b. Non-residential properties: Ground level patios and decks may extend up to the property line provided it is part of a non-residential use, adjacent to a right of way or a non-residential property, and does not encroach into an easement without prior approval.
- (10) Driveways, parking areas and pedestrian sidewalks subject to the requirements of article VIII, divisions 3 and 4.
- (11) Enclosed pedestrian walkways meeting the following standards:
 - a. The walls of the walkway shall conform with the class I exterior materials requirements of this chapter.
 - b. Such walkways may be no more than 16 feet wide and 12 feet in height from floor to ceiling.
 - c. A clearance of 16 feet six inches is required if the walkway is above a traveled roadway.
 - d. The properties connected by the walkways must submit documents that indicate their agreement to build the arrangement for maintenance of the walkway, and under what conditions the walkways might be removed.
 - e. The location of any pedestrian walkway shall be approved by the director of public works and community development director. Approval shall not be granted for any walkway that does not provide a satisfactory means to access any utility or public trail lying under or adjacent to the walkway.

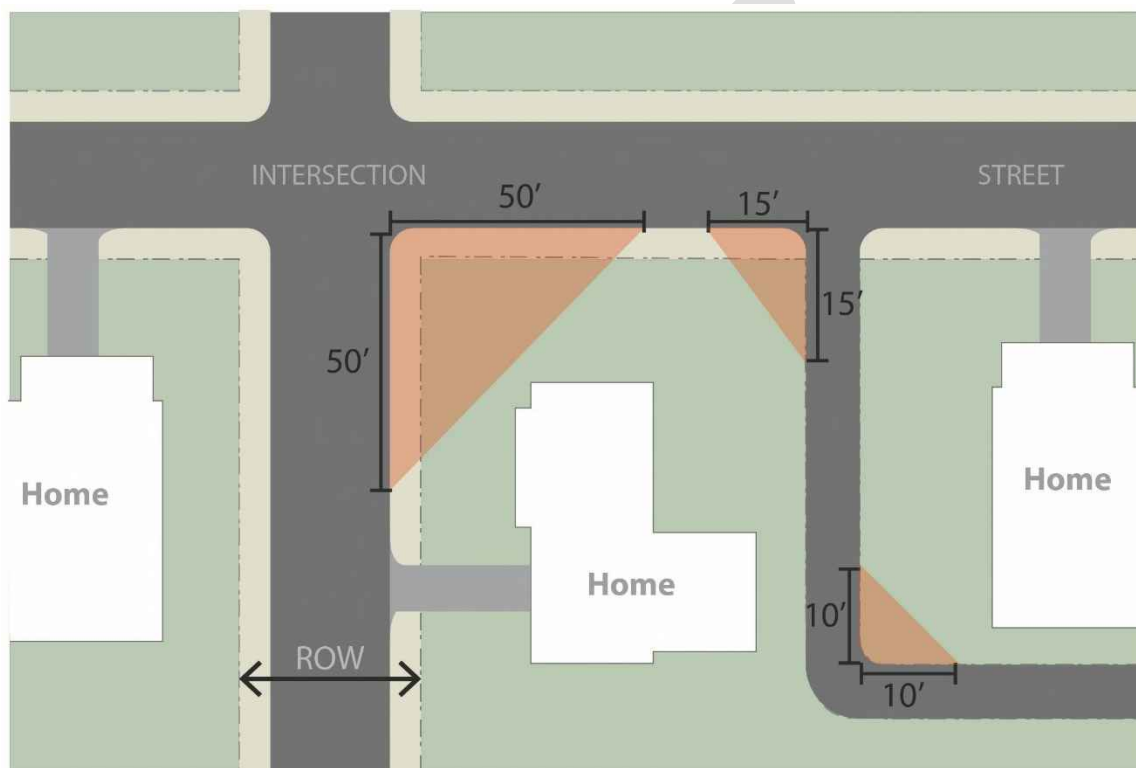
- (12) Heating, ventilating and air conditioning equipment in side and rear yards in N-1 and N-2. None of that equipment shall extend more than six feet from the principal structure and shall be no closer than one foot to the property line..
- (13) Fences and retaining walls subject to the requirements of article VIII and provided the retaining walls are necessary to correct grade differences and height is minimized via terracing where feasible. Where a fence is attached to a retaining wall structure, the retaining wall shall be included in the fence height measurement.
- (14) Yard lights and the nameplate signs for one-unit and two-unit dwellings in the N-1 and N-2 districts.
- (15) Floodlights or other sources of light illuminating authorized illuminated signs, or illuminating parking areas, loading areas, or yards for safety and security purposes if these meet the regulations of article VIII, division 8.
- (16) Railroad
 - a. Feeder tracks which provide access to buildings and structures in the I-1 and I-2 districts. No loading or unloading may be done from railroad cars on any feeder track in any front yard.
 - b. Railroad spurs and sidings for loading and unloading of railroad cars in the I-1 and I-2 districts may encroach on side and rear yard requirements.

Sec. 36-50. Traffic visibility.

- (a) Walls, fences, structures, trees, shrubs, vegetation or other obstructions shall be permitted in any yard as regulated in this article except when it poses a danger to traffic by obscuring the view from any street, roadway or alley.
- (b) Visibility from any street or roadway shall be unobstructed above the height of two and one-half feet and below five feet within the triangle described as beginning from a point at the intersection of the extension of the existing curblines of the two streets, and extending a distance of 50 feet along the edge of each street. This defines two sides of the triangle. The third side is a line connecting the end points of the two sides described in this subsection.
- (c) Visibility from the intersection of any street or roadway and an alley shall be unobstructed above the height of two and one-half feet and below five feet within the triangle described as beginning from a point at the intersection of the extension of the existing curblines or pavement edges or, if unpaved, the edge of the traveled surface of the street and alley, and extending a distance of 15 feet along the edge of each street. This defines two sides of the triangle. The third side is a line connecting the end points of the sides described in subsection (b) of this section.

- (d) Visibility from the intersection of any two alleys shall be unobstructed above the height of two and one-half feet and below five feet within the triangle described as beginning from a point at the intersection of the extension of the existing curblines or pavement edges of the two alleys, and extending a distance of 10 feet along the edge of each alley. This defines two sides of the triangle. The third side is a line connecting the end points of the two sides described in subsection (b) of this section.

Figure 36-50(a) Visibility triangle.



Sec. 36-51. Building height limitations.

- (a) Height limitations set forth elsewhere in this chapter shall be increased by 50 percent when applied to the following structures:
- (1) Art objects in neighborhood districts and accessory to permitted principal non-residential uses (places of worship, schools, parks, etc.) in neighborhood districts.
 - (2) Belfries.
 - (3) Chimneys.
 - (4) Church spires.
 - (5) Cooling towers.

- (6) Cupolas and domes which do not add additional floor area.
- (7) Elevator penthouses.
- (8) Fire and hose towers.
- (9) Flagpoles.
- (10) Monuments.
- (11) Observation towers.
- (12) Smokestacks.
- (b) Parapet walls extending not more than three feet above the limiting height of the building are permitted.
- (c) Water towers are exempt from height limitations.
- (d) Building integrated solar energy system extending not more than three feet above the limiting height of the building are permitted.

Sec. 36-52. Essential services.

- (a) Essential services shall be permitted as authorized and regulated by state law and ordinances of the city. Such essential services are exempt from the application of this chapter, except when they are conducted in the FW, FF and FP overlay districts.

Secs. 36-53 to 36-73 reserved.

ARTICLE III. NEIGHBORHOOD DISTRICTS

Sec. 36-74. Purpose of division.

- (a) The provisions of this division deal with the city's neighborhood districts including the appropriate uses of land and the forms of structures for residential and compatible non-residential uses.

Sec. 36-75. District purpose statements.

- (a) The N-1 district is consistent with the low-density residential land use category in the comprehensive plan. This district is intended to:
 - (1) Provide a compatible mix of housing types at the same scale allowed for a single-unit dwelling.
 - (2) Allow non-residential uses limited to city facilities, educational, childcare, and places of worship. Home occupations are encouraged and required to be consistent with the residential character of the neighborhood.
 - (3) Accommodate a variety of property sizes with housing types properly scaled to the size of the property.
- (b) The N-2 district is consistent with the medium-density residential land use category in the comprehensive plan. It is intended to:
 - (1) Provide a mix of house scale and low-rise housing types beyond those allowed in the N-1 district, such as low-rise multiple-unit buildings that retain compatibility with the scale of housing allowed in the N-1 district.
 - (2) Allow non-residential uses are limited to city facilities, educational, childcare, and places of worship. Home occupations are encouraged and required to be consistent with the residential character of the neighborhood.
 - (3) Support neighborhood commercial businesses and transit by focusing on transit-priority streets and encouraging close proximity to small commercial nodes.
- (c) The N-3 district is consistent with the high-density residential land use category in the comprehensive plan. It is intended to:
 - (1) Provide low-rise and mid-rise multiple-unit housing types.
 - (2) Allow non-residential uses limited to city facilities, educational, childcare, and places of worship. Home occupations are encouraged and required to be consistent with the residential character of the neighborhood.
 - (3) Support neighborhood commercial businesses and transit by focusing on transit-priority streets and close proximity to employment areas.
 - (4) Provide access to parks and open spaces. Access can be provided by being located adjacent to large parks and open spaces, schools, or by off-street sidewalk and/or trail access.
- (d) The N-4 district is consistent with the high-density residential land use category in the comprehensive plan. It is intended to:
 - (1) Provide mid-rise and high-rise multiple-unit housing types.

- (2) Allow non-residential uses limited to city facilities, educational, childcare, and places of worship. Home occupations are encouraged and required to be consistent with the residential character of the neighborhood.
- (3) Support neighborhood commercial businesses and transit by focusing on transit-priority streets and being adjacent to employment areas.
- (4) Have access to parks and open spaces. Access can be provided by being located adjacent to large parks and open spaces, schools, or by off-street sidewalk and/or trail access.

Sec. 36-76. Principal uses.

- (a) Table 36-76(a) lists land uses and indicates whether they are permitted, permitted with standards, conditional, or prohibited.
- (b) The following definitions shall be referenced when using Table 36-76(a):
 - (1) Permitted Use: A “P” indicates that a use is allowed by right, subject to compliance with all other applicable provisions of this code.
 - (2) Permitted with Standards Use: A “PS” indicates that a use is allowed when standards identified in article VII “Use-Specific Standards” are met. Uses permitted with standards are also subject to all other applicable requirements of this chapter. The use-specific standards shall apply when they are contradictory or otherwise inconsistent with other applicable requirements in this chapter. Any request to vary from the standards set forth for a permitted with standards use shall be processed as a variance.
 - (3) Conditional Use: A “C” indicates that a use is allowed only when standards identified in article VII “Use-Specific Standards” are met, and a conditional use permit is issued by the city. Uses permitted by conditional use permit are also subject to all other applicable requirements of this chapter. The use-specific conditions shall apply when they are contradictory or otherwise inconsistent with other applicable requirements in this chapter. Any request to vary from the standards set forth for a conditional use permit shall be processed as a variance.
 - (4) Prohibited Use: A blank cell in the use table indicates that the land use is prohibited in that zoning district.

Table 36-76(a). Principal Uses in Neighborhood Districts

	Neighborhood Districts				Use Specific Standards
Use Type	N-1	N-2	N-3	N-4	
Residential					
Household Living					
Dwelling, single-unit	PS	PS			See article VII; division 2
Dwelling, single-unit small	PS	PS			See article VII; division 2

Table 36-76(a). Principal Uses in Neighborhood Districts

	Neighborhood Districts				Use Specific Standards
Use Type	N-1	N-2	N-3	N-4	
Dwelling, two-unit (duplex)	PS	PS			See article VII; division 2
Dwelling, two-unit attached (twinhome)	PS	PS			See article VII; division 2
Dwelling, detached courtyard cottage/bungalow	PS	PS			See article VII; division 2
Dwelling, three-unit	PS	PS			See article VII; division 2
Dwelling, four-unit		PS			See article VII; division 2
Dwelling, townhouse (small)		PS	PS	PS	See article VII; division 2
Dwelling, apartment (low-rise)		PS	PS	PS	See article VII; division 2
Dwelling, townhouse (large)			PS	PS	See article VII; division 2
Dwelling, apartment (mid-rise)			PS	PS	See article VII; division 2
Dwelling, apartment (high-rise)				PS	See article VII; division 2
Manufactured home park	C	C	C	C	See article VII; division 2
Dwelling, existing single-unit detached	P	P	P	P	
Group Living					
Group home	PS	PS	PS	PS	See article VII; division 2
Nursing home		PS	PS	PS	See article VII; division 2
Roominghouse		P	P	P	
State-licensed residential facility	PS	PS	PS	PS	See article VII; division 2
Lodging					
Bed and breakfast establishment	PS	PS			See article VII; division 2
Hostel			PS	PS	See article VII; division 2
Public, Social, & Institutional					
Community center	C	C	C	C	See article VII; division 3

Table 36-76(a). Principal Uses in Neighborhood Districts

	Neighborhood Districts				Use Specific Standards
Use Type	N-1	N-2	N-3	N-4	
Educational (academic) facility with 20 or fewer students	PS	PS	PS	PS	See article VII; division 3
Educational (academic) facility with more than 20 students	C	C	C	C	See article VII; division 3
Library	C	C	C	C	See article VII; division 3
Municipal, county, state, or federal administrative or service facility	PS	PS	PS	PS	See article VII; division 3
Police/fire station	PS	PS	PS	PS	See article VII; division 3
Religious institution	C	C	C	C	See article VII; division 3
Commercial					
Adult day care	PS	PS	PS	PS	See article VII; division 4
Group day care/nursery school	PS	PS	PS	PS	See article VII; division 4
Office less than 2,500 square feet		PS	PS	PS	See article VII; division 4
Office in existence or having received preliminary office development approval by March 1, 1999			P	P	
Recreation					
Country club	C				See article VII; division 5
Golf course	C				See article VII; division 5
Park and open space	P	P	P	P	
Park/recreation	PS	PS	PS	PS	See article VII; division 5
Transportation and Utilities					
Communication tower that is 45 feet or less in height	PS	PS	PS	PS	See article VII; division 7
Communication tower more than 45 feet in height but does not exceed 70 feet in height	C	C	C	C	See article VII; division 7
Public service structure	PS	PS	PS	PS	See article VII; division 7
Transit station		P	P	P	

Table 36-76(a). Principal Uses in Neighborhood Districts

	Neighborhood Districts				Use Specific Standards
Use Type	N-1	N-2	N-3	N-4	
Wireless telecommunication facility	P	P	P	P	

Sec. 36-77. Accessory uses.

- (a) Table 36-77(a) lists accessory land uses and indicates whether they are permitted, permitted with standards, conditional, or prohibited.
- (b) The following definitions shall be referenced when using Table 36-77(a):
- (5) Permitted Use: A “P” indicates that a use is allowed by right, subject to compliance with all other applicable provisions of this code.
 - (6) Permitted with Standards Use: A “PS” indicates that a use is allowed when standards identified in article VII “Use Specific Standards” are met. Uses permitted with standards are also subject to all other applicable requirements of this chapter. Any request to vary from the standards set forth for a permitted with standards use shall be processed as a variance.
 - (7) Conditional Use: A “C” indicates that a use is allowed only if a conditional use permit is issued by the city after compliance with the procedure and requirements set forth in section 36-452 “Conditional use permit.”
 - (8) Prohibited Use: A blank cell in the use table indicates that the land use is prohibited in that zoning district.

Table 36-77(a). Accessory uses

	Neighborhood Districts				Use Specific Standards
Use Type	N-1	N-2	N-3	N-4	
Accessory Uses					
Accessory dwelling unit	PS	PS			See article VII; division 8
Accessory dwelling unit affiliated with a place of worship	PS	PS	PS	PS	See article VII; division 8
Accessory building	PS	PS	PS	PS	See article VII; division 8
Accessory structure	PS	PS	PS	PS	See article VII; division 8
Adult day care in a place of worship, community center, or nursing home	PS	PS	PS	PS	See article VII; division 8
Boarders or roomers	PS	PS	PS	PS	See article VII; division 8
Catering	PS	P			See article VII; division 8

Use Type	Neighborhood Districts				Use Specific Standards
	N-1	N-2	N-3	N-4	
Community garden	PS	PS	PS	PS	See article VII; division 8
Electric vehicle charging station	P	P	P	P	
Family day care facility serving 14 or fewer persons	PS	PS	PS	PS	See article VII; division 8
Gardening and other horticultural uses	P	P	P	P	
Group day care/nursery school in a place of worship, community center, or educational (academic) institution	PS	PS	PS	PS	See article VII; division 8
Helistop			PS	PS	See article VII; division 8
Home occupation	PS	PS	PS	PS	See article VII; division 8
Living quarters of persons employed for domestic or medical purposes on the premises	PS	PS	PS	PS	See article VII; division 8
Mikvah pool	PS	PS	PS	PS	See article VII; division 8
Parking lot	P	P	P	P	
Parking ramp			PS	PS	See article VII; division 7
Residential swimming pool, whirlpool, or sport court	PS	PS	PS	PS	See article VII; division 8
Solar energy system	PS	PS	PS	PS	See article VII; division 8
Student housing		PS	PS		See article VII; division 8
Temporary use	PS	PS	PS	PS	See article VII; division 8
Wind energy conversion system (WECS)	PS	PS	PS	PS	See article VII; division 8
Wireless telecommunication facility	P	P	P	P	

Sec. 36-78. Lot dimension standards.

- (a) Table 36-78(a) establishes the minimum lot width and lot area standards for the N-1, N-2, N-3 and N-4 districts. If a use permitted in the district by PS or C requires a greater standard, then the greater standard shall apply.

Table 36-78(a). Lot Dimensional Standards

District	Use Type	Lot width minimum with alley (ft) ¹	Lot width minimum without alley (ft) ¹	Lot area minimum with alley (sq ft) ¹	Lot area minimum without alley (sq ft) ¹
N-1	Dwelling, single-unit small [only lots with alleys]	30		3,600	
	Dwelling, single-unit	40	50	4,800	6,000
	Dwelling, two-unit (duplex)	40	50	4,800	6,000
	Dwelling, two-unit attached (twinhome)	25 [50]	35 [70]	3,125 [6,250]	4,375 [8,750]
	Dwelling, detached courtyard cottages/bungalows	100	110	13,000	14,300
	Dwelling, three-unit	60	70	7,800	9,100
	All other uses	60	70	7,800	9,100
N-2	Dwelling, single-unit small [only lots with alleys]	30		3,600	
	Dwelling, single-unit	40	50	4,800	6,000
	Dwelling, two-unit (duplex)	40	50	4,800	6,000
	Dwelling, two-unit attached (twinhome)	25 [50]	35 [70]	3,125 [6,250]	4,375 [8,750]
	Dwelling, detached courtyard cottages/bungalows	100	110	13,000	14,300
	Dwelling, three-unit	60	70	7,800	9,100
	Dwelling, four-unit	60	70	7,800	9,100
	Dwelling, townhouse (small)	20	20	2,600	2,600
	Dwelling, apartment (low-rise)	60	70	7,800	9,100
	All other uses	60	70	7,800	9,100
N-3	Dwelling, townhouse (small)	20	20	2,600	2,600
	Dwelling, apartment (low-rise)	60	70	7,800	9,100
	Dwelling, townhouse (large)	20	20	2,600	2,600
	Dwelling, apartment (mid-rise)	60	70	7,800	9,100
	All other uses	60	70	7,800	9,100
N-4	Dwelling, townhouse (small)	20	20	2,600	2,600
	Dwelling, apartment (low-rise)	60	70	7,800	9,100
	Dwelling, townhouse (large)	20	20	2,600	2,600
	Dwelling, apartment (mid-rise)	60	70	7,800	9,100
	Dwelling, apartment (high-rise)	60	70	7,800	9,100
	All other uses	60	70	7,800	9,100

Table 36-78(a). Lot Dimensional Standards

District	Use Type	Lot width minimum with alley (ft) ¹	Lot width minimum without alley (ft) ¹	Lot area minimum with alley (sq ft) ¹	Lot area minimum without alley (sq ft) ¹

Table notes:

¹Except where subdivisions for the purpose of establishing condominium ownership result in lot sizes smaller than the established minimum. Any parcels which are subdivided for the purpose of creating condominium ownership are permitted provided that the overall density created within all condominium parcels plus the common lot do not exceed the maximum density permitted within the zoning district as established in the comprehensive plan.

Sec. 36-79. Site dimension standards.

- (a) Table 36-79(a) establishes the minimum yard setback standards for the N-1, N-2, N-3 and N-4 districts. If a use permitted in the district by PS or C requires a greater standard, then the greater standard shall apply.

Table 36-79(a). Yard Setback Standards

District	Use Type	Front Yard Minimum (feet) ^{1,2}	Side Yard Abutting a Street Minimum (feet) ^{3,4}	Side Yard Interior Minimum (feet) for Attached Garage or Lot with Alley ^{3, 4}	Side Yard Interior Minimum (feet) for Detached Garage on Lot without Alley ^{3, 4, 5}	Rear Yard Minimum (feet) ⁶	Perimeter Yard Minimum (feet)
N-1	Dwelling, single-unit small [only lots with alleys]	25	9	5	9/5	25	
	Dwelling, single-unit			5	9/5	25	
	Dwelling, two-unit (duplex)			5	9/5	25	
	Dwelling, two-unit attached (twinhome)			5	9/5	25	
	Dwelling, three-unit			5	9/5	25	

Table 36-79(a). Yard Setback Standards

District	Use Type	Front Yard Minimum (feet) ^{1,2}	Side Yard Abutting a Street Minimum (feet) ^{3,4}	Side Yard Interior Minimum (feet) for Attached Garage or Lot with Alley ^{3, 4}	Side Yard Interior Minimum (feet) for Detached Garage on Lot without Alley ^{3, 4, 5}	Rear Yard Minimum (feet) ⁶	Perimeter Yard Minimum (feet)
	Dwelling, detached courtyard cottages/ bungalows						10
	All other uses			10	10	25	
N-2	Dwelling, single-unit small [only lots with alleys]	25	9	5	9/5	25	
	Dwelling, single-unit			5	9/5	25	
	Dwelling, two-unit (duplex)			5	9/5	25	
	Dwelling, two-unit attached (twinhome)			5	9/5	25	
	Dwelling, detached courtyard cottages/ bungalows						10
	Dwelling, three-unit			5	9/5	25	
	Dwelling, four-unit			5	9/5	25	
	Dwelling, townhouse (small)			10	10	25	20 feet if adjacent to N-1 district
	Dwelling, apartment (low-rise)			10	10	25	

Table 36-79(a). Yard Setback Standards

District	Use Type	Front Yard Minimum (feet) ^{1,2}	Side Yard Abutting a Street Minimum (feet) ^{3,4}	Side Yard Interior Minimum (feet) for Attached Garage or Lot with Alley ^{3, 4}	Side Yard Interior Minimum (feet) for Detached Garage on Lot without Alley ^{3, 4, 5}	Rear Yard Minimum (feet) ⁶	Perimeter Yard Minimum (feet)
	All other uses			10	10	25	
N-3	Dwelling, townhouse (small)	15	15	10	10	10	20 feet if adjacent to N-1 district
	Dwelling, apartment (low-rise)	15	15	10	10	10	20 feet if adjacent to N-1 district
	Dwelling, townhouse (large)						30 feet if adjacent to N-1 or N-2 districts
	Dwelling, apartment (mid-rise)						30 feet if adjacent to N-1 or N-2 districts
	All other uses						30 feet if adjacent to N-1 or N-2 districts
N-4	Dwelling, townhouse (small)	15	15	10	10	10	20 feet if adjacent to N-1 district
	Dwelling, apartment (low-rise)						20 feet if adjacent to N-1 district
	Dwelling, townhouse (large)						30 feet if adjacent to N-

Table 36-79(a). Yard Setback Standards

District	Use Type	Front Yard Minimum (feet) ^{1,2}	Side Yard Abutting a Street Minimum (feet) ^{3,4}	Side Yard Interior Minimum (feet) for Attached Garage or Lot with Alley ^{3, 4}	Side Yard Interior Minimum (feet) for Detached Garage on Lot without Alley ^{3, 4, 5}	Rear Yard Minimum (feet) ⁶	Perimeter Yard Minimum (feet)
							1 or N-2 districts
	Dwelling, apartment (mid-rise)						30 feet if adjacent to N-1 or N-2 districts
	Dwelling, apartment (high-rise)						Half the building height if adjacent to N-1, N-2, or N-3 districts
	All other uses						30 feet if adjacent to N-1 or N-2 districts

Table Notes:

¹ For N-1 and N-2 districts, the minimum yard is the requirement listed in the table, or the front yard of the house closest to the front lot line on the block front, whichever is greater. See additional exceptions in section 36-49.

² For N-1 and N-2 districts, through lots shall have a required front yard on each street.

³ The width of the side yard abutting a building wall shall be increased two inches for each foot the length of the wall exceeds 40 feet (N-1, N-2) or 50 feet (N-3, N-4). The additional yard requirement applies only to that portion of the wall exceeding the listed 40- or 50-foot length.

⁴ For the purposes of applying this side yard requirement, a wall includes any building wall within ten degrees of being parallel to and abutting the side lot line. Side yard widths may be reduced if the side wall

Table 36-79(a). Yard Setback Standards

District	Use Type	Front Yard Minimum (feet) ^{1,2}	Side Yard Abutting a Street Minimum (feet) ^{3,4}	Side Yard Interior Minimum (feet) for Attached Garage or Lot with Alley ^{3, 4}	Side Yard Interior Minimum (feet) for Detached Garage on Lot without Alley ^{3, 4, 5}	Rear Yard Minimum (feet) ⁶	Perimeter Yard Minimum (feet)

of a building is not parallel by more than ten degrees with the side lot line. The minimum side yard shall be met by the average depth of the side yard. No side yard shall be less than five feet deep.

⁵ No side yard shall be reduced to prevent construction of a driveway from the street into the rear of the lot unless an attached garage which has access from the street is located on the lot or an alley provides access to the rear yard of the lot.

⁶ For N-1 and N-2 districts, if a corner lot has a rear lot line which is common with the side lot line of another lot, no building shall occupy that portion of the rear yard of the corner lot that abuts the front yard of the other lot for a distance equal to the depth of the front yard of that other lot or 30 feet, whichever is less, measured from the common property line of the two lots extending toward the front lot line of the corner lot on a line perpendicular to the common lot line of the two lots. See the following diagram.

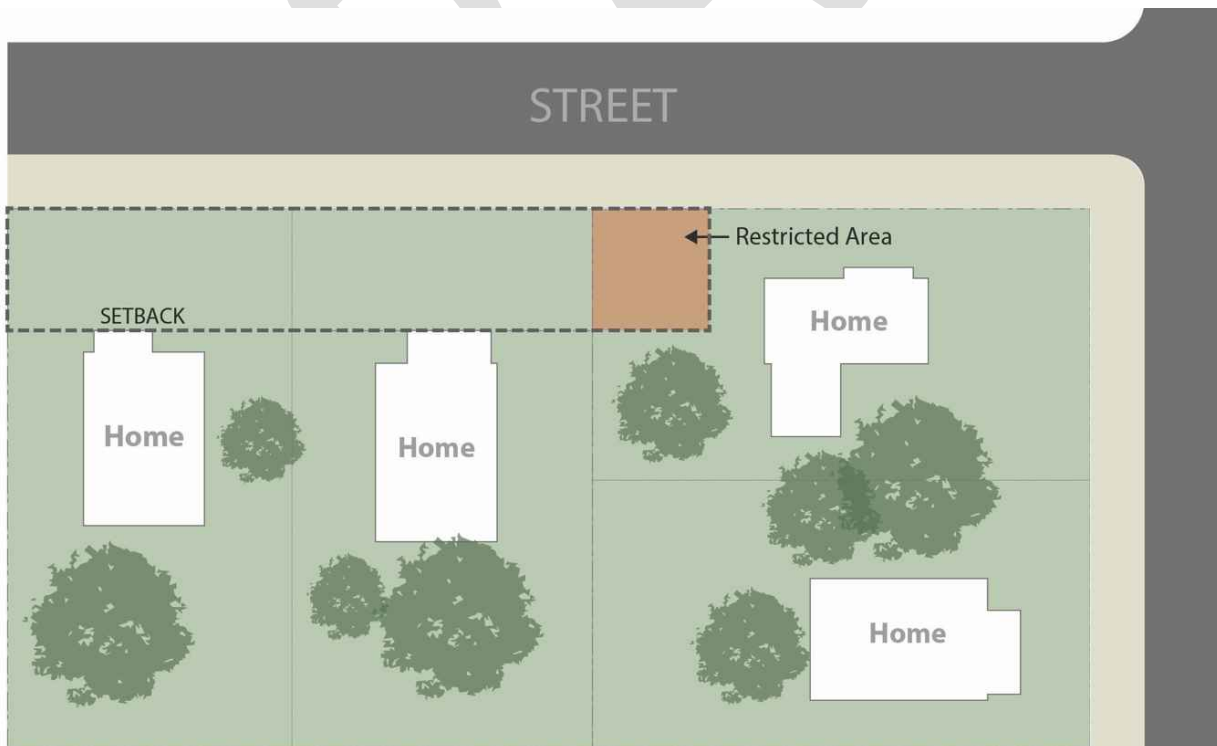


Table 36-79(a). Yard Setback Standards

District	Use Type	Front Yard Minimum (feet) ^{1,2}	Side Yard Abutting a Street Minimum (feet) ^{3,4}	Side Yard Interior Minimum (feet) for Attached Garage or Lot with Alley ^{3, 4}	Side Yard Interior Minimum (feet) for Detached Garage on Lot without Alley ^{3, 4, 5}	Rear Yard Minimum (feet) ⁶	Perimeter Yard Minimum (feet)
<i>Common Rear / Side Lot Lines</i> ⁷ When two numbers are listed as a yard, then both shall apply. One on one side, the other on the other side. In the case of a corner lot, the required side yard abutting a street shall take the place of the greater yard.							

(b) Table 36-79(b) establishes the minimum building, outdoor recreation, and lot coverage for the N-1, N-2, N-3 and N-4 districts.

Table 36-79(b). Building, outdoor recreation, and lot coverage standards

District	Housing Type	Building Height Maximum (feet) ¹	Distance Between Buildings Minimum (feet)	DORA Minimum	Principal Building Coverage Maximum	Impervious Surface Coverage Maximum
N-1	Dwelling, single-unit small [only lots with alleys]	30			35%	60%
	Dwelling, single-unit					
	Dwelling, two-unit (duplex)					
	Dwelling, two-unit attached (twinhome)					
	Dwelling, detached courtyard		10			

Table 36-79(b). Building, outdoor recreation, and lot coverage standards

District	Housing Type	Building Height Maximum (feet) ¹	Distance Between Buildings Minimum (feet)	DORA Minimum	Principal Building Coverage Maximum	Impervious Surface Coverage Maximum
	cottages/ bungalows					
	Dwelling, three-unit	30			35%	60%
	All other uses					
N-2	Dwelling, single-unit small [only lots with alleys]	40			35%	60%
	Dwelling, single-unit				35%	60%
	Dwelling, two-unit (duplex)				35%	60%
	Dwelling, two-unit attached (twinhome)				35%	60%
	Dwelling, detached courtyard cottages/ bungalows		10		35%	60%
	Dwelling, three-unit				35%	60%
	Dwelling, four-unit				35%	75%
	Dwelling, townhouse (small)		15	12%		75%
	Dwelling, apartment (low-rise)		15	12%		80%

Table 36-79(b). Building, outdoor recreation, and lot coverage standards

District	Housing Type	Building Height Maximum (feet) ¹	Distance Between Buildings Minimum (feet)	DORA Minimum	Principal Building Coverage Maximum	Impervious Surface Coverage Maximum
	All other uses					80%
N-3	Dwelling, townhouse (small)	75	15	12%		75%
	Dwelling, apartment (low-rise)		1/2 the building height	12%		80%
	Dwelling, townhouse (large)		15	12%		80%
	Dwelling, apartment (mid-rise)		1/2 the building height	12%		85%
	All other uses					85%
N-4	Dwelling, townhouse (small)	More than 75	15	12%		80%
	Dwelling, apartment (low-rise)		1/2 the building height	12%		80%
	Dwelling, townhouse (large)		15	12%		80%
	Dwelling, apartment (mid-rise)		1/2 the building height	12%		85%
	Dwelling, apartment (high-rise)		1/2 the building height	12%		85%
	All other uses					85%

Table Notes:

¹ Building height maximum is subject to exceptions in section 36-51.

Secs. 36-80 to 36-100 reserved.

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ARTICLE IV. MIXED USE, BUSINESS, INDUSTRIAL, AND PARK DISTRICTS

Sec. 36-101. Applicability.

- (a) The provisions of this article deal with the city's non-neighborhood districts including the appropriate uses of land and the forms of structures for business, residential, and other compatible uses.

Sec. 36-102. District purpose statements.

The following statements specify the purposes of each base district established to regulate the areas of the city considered appropriate for mixed use, business, industrial and park uses:

- (a) MU-1 neighborhood mixed use district. The MU-1 neighborhood mixed use district is consistent with the mixed use land use category in the comprehensive plan. This district is intended to:
 - (1) Promote investment and infill development within the district by allowing flexibility of uses and a mix of uses including limited-scale residential, commercial and light industrial;
 - (2) Integrate new development with its surroundings by encouraging connections for pedestrians, bicyclists, and motor vehicles;
 - (3) Integrate new development with its surroundings by considering compatible use, scale and operational transitions to neighborhood uses;
 - (4) Promote flexibility in parking requirements, including shared parking and optimization of existing parking areas; and
 - (5) Promote high quality architectural design and materials and innovative site design.
- (b) MU-2 community mixed use district. The MU-2 community mixed use district is consistent with the mixed use land use category in the comprehensive plan. This district is intended to:
 - (1) Provide appropriate areas for and facilitate quality development of a mix of small- and medium-scale commercial and residential uses in activity centers that serve the broader community;
 - (2) Support a variety of medium density residential housing types to assure activity, support a mix of uses and enhance the housing choices of city residents;
 - (3) Integrate new development with its surroundings by encouraging connections for pedestrians, bicyclists, and motor vehicles;
 - (4) Further integrate new development with its surroundings by assuring compatible use, scale and operational transitions to neighborhood uses;
 - (5) Promote high quality architectural design, materials, and innovative site design that minimizes surface parking and retains open space.

- (c) MU-3 transit oriented development mixed use district. The MU-3 transit oriented development mixed use district is consistent with the transit-oriented development and office land use categories in the comprehensive plan. This district is intended to:
 - (1) Facilitate quality development of a mix of medium- and large-scale commercial and residential uses in and around transit corridors;
 - (2) Support a variety of medium and high-density residential housing types to assure activity, support a mix of uses and enhance the housing choices of city residents;
 - (3) Integrate new development with its surroundings by encouraging connections for pedestrians, bicyclists and motor vehicles;
 - (4) Further integrate new development with its surroundings by assuring compatible uses, scale and operational transitions to neighborhood uses;
 - (5) Promote high quality architectural design, materials and innovative site design that minimizes surface parking.
- (d) B-1 general business district. The B-1 general business district is consistent with the commercial land use category in the comprehensive plan. This district is intended to:
 - (1) Provide appropriate areas for a concentration of general commercial development, including auto-oriented and large-scale commercial uses;
 - (2) Provide adequate space to meet the needs of larger-scale commercial development, including off-street parking and truck loading areas; and
 - (3) Carefully regulate the intensity of commercial development as it refers to both internal site factors and external impacts.
- (e) I-1 light industrial district. The I-1 light industrial district is consistent with the industrial land use category in the comprehensive plan. This district is intended to:
 - (1) Encourage the creation of significant employment centers that accommodate a diverse mix of office and light industrial uses and jobs;
 - (2) Provide locations for industrial enterprises of various scales which are not typically associated with high levels of noise, soot, odors and other potential nuisance impacts;
 - (3) Promote and support the redevelopment or rehabilitation of physically and economically obsolete or underutilized buildings and sites;
 - (4) Integrate new development with its surroundings by creating strong multi-modal connections to adjacent public streets and spaces, natural features, transit and other community amenities;
 - (5) Promote high quality architectural design, materials, and innovative site design that enhances compatibility with the surrounding neighborhood and promotes flexibility in parking requirements to allow for multi-modal use of available transit and regional trail facilities.
- (f) I-2 general industrial district. The I-2 general industrial district is consistent with the industrial land use category in the comprehensive plan. This district is intended to:

- (1) Provide locations for large- and small-scale industrial enterprises engaged in such activities as manufacturing, processing, assembly, outdoor storage and warehousing;
 - (2) Promote and support the redevelopment or rehabilitation of physically and economically obsolete or underutilized buildings and sites;
 - (3) Integrate new development with its surroundings by creating strong multi-modal connections to adjacent public streets and spaces, natural features, transit and other community amenities;
 - (4) Promote high quality architectural design, materials, and innovative site design that enhances compatibility with the surrounding neighborhood and promotes flexibility in parking requirements to allow for multi-modal use of available transit and regional trail facilities.
- (g) P-1 park and open space district. The P-1 park and open space district is consistent with the parks and open space land use category in the comprehensive plan. This district is intended to identify and preserve city-owned parks, undevelopable land and areas with valuable environmental qualities serving as open space to ensure the continued health, safety and welfare of the community and to provide a location for recreational activities. This district recognizes existing parks and protects those locations for local park use and related public facilities and uses intended to serve the community.

Sec. 36-103. Principal uses

- (a) Table 36-103(a) lists land uses and indicates whether they are permitted, permitted with standards, conditional or prohibited (see section 36-44).
- (b) Mixed use. All regulations applicable to each use in a mixed-use development or a property with multiple uses shall be applicable, except for parking for mixed-use development within the HWL Historic Walker Lake overlay district (see section 36-363(a)(3)).

Table 36-103(a). Principal Uses in Mixed Use, Business, Industrial and Park Districts
(P = permitted; PS = permitted with standards; C = permitted with CUP)

	Mixed Use Districts			Business Districts	Industrial Districts		Park and Open Space Districts	Use-Specific Standards
Use Types	MU-1	MU-2	MU-3	B-1	I-1	I-2	P-1	
Residential Uses								
Household Living								
Dwelling, apartment (low-rise)	PS	PS						See Article VII; Division 2
Dwelling, townhouse (large)		PS						See Article VII; Division 2

Table 36-103(a). Principal Uses in Mixed Use, Business, Industrial and Park Districts
(P = permitted; PS = permitted with standards; C = permitted with CUP)

	Mixed Use Districts			Business Districts	Industrial Districts		Park and Open Space Districts	Use-Specific Standards
Dwelling, apartment mixed use (low-rise)	PS	PS		PS				See Article VII; Division 2
Dwelling, apartment mixed use (mid-rise)		PS	PS	PS				See Article VII; Division 2
Dwelling, apartment mixed use (high-rise)			C	PS				See Article VII; Division 2
Dwelling, live/work unit	PS	PS	PS	PS				See Article VII; Division 2
Manufactured home park	C	C	C	C				See Article VII; Division 2
Group Living								
State-licensed residential facility	PS	PS	PS	PS				See Article VII; Division 2
Nursing home	PS	PS	PS					See Article VII; Division 2
Lodging								
Hotel/motel	PS	PS	PS	PS				See Article VII; Division 2
Public, Social, & Institutional Uses								
Business/trade school/college	PS	PS	PS	PS	P			See Article VII; Division 3
Educational facility	PS	PS	PS	PS				See Article VII; Division 3
Hospital			C					See Article VII; Division 3
Medical/dental clinic or office	P	P	P	P				
Municipal, county, state, or federal administrative or service facility	P	P	P	P	P	P	P	
Place of assembly	PS	PS	PS	PS	PS		PS	See Article VII; Division 3
Religious institution	PS	PS	PS	PS	PS		PS	See Article VII; Division 3
Commercial Uses								

Table 36-103(a). Principal Uses in Mixed Use, Business, Industrial and Park Districts
(P = permitted; PS = permitted with standards; C = permitted with CUP)

	Mixed Use Districts			Business Districts	Industrial Districts		Park and Open Space Districts	Use-Specific Standards
Personal Services and Businesses								
Adult day care	PS	PS	PS	PS	PS			See Article VII; Division 4
Animal handling	PS	PS	PS	PS	PS	PS		See Article VII; Division 4
Animal handling, limited	PS	PS	PS	PS				See Article VII; Division 4
Appliance, small engine and bicycle repair	PS	PS	PS	PS	PS	PS		See Article VII; Division 4
Autobody/painting						PS		See Article VII; Division 4
Bank	PS	PS	PS	P				See Article VII; Division 4
Cannabis retailer		PS	PS	PS				See Article VII; Division 4
Car wash				C				See Article VII; Division 4
Catering	PS	PS	PS	PS	PS	PS		See Article VII; Division 4
Coffee shop	P	P	P	P				
Dry cleaning or laundering facility	PS	PS	PS	PS				See Article VII; Division 4
Food service	P	P	P	P				
Funeral home	P			P				
Grocery store	PS	PS	PS	PS				See Article VII; Division 4
Group day care/nursery school	PS	PS	PS	PS				See Article VII; Division 4
Liquor store		PS	PS	PS				See Article VII; Division 4
Lower potency hemp edible retailer	PS	PS	PS	PS				See Article VII; Division 4
Motor fuel station	C			C				See Article VII; Division 4

Table 36-103(a). Principal Uses in Mixed Use, Business, Industrial and Park Districts
(P = permitted; PS = permitted with standards; C = permitted with CUP)

	Mixed Use Districts			Business Districts	Industrial Districts		Park and Open Space Districts	Use-Specific Standards
Motor vehicle sales				C				See Article VII; Division 4
Motor vehicle service and repair				C		PS		See Article VII; Division 4
Parcel delivery service					P	P		
Pawnshop				C				See Article VII; Division 4
Payday loan agency and currency exchange				C				See Article VII; Division 4
Restaurant	P	PS	PS	PS	PS			See Article VII; Division 4
Retail or service establishment	P	P	P	P				
Self-storage facility					PS	PS		See Article VII; Division 4
Sexually-oriented business, high impact						PS		See Article VII; Division 4
Sexually-oriented business, limited impact		PS	PS	PS				See Article VII; Division 4
Shopping center, neighborhood	PS	PS	PS	PS				See Article VII; Division 4
Shopping center, community		C	C	C				See Article VII; Division 4
Showroom	PS	PS	PS	PS	P	P		See Article VII; Division 4
Studio	PS	PS	PS	PS	PS	P		See Article VII; Division 4
Vendor market	PS	PS	PS	PS				See Article VII; Division 4
Professional								
Office	P	P	P	P	P	PS		See Article VII; Division 4
Research and development	P	P	P	P	P	P		
Recreation								

Table 36-103(a). Principal Uses in Mixed Use, Business, Industrial and Park Districts
(P = permitted; PS = permitted with standards; C = permitted with CUP)

	Mixed Use Districts			Business Districts	Industrial Districts		Park and Open Space Districts	Use-Specific Standards
Commercial entertainment, outdoor				P			P	
Country club							P	
Golf course							P	
Park/open space	P	P	P	P	P	P	P	
Indoor entertainment	PS	PS	PS	PS	PS		PS	See Article VII; Division 5
Park/recreation	PS	PS	PS	PS	P	P	P	See Article VII; Division 5
Industrial Uses								
Anaerobic digester						C		See Article VII; Division 6
Cannabis operation						PS		See Article VII; Division 6
Composting operation						PS		See Article VII; Division 6
Hemp processor						PS		See Article VII; Division 6
Manufacturing/processing					PS	PS		See Article VII; Division 6
Manufacturing/processing, light	PS				P	P		See Article VII; Division 6
Microbrewery or microdistillery	PS	PS	PS	PS	PS	P		See Article VII; Division 6
Outdoor storage						PS		See Article VII; Division 6
Printing facility	PS	PS	PS	PS				See Article VII; Division 6
Printing facility, industrial					P	P		
Recycling operation						P		
Warehouse/storage					PS	PS		See Article VII; Division 6
Transportation and Utilities Uses								
Communication tower, less than 45 feet in height	PS	PS	PS	PS	PS	PS	PS	See Article VII; Division 7

Table 36-103(a). Principal Uses in Mixed Use, Business, Industrial and Park Districts
(P = permitted; PS = permitted with standards; C = permitted with CUP)

	Mixed Use Districts			Business Districts	Industrial Districts		Park and Open Space Districts	Use-Specific Standards
Communication tower, 45-70 feet in height	C	C	C	PS	PS	PS	C	See Article VII; Division 7
Communication tower, 71-110 feet in height				PS	PS	PS		See Article VII; Division 7
Communication tower, 111-170 feet in height				C	C	C		See Article VII; Division 7
Communication tower, 171-199 feet in height					C	C		See Article VII; Division 7
Communication tower, in a wetland, public waters wetland, Wetland Conservation Act (WCA) wetland, flood fringe district or general floodplain district	C	C	C	C	C	C	C	See Article VII; Division 7
Freight terminal						P		
Parking ramp		PS	PS	PS	PS	PS		See Article VII; Division 7
Public service structure	PS	PS	PS	PS	PS	PS	PS	See Article VII; Division 7
Transit station	P	P	P	P	P	P	P	
Utility substation	PS	PS	PS	PS	PS	PS	P	See Article VII; Division 7
Wireless telecommunication facility	P	P	P	P	P	P	P	

Sec. 36-104. Accessory uses

- (a) Table 36-104(a) lists accessory land uses and indicates whether they are permitted, permitted with standards, conditional, or prohibited (see section 36-44).
- (1) Mixed use. All regulations applicable to each use in a mixed-use development shall be applicable, except for parking for mixed-use development within the HWL Historic Walker Lake overlay district (see section 36-363(a)(3)).

Table 36-103(a). Accessory Uses in Mixed Use, Business, Industrial and Park Districts
(P = permitted; PS = permitted with standards; C = permitted with CUP)

	Mixed Use Districts			Business Districts	Industrial Districts		Park and Open Space Districts	Use-Specific Standards
Use Types	MU-1	MU-2	MU-3	B-1	I-1	I-2	P-1	
Accessory Uses								
Accessory office	P	P	P	P	P	P	P	
Accessory retail sales					PS	PS	P	See Article VII; Division 8
Adult day care in a religious institution, community center, or nursing home	PS	PS	PS	PS			PS	See Article VII; Division 8
Auto body/painting				PS		PS		See Article VII; Division 4
Bar	PS	PS	PS	PS				See Article VII; Division 8
Boarders or roomers	P	P	P	P				
Cannabis retailer						C		See Article VII; Division 8
Catering	PS	PS	PS	PS				See Article VII; Division 8
Communication antenna	PS	PS	PS	PS	PS	PS	PS	See Article VII; Division 7
Community garden	PS	PS	PS	PS	PS	PS	P	See Article VII; Division 8
Food service	P	P	P	P	PS	PS	P	See Article VII; Division 8
Gardening and other horticultural uses	P	P	P	P	P	P	P	
Group day care/nursery school in a religious institution, community center, or educational facility	PS	PS	PS	PS	PS		PS	See Article VII; Division 8
Home occupation	PS	PS	PS	PS				See Article VII; Division 8
Incidental repair or processing which is	PS	PS	PS	PS	PS	PS		See Article VII; Division 8

Table 36-103(a). Accessory Uses in Mixed Use, Business, Industrial and Park Districts
(P = permitted; PS = permitted with standards; C = permitted with CUP)

	Mixed Use Districts			Business Districts	Industrial Districts		Park and Open Space Districts	Use-Specific Standards
Use Types	MU-1	MU-2	MU-3	B-1	I-1	I-2	P-1	
necessary to conduct a permitted principal use								
In-vehicle sale or service		C	C	C				See Article VII; Division 8
Mikvah pool	PS	PS	PS	PS				See Article VII; Division 8
Motor fuel station						PS		See Article VII; Division 8
Motor vehicle service and repair	PS			PS				See Article VII; Division 8
Off-street parking area	P	P	P	P	P	P	P	
Outdoor sales (display)		PS		PS				See Article VII; Division 8
Outdoor seating and service of food and beverages	PS	PS	PS	PS	PS	PS	PS	See Article VII; Division 8
Outdoor storage					PS	PS		See Article VII; Division 8
Parking ramp	PS	PS	PS	PS	PS	PS	PS	See Article VII; Division 7
Property management or rental office	P	P	P	P				
Parks service facility							P	
Public service structure	P	P	P	P	P	P	P	
Public transit stop/shelter	P	P	P	P	P	P	P	
Railroad spur					P	P		
Residential swimming pool, whirlpool, or sport court	PS	PS	PS	PS				See Article VII; Division 8
Service and retail facilities, private	P	P	P	P				
Showroom					PS	PS		See Article VII; Division 8

Table 36-103(a). Accessory Uses in Mixed Use, Business, Industrial and Park Districts
(P = permitted; PS = permitted with standards; C = permitted with CUP)

	Mixed Use Districts			Business Districts	Industrial Districts		Park and Open Space Districts	Use-Specific Standards
Use Types	MU-1	MU-2	MU-3	B-1	I-1	I-2	P-1	
Solar energy system	PS	PS	PS	PS	PS	PS	PS	See Article VII; Division 8
Temporary use	PS	PS	PS	PS	PS	PS	PS	See Article VII; Division 8
Utility substation	P	P	P	P	P	P	P	
Visitor lodging associated with residential or institutional facilities	P	P	P	P				
Warehouse/storage	PS	PS	PS	PS				See Article VII; Division 8
Wind energy conversion system (WECS)	PS	PS	PS	PS	PS	PS	PS	See Article VII; Division 8
Wireless telecommunication facility	P	P	P	P	P	P	P	

Sec. 36-105. Lot size and density standards

- (a) Table 36-105(a) establishes the required lot width, lot area, and residential density standards for the MU, B, I and P districts.
- (b) Some districts have both a permitted maximum residential density and a density bonus maximum residential density as identified in Table 36-105(a).
- (c) Density bonus program: A density bonus shall be requested as a conditional use permit. The higher residential density is allowed if the proposed development achieves both of the following density bonus requirements.
 - (1) Inclusionary housing. Provide affordable housing at the levels required in the city's Inclusionary Housing Policy, as amended from time to time.
 - (2) Green building. Meet the requirements of the city's Green Building Policy as amended from time to time.
- (d) For any developments which include residential uses, the acreage of the entire development site shall be included in the calculation, including portions of the development site which feature only non-residential uses.

Table 36-105(a). Lot Size and Density Requirements in Mixed Use, Business, Industrial and Park Districts

District	Lot width minimum (ft)	Net lot area minimum (sq ft)	Density minimum (dwelling units per acre)	Density maximum (dwelling units per acre)	<u>Density bonus</u> maximum (dwelling units per acre)
MU-1	None	None	None	30	None
MU-2			20	50	75 (C)
MU-3			50	75	125 (C)
B-1			None	30	50 (C)
I-1			N/A	N/A	N/A
I-2			N/A	N/A	N/A
P-1			N/A	N/A	N/A

Sec. 36-106. Building placement standards

- (a) Table 36-106(a) establishes the required building placement standards for the MU, B, I and P districts.

Table 36-106(a). Building Placement Standards for the Mixed Use, Business, Industrial and Park Districts.

District	Front yard min. (feet)	Front yard max. (feet)	Lot line frontage min. (%)	Side yard abutting street min. (feet)	Side yard abutting street max. (feet)	Side yard interior min. (feet)	Rear yard min. (feet)	Distance between buildings, min. (feet)	Perimeter yard min. (feet)
MU-1	5	15	Primary frontage: 80% Secondary frontage: 50%	5	20	None	20 feet except where an alley exists it can be reduced to ten feet	Townhouses; 15 feet; Apartments: 1/2 the building height	10 feet for side interior property lines adjacent to N-1 or N-2 zoned and used districts

Table 36-106(a). Building Placement Standards for the Mixed Use, Business, Industrial and Park Districts.

District	Front yard min. (feet)	Front yard max. (feet)	Lot line frontage min. (%)	Side yard abutting street min. (feet)	Side yard abutting street max. (feet)	Side yard interior min. (feet)	Rear yard min. (feet)	Distance between buildings, min. (feet)	Perimeter yard min. (feet)
MU-2	5	15	Primary frontage: 80% Secondary frontage: 50%	10	20	None		Townhouses; 15 feet; Apartments: 1/2 the building height	15 feet for side interior and rear property lines adjacent to N-1 or N-2 zoned and used districts
MU-3	5	15	Primary frontage: 80% Secondary frontage: 50%	10	20	None		Apartments: 1/2 the building height	15 feet for side interior and rear property lines adjacent to N-1 or N-2 zoned and used districts
B-1	10	20	None	5	None	None		Townhouses; 15 feet; Apartments: 1/2 the building height	15 feet for side interior and rear property lines adjacent to N-1 or N-2 zoned and used districts

Table 36-106(a). Building Placement Standards for the Mixed Use, Business, Industrial and Park Districts.

District	Front yard min. (feet)	Front yard max. (feet)	Lot line frontage min. (%)	Side yard abutting street min. (feet)	Side yard abutting street max. (feet)	Side yard interior min. (feet)	Rear yard min. (feet)	Distance between buildings, min. (feet)	Perimeter yard min. (feet)
I-1	10	20	None	20	None	20 ft.; no yard required for railroad loading facility if abutting railroad trackage		None	50 feet for side interior and rear property lines adjacent to non-industrial zoned and used districts
I-2	10	20	None	20	None	10 ft.; no yard required for railroad loading facility if abutting railroad trackage		None	100 feet for side interior and rear property lines adjacent to non-industrial zoned and used districts
P-1	Each standard shall match the requirement for the adjacent properties. If the adjacent properties are in two or more zoning districts, then the most restrictive requirement applies.								

Sec. 36-107. Building size and coverage standards

- (a) Table 36-107(a) establishes the required building size and coverage standards for the MU, B, I, and P districts.
- (b) Some districts have both a permitted maximum building height and a density bonus maximum building height as identified in Table 36-107(a).
- (c) Building height bonus program. A building height bonus shall be requested as a conditional use permit. The higher building height is allowed if the proposed development achieves both of the following building height bonus requirements.

- (1) Inclusionary housing. Provide affordable housing at the levels required in the city's Inclusionary Housing Policy, as amended from time to time.
- (2) Green building. Meet the requirements of the city's Green Building Policy as amended from time to time.

Table 36-107(a). Building Size and Coverage Standards
(C = permitted with CUP)

District	Building height, minimum	Building height, maximum	Building height bonus, maximum	Ground story height (feet)	Upper stories height (feet)	Building length, maximum (feet)	Impervious surface coverage, maximum (%)
MU-1	None	3 stories or 40 feet, whichever is less		12 feet minimum; 20 feet maximum	10 feet minimum; 15 feet maximum	200	80%
MU-2	2 stories or 20 feet, whichever is less	6 stories or 75 feet, whichever is less	9 stories or 115 feet, whichever is less (C)	12 feet minimum; 20 feet maximum	10 feet minimum; 15 feet maximum	200	80%
MU-3	4 stories or 50 feet, whichever is less	6 stories or 75 feet, whichever is less	12 stories or 150 feet, whichever is less (C)	12 feet minimum; 20 feet maximum	10 feet minimum; 15 feet maximum	200	80%
B-1	None	6 stories or 75 feet, whichever is less	9 stories or 115 feet, whichever is less (C)	None	None	None	85%
I-1	None	6 stories or 75 feet whichever is less		N/A	N/A	None	75%
I-2	None	6 stories or 75 feet whichever is less		N/A	N/A	None	75%

Table 36-107(a). Building Size and Coverage Standards
(C = permitted with CUP)

District	Building height, minimum	Building height, maximum	Building height bonus, maximum	Ground story height (feet)	Upper stories height (feet)	Building length, maximum (feet)	Impervious surface coverage, maximum (%)
P-1	Each standard shall match the requirement for the adjacent properties. If the adjacent properties are in two or more zoning districts, then the most restrictive requirement applies.						

Secs. 36-108 to 36-129 reserved.

ARTICLE V. PLANNED UNIT DEVELOPMENT DISTRICTS

Sec. 36-130. PUD 1.

- (a) PUD 1 is commonly referred to as “Shoreham.”
- (b) Development plan.
 - (1) The site shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 - a. G000 – Cover Sheet.
 - b. C1.01 – Title Sheet.
 - c. C2.01 – Preliminary Plat.
 - d. C2.02 - Construction Route/Parking.
 - e. C3.01 – Site Plan.
 - f. C4.01 – Grading and Erosion Control.
 - g. C6.01 – Utility Plan.
 - h. C8.01 – France Avenue Plan and Profile.
 - i. L000 – Tree Preservation Plan.
 - j. L100 – Landscape Site Plan.
 - k. L101 – Planting Details.
 - l. AS100 – Architectural Site Plan.
 - m. A100 – Level P1 Floor Plan.
 - n. A110 – Level 1 Floor Plan.
 - o. A120 – Level 2 Floor Plan.
 - p. A130 – Level 3 Floor Plan.
 - q. A140 – Level 4 Floor Plan.
 - r. A150 – Level 5 Floor Plan.
 - s. A160 – Roof Plan.
 - t. A200 – Elevations.
 - u. A201 – Elevations.
 - v. A202 – Elevations.
 - w. A310 – Building Sections.
 - x. Site Lighting Photometric Plan.
 - y. Final Plat.
 - z. Zoning Map Amendment Exhibit.
 - (2) The site shall also conform to the following requirements:
 - a. The property shall be divided into two zones, as indicated on Sheet AS100 of the Official Exhibits. The zones shall be established by dividing the site into a north side and south side. The north side shall be called Zone A and the south side shall be called Zone B.

- b. Parking will be provided off-street in a surface lot and structured parking, and on-street in the circular driveway on the north side of the property. A total of 291 parking spaces will be provided: 203 spaces for residential units and 88 spaces for non-residential uses.
 - c. The maximum building height in Zone A shall not exceed 65 feet and five stories. The maximum building height in Zone B shall not exceed 35 feet and three stories.
 - d. The development site shall include a minimum of 12% designed outdoor recreation area based on private developable land area.
- (c) Permitted uses.
 - (1) Zone A.
 - a. Mid-rise apartment mixed use dwellings. Dwelling units are not permitted on the first floor. Uses associated with the apartment dwellings, including, but not limited to the residential office, fitness facility, mail room, assembly rooms or general amenity space are limited to a maximum of 50% of the building first floor.
 - b. Commercial uses. Commercial uses are only permitted on the first floor, and are limited to the following: office, medical or dental office, adult day care, group day care/nursery school, group home, banks without drive-up facilities, food service, indoor commercial entertainment, retail, service, limited animal handling, showrooms, studios and lower potency hemp edible retailers.
 - 1. All parking requirements must be met for each use.
 - 2. Hours of operation for commercial uses shall be limited to 6:00 a.m. to 12:00 a.m.
 - 3. No drive-up facilities are allowed.
 - c. Civic and institutional uses. Civic and institutional uses are limited to the following: educational facility, indoor entertainment, police utility substations, parcel delivery service/post office and studios.
 - (2) Zone B.
 - a. Low-rise apartment dwellings.
- (d) Accessory uses.
 - (1) Accessory uses are as follows:
 - a. Repair or processing which is necessary to conduct a permitted use and not to exceed 10% of the gross floor area of the associated permitted use.
 - b. Home occupations as regulated by this chapter.
 - c. Catering, if accessory to food service, delicatessen or retail bakery.
 - d. No outdoor uses or storage allowed.
 - e. Solar energy systems.
- (e) Special performance standards.

- (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking and screening requirements.
- (2) All trash handling and loading areas shall be inside of the building and screened from view.
- (3) Signage shall be allowed in conformance with the approved redevelopment plan or final PUD site plan and development agreement in accordance with the following conditions:
 - a. Pylon signs are prohibited.
 - b. Freestanding monument signs shall utilize the same exterior materials as the principal buildings and shall not interfere with pedestrian, bicycle or automobile circulation and visibility.
 - c. Pedestrian-scale signs visible from public sidewalks shall be no more than three feet in vertical dimension unless flush with the building wall.
 - d. Maximum allowable number, sizes and heights of signs shall be regulated by article VIII, division 9, MU-2 requirements, except as may be specifically modified by the final PUD.
 - e. Wall signs of non-residential uses shall only be placed on the ground floor, exterior wall of the occupied tenant lease space and/or a monument sign.
 - f. Wall signs shall not be included in calculating the aggregate sign area on the lot if they meet the following outlined conditions:
 1. Non-residential wall signs permitted by this section that do not exceed 7% of the exterior wall area of the ground floor tenant lease space.
 2. The sign is located on the exterior wall of the ground floor tenant lease space from which the 7% sign area was derived.
 3. No individual wall sign shall exceed 80 square feet in area.
- (4) Façade. The following façade design guidelines shall be applicable to all ground floor non-residential facades located in Zone A:
 - a. For street-facing facades, no more than 10% of total window and door area shall be glass block, mirrored, spandrel, frosted or other opaque glass finishes or material including window painting and signage. The remaining 90% of window and door area shall be clear or slightly tinted glass, allowing views into and out of the interior.
 - b. Visibility into the space shall be maintained for a minimum depth of three feet. This requirement shall not prohibit the display of merchandise.
- (5) Awnings.
 - a. Awnings must be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
 - b. Backlit awnings are prohibited.

Sec. 36-131. PUD 2.

- (a) PUD 2 is commonly referred to as “4800 Excelsior.”
- (b) Development plan.
 - (1) The site shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 - a. C1.0 – Cover Sheet.
 - b. C2.0 – Demolition Plan.
 - c. C2.1 – Phase I Erosion Control Plan.
 - d. C2.2 – Phase II Erosion Control Plan.
 - e. C2.3 – Erosion Control Details.
 - f. C3.0 – Site Plan.
 - g. C4.0 – Grading and Drainage Plan.
 - h. C4.1 – P-01 Drainage Plan.
 - i. C4.2 – P-02 Drainage Plan.
 - j. C4.3 – Stormwater Details.
 - k. C5.0 – Utility Plan.
 - l. L100 – Landscape Plan.
 - m. A001 – Site Plan.
 - n. A002 – Floor Plans.
 - o. A003 – Floor Plans.
 - p. A004 – Floor Plans.
 - q. A005 – Floor Plans.
 - r. A006 – Rendering.
 - s. A007 – Elevations.
 - t. A008 – Elevations.
 - u. A009 – Elevations.
 - v. E001 – Exterior Lighting Plan.
 - w. PP2 – Preliminary Plat.
 - x. Final Plat.
 - y. Zoning Map Amendment Exhibit.
 - (2) Parking Management Plan. The site shall also conform to the following requirements:
 - a. The property shall be developed with 164 to 176 apartment dwelling units totaling not more than 228 bedrooms, and not more than 28,250 square feet of commercial space.
 - b. Parking will be provided in parking ramps and adjacent on-street parking bays. 340 parking spaces will be provided: 241 spaces for residential units, 66 spaces for commercial uses and 33 on-street spaces. At least 20 parking

spaces on Level P1 will be available for shared parking for employees of the commercial uses and residential guest parking.

- c. The maximum building height will be 77 feet and six stories tall, plus up to an additional eight feet for the rooftop metal trellis architectural elements.
 - d. The development site shall include a minimum of 12% designed outdoor recreation area based on private developable land area.
- (c) Permitted uses. The following uses are permitted in the PUD 2 district:
- (1) Mid-rise apartment mixed use dwelling.
- (d) Uses permitted with standards. A structure of land in the PUD 2 district may be used for one or more of the following uses if it complies with the standards specified for the use in this subsection:
- (1) Commercial uses. Commercial uses limited to the following: bank, food service, grocery store, liquor store, medical/ dental office, office, places of assembly, retail, service, showroom, limited animal handling, studio, cannabis retailer and lower potency hemp edible retailer. These commercial uses shall meet the following standards:
 - a. Commercial uses are limited to the first floor.
 - b. Hours of operation, including loading/unloading of deliveries, for commercial uses shall be limited to 6:00 a.m. to 12:00 a.m.
 - c. In-vehicle sales or service is prohibited.
 - d. Restaurants are prohibited.
 - e. Outdoor storage is prohibited.
 - f. A lot with a cannabis retailer must be at least 1,000 feet from the property line of a site containing a school. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the center or building occupied by the cannabis retailer.
 - g. A lot with a cannabis retailer must be at least 1,000 feet from the property line of a site containing a pawn shop, currency exchange, payday loan agency, firearms sales or sexually oriented business. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the center or building occupied by the cannabis retailer.
 - h. The lot must be at least 1,000 feet from the property line of a site containing a cannabis retailer. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the shopping center or multiuse building occupied by the cannabis retailer.
 - i. Cannabis retailers shall be contained within a completely enclosed building, and no outside storage, display, or sale of merchandise is permitted.
 - j. On-site consumption of cannabis edibles and beverages is prohibited.
 - (2) Civic and institutional uses. Civic and institutional uses are limited to the following: educational facility, indoor entertainment, police utility substations, parcel delivery service/post office and studios.

- (e) Accessory uses. Accessory uses are as follows:
 - (1) Parking ramps.
 - (2) Incidental repair or processing which is necessary to conduct a permitted use and not to exceed 10% of the gross floor area of the associated permitted use.
 - (3) Home occupations as regulated by this chapter.
 - (4) Catering, if accessory to a food service, grocery store or retail bakery.
 - (5) No outdoor uses or storage allowed.
 - (6) Solar energy systems.
- (f) Special performance standards.
 - (1) All general zoning requirements not specifically addressed in this ordinance must be met, including but not limited to outdoor lighting, architectural design, landscaping and all screening requirements.
 - (2) Each commercial tenant space on the ground floor shall have a direct and primary access to the outside of the building that is open during business hours.
 - (3) All trash handling and loading areas must be inside of the building and screened from view.
 - (4) Signs shall be allowed in conformance with the following conditions:
 - a. Pylon signs are permitted; and
 - b. Maximum allowable number, size and height of signs shall be regulated by article VIII, division 9, per the MU-2 district regulations.
 - (5) Façade. The following design requirements shall be applicable to all ground floor, non-residential facades along Excelsior Boulevard:
 - a. Façade Transparency.
 - 1. The façade shall be primarily transparent materials at the pedestrian level.
 - 2. No more than 10% of the total window and door area shall be glass block, mirrored, spandrel, frosted or other opaque glass, finishes or material including window painting and signs. The remaining 90% of window and door area shall be clear or slightly tinted glass, allowing view into and out of the interior.
 - 3. Visibility into the tenant spaces from the exterior windows and doors shall be maintained for a minimum depth of three feet. This requirement shall not prohibit the display of merchandise. Display windows may be used to meet the transparency requirement.
 - (6) Awnings.
 - a. Awnings must be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
 - b. Backlit awnings are prohibited.
 - (7) Use of Sidewalk. A business may use that portion of a sidewalk extending a maximum of five feet from the building wall for the following purposes, provided a six-foot minimum horizontal clearance along Excelsior Boulevard is maintained

between obstructions on public sidewalks and provided that all activity is occurring on private property:

- a. Display of merchandise.
- b. Benches, planters, ornaments, and art.
- c. Signage, as permitted in the zoning ordinance.
- d. Dining areas may extend beyond five feet of the building, provided six feet minimum horizontal clearance along Excelsior Boulevard is maintained between the obstructions on the sidewalk. An agreement shall be obtained for any temporary private use of public land for seating upon any public right of way or easements.

Sec. 36-132. PUD 3

- (a) PUD 3 is commonly referred to as "Arlington Row West."
- (b) Development plan.
 - (1) The site shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 - a. T1.1 – Title Sheet.
 - b. AS1.2 – Architectural Site Plan.
 - c. AS2.1 – Reference Images.
 - d. C1-1 – Existing Conditions.
 - e. C1-2 – Preliminary Plat.
 - f. C1-3 – Preliminary Plat.
 - g. C2-1 – Site Plan.
 - h. C3-1 – Grading Plan.
 - i. C3-2 – Stormwater Pollution Prevention Plan.
 - j. C4-1 – Sanitary & Watermain.
 - k. C4-2 – Storm Sewer.
 - l. C8-1 – Details.
 - m. C8-2 – City Details.
 - n. L1-1 – Landscape Plan.
 - o. L2-1 – Tree Inventory Plan.
 - p. Photometric Plan.
 - q. A1.1 – Floor Plan.
 - r. A1.2 – Floor Plan.
 - s. A1.3 – Floor Plan.
 - t. A1.4 – Floor Plan (Roof).
 - u. A3.1 – Exterior Elevations.
 - v. A3.2 – Exterior Elevations.
 - w. A3.3 – Exterior Elevations.
 - x. Final Plat.

- y. Zoning Map Amendment Exhibit.
- z. Solar Canopy Schematics.
- aa. Solar Study.
- (2) The site shall also conform to the following requirements:
 - a. Parking will be provided off-street in a surface lot. A total of 52 spaces will be provided for residential users including five spaces for guest parking.
 - b. The maximum building height shall be 37 feet.
 - c. The development site shall include a minimum of 12% designed outdoor recreation area based on private developable land area.
- (c) Permitted uses.
 - (1) Low-rise apartment dwelling.
 - (2) Parks/open space.
- (d) Accessory uses.
 - (1) Accessory uses are as follows:
 - a. Private swimming pool in conformance with section 36-327.
 - b. Service and retail facilities intended for use of residents not to exceed 10% of the gross floor area of the development.
 - c. Property management or rental office provided that it does not occupy more than 10% of the gross floor area.
 - d. Gardening and other horticultural uses.
 - e. Solar energy system.
 - 1. Rooftop of building mounted systems.
 - i. Roof or building mounted solar systems shall not exceed the maximum allowed height in the PUD zoning district.
 - 2. Ground or accessory structure mounted solar systems.
 - i. The height of a ground or accessory structure mounted solar system, measured when oriented at maximum design tilt, shall not exceed 15 feet.
 - ii. Ground or accessory structure mounted solar systems shall have a minimum setback of seven feet from the south property line, 46 feet from the west property line and shall be subject to the principal building setbacks along the north and east property lines.
 - f. No outdoor uses or storage allowed.
- (e) Special performance standards.
 - (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking and screening requirements.
 - (2) All trash handling and loading areas shall be screened from view by a masonry wall no taller than six feet in height and constructed of a material compatible with the principal buildings.

- (3) Signs shall be allowed in conformance with the approved redevelopment plan or final PUD site plan and development agreement in accordance with this Chapter and the sign area and height regulations for the N-3 zoning district.

Sec. 36-133. PUD 4.

- (a) PUD 4 is commonly referred to as “Hotel West End (AC Hotel by Marriott).”
- (b) Development plan.
- (1) The site shall be developed, used, and maintained in conformance with the following:
- a. Final PUD signed Official Exhibits:
1. C100 – Site Conditions After Phases 1 & 2 With Demolition Plan
 2. C200 – Proposed Site Plan
 3. C300 – Storm Drainage and Grading Plan
 4. C400 – Utility Plan
 5. C500 – Erosion Control Plan
 6. C600 – Storm Water and Erosion Control Details
 7. E002 – Electrical Site Plan
 8. A101 – Parking Garage Level, First Floor Plan
 9. A201 – Exterior Elevations
 10. A202 – Exterior Elevations
 11. A901 – 3D Views
 12. L000 – Tree Inventory
 13. L001 – Tree Mitigation Plan
 14. L100 – Landscape Plan
 15. L101 – Landscape Details and Notes
 16. PH-3 – Phasing Plan
 17. Designed Outdoor Recreation Area Calculation Exhibit
 18. Zoning Map Amendment Exhibit
 19. Temporary Off-Site Parking Plan.
- (2) The site shall also conform to the following requirements:
- a. The property shall be developed with 126 rooms, approximately 1,700 square feet of meeting space, and approximately 3,620 square feet of hotel/restaurant/lounge area.
- b. Parking will be provided both on-site and off-site. The on-site parking will contain 25 underground spaces and 54 surface spaces. Off-site parking will include 50 parking spaces in an above ground ramp located on Lot 2, Block 1, Central Park West PUD No. 121 Second Addition at 1603 Utica Avenue South. Parking will total 129 parking spaces.
- c. The maximum building height shall not exceed 84 feet and six stories.

- d. The development site shall provide 1,416 square feet of Designated Outdoor Recreation Area (DORA) on a rooftop deck.
- (c) Permitted uses.
 - (1) Hotel/motel. The standards are as follows: Building heights shall be limited to six stories or 84 feet.
- (d) Accessory uses. Accessory uses are as follows:
 - (1) Bar, if accessory to a hotel and in compliance with city liquor licensing requirements.
 - (2) Parking ramps utilizing the same exterior facing materials as the principal buildings.
 - (3) Public transit stops/shelters.
 - (4) Food service.
 - a. Service space is limited to space designated in Site Plan.
 - (5) Outdoor seating, public address (PA) system prohibited.
 - (6) No outdoor storage allowed.
 - (7) Solar energy systems.
- (e) Special performance standards.
 - (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking and screening requirements.
 - (2) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this code. All trash handling and loading areas shall be located within the building and screened from view.
 - (3) Signage shall be allowed in conformance with the approved redevelopment plan or final PUD site plan and development agreement in accordance with the following conditions:
 - a. Pylon signs are not permitted.
 - b. Freestanding monument signs shall utilize the same exterior materials as the principal buildings and shall not interfere with pedestrian/bicycle or automobile circulation and visibility.
 - c. Pedestrian-scale signs visible from public sidewalks shall be no more than three feet in vertical dimension unless flush with the building wall; and
 - d. Maximum allowable number, sizes and heights of signs shall be regulated by article VIII, division 9, B-1 requirements, except as may be specifically modified by the final PUD.
 - (4) Façade. The following façade design guidelines shall be applicable to all ground floor non-residential facades:
 - a. For street-facing facades, no more than 10% of total window and door area shall be glass block, mirrored, spandrel, frosted or other opaque glass, finishes or material including window painting and signage. The remaining 90% of

window and door area shall be clear or slightly tinted glass, allowing views into and out of the interior.

- b. Visibility into the space shall be maintained for a minimum depth of three feet. This requirement shall not prohibit the display of merchandise.

(5) Awnings.

- a. Awnings must be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
- b. Backlit awnings are prohibited.

Sec. 36-134. PUD 5.

- (a) PUD 5 is commonly referred to as "Arlington Row East."

(b) Development plan.

- (1) The site shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:

- a. T1.1 – Title Sheet
- b. AS1.3 – Architectural Site Plan
- c. Sheet 1 – Survey
- d. C1-1 – Existing Conditions/Survey
- e. C1-2 – Preliminary Plat (existing conditions)
- f. C1-3 – Preliminary Plat
- g. C2-1 – Site Plan
- h. C3-1 – Grading Plan
- i. C3-2 – Stormwater Pollution Prevention Plan
- j. C4-1 – Sanitary & Watermain
- k. C4-2 – Storm Sewer
- l. C8-1 – Details
- m. C8-2 – City Details
- n. L1-1 – Landscape Plan
- o. L2-1 – Tree Inventory Plan
- p. A1.0 – First & Second Level Floor Plans
- q. A1.1 – Level 3 Floor & Roof Plan
- r. A3.0 – Exterior Elevations
- s. A3.4 – Exterior Elevations
- t. Site Lighting Photometric Plan
- u. Final Plat
- v. Zoning Map Amendment Exhibit
- w. Solar Canopy Details
- x. Solar Study.

- (2) The site shall also conform to the following requirements:

- a. The property shall be developed with up to 27 apartment dwelling units totaling no more than 43 bedrooms.
 - b. A total of 43 off-street parking spaces shall be provided in a surface lot.
 - c. The maximum building height shall be 36.5 feet and three stories.
 - d. A minimum of 12% of the lot shall be developed as a designed outdoor recreation area.
- (c) Permitted uses.
 - (1) Low-rise apartment dwelling.
 - (2) Parks/open space.
- (d) Accessory uses. Accessory uses are as follows:
 - (1) Private swimming pool in conformance with section 36-327.
 - (2) Service and retail facilities intended for use of residents not to exceed 10% of the gross floor area of the development.
 - (3) Property management or rental office provided that it does not occupy more than 10% of the gross floor area.
 - (4) Gardening and other horticultural uses.
 - (5) Solar energy systems.
 - a. Rooftop of building mounted systems.
 - 1. Roof or building mounted solar systems shall not exceed the maximum allowed height in the PUD zoning district.
 - b. Ground or accessory structure mounted solar systems.
 - 1. The height of a ground or accessory structure mounted solar system, measured when oriented at maximum design tilt, shall not exceed 15 feet.
 - 2. Ground or accessory structure mounted solar systems shall have a minimum setback of eight feet from the north property line, five feet from the east property line, 46 feet from the south property line and shall be subject to the principal building setbacks along the west property line.
 - (6) Home occupations as regulated by this chapter.
 - (7) No outdoor uses or storage allowed.
- (e) Special performance standards.
 - (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking, and screening requirements.
 - (2) All trash handling and loading areas shall be screened from view by a masonry wall no taller than six feet in height and constructed out of a material compatible with the principal buildings.
 - (3) Signs shall be allowed in conformance with the approved redevelopment plan or final PUD site plan and development agreement in accordance with this chapter and the sign area and height regulations for the N-3 zoning district.

Sec. 36-135. PUD 6.

- (a) PUD 6 is commonly referred to as “10 West End & 20 West End.”
- (b) Development plan.
 - (1) The site shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 - a. C100-C102 – Survey
 - b. C101 – Proposed Site Plan
 - c. C200 – Erosion Control Plan
 - d. C300 – Site Plan
 - e. C301 – Final Phasing Plan
 - f. C400 – Grading Plan
 - g. C500 – Utility Plan
 - h. E100 – Photometric Plan
 - i. L100 – Landscape Site Plan
 - j. L101 – DORA Requirements
 - k. L200 – Layout Plan
 - l. L400 – Planting Plan
 - m. L500 – Planting Detail Sheet
 - n. A050 – Architectural Site Plan
 - o. A100 – Floor Plan – Level 1
 - p. A101 – Floor Plan – Level 2
 - q. A102 – Floor Plan – Level 3 & 4 (Typ. Multi)
 - r. A103 – Floor Plan – Level 5-10 (Typ. Single)
 - s. A104 – Floor Plan – Level 11
 - t. A105 – Floor Plan – Level 12 (Penthouse)
 - u. A120 – Roof Plan
 - v. A150 – Floor Plan - Loading Dock
 - w. A300 – Exterior Elevation - South
 - x. A301 – Exterior Elevation - West
 - y. A302 – Exterior Elevation - North
 - z. A303 – Exterior Elevation – East
 - aa. Preliminary Plat
 - bb. Final Plat
 - cc. 10 West End AUAR Memorandum
 - dd. Travel Demand Management Plan
 - ee. Zoning Map Amendment Exhibit
 - ff. Parking Easement for Phase III Hotel
 - (2) The site shall also conform to the following requirements:

- a. The property shall be developed with 332,600 square feet of building space.
 - b. Parking shall be provided on-site. The parking structure located on Lot 2, Block 1, Central Park West P.U.D. 121 Second Addition will provide at least 1,214 parking stalls. 110 of these stalls shall be shared with Phase III of Central Park West (PUD-4).
 - c. The maximum building height shall not exceed 175 feet and eleven stories, excluding mechanical penthouse.
 - d. The development site shall provide Designated Outdoor Recreation Area (DORA) through access to the outdoor amenity decks located on each floor, and through shared outdoor space on site.
- (c) Permitted uses.
- (1) Office. The standards are as follows: Building heights shall be limited to eleven stories or 173 feet.
 - (2) Retail. The standards are as follows:
 - a. No single use retail establishment over 20,000 square feet is permitted. The retail facility shall be permitted only as a part of a larger development on a single parcel which contains at least one other permitted principal use or as a part of a mixed-use PUD.
 - b. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - c. All refuse shall meet the requirements of chapter 22 regulating refuse.
 - (3) Restaurants. The standards are as follows:
 - a. This use shall be permitted as part of a larger development which contains at least one other principal use or as part of a PUD.
 - b. These uses shall not result in any exterior building modifications, including truck docks or freestanding signage, overnight truck parking or similar features.
 - c. Restaurant uses shall be integrated with other principal land uses which are within the O district and shall not exceed 10% of the gross floor area of the building.
 - d. If there is a wine and/or beer license, the following additional standards shall apply:
 - 1. If the standards in subsections (c)(3) a.--(c)(3) c. of this section are not met, a restaurant with a wine and/or beer license may apply for a major amendment to a Planned Unit Development under section 36-445(b), provided that the parking requirements for a restaurant with intoxicating liquor license are met.
 - (4) Lower potency hemp edible retailers.
- (d) Accessory uses. Permitted accessory uses are as follows:

- (1) Parking structures. Facades that are visible from off-site shall display an integration of building materials, building form, textures, architectural motifs, and building colors with principal building.
- (2) Public transit stops/shelters.
- (3) Outdoor seating, public address (PA) systems are prohibited.
- (4) No outdoor storage allowed.
- (5) Solar energy systems.
- (e) Special performance standards.
 - (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking and screening requirements.
 - (2) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this Code. City strongly encourages all new developments to have on-site organic recycling, garbage/recycling rooms should be sized to allow for organics recycling. All trash handling and loading areas shall be screened from view within a waste enclosure.
 - (3) Signage shall be allowed in conformance with the approved redevelopment plan or final PUD site plan and development agreement in accordance with the following conditions:
 - a. Pylon signs are not permitted.
 - b. Freestanding monument signs shall utilize the same exterior materials as the principal buildings and shall not interfere with pedestrian/bicycle or automobile circulation and visibility.
 - c. Maximum allowable number, sizes and heights of signs shall be regulated by article VIII, division 9, MU-3 requirements.
 - (4) Façade. The following façade design guidelines shall be applicable to ground floor north, south, and west side facades.
 - a. For street-facing facades, no more than 10% of total window and door area shall be glass block, mirrored, spandrel, frosted or other opaque glass, finishes or material including window painting and signage. The remaining 90% of window and door area shall be clear or slightly tinted glass, allowing views into and out of the interior.
 - b. Visibility into the space shall be maintained for a minimum depth of three feet. This requirement shall not prohibit the display of merchandise.
 - (5) Awnings.
 - a. Awnings must be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
 - b. Backlit awnings are prohibited.

Sec. 36-136. PUD 7.

- (a) PUD 7 is commonly referred to as "Parkway 25."

(b) Development plan.

(1) The site shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:

- a. G000P – Cover Sheet
- b. C0.1 – Site Survey
- c. C1.0 – Removals Plan
- d. C2.0 – Site Plan
- e. C2.1 – Alley Plan and Profile
- f. C3.0 – Grading Plan
- g. C3.1 – Grading Plan Interim
- h. C4.0 – Utility Plan
- i. C5.0 – Civil Details
- j. C5.1 – Civil Details
- k. C5.2 – Civil Details
- l. SW1.0 – SWPPP – Existing Conditions
- m. SW1.1 – SWPPP – Proposed Conditions
- n. SW1.2 – SWPPP – Narrative and Details
- o. SW1.3 – SWPPP – Attachments
- p. SW1.4 – SWPPP – Attachments
- q. LS100 – Tree Preservation and Replacement Plan
- r. LS300 – Site Landscape Plan
- s. L400 – Reference Plan
- t. L401 – Layout Plan
- u. L500 – Planting Details
- v. G000 – Cover Sheet
- w. A100P – Floor Plan – Level 1
- x. A110P – Floor Plan – Level 1
- y. A120P – Floor Plan – Level 2-4
- z. A150P – Floor Plan – Level 5
- aa. A160P – Roof Plan
- bb. A200P – Exterior Elevations
- cc. A201P – Exterior Elevations
- dd. AS100P – Architectural Site Plan
- ee. A300P – Building Sections
- ff. Site Lighting Photometric Plan
- gg. Zoning Map Amendment Exhibit
- hh. Preliminary Plat
- ii. Final Plat
- jj. Traffic Study

- kk. Parking Management Plan
- ll. Parking Agreement.
- (2) The site shall also conform to the following requirements:
 - a. The property shall be developed with 112 residential units and 12,040 square feet of ground floor commercial space.
 - b. At least 202 off-street parking spaces shall be provided. At least 16 on-street parallel parking and loading spaces shall be installed adjacent to the site. An off-street parking management plan shall be approved by the city and managed by the property owner, with the goal of avoiding spill over parking into surrounding streets in the neighborhood and maximizing the benefits of mixed-use development and shared parking. At least 10% of the parking shall be permitted for use as guest parking.
 - c. The maximum building height shall not exceed 67 feet and five stories.
 - d. The development site shall include a minimum of 17.7% designed outdoor recreation area based on private developable land area.
- (c) Permitted uses.
 - (1) Mid-rise apartment mixed use dwelling. Uses associated with the apartment dwellings, including, but not limited to, the residential office, fitness facility, mail room, assembly rooms or general amenity space are limited to a maximum of 40% of the building first floor.
 - (2) Commercial uses. Commercial uses are only permitted on the first floor and are limited to the following: medical/dental office, office, places of assembly, retail, service, showrooms, limited animal handling, studios and lower potency hemp edible retailers.
 - a. All parking requirements shall be met for each use.
 - b. Hours of operation for commercial uses shall be limited to 6:00 a.m. to 12:00 a.m. including commercial deliveries.
 - c. Each commercial tenant space on the first floor shall have a direct and primary access to the outside of the building on the north building elevation that is open during business hours.
 - d. In-vehicle sales are prohibited.
 - e. Restaurants are prohibited.
 - (3) Civic and institutional uses. Civic and institutional uses are limited to the following: educational facility, indoor entertainment, police utility substations, parcel delivery service/post office and studios.
- (d) Accessory uses. Accessory uses are as follows:
 - (1) Incidental repair or processing which is necessary to conduct a permitted use and not to exceed 10% of the gross floor area of the associated permitted use.
 - (2) Home occupations as regulated by this chapter.
 - (3) Catering, if accessory to food service, delicatessen, or retail bakery.
 - (4) Gardening and other horticultural uses.

- (5) Public transit stops/shelters.
- (6) Outdoor seating, public address (PA) systems are prohibited.
- (7) Outdoor uses and outdoor storage are prohibited.
- (8) Solar energy systems.
- (e) Special performance standards.
 - (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking and screening requirements.
 - (2) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this Code. All trash handling and loading areas shall be screened from view within a waste enclosure.
 - (3) Signage shall be allowed in conformance with the MU-2 requirements found in the sign code.
 - (4) Façade. The following façade design guidelines shall be applicable to all ground floor non-residential facades:
 - a. For street-facing facades, no more than 10% of total window and door area shall be glass block, mirrored, spandrel, frosted or other opaque glass, finishes or material including window painting and signage. The remaining 90% of window and door area shall be clear or slightly tinted glass, allowing views into and out of the interior.
 - b. Visibility into the space shall be maintained for a minimum depth of three feet. This requirement shall not prohibit the display of merchandise.
 - (5) Awnings.
 - a. Awnings must be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
 - b. Backlit awnings are prohibited.

Sec. 36-137. PUD 8.

- (a) PUD 8 is commonly referred to as “The Elmwood.”
- (b) Development plan.
 - (1) The site shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 - a. C0.0– Title Sheet
 - b. C0.1 – Site Survey
 - c. C0.2 – Preliminary Plat
 - d. C0.3 – Final Plat
 - e. C1.0 – Removals Plan
 - f. C2.0 – Site Plan
 - g. C2.1 – Green Roof Layout & Landscape Plan
 - h. C2.2 – Rooftop Green Roof Layout & Landscape Plan

- i. C3.0 – Grading Plan
 - j. C4.0 – Utility Plan
 - k. C5.0 – Civil Details
 - l. C5.1 – Civil Details
 - m. C5.2 – Civil Details
 - n. L1.0 – Landscape Plan
 - o. LT1.0 – Lighting Plan
 - p. LT1.1 – Lighting Specifications
 - q. A010 – Floor Plan – Level (-1) & 1
 - r. A011 – Floor Plan – Level 2 & 3
 - s. A012 – Floor Plan – Level 4 & 5
 - t. A013 – Floor Plan – Roof
 - u. A200 – Exterior Elevations
 - v. A201 – Exterior Elevations
 - w. Shadow Study
 - x. Front Perspective 1
 - y. Front Perspective 2
 - z. Rear Perspective
 - aa. Exterior Vignettes
 - bb. Parking Management Plan
- (2) The site shall also conform to the following requirements:
- a. The property shall be developed with 70 residential units and a minimum of 4,393 square feet of ground floor commercial space.
 - b. At least 118 off-street parking spaces shall be constructed. At least nine public on-street parallel parking spaces shall be constructed on 36th Street West and one public on-street loading bay shall be installed adjacent to the site.
 - c. The maximum building height shall not exceed 69 feet and five stories.
 - d. The development site shall include a minimum of 12% designed outdoor recreation area based on private developable land area.
- (c) Permitted with standards.
- (1) Mid-rise apartment mixed use dwellings. The standards are as follows:
- a. Dwelling units are permitted on all floors of the building.
 - b. Dwelling units are limited to a maximum of 35% of the ground floor area of the building.
 - c. Dwelling units shall not exceed 40% of building frontage along 36th Street West.
 - d. Uses associated with apartment dwellings, including but not limited to, the residential office, fitness facility, mail room, assembly rooms or general amenity space are limited to a maximum of 45% of the ground floor area of the building.

- (2) Commercial uses. Commercial uses are only permitted on the first floor, and are limited to coffee shops, office, places of assembly, retail, service, showrooms, limited animal handling, studios and lower potency hemp edible retailers. The standards are as follows:
 - a. All parking requirements must be met for each use.
 - b. Hours of operation shall be limited to 6:00 a.m. to 12:00 a.m.
 - c. Restaurants are prohibited.
 - d. In-vehicle sales is prohibited.
- (d) Accessory uses. Accessory uses are as follows:
 - (1) Incidental repair or processing which is necessary to conduct a permitted use and not to exceed 10% of the gross floor area of the associated permitted use.
 - (2) Home occupations as regulated by this chapter.
 - (3) Catering, if accessory to food service, delicatessen, or retail bakery.
 - (4) Gardening and other horticultural uses.
 - (5) Outdoor seating, public address (PA) systems are prohibited.
 - (6) No outdoor uses or storage allowed.
 - (7) Solar energy systems.
- (e) Special performance standards.
 - (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to, outdoor lighting, architectural design, landscaping, parking, and screening requirements.
 - (2) Each commercial, civic, or institutional tenant space on the ground floor shall have a direct and primary access to and from the 36th Street (north) building façade and the access shall remain open during business hours.
 - (3) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this Code. All trash handling and loading areas shall be screened from view within a waste enclosure.
 - (4) Signage shall be allowed in conformance with the approved redevelopment plan or final PUD site plan and development agreement in accordance with the following conditions:
 - a. Pylon signs are prohibited.
 - b. Freestanding monument signs shall utilize the same exterior materials as the principal buildings and shall not interfere with pedestrian, bicycle or automobile circulation and visibility.
 - c. Maximum allowable number, sizes, heights, and yards for signs shall be regulated by article VIII, division 9, MU-3 requirements.
 - d. Wall signs of non-residential uses shall only be placed on the ground floor and exterior walls of the occupied tenant lease space, and/or a monument sign.
 - e. Wall signs shall not be included in calculating the aggregate sign area on the lot if they meet the following outlined conditions:

1. Non-residential wall signs permitted by this section that do not exceed 7% of the exterior wall area of the ground floor tenant lease space.
 2. The sign is located on the exterior wall of the ground floor tenant lease space from which the 7% sign area was derived.
 3. No individual wall sign shall exceed 80 square feet in area.
- (5) Façade. The following façade design guidelines shall be applicable to all ground floor non-residential street-facing facades:
- a. Minimum ground floor transparency shall be 65% at the pedestrian level
 - b. No more than 10% of total window and door area shall be glass block, mirrored, spandrel, frosted or other opaque glass, finishes or material including window painting and signs. The remaining 90% of window and door area shall be clear or slightly tinted glass, allowing views into and out of the interior.
 - c. Active permitted uses, not including storage areas or utility closets, shall be maintained for a minimum depth of 15 feet.
 - d. Visibility into the space shall be maintained for a minimum depth of 10 feet. This requirement shall not prohibit the display of merchandise.
- (6) Awnings.
- a. Awnings shall be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
 - b. Backlit awnings are prohibited.

Sec. 36-138. PUD 9.

- (a) PUD 9 is commonly referred to as "PLACE (Zelia on Seven).
- (b) Development plan.
 - (1) The site shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 - a. PUD Exhibit
 - b. GN-000 – Cover Sheet
 - c. GN-001 – Drawing Index
 - d. GN-002 – General Legend & Abbreviations
 - e. GN-003 – Area calculations
 - f. C001 – Existing Conditions and Removals
 - g. C002 – Tree Removals and Protection Plan
 - h. C003 – Tree Removals and Preservation Plan
 - i. C101 – Site Plan – Overall
 - j. C102 – Site Plan Northwest
 - k. C103 – Site Plan Northeast
 - l. C201 – Erosion Control Plan
 - m. C301 – Grading and Drainage Plan – Overall

- n. C302 – Grading and Drainage Plan – Northwest
- o. C303 – Grading and Drainage Plan - Northeast
- p. C401 – Sanitary Sewer and Watermain
- q. C402 – MCES Forcemain Plan and Profile
- r. C403 – MCES Forcemain Plan and Profile
- s. C501 – Storm Sewer Plan & Profile
- t. C502 – North Building – Storm Sewer Plan
- u. C801 – Typical Stormwater Details
- v. C901 – City Std Utility Plates
- w. C902 – Detail Sheet Stormwater
- x. C903 – City Std Site Plates
- y. C904 – Detail Sheet Erosion Control
- z. C905 – Detail Sheet Pavement
- aa. C1001 – MNDOT Std Ped Curb Ramp Details
- bb. C1002 – MNDOT Std Ped Curb Ramp Details
- cc. L101 – Planting Plan Index
- dd. L102 – West Planting Plan
- ee. L103 – East Planting Plan
- ff. L104 – East Planting Plan, Shrubs
- gg. L105 – Soil Amendments and Site Mulching Plan
- hh. L106 – East Layout Plan Plaza
- ii. L107 – East Layout Plan, Bike Shop Front and Urban Forest
- jj. L108 – West Irrigation Plan
- kk. L109 – East Irrigation Plan
- ll. L501 – Landscape Details
- mm. 502 – Landscape Details
- nn. L503 – Landscape Details
- oo. L801 – Planting Details
- pp. V101 – Preliminary Plat
- qq. V102 – Prelimina
- rr. E101 – Photometric grid
- ss. S001 – Site Plan
- tt. AN-100.1 – Overall Floor Plans P1 & Level 1
- uu. AN-100.2 – Overall Floor Plans Levels 2 & 3
- vv. AN-100.3 – Overall Floor Plans Levels 4 & 5
- ww. AN-100.4 – Overall Roof Plan
- xx. AN-100.5 – PV Panel Layout
- yy. AN-201 – Overall Building Elevations

zz. A501 – Illustrative Sections

aaa. A502 – Sections

bbb.

LACE – Sustainability Proposals

ccc. PLACE – Proof of Parking

ddd.

LACE – Lighting Proposals

(2) The following shall be considered Final PUD Official Exhibits from March 25, 2024, onward. If there is conflicting information between the following and the previous list of Official Exhibits, the following shall be considered correct:

- a. T001 – Title
- b. C000 – Survey
- c. C001 – Civil Site Plan
- d. C100 – Selective site demolition and erosion control plan
- e. C101 – Selective site demolition and erosion control plan
- f. C200 – Grading Drainage and Erosion Control Plan
- g. C201 – Grading Drainage and Erosion Control Plan
- h. C300 – Paving and Geometric Plan
- i. C301 – Paving and Geometric Plan
- j. C400 – Civil Details
- k. C500 – Watershed Summary
- l. L100 – Landscape Overview Plan
- m. L101 – Parking Expansion Landscape Plan
- n. L102 – Pool Area Landscape Removals Plan
- o. As-Built Landscape Data and 2024 Removals 2-1-24_Trees
- p. As-Built Landscape Data and 2024 Removals 2-1-24_Shrubs
- q. L103 – Pool Area Landscape Restoration Plan
- r. L104 – Landscape Detail
- s. L105 – Landscape Details
- t. Zelia on Seven-Site Lighting Plan 1-22-24

(3) The site shall also conform to the following requirements:

- a. The property shall be divided into two zones, as indicated on PUD Exhibit of the Official Exhibits. The zones shall be established by dividing the site into “Site A – West”, and “Site B – East”. The property shall be developed with 217 residential units, including 18 live/work units and 0.88 acres of urban forest.
- b. Parking will be provided off-street in a surface lot, on-street parallel parking, and structured parking. A total of 211 parking spaces will be provided: 97 parking spaces shall be provided underground in the structured parking, 90 parking spaces shall be provided on the surface lot, 24 parking spaces shall be provided on-street.

- c. The maximum building height for Site B – East shall not exceed 61 feet and five stories.
 - d. The development site shall include a minimum of 12% designed outdoor recreation area based on private developable land area.
 - e. The development shall incorporate a Travel Demand Management (TDM) plan. The details of the TDM plan shall be included in the planning development contract or as an exhibit thereto and amendments shall require city approval. The activities performed as specified in the TDM plan shall be reported to the city annually until December 31, 2027, and upon request by the city after that date.
- (c) Site A – West
- (1) Permitted.
 - a. Parking lot.
 - (2) Accessory uses.
 - a. Outdoor uses and outdoor storage are prohibited.
 - b. Solar energy systems.
- (d) Site B – East
- (1) Permitted with standards:
 - a. Mid-rise apartment dwellings. Uses associated with apartment dwellings, including, but not limited to the residential office, fitness facility, mail room, assembly rooms or general amenity space.
 - b. Live-work dwellings.
 - 1. All material or equipment shall be stored within an enclosed structure.
 - 2. Operation of the home occupation is not apparent from the public right of way.
 - 3. The activity does not involve warehousing, distribution or retail sales of merchandise produced off the site.
 - 4. No person is employed at the residence who does not legally reside in the home.
 - 5. No light or vibration originating from the business operation is discernible at the property line.
 - 6. Only equipment, machinery and materials which are normally found in the home are used in the conduct of the home occupation.
 - 7. No more than one non-illuminated wall sign limited to two square feet in area is used to identify the home occupation.
 - 8. Space within the dwelling devoted to the home occupation does not exceed one room or 45% of the floor area, whichever is greater.
 - 9. No portion of the home occupation is permitted within any attached or detached accessory building.
 - 10. The structure housing the home occupation conforms to the building code; and in the case where the home occupation is day care or if there

are any customers or students, the home occupation has received a certificate of occupancy.

- c. Commercial uses. Commercial uses are only permitted on the first floor, and are limited to the following: coffee shops, office, private indoor entertainment, retail shops, service, showrooms, and studios.
 - 1. All parking requirements must be met for each use per Sheet 62 of the Official Exhibits.
 - 2. Hours of operation for commercial uses shall be limited to 6:00 a.m. to 12:00 a.m.
 - 3. Restaurants are prohibited.
 - 4. In-vehicle sales is prohibited.
 - d. Civic and institutional uses. Civic and institutional uses are limited to the following: educational facility, indoor entertainment, police utility substations, parcel delivery service/post office and studios.
- (2) Accessory uses:
- a. Incidental repair or processing which is necessary to conduct a permitted use and not to exceed 10% of the gross floor area of the associated permitted use.
 - b. Home occupations as regulated by this chapter.
 - 1. Except family day care is prohibited.
 - c. Catering, if accessory to food service, delicatessen, or retail bakery.
 - d. Gardening and other horticultural uses.
 - e. Outdoor seating, with the following standards:
 - 1. No speakers or other electronic devices which emit sound are permitted outside of the principal structure if the use is located within 500 feet of a residential use.
 - 2. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. if located within 500 feet of a residential use.
 - f. No outdoor uses or storage allowed.
 - g. Solar energy systems.
 - h. Wind Energy Conversion Systems (WECS), with the following standards:
 - 1. Wind turbines shall be of the helical type.
 - 2. Helical wind turbines shall meet the following design requirements:
 - i. One WECS shall be allowed per lot.
 - ii. The WECS unit shall not exceed 17 feet in height, and shall not exceed 79 feet overall, including the building height when attached to the roof of a building.
 - iii. The fall zone shall be completely within the property lines of the lot within which the WECS is located.
 - iv. Minimize visual impact. WECS design and location shall minimize visual impact.

- v. Color and finish. All WECS shall be white, grey, black or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matt or non-reflective.
- vi. Tower lighting. WECS shall not be artificially lighted, except as specified herein and to the extent required by the FAA or other federal or state law or regulation that preempts local regulations.
- vii. Signs and displays. The use of any portion of a WECS for displaying flags and signs, other than warning or equipment information signs, is prohibited.
- viii. Associated equipment. Ground equipment associated with a WECS shall be housed in a structure. Structures housing equipment shall meet the architectural design standards of the Zoning Ordinance. Control wiring and powerlines shall be wireless or underground.
- ix. Braking system required. All WECS shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the structure, rotor blades and turbine components.
- x. Design height. The applicant shall provide evidence that the proposed height of the WECS does not exceed the height recommended by the manufacturer or distributor of the system.
- xi. Interconnection agreement. The applicant shall provide a copy of the utility notification requirements for interconnection, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid.
- xii. Technology standards. WECS must meet the minimum standards of a WECS certification program recognized by the American Wind Energy Association, such as AWEA's Small Wind Turbine Performance and Safety Standard, the Emerging Technologies program of the California Energy Commission, or other 3rd party standards acceptable to the City.
- xiii. Noise. Audible sound due to wind energy system operations shall comply with the standards governing noise contained in the City of St. Louis Park Code of Ordinances.
- xiv. If the WECS remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including foundations to below natural grade and transmission equipment.

(e) Special performance standards.

- (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking and screening requirements.
- (2) The site is exempt from the shadowing requirements specified in section 36-393(a)(4) of the zoning ordinance.
- (3) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this code. All trash handling and loading areas shall be screened from view within a waste enclosure.
- (4) Signs shall be allowed in conformance with the approved redevelopment plan or final PUD site plan and development agreement in accordance with the following conditions:
 - a. Pylon signs are prohibited.
 - b. Freestanding monument signs shall utilize the same exterior materials as the principal buildings and shall not interfere with pedestrian, bicycle or automobile circulation and visibility.
 - c. Maximum allowable number, sizes, heights, and yards for signs shall be regulated by article VIII, division 9, MU-3 requirements.
 - d. Wall signs of non-residential uses shall only be placed on the ground floor and exterior walls of the occupied tenant lease space, and/or a monument sign.
 - e. Wall signs shall not be included in calculating the aggregate sign area on the lot if they meet the following outlined conditions:
 1. Non-residential wall signs permitted by this section that do not exceed 7% of the exterior wall area of the ground floor tenant lease space.
 2. The sign is located on the exterior wall of the ground floor tenant lease space from which the 7% sign area was derived.
 3. No individual wall sign shall exceed 100 square feet in area.
- (5) Façade.
 - a. Fibrous cement, high performance brick veneer with rain screen cladding systems, and vertically integrated photovoltaic panels shall be considered Class I Materials.
- (6) Awnings.
 - a. Awnings must be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
 - b. Backlit awnings are prohibited.

Sec. 36-139. PUD 10.

- (a) PUD 10 is commonly referred to as “Knollwood Mall.”
- (b) Development plan.
 - (1) The site shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 - a. Site Plans

- b. Landscaping Plans
 - c. Lighting Plans
 - d. Grading Plans
 - e. Building Plans
 - f. Storm Water Plans
 - g. Utility Plans
 - h. Survey
- (2) The site shall also conform to the following requirements:
- a. A minimum of 1,695 parking spaces shall be provided on-site.
 - b. The maximum building height shall be 40 feet.
- (c) Permitted uses. The following uses are permitted uses in PUD 10:
- (1) Shopping Center. The shopping center shall be limited to the following uses:
- a. Office.
 - b. Medical/dental office.
 - c. Adult day care.
 - d. Group day care/nursery school.
 - e. Bank.
 - f. Food service.
 - g. Private indoor entertainment.
 - h. Retail.
 - i. Liquor store.
 - j. Service.
 - k. Showroom.
 - l. Studios.
 - m. Restaurants with or without intoxicating liquor.
 - n. Museum.
 - o. Police utility substation.
 - p. Parcel delivery service/post office.
 - q. Limited animal handling.
 - r. Lower potency hemp edible retailers.
- (d) Uses permitted with standards.
- (1) Cannabis retailer. The standards are as follows:
- a. The lot must be at least 1,000 feet from the property line of a site containing a school. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the center or building occupied by the cannabis retailer.
 - b. The lot must be at least 1,000 feet from the property line of a site containing a pawn shop, currency exchange, payday loan agency, firearms sales or sexually oriented business. In the case of a shopping center or multiuse building, the

- distance shall be measured from the portion of the center or building occupied by the cannabis retailer.
- c. The lot must be at least 1,000 feet from the property line of a site containing a cannabis retailer. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the shopping center or multiuse building occupied by the cannabis retailer.
 - d. In-vehicle sales or services are prohibited.
 - e. The use shall be contained within a completely enclosed building, and no outside storage, display, or sale of merchandise is permitted.
 - f. On-site consumption of cannabis edibles and beverages is prohibited.
- (e) Accessory uses. The following uses shall be permitted accessory uses in PUD 10:
- (1) Incidental repair or processing which is necessary to conduct a permitted use and does not exceed 10% of the gross floor area of the associated permitted use.
 - (2) Catering, if accessory to food service, delicatessen, or retail bakery.
 - (3) Food service.
 - (4) Outdoor seating and service of food and beverages with the following conditions:
 - a. No speakers or other electronic devices which emit sound are permitted outside of the principal structure if the use is located within 500 feet of a residential use.
 - b. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. if located within 500 feet of a residential use.
 - (5) In-vehicle sales or service, limited to restaurants, banks, and pharmacies.
 - a. Drive-through facilities and stacking areas shall not be located within 100 feet of any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, unless the entire facility and stacking areas are separated from the lot in a N district by a building wall.
 - b. Stacking shall be provided for six cars per customer service point and shall comply with all yard requirements.
 - c. This use shall only be permitted when it can be demonstrated that the operation will not have a significant adverse effect on the existing level of service on adjacent streets and intersections.
 - d. The drive-through facility shall be designed so it does not impede traffic or impair vehicular and pedestrian traffic movement or exacerbate the potential for pedestrian or vehicular conflicts.
 - e. Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
 - f. Any canopy constructed as part of this use shall be compatible with the architectural design and materials of the principal structure.

- g. The use is in conformance with the comprehensive plan including any provisions of the redevelopment chapter and the plan by neighborhood policies for the neighborhood in which it is located, and conditions of approval may be added as a means of satisfying this requirement.
- (6) Solar energy systems.
- (f) Special performance standards.
 - (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking, and screening requirements.
 - (2) Signage shall be subject to the regulations found in article VIII, division 9 pertaining to signs. PUD 10 shall be subject to the B-1 regulations with the following clarifications and modifications:
 - a. The maximum sign area shall be increased by 240 square feet with the condition that the additional signage be used in its entirety for a free-standing sign located at the corner of Highway 7 and Texas Ave S. The sign shall be double-sided and not exceed 120 square feet per side.
 - (3) Awnings shall be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited. Backlit awnings are prohibited.

Sec. 36-140. PUD 11.

- (a) PUD 11 is commonly referred to as “The Mera.”
- (b) Development plan.
 - (1) The site shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 - a. A1-0 Parking Level – P1
 - b. A1-1 Levels 1-2
 - c. A1-2 Levels 3-6
 - d. A3-0 Elevations
 - e. AP1-1 Area Plan – P1 and Level 1
 - f. AP1-2 Area Plan – Levels 2 & 3-5
 - g. AP1-6 Area Plan – Level 6
 - h. AS0.00 Alta Survey
 - i. C0.00 Cover Sheet
 - j. C0.01 Removals Plan
 - k. C0.02 Fire Plan
 - l. C0.03 Site Plan
 - m. C0.04 Site Details
 - n. C0.05 Site Details
 - o. C0.06 Site Details
 - p. C0.07 Grading Plan

- q. C0.08 Erosion Control Plan
 - r. C0.09 SWPPP
 - s. C0.10 Erosion Details
 - t. C0.11 Utility Plan
 - u. C0.12 Utility Service Profiles
 - v. C0.13 Utility Details
 - w. C0.14 Utility Details
 - x. C0.15 Utility Details
 - y. E0.2 Photometric Site Plan
 - z. E0.3 Photometric Plan Fixture Cut Sheet
 - aa. E0.4 Photometric Plan Fixture Cut Sheet
 - bb. L0.01 Landscape Notes and Schedules
 - cc. L0.02 Landscape Plan
 - dd. L0.02A Landscape Plan – Color
 - ee. L0.03 Landscape Details
 - ff. L0.04 DORA Plan
 - gg. PL0.01 Preliminary Plat Sheet 1
 - hh. PL0.02 Preliminary Plat Sheet 2
 - ii. PL0.03 Final Plat Sheet 1
 - jj. PL0.04 Final Plat Sheet 2
 - kk. PL0.05 Final Plat Sheet 3
 - ll. T1-0 Title Sheet
 - mm. 2-1 Project Imagery
 - nn. T2-2 Project Imagery
 - oo. T2-3 Project Imagery
 - pp. Shadow Studies
- (2) The site shall also conform to the following requirements:
- a. The property shall be developed with 233 residential units.
 - b. At least 325 off-street parking spaces shall be provided.
 - c. The maximum building height shall not exceed 73 feet and six stories.
 - d. The development site shall include a minimum of 20% designed outdoor recreation area based on private developable land area.
- (c) Permitted uses. The following uses are permitted uses:
- (1) Mid-rise apartment dwellings, and uses associated with the apartment dwellings, including, but not limited to, the residential management office, fitness facility, mail room, assembly rooms and general amenity space.
- (d) Accessory uses. Accessory uses are as follows:
- (1) Home occupations as regulated by this chapter.

- (2) Gardening and other horticultural uses.
- (3) Public transit stops/shelters.
- (4) Outdoor seating, excluding public address (PA) systems.
- (5) Outdoor uses and outdoor storage are prohibited.
- (6) Solar energy systems.
- (e) Special performance standards.
 - (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking and screening requirements.
 - (2) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this code. All trash handling and loading areas shall be screened from view within a waste enclosure. Trash enclosures shall be constructed from the same materials as the principal building.
 - (3) Signs shall be allowed in conformance with the following requirements:
 - a. The signs shall be consistent with the sign regulations for the N-4 zoning district.
 - b. Pylon signs shall be prohibited.

Sec. 36-141. PUD 12.

- (a) PUD 12 is commonly referred to as “Park Village.”
- (b) Development plan.
 - (1) The site shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 - a. Survey.
 - b. A100 Main Level Plan
 - c. A101 Upper-Level Plan
 - d. A300 Exterior Elevations
 - e. A301 Exterior Elevations
 - f. A302 Exterior Renderings
 - g. D2.1 Site/Drive through Layout Plan
 - h. Planting Plan Area 3
 - i. A1 Demo Plan, Patio Plan and Notes
 - j. A2 Elevations, Wall Section, Finish Plan
 - k. A2.03R Floor Plan and Elevations
 - l. Granite City Building Elevations
- (c) Permitted uses. The following uses are permitted uses:
 - (1) Medical/dental office.
 - (2) Funeral homes.
 - (3) Libraries.
 - (4) Museums.

- (5) Office.
- (6) Parks and open spaces.
- (7) Police/fire stations.
- (8) Banks.
- (9) Business/trade school/college.
- (10) Retail up to 20,000 square feet.
- (11) Service.
- (12) Studios.
- (13) Public service structures.
- (14) Food service.
- (15) Restaurants with or without intoxicating liquor.
- (16) More than one principal building located on a single lot.
- (17) Limited animal handling.
- (18) Lower potency hemp edible retailer.
- (d) Uses permitted with standards. The following uses are permitted if they comply with the standards specified in this section:
 - (1) Medical, optical or dental laboratories. The use shall not generate any fumes or odors which are detectable at the property lines of the parcel on which the use is located.
 - (2) Private indoor entertainment with or without intoxicating liquor.
- (e) Accessory uses.
 - (1) Accessory uses are as follows:
 - a. Catering if accessory to a restaurant, food service, delicatessen, grocery store or retail bakery.
 - b. In-vehicle sales or service. The standards are as follows:
 - 1. Stacking shall be provided for six cars per customer service point and shall comply with all yard requirements.
 - 2. This use shall only be permitted when it can be demonstrated that the operation will not have a significant adverse effect on the existing level of service on adjacent streets and intersections.
 - 3. The drive-through facility shall be designed so it does not impede traffic or impair vehicular and pedestrian traffic movement or exacerbate the potential for pedestrian or vehicular conflicts.
 - 4. Any canopy constructed as part of this use shall be compatible with the architectural design and materials of the principal structure.
 - c. Parking ramps.
 - d. Public transit stops/shelters.
 - e. Outdoor seating with the following standards:
 - 1. Public address (PA) systems are prohibited.

2. Additional parking will not be required if the outdoor seating area does not exceed 500 square feet or 10% of the gross floor area of the principal use, whichever is less. Parking will be required at the same rate as the principal use for that portion of outdoor seating area in excess of 500 square feet or 10% of the gross building area, whichever is less.
- f. Outdoor storage is prohibited.
- g. Solar energy systems.
- (f) Special performance standards.
 - (1) All general zoning requirements not specifically addressed in this PUD shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking and screening requirements.
 - (2) All solid waste materials containers shall be kept in the manner required by this code. All solid waste handling and loading areas shall be screened from view. The screening shall be constructed from the same materials as the principal building.
 - (3) Signs shall be allowed in conformance with the requirements found in the B-1 zoning district.

Sec. 36-142. PUD 13.

- (a) PUD 13 is commonly referred to as “Bridgewater Bank Corporate Headquarters.”
- (b) Development plan.
 - (1) The site located on property legally described as Lots 1 and 2, Block 1, Bridgewater Bank Addition, Hennepin County, Minnesota, shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 - a. G000P – Cover Sheet
 - b. G001P - Renderings
 - c. G002P – Shadow Study
 - d. C0.0 – Title Sheet
 - e. V1.0 – Site Survey
 - f. V1.1 – Final Plat Page 1
 - g. V1.2 – Final Plat Page 2
 - h. C1.0 – Removals Plan
 - i. C2.0 – Site Plan
 - j. C2.1 – Site Plan – Northern Drive
 - k. C2.2 – Vehicle Turning Movement Plan
 - l. C2.3 – Right of Way Dedication
 - m. C3.0 – Grading Plan
 - n. C3.1 Grading Plan – Northern Drive
 - o. C4.0 – Utility Plan
 - p. C5.0 – Civil Details
 - q. C5.1 – Civil Details

- r. C5.2 – Civil Details
- s. C5.3 – Civil Details
- t. SW1.0 – SWPPP – Existing Conditions
- u. SW1.1 – SWPPP – Proposed Conditions
- v. SW1.2 – SWPPP – Details & Narrative
- w. SW1.3 – SWPPP – Attachments
- x. SW1.4 – SWPPP - Attachments
- y. SW1.5 – SWPPP – Attachments
- z. L001 – Tree Preservation Plan
- aa. L100 – Landscape Plan
- bb. L400 – Landscape Enlargement
- cc. L500 – Landscape Details and Notes
- dd. AS100P – Architectural Site Plan
- ee. A090P – Floor Plan – Level P2
- ff. A100P – Floor Plan – Level P1
- gg. A110P – Floor Plan – Level 1
- hh. A120P – Floor Plan – Level 2
- ii. A130P – Floor Plan – Level 3
- jj. A140P – Floor Plan – Level 4
- kk. A160P – Roof Plan
- ll. A200P – Exterior Elevations
- mm. A201P – Exterior Elevations
- nn. A202P – Exterior Elevations
- oo. A203P – Exterior Elevations
- pp. A300P – Building Sections
- qq. AL100 – Photometric Plan
- rr. AL100 – Photometric P1 Plan
- ss. AL102 – Photometric P2 Plan

(2) The site shall also conform to the following requirements:

- a. The property shall be developed with 84,000 square feet of building space.
- b. Parking requirements shall be as follows:
 - 1. At least 277 off-street parking spaces shall be constructed.
 - 2. At least five public on-street parallel parking spaces shall be constructed on Excelsior Boulevard.
 - 3. Parking will be provided off-street in a surface lot (50 spaces), on-street parallel parking (5 spaces), and in below-grade structured parking (227).
 - 4. 10 spaces shall be shared parking via a shared parking easement with Lot 2 Block 1 Bridgewater Addition.

5. An off-street parking management plan shall be approved by the city and managed by the property owner, with the goal of avoiding spill over parking into surrounding streets in the neighborhood and maximizing the benefits of mixed-use development and shared parking.
- c. A commercial loading bay shall be located six feet from the east property line on the north side of the building. Access shall be provided from 36-1/2 Street.
- d. The maximum building height shall not exceed 62 feet and four stories, plus up to an additional 10 feet for stair and elevator penthouses.
- e. The development site shall include a minimum of 12% designed outdoor recreation area based on private developable land area.
- (c) Permitted uses. The following uses are permitted on Lot 2, Block 1, Bridgewater Bank Addition, Hennepin County, Minnesota:
 - (1) Office.
- (d) Permitted with standards. The following uses are permitted with standards on Lot 1, Block 1, Bridgewater Bank Addition, Hennepin County, Minnesota:
 - (1) Office. Office uses shall be limited to upper floors.
- (e) The following uses are permitted with standards on Lot 1 and Lot 2, Block 1, Bridgewater Bank Addition, Hennepin County, Minnesota:
 - (1) Commercial uses. Commercial uses shall be limited to the following:
 - a. medical/dental offices, libraries, museums, banks, and studios.
 - b. Retail and service facilities. The standards are as follows:
 1. No single use retail or service facility establishment over 4,000 square feet is permitted. The use shall be located on the ground floor and shall be permitted only as a part of a larger development which contains at least one other permitted principal use or as a part of a mixed-use PUD.
 2. All refuse shall meet the requirements of chapter 22 regulating refuse.
 - c. Restaurants with or without intoxicating liquor license. The standards are as follows:
 1. This use shall be permitted as part of a larger development which contains at least one other principal use or as part of a PUD.
 2. A Travel Demand Management Plan shall be implemented and shall provide ongoing mitigation while a restaurant use is present.
 3. These uses shall not result in any exterior building modifications, including truck docks or freestanding signage, overnight truck parking or similar features.
 4. If there is a wine, beer, and/or intoxicating liquor license, the Restaurant uses shall be located a minimum of 100 feet from any parcel that is zoned neighborhood and used or subdivided for residential or has an occupied institutional building including but not limited to a school, religious institution, or community center.
 5. In-vehicle sales is prohibited.

- d. Lower potency hemp edible retailers.
- (2) Civic and institutional uses. Civic and institutional uses are limited to educational facility, indoor entertainment, police utility substations, parcel delivery service/post office and studios. The standards are as follows:
 - a. All parking requirements must be met for each use.
 - b. In-vehicle sales are prohibited.
- (f) Accessory uses. Accessory uses are as follows:
 - (1) Parking lots.
 - (2) Parking structures. Facades that are visible from off-site shall display and integration of building materials, building form, textures, architectural motifs, and building colors with principal building.
 - (3) Public transit stops/shelters.
 - (4) Catering, if accessory to food service, delicatessen, or retail bakery.
 - (5) Outdoor seating, public address (PA) systems are prohibited.
 - (6) No outdoor uses or storage allowed.
 - (7) Solar energy systems.
 - (8) In-vehicle sales is prohibited.
- (g) Prohibited uses. The following uses are prohibited:
 - (1) In-vehicle sales.
- (h) Special performance standards.
 - (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking and screening requirements.
 - (2) Each commercial, civic, or institutional tenant space on the ground floor shall have a direct and primary access to and from the Excelsior Boulevard (south) building façade and the access shall remain open during business hours.
 - (3) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this Code. All trash handling and loading areas shall be screened from view within a waste enclosure.
 - (4) Signage shall be allowed in conformance with the C-2 General Commercial Zoning District and shall comply with the following:
 - a. Pylon signs shall be prohibited.
 - (5) Façade.
 - a. Composite wooden resin paneling a minimum of seven millimeters thick shall be considered a Class I Material.
 - b. The following façade design guidelines shall be applicable to all ground floor street-facing facades:
 - 1. Minimum ground floor transparency shall be 70% at the pedestrian level.
 - 2. No more than 10% of total window and door area shall be glass block, mirrored, spandrel, frosted or other opaque glass, finishes or material

including window painting and signs. The remaining 90% of window and door area shall be clear or slightly tinted glass, allowing views into and out of the interior.

3. Active permitted uses shall be maintained for a minimum depth of 15 feet. Storage areas and utility closets are prohibited within this 15 feet.
4. Visibility into the space shall be maintained for a minimum depth of 10 feet. This requirement shall not prohibit the display of merchandise

(6) Awnings.

- a. Awnings shall be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
- b. Backlit awnings are prohibited.

Sec. 36-143. PUD 14.

(a) PUD 14 is commonly referred to as “Caraway West End.”

(b) Development plan.

(1) The site located at Lot 2, Block 1, The Shops at West End, Hennepin County, Minnesota, shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:

- a. Exhibit A: Survey
- b. Exhibit B: T1.1 Title Sheet
- c. Exhibit C: A3.1 Exterior Elevations
- d. Exhibit D: A3.2 Exterior Elevations
- e. Exhibit E: AP0.01 Area Plan – P1
- f. Exhibit F: AP0.02 Area Plan – P2
- g. Exhibit G: AP.1 Area Plan – Level 1
- h. Exhibit H: AP.2 Area Plan – Level 2-5 Typical
- i. Exhibit I: AP.6 Area Plan – Level 6
- j. Exhibit J: C0.0 Cover Sheet
- k. Exhibit K: C1.0 General Notes
- l. Exhibit L: C2.0 Existing Conditions & Removal Plan
- m. Exhibit M: C3.0 Erosion & Sediment Control Plan – Phase 1
- n. Exhibit N: C3.1 Erosion & Sediment Control Plan – Phase 2
- o. Exhibit O: C4.0 Site Plan
- p. Exhibit P: C5.0 Grading & Drainage Plan
- q. Exhibit Q: C6.0 Utility Plan
- r. Exhibit R: L1.0 Landscape Plan
- s. Exhibit S: L1.1 Detail Landscape Plans
- t. Exhibit T: L1.2 Amenity Deck Landscape Plan
- u. Exhibit U: L1.4 Tree Preservation Plan
- v. Exhibit V: L1.5 Lighting Plan

- (2) The site shall also conform to the following requirements:
 - a. The property shall be developed with 207 dwelling units.
 - b. At least 315 off-street parking spaces shall be provided.
 - c. The maximum building height shall not exceed 73.2 feet and six stories.
 - d. The development site shall include a minimum of 46% designed outdoor recreation area based on private developable land area.
- (c) Permitted uses. The following uses are permitted on Lot 2, Block 1, The Shops at West End, Hennepin County, Minnesota:
 - (1) Mid-rise apartment dwellings, and uses associated with the apartment dwellings, including, but not limited to, the residential management office, fitness facility, mail room, assembly rooms and general amenity space.
- (d) Accessory uses. Accessory uses are as follows:
 - (1) Home occupations as regulated by this chapter.
 - (2) Gardening and other horticultural uses.
 - (3) Public transit stops/shelters.
 - (4) Outdoor seating, public address (PA) systems are prohibited.
 - (5) Outdoor uses and outdoor storage are prohibited.
 - (6) Solar energy systems.
- (e) Special performance standards.
 - (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking and screening requirements.
 - (2) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this code. All trash handling and loading areas shall be screened from view within a waste enclosure. Trash enclosures shall be constructed from the same materials as the principal building.
 - (3) Signage shall be allowed in conformance with the requirements found in article VIII, division 9, following the requirements for the MU-3 zoning district.

Sec. 36-144. PUD 15.

- (a) PUD 15 is commonly referred to as “Parkway Place, Parkway Flats, Parkway Residences Rehab, and Parkway Plaza.”
- (b) Development plan. The property shall be divided into four zones, as indicated on the PUD Exhibit of the Official Exhibits. The zones shall be established by dividing the site into a north campus, a southeast campus, a southwest campus, and a west campus. The north campus shall be called “Site 1,” the southeast campus shall be called “Site 2,” the southwest campus shall be called “Site 3,” and the west campus shall be called “Site 4.”
 - (1) Site 1

- a. Site 1, legally described as Lot 1, Block 1, Manhattan Park Second Addition, Hennepin County, Minnesota, shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:

1. C1.0.0 Title Sheet
2. V1.1.0 Alta/NSPS Land Title Survey
3. C1.1.0 Removals Plan
4. C1.2.0 Site Plan
5. C1.3.0 Grading Plan
6. C1.4.0 Utility Plan
7. C1.5.0 Civil Details
8. C1.5.1 Civil Details
9. C1.5.2 Civil Details
10. SW1.1.0 SWPPP Existing Conditions
11. SW1.1.1 SWPPP Proposed Conditions
12. SW1.1.2 SWPPP – Details
13. SW1.1.3 SWPPP – Narrative
14. SW1.1.4 SWPPP – Attachments
15. SW1.1.5 SWPPP - Attachments
16. 0.0 Cover sheet
17. 1.0 Floor Plan Level P2
18. 2.0 Floor Plan Level P1
19. 3.0 Floor Plan Level 1
20. 4.0 Floor Plan Level 2
21. 5.0 Floor Plan Level 3
22. 6.0 Floor Plan Level 4
23. 7.0 East & West Elevation
24. 8.0 North Elevation
25. 9.0 South Elevation
26. 23.0 DORA Site Plan
27. AL101A Photometric Plan West
28. AL101B Photometric Plan East
29. LS101 Landscape Layout Plan
30. LP101 Planting Plan
31. C1.2.1 Overall Site Plan
32. C1.3.1 Overall Grading Plan
33. C1.4.1 Overall Utility Plan
34. C1.4.2 Public Utility Plan and Profile
35. C.1.4.3 Public Utility Plan and Profile
36. L001 Tree Preservation Plan

37. LS100 Landscape Plan
38. LP500 Planting Details
39. LS500 Landscape Details

(2) Site 2

- a. Site 2, legally described as Lot 1, Block 3, Manhattan Park Second Addition, Hennepin County, Minnesota, shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 1. C2.0.0 Title Sheet
 2. V2.1.0 Alta/NSPS Land Title Survey
 3. C2.1.0 Removals Plan
 4. C2.2.0 Site Plan
 5. C2.3.0 Grading Plan
 6. C2.4.0 Utility Plan
 7. C2.5.0 Civil Details
 8. C2.5.1 Civil Details
 9. C2.5.2 Civil Details
 10. SW2.1.0 SWPPP Existing Conditions
 11. SW2.1.1 SWPPP Proposed Conditions
 12. SW2.1.2 SWPP – Details
 13. SW2.1.3 SWPPP – Narrative
 14. SW2.1.4 SWPPP – Attachments
 15. SW2.1.5 SWPPP - Attachments
 16. 10.0 Floor Plans
 17. 11.0 Building Elevations
 18. 23.0 DORA Site Plan
 19. AL102 Photometric Plan
 20. LS102 Landscape Layout Plan
 21. LP102 Planting Plan
- b. Site 2 shall also conform to the following requirements:
 1. Parking shall be provided off-street in a surface lot and on-street.
 - i. A total of six parking spaces will be provided in the surface lot.
 2. The property shall be developed with six residential units.
 3. The maximum height shall not exceed 33 feet and three stories.
 4. The site shall include a minimum 7% designed outdoor recreation area.

(3) Site 3

- a. Site 3, legally described as Lot 1, Block 2, Manhattan Park Second Addition, Hennepin County, Minnesota, shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 1. C3.0.0 Title Sheet

2. V3.1.0 Alta/NSPS Land Title Survey
3. C3.1.0 Removals Plan
4. C3.2.0 Site Plan
5. C3.3.0 Grading Plan
6. C3.4.0 Utility Plan
7. C3.5.0 Civil Details
8. C3.5.1 Civil Details
9. C3.5.2 Civil Details
10. SW3.1.0 SWPPP Existing Conditions
11. SW3.1.1 SWPPP Proposed Conditions
12. SW3.1.2 SWPP – Details
13. SW3.1.3 SWPPP – Narrative
14. SW3.1.4 SWPPP – Attachments
15. SW3.1.5 SWPPP - Attachments
16. 12.0 Floor Plan Level 1
17. 13.0 Floor Plan Level 2
18. 14.0 Floor Plan Level 3
19. 15.0 Floor Plan Level 4
20. 15.2 Floor Plan Roof Deck
21. 16.0 Elevation – North
22. 17.0 Elevation – South
23. 18.0 Elevation – East & West
24. 23.0 DORA Site Plan
25. AL103 Photometric Plan B. Site 3 shall also conform to the following requirements:
 - i. Parking shall be provided off-street in structured parking and on-street.
 - a. A total of 37 parking spaces will be provided in structured parking.
 - ii. The property shall be developed with 37 residential units.
 - iii. The maximum building height shall not exceed 50 feet and four stories.
 - iv. The site shall include a minimum 12% designed outdoor recreation area.

(4) Site 4

- a. Site 4, legally described as Lot 1, Block 1, Thomas O. Heggen's Addition, Hennepin County, Minnesota, shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 1. C4.0.0 Title Sheet

2. V4.1.0 Alta/NSPS Land Title Survey
3. C4.1.0 Removals Plan
4. C4.2.0 Site Plan
5. C4.3.0 Grading Plan
6. C4.4.0 Utility Plan
7. C4.5.0 Civil Details
8. C4.5.1 Civil Details
9. C4.5.2 Civil Details
10. SW4.1.0 SWPPP Existing Conditions
11. SW4.1.1 SWPPP Proposed Conditions
12. SW4.1.2 SWPP – Details
13. SW4.1.3 SWPPP – Narrative
14. SW4.1.4 SWPPP – Attachments
15. SW4.1.5 SWPPP - Attachments
16. 19.0 Floor Plan Level P1-3
17. 20.0 Floor Plan Level 4-11
18. 21.0 Building Elevations
19. 22.0 Building Elevations
20. 23.0 DORA Site Plan
21. AL104 Photometric Plan
22. LS102 Landscape Layout Plan
23. LP102 Planting Plan B. Site 4 shall also conform to the following requirements:
 - i. Parking shall be provided off-street in structured parking and in a surface lot.
 - a. A total of 19 parking spaces will be provided in the surface lot.
 - b. A total of 109 parking spaces will be provided on-street.
 - ii. The property shall be developed with 73 residential units.
 - iii. The maximum height shall not exceed 138 feet and 11 stories
 - iv. The site shall include a minimum 12% designed outdoor recreation area.

(c) Uses.

- (1) Permitted uses: The following uses are permitted in PUD 15:
 - a. Mid-rise apartment dwellings. Uses associated with apartment dwellings, including but not limited to, the residential office, fitness facility, mail room, assembly room or general amenity space.
- (2) Accessory uses: Accessory uses are as follows:
 - a. Home occupations as regulated by this chapter.
 - b. Gardening and other horticultural uses.

- c. Public transit stops/shelters.
- d. Outdoor seating, public address (PA) systems are prohibited.
- e. Outdoor uses and outdoor storage are prohibited.
- f. Accessory utility structures including:
 - 1. Small wind energy conversion system as defined in article X, Definitions.
 - 2. Solar energy systems.
 - 3. Cisterns and rainwater collection systems.
- (d) Special performance standards.
 - (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking, and screening requirements.
 - (2) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this code. All trash handling and loading areas shall be screened from view within a waste enclosure.
 - (3) Signage shall be subject to the regulations found in article VIII, division 9 pertaining to signs
 - a. Site 1, Site 2, and Site 3 shall be subject to the sign regulations for N-4 districts.
 - b. Site 4 shall be subject to the sign regulations for MU-2 districts.
 - c. Pylon signs shall be prohibited.
 - (4) Composite wooden resin paneling a minimum of seven millimeters thick shall be considered a Class I material.
 - (5) Awnings.
 - a. Awnings shall be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
 - b. Backlit awnings shall be prohibited.

Sec. 36-145. PUD 16.

- (a) PUD 16 is commonly referred to as “The Quentin.”
- (b) Development plan.
 - (1) The site located on property legally described as Lot 1, Block 1, Cedar Place Addition, Hennepin County, Minnesota, shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 - a. C000 Cover Sheet
 - b. C100 Existing Conditions & Removals Plan
 - c. C200 Sediment & Erosion Control – Phase I
 - d. C201 Sediment & Erosion Control – Phase II
 - e. C300 Site Plan
 - f. C400 Grading Plan
 - g. C410 Accessible Route Plan

- h. C500 Utility Plan
 - i. A000 Lower-Level Parking Plan
 - j. A001 Lobby/Upper-Level Parking Plan
 - k. A002-1 Floor Plans
 - l. A002-2 Floor Plan/Roof Plan
 - m. A003 Building Elevations
 - n. A004 Building Elevations
 - o. A005 Building Images
 - p. A006 Shadow Study
 - q. A007 Designated Outdoor Recreation Area
 - r. L000 Tree Preservation Plan
 - s. L100 Landscape Plan
 - t. Exterior Lighting Plan
- (2) The site shall also conform to the following requirements:
- a. Parking shall be provided off-street.
 - 1. A total of 107 parking spaces will be provided in structured parking.
 - 2. A total of five spaces will be provided in an off-street surface lot.
 - b. The property shall be developed with 79 residential units.
 - c. The maximum height shall not exceed 72 feet and six stories.
 - d. The site shall contain a minimum of 13% designed outdoor recreation area.
- (c) Uses.
- (1) Permitted uses. The following uses are permitted in PUD 16:
- a. Mid-rise apartment dwellings. Uses associated with the apartment dwellings, including but not limited to, the residential office, fitness facility, mail room, assembly room or general amenity space.
- (2) Accessory uses. Accessory uses are as follows:
- a. Home occupations as regulated by this chapter.
 - b. Gardening and other horticultural uses.
 - c. Public transit stops/shelters.
 - d. Outdoor seating, public address (PA) systems are prohibited.
 - e. Outdoor uses and outdoor storage are prohibited.
 - f. Accessory utility structures including:
 - 1. Small wind energy conversion system as defined in article X, Definitions.
 - 2. Solar energy systems.
 - 3. Cisterns and rainwater collection systems.
- (d) Special performance standards.
- (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking, and screening requirements.

- (2) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this code. All trash handling and loading areas shall be screened from view within a waste enclosure.
- (3) Signage shall be allowed in conformance with the N-4 zoning district and shall comply with the following:
 - a. Pylon signs shall be prohibited.
- (4) Fiber cement paneling a minimum of 5/8-inch thick shall be considered a class I material.
- (5) Awnings.
 - a. Awnings shall be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
 - b. Backlit awnings shall be prohibited.

Sec. 36-146. PUD 17.

- (a) PUD 17 is commonly referred to as "Union Park Flats."
- (b) Development plan.
 - (1) The site located on property legally described as Lots 1 and 2, Unity Village Apartments, Hennepin County, Minnesota, shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 - a. G001 Title Sheet
 - b. AL101 Architectural Site Plan
 - c. AL102 Architectural Context Plan
 - d. AL103 Shadow Study
 - e. AL104 Block Elevation Study
 - f. Existing Conditions Survey
 - g. Lot Division Survey
 - h. Preliminary Plat
 - i. Final Plat
 - j. C100 Selective Site Demolition and Erosion Control Plan
 - k. C200 Grading, Drainage, and Erosion Control Plan
 - l. C300 Utility Plan
 - m. C400 Paving and Geometric Plan
 - n. C500 Civil Details
 - o. C501 Civil Details
 - p. C600 Stormwater Pollution Prevention Plan
 - q. L010 General Notes & Schedules
 - r. L011 Reference Note & Plant Schedules
 - s. L012 Tree Preservation Plan
 - t. L110 Overall Site Plan
 - u. L111 Enlarged Site Plan – Courtyard

- v. L120 Overall Site Plan – DORA Exhibit
 - w. L140 Overall Tree Plan
 - x. L141 Overall Shrub & Perennial Plan
 - y. L142 Enlarged Landscape Plan – Courtyard
 - z. L500 Landscape Details
 - aa. L501 Landscape Details
 - bb. E0.00 Electrical Site Lighting Plan
 - cc. A001.0 Sublevel 1 – Overall Plan
 - dd. A101.0 Level 1 Plan – Overall
 - ee. A102.0 Level 2 Plan – Overall
 - ff. A103.0 – Level 3 Plan – Overall
 - gg. A201 Roof Plan – Overall
 - hh. A301 Building Elevations
 - ii. A302 Building Elevations
 - jj. A303 Building Elevations
 - kk. A304 Building Elevations
 - ll. PUD A1 Church Concept Models
 - mm.
 - UD A2 Church Demolition Plan
 - nn. PUD A3 Church Plan
 - oo. PUPD A4 Church Building Elevations
- (2) The site plan shall also conform to the following requirements:
- a. Parking shall be provided off-street.
 - 1. A total of 69 parking spaces shall be provided in structured parking.
 - 2. A total of 10 parking spaces shall be provided in the Lot 1 surface lot.
 - 3. A total of 31 parking spaces shall be provided in the Lot 2 parking lot.
 - b. Lot 1 shall be developed with 60 residential units.
 - c. The maximum height of both parcels shall not exceed 35 feet.
 - d. Lot 1 shall contain a minimum of 14% designed outdoor recreation area.
- (c) Permitted uses.
- (1) The following uses are permitted uses on Lot 1:
 - a. Mid-rise apartment dwellings. Uses associated with the apartment dwellings, including but not limited to fitness facility, mail room, assembly room or general amenity space.
 - (2) The following uses are permitted uses on Lot 2:
 - a. Religious institutions.
- (d) Accessory uses. Accessory uses are as follows:
- (1) Accessory utility structures including:
 - a. Small wind energy conversion system as defined in article X, Definitions.

- b. Solar energy systems.
 - c. Cisterns and rainwater collection systems.
- (2) Family day care serving 14 or fewer persons.
 - a. A licensed family day care facility may have one outside employee.
- (3) Gardening and other horticultural uses.
- (4) Property management or rental office provided it does not occupy more than 10% of the gross floor area.
- (5) Public transit stops/shelters.
- (6) Service and retail facilities intended for use of residents not to exceed 10% of the gross floor area of the development.
- (7) Outdoor seating, public address (PA) systems are prohibited.
- (8) Outdoor storage is prohibited.
- (9) Home occupations as regulated by this chapter.
- (e) Special performance standards.
 - (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking, and screening requirements.
 - (2) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this code. All trash handling and loading areas shall be screened from view within a waste enclosure.
 - (3) Signage shall be in conformance with the N-3 zoning district and shall comply with the following:
 - a. Pylon signs shall be prohibited.

Sec. 36-147. PUD 18.

- (a) PUD 18 is commonly referred to as "Texa-Tonka."
- (b) Development plan.
 - (1) The site located on property legally described as Lot 1, Block 1, Edith Addition, Hennepin County, Minnesota, shall be developed, used, and maintained in conformance with the following Final PUD signed official exhibits:
 - a. Preliminary Plat
 - b. Final Plat
 - c. C000 Cover sheet
 - d. V100 Survey
 - e. C100 General notes
 - f. C200 Tree inventory and preservation plan
 - g. C201 Demo plan
 - h. C300 Erosion and sediment control plan – phase 1
 - i. C301 Erosion and sediment control plan – phase 2
 - j. C302 Erosion and sediment control details

- k. C303 SWPPP
 - l. C400 Site plan
 - m. C600 Storm sewer plan
 - n. C700 Utility plan
 - o. C800 Construction details
 - p. C801 Construction details
 - q. C802 Construction details
 - r. C803 Construction details
 - s. L100 Landscape plan
 - t. L101 Landscape enlargement – north
 - u. L102 Landscape enlargement – south
 - v. L103 Landscape schedule
 - w. L104 Landscape details
 - x. L105 DORA plan
 - y. Photometric plan
 - z. Shadow study
 - aa. Townhome floor plans – Levels 1 & 2
 - bb. Townhome elevations
 - cc. South building floor plans – Level -1
 - dd. South building floor plans – Level 1
 - ee. South building floor plans – Level 2-3
 - ff. South building floor plans – Level 4
 - gg. Building elevations
 - hh. Renders – corner view
 - ii. Renders – driveway view
 - jj. Renders – townhome view
- (2) The site shall also conform to the following requirements:
- a. The property shall be developed with 112 residential units.
 - 1. 101 units shall be provided in a mid-rise apartment building on the south side of the site.
 - 2. 11 townhome units shall be provided on the north side of the site.
 - b. At least 134 off street-parking spaces shall be constructed and at least 4 on-street parallel parking spaces shall be provided on 29th Street West.
 - c. The maximum height shall be as follows:
 - 1. The height of the mid-rise apartment building shall not exceed 62 feet and five stories.
 - 2. The height of the townhome buildings shall not exceed 25 feet and two stories.

3. The site shall contain a minimum of 12% designed outdoor recreation area.

(c) Uses.

(1) Permitted uses. The following uses are permitted in PUD 18:

- a. Mid-rise apartment dwellings. Uses associated with the apartment dwellings, including but not limited to, the residential office, fitness facility, mail room, assembly room or general amenity space.

(2) Accessory uses. Accessory uses are as follows:

- a. Home occupations.
- b. Gardens.
- c. Parking lots.
- d. Public transit stops/shelters.
- e. Outdoor seating and public address (PA) systems are prohibited.
- f. Outdoor uses and outdoor storage are prohibited.
- g. Accessory utility structures including:
 1. Small wind energy conversion system as defined in article X, Definitions.
 2. Solar energy systems.
 3. Cisterns and rainwater collection systems

(d) Special performance standards.

- (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking, and screening requirements.
- (2) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this code. All trash handling and loading areas shall be screened from view within a waste enclosure.
- (3) Signage shall be allowed in conformance with N-4 zoning district and shall comply with the following:
 - a. Pylon signs shall be prohibited.
- (4) Awnings.
 - a. Awnings shall be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
 - b. Backlit awnings shall be prohibited.

Sec. 36-148. PUD 19.

- (a) PUD 19 is commonly referred to as "Rise on 7."

(b) Development plans.

- (1) The site located on property legally described at Lot 1, Block 1, Rise on 7, Hennepin County, Minnesota, shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 - a. Survey

- b. Preliminary Plat
- c. Final Plat
- d. C1-1 Demolition Plan
- e. C2-1 Site Plan
- f. C3-1 Grading Plan
- g. C3-2 SWPPP
- h. C3-3 SWPPP Notes
- i. C4-1 Sanitary & Watermain
- j. C4-2 Storm Sewer
- k. L1-1 Landscape Plan
- l. Landscape Details
- m. Lighting Plan
- n. A000 Cover Sheet
- o. A300 Level 0 Plan
- p. A310 Level 1 Plan
- q. A320 Level 2 Plan
- r. A330 Level 3 Plan
- s. A340 Level 4 Plan
- t. A500 Exterior Elevations
- u. A501 Exterior Elevation
- v. A502 Exterior Elevations
- w. A121 Shadow Study

(2) The site shall also conform to the following requirements:

- a. The property shall be developed with 120 dwelling units and 6,600 square feet of commercial space.
- b. The property shall include 167 off-street parking spaces.
- c. The maximum height shall not exceed 55 feet and five stories.
- d. The site shall contain a minimum of 12% of the lot area as designed outdoor recreation area.

(c) Uses.

(1) Permitted uses. The following uses are permitted in PUD 19:

- a. Mid-rise apartment mixed use dwellings. Uses associated with the apartment dwellings, including but not limited to, the residential leasing and property management office, fitness facility, mail room, assembly room or general amenity space.
- b. Group daycare/nursery schools complying with the following standards:
 - 1. The on-site outdoor activity areas shall be enclosed with a fence.
 - 2. City parks may be utilized to meet up to 50% of the required outdoor activity areas with the following standards:

- i. The park must have age-appropriate play equipment.
 - ii. There is a clearly defined and maintained sidewalk or improved trail connecting the facility to the park.
 - 3. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
- (2) Accessory uses. Accessory uses are as follows:
 - a. Home occupations as regulated by this chapter.
 - b. Gardening and horticultural uses.
 - c. Public transit stops/shelters.
 - d. Outdoor seating and public address (PA) systems are prohibited.
 - e. Outdoor uses and outdoor storage are prohibited.
 - f. Accessory utility structures including:
 - 1. Small wind energy conversion system as defined in article X, Definitions.
 - 2. Solar energy systems.
 - 3. Cisterns and rainwater collection systems.
- (d) Special performance standards.
 - (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking, and screening requirements.
 - (2) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this code. All trash handling and loading areas shall be screened from view within a waste enclosure.
 - (3) Signs shall be allowed in conformance with the sign regulations for the N-4 zoning district and shall comply with the following:
 - a. Pylon signs shall be prohibited.

Sec. 36-149. PUD 20.

- (a) PUD 20 is commonly referred to as “Corsa.”
- (b) Development plans.
 - (1) The site located on property legally described as Lot 1, Block 1, Beltline Industrial Park 4th Addition, Hennepin County, Minnesota, shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 - a. Preliminary Plat
 - b. Final Plat
 - c. C000 Cover sheet
 - d. Existing conditions survey
 - e. C100 General notes
 - f. C101 Tree inventory and preservation plan
 - g. C200 Existing conditions and removal plan
 - h. C300 Erosion and sediment control plan – phase 1

- i. C301 Erosion and sediment control plan – phase 2
- j. C302 Erosion and sediment control details
- k. C303 SWPPP
- l. C400 Site plan
- m. C401 Fire access plan
- n. C500 Grading plan
- o. C501 Stormwater management plan
- p. C502 Stormwater details
- q. C503 Stormwater details
- r. C600 Utility plan
- s. C700 Construction details
- t. C701 Construction details
- u. C702 Construction details
- v. C703 Construction details
- w. L100 Landscape plan
- x. L101 Landscape schedule
- y. L102 Landscape details
- z. L103 DORA plan
- aa. A.00 Cover sheet
- bb. A.01 Concept Level 1
- cc. A.02 Concept Level 2
- dd. A.03 Concept Level 3
- ee. A.04 Concept Level 4
- ff. A.05 Concept Level 5
- gg. A.06 Concept Roof Plan
- hh. A.07 Concept Elevations
- ii. A.08 Concept Elevations
- jj. A.09 Concept Elevations and Diagrams
- kk. A.10 Project Information and Details
- ll. A.11 Project Images
- mm. un Studies
- nn. E060 Site Photometric Plan
- oo. E061 Site Photometric Fixture Cut Sheet

(2) The site shall also conform to the following requirements:

- a. The property shall be developed with 250 residential units and a minimum of 7,400 square feet of ground floor commercial.
- b. At least 352 off street-parking spaces shall be constructed. Up to a 20% reduction of required parking may be permitted for residential and non-

residential uses under the terms of a parking management plan approved by the zoning administrator.

- c. The maximum building height shall be 56 feet and five stories.
- d. The site shall contain a minimum of 12% designed outdoor recreation area based on private developable land area.

(c) Uses.

(1) Permitted uses. The following uses are permitted in PUD 20:

- a. Mid-rise apartment mixed use dwellings. Uses associated with the apartment dwellings, including but not limited to, the residential office, fitness facility, mail room, assembly room or general amenity space.

(2) Permitted with standards. The following uses are permitted with standards in PUD 20:

- a. Live-work units.
 - 1. Live-work uses as defined by article X of city code are permitted on the first floor.
- b. Commercial uses. Commercial uses are only permitted on the first floor, and are limited to the following: restaurants, coffee shops, office, private entertainment (indoor), retail, service, showrooms, studios and lower potency hemp edible retailers.
 - 1. All parking requirements must be met for each use.
 - 2. Hours of operation for commercial uses shall be limited to 6:00 a.m. to 12:00 a.m.
 - 3. In-vehicle sales is prohibited.

(3) Accessory uses: Accessory uses are as follows:

- a. Home occupations as regulated by this chapter.
- b. Gardening and other horticultural uses.
- c. Public transit stops/shelters.
- d. Outdoor seating.
 - 1. Public address (PA) systems are prohibited.
- e. Outdoor uses and outdoor storage are prohibited.
- f. Accessory utility structures including:
 - 1. Small wind energy conversion system as defined in article X, Definitions.
 - 2. Solar energy systems.
 - 3. Cisterns and rainwater collection systems.

(d) Special performance standards.

- (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking, and screening requirements.

- (2) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this Code. All trash handling and loading areas shall be screened from view within a waste enclosure.
- (3) Signage shall be allowed in conformance with the MU-3 zoning district and shall comply with the following:
 - a. Pylon signs shall be prohibited.
- (4) Awnings.
 - a. Awnings shall be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
 - b. Backlit awnings shall be prohibited.

Sec. 36-150. PUD 21.

- (a) PUD 21 is commonly referred to as "Risor."
- (b) Development plans.
 - (1) The site located on property legally described as Lot 1, Block 1, Belt Line Industrial Park 3rd Addition, Hennepin County, Minnesota, shall be developed, used, and maintained in conformance with the following Final PUD approved Official Exhibits:
 - a. V001 Alta Survey
 - b. V002 Final Plat
 - c. P0.01 Preliminary Plat
 - d. C000 Cover sheet
 - e. A0.01 Concept floor plan level 1
 - f. A0.02 Concept floor plan level 2
 - g. A0.03 Concept floor plan level 3
 - h. A0.04 Concept floor plan level 4
 - i. A0.05 Concept floor plan level 5
 - j. A0.06 Concept floor plan level 6
 - k. A0.07 Concept roof plan
 - l. A0.08 Concept exterior elevations
 - m. A0.09 Concept exterior elevations
 - n. A0.10 Project images
 - o. A0.11 Shadow studies
 - p. C0.01 Site plan
 - q. C0.02 Site access plan
 - r. C0.03 Grading and erosion control plan
 - s. C0.04 Utility plan
 - t. L0.0 Tree preservation plan
 - u. L0.01 Landscape plan
 - v. L0.01 Landscape plan – color

- w. L0.02 Landscape schedule
 - x. L0.03 Dora plan
 - y. V000 Site lighting plan
- (2) The site shall also conform to the following requirements:
- a. The property shall be developed with 177 residential units and a minimum of 4,000 square feet of ground floor commercial.
 - b. At least 240 off street-parking spaces shall be constructed. Up to a 20% reduction of required parking may be permitted for residential and non-residential uses under the terms of a parking management plan approved by the zoning administrator.
 - c. The maximum building height shall be 70 feet and six stories.
 - d. The site shall contain a minimum of 12% designed outdoor recreation area based on private developable land area.
- (c) Uses.
- (1) Permitted uses. The following uses are permitted in PUD 21:
- a. Mid-rise apartment mixed use dwellings. Uses associated with the apartment dwellings, including but not limited to, the residential office, fitness facility, mail room, assembly room or general amenity space.
- (2) Permitted with standards. The following uses are permitted with standards in PUD 21:
- a. Live-work units.
 - 1. Live-work uses as defined by article X, Definitions of city code are permitted on the first floor.
 - 2. A Registration of Land Use (RLU) shall be approved by the city when there is a change in commercial tenant.
 - b. Commercial uses. Commercial uses are only permitted on the first floor, and are limited to the following: restaurants, coffee shops, office, private entertainment (indoor), retail, service, showrooms, studios and lower potency hemp edible retailers.
 - 1. All parking requirements must be met for each use.
 - 2. Hours of operation for commercial uses shall be limited to 6:00 a.m. to 12:00 a.m.
 - 3. In-vehicle sales is prohibited.
- (3) Accessory uses: Accessory uses are as follows:
- a. Home occupations as regulated by this chapter.
 - b. Gardening and horticultural uses.
 - c. Public transit stops/shelters.
 - d. Outdoor seating.
 - 1. Public address (PA) systems are prohibited.
 - e. Outdoor uses and outdoor storage are prohibited.

- f. Accessory utility structures including:
 - 1. Small wind energy conversion system as defined in article X, Definitions.
 - 2. Solar energy systems.
 - 3. Cisterns and rainwater collection systems.
- (d) Special performance standards.
 - (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, architectural design, landscaping, parking, and screening requirements.
 - (2) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this code. All trash handling and loading areas shall be screened from view within a waste enclosure.
 - (3) Signage shall be allowed in conformance with the MU-3 Zoning Districts and shall comply with the following:
 - a. Pylon signs shall be prohibited.
 - (4) Awnings.
 - a. Awnings shall be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
 - b. Backlit awnings shall be prohibited.

Sec. 36-151. PUD 22.

- (a) PUD 22 is commonly referred to as “Beltline Station Sherman.”
- (b) Development plan.
 - (1) The property shall be divided into four zones, as indicated on the A0.01 Architectural Site Plan of the Official Exhibits. The zones shall be established by dividing the site into four lots. The northwest lot shall be called “Site 1”, the northeast lot shall be called “Site 2”, the southeast lot shall be called “Site 3”, and the southwest lot shall be called “Site 4”.
 - a. Development
 - 1. Site 1, Site 2, Site 3, and Site 4 shall be developed, used, and maintained in conformance with the following Final PUD Official Exhibits:
 - i. PP100 Preliminary Plat
 - ii. PP200 Comprehensive Preliminary Plat
 - iii. Final Plat
 - iv. V1.00 Alta Survey
 - v. V1.01 Alta Survey
 - vi. A0.01 Architectural Site Plan
 - vii. A0.19 Shadow Study
 - viii. C0.00 Cover Sheet
 - ix. C1.00 General Notes
 - x. C2.00 Demo Plan

- xi. C3.00 Erosion and Sediment Control Plan – Phase 1
- xii. C3.01 Erosion and Sediment Control Plan – Phase 2
- xiii. C3.02 Erosion and Sediment Control Details
- xiv. C3.03 SWPPP
- xv. C4.00 Site Plan
- xvi. C4.01 Site Access Plan
- xvii. C5.00 Grading Plan
- xviii. C5.01 Storm Sewer Plan
- xix. C6.00 Utility Plan
- xx. C6.01 Sanitary Sewer Plan
- xxi. C6.02 Water Plan
- xxii. C6.03 Dry Utility Plan
- xxiii. C7.00 Construction Details
- xxiv. C7.01 Construction Details
- xxv. C7.02 Construction Details
- xxvi. E0.00 Electrical Site Photometrics
- xxvii. V1.02 Tree Survey
- xxviii. G0.01 Cover Sheet
- xxix. L.100 Overall Site – Landscape Plan
- xxx. L.101 Overall Site – Planting Plan
- xxxi. L.106 DORA – Site Plan
- xxxii. L300 Construction Details
- xxxiii. L301 Construction Details

b. Site 1

- 1. Site 1, legally described as Lot 1, Block 1, Beltline Station, Hennepin County, Minnesota, shall be developed, used, and maintained in conformance with the following Final PUD Official Exhibits:
 - i. A1.01 Building 1 – Level 1
 - ii. A1.02 Building 1 – Level 2
 - iii. A1.03 Building 1 – Level 3
 - iv. A1.04 Building 1 – Level 4
 - v. A1.05 Building 1 – Level 5-7
 - vi. A1.06 Building 1 Elevations
 - vii. A1.07 Building 1 Elevations
 - viii. A1.08 Building 1 Data Summary
 - ix. A1.09 Building 1 - Roof
 - x. L102 Building 1 – Planting Plan
- 2. Site 1 shall also conform to the following requirements:

- i. The property shall be developed with a mixed-use building with 156 residential units and 19,000 square feet of commercial uses.
 - ii. The maximum height shall not exceed 83 feet and seven stories
 - iii. The site shall include a minimum 12% designed outdoor recreation area.
 - iv. Parking shall be provided off-street in structured parking and surface parking lots.
 - a. A total of 55 parking spaces shall be provided off street in surface parking. 6 spaces shall include Level 2 electric vehicle charging stations.
 - b. A total of 247 parking spaces shall be provided off-site on Site 4, and an irrevocable covenant or easement shall be recorded by the county on Site 4 benefiting Site 1. 13 spaces shall include Level 2 electric vehicle charging stations.
- c. Site 2
 - 1. Site 2, legally described as Lot 2, Block 1, Beltline Station, Hennepin County, Minnesota, shall be developed, used, and maintained in conformance with the following Final PUD Official Exhibits:
 - i. A2.01 Building 2 – Level P1
 - ii. A2.02 Building 2 – Level 1
 - iii. A2.03 Building 2 – Level 2
 - iv. A2.04 Building 2 – Level 3
 - v. A2.05 Building 2 – Level 4
 - vi. A2.06 Building 2 Elevations
 - vii. A2.07 Building 2 Elevations
 - viii. A2.08 Building 2 Data Summary
 - ix. A2.09 Building 2 - Roof
 - x. L103 Building 2 – Planting Plan
 - 2. Site 2 shall also conform to the following requirements:
 - i. The property shall be developed with 82 residential units.
 - ii. The maximum height shall not exceed 49 feet and four stories.
 - iii. The site shall include a minimum 12% designed outdoor recreation area.
 - iv. Parking shall be provided off-street in structured parking and surface parking lots.
 - a. A total of 56 parking spaces will be provided in structured parking.
 - b. A total of 36 parking spaces will be provided in surface parking lots.
 - c. 9 spaces shall include Level 2 electric vehicle charging stations.

d. Site 3

1. Site 3, legally described as Lot 3, Block 1, Beltline Station, Hennepin County, Minnesota, shall be developed, used, and maintained in conformance with the following Final PUD Official Exhibits:
 - i. A3.01 Building 3 – Level P1
 - ii. A3.02 Building 3 – Level 1
 - iii. A3.03 Building 3 – Level 2
 - iv. A3.04 Building 3 – Level 3-4
 - v. A3.05 Building 3 – Level 5
 - vi. A3.06 Building 3 Elevations
 - vii. A3.07 Building 3 Elevations
 - viii. A3.08 Building 3 Data Summary
 - ix. A3.09 Building 3 - Roof
 - x. L104 Building 4 – Planting Plan
2. Site 3 shall also conform to the following requirements:
 - i. The property shall be developed with 146 residential units.
 - ii. The maximum height shall not exceed 60 feet and five stories.
 - iii. The site shall include a minimum 12% designed outdoor recreation area.
 - iv. Parking shall be provided off-street in structured parking and surface parking lots.
 - a. A total of 96 parking spaces will be provided in structured parking.
 - b. A total of 5 parking spaces will be provided in surface parking lots.
 - c. A total of 77 parking spaces shall be provided off-site on Site 4, and an irrevocable covenant or easement shall be recorded by the county on Site 4 benefiting Site 3.
 - d. 13 spaces shall include Level 2 electric vehicle charging stations.

e. Site 4

1. Site 4, legally described as Lot 4, Block 1, Beltline Station, Hennepin County, Minnesota, shall be developed, used, and maintained in conformance with the following Final PUD Official Exhibits:
 - i. A4.01 Parking Ramp – Level P1
 - ii. A4.02 Parking Ramp – Level 1
 - iii. A4.03 Parking Ramp – Level 2
 - iv. A4.04 Parking Ramp – Level 3
 - v. A4.05 Parking Ramp – Level 4
 - vi. A4.06 Parking Ramp – Level 5
 - vii. A4.07 Parking Ramp – Level 6

- viii. A4.08 Parking Ramp – Level 7
 - ix. A4.09 Parking Ramp Elevations
 - x. A4.010 Parking Ramp Elevations
 - xi. A0.20 Parking Ramp Diagram
 - xii. E0.01 Typical Internal Ramp Level Photometrics
 - xiii. E0.02 Parking Ramp Roof Photometrics
 - xiv. E0.03 Parking Ramp Level 1-6 Photometrics
 - xv. L105 Parking Garage – Planting Plan
2. Site 4 shall also conform to the following requirements:
- i. The property shall be developed with 1,900 square feet of commercial uses on the southwest corner of ground floor.
 - ii. The maximum height shall not exceed 77 feet and 6.5 stories for the ramp structure and shall not exceed 93 feet to the peak of the clock tower.
 - iii. The site shall include a minimum 12% designed outdoor recreation area.
 - iv. Parking shall be provided in a structured parking ramp:
 - a. A total of 247 parking spaces will be provided for Site 1
 - b. A total of 77 parking spaces will be provided for Site 3
 - c. A total of 268 parking spaces will be provided for transit station park and ride.
 - v. The property shall utilize a minimum of 67% class 1 materials on the west facade and a minimum of 50% class 1 materials on the south facade.

(c) Uses.

(1) Permitted uses. The following uses are permitted in PUD 22:

- a. Mid-rise apartment dwellings, including mid-rise apartment mixed use dwellings. Uses associated with the apartment dwellings, including but not limited to, the residential office, fitness facility, mail room, assembly room or general amenity space.

(2) Permitted with standards. The following uses are permitted in PUD 22 if it complies with the standards specified for the use in this subsection:

- a. Commercial uses. Commercial uses limited to the following: bank, coffee shop, food service, grocery store, liquor store, medical/dental office, office, private entertainment (indoor), restaurants, retail, service, showroom, studio, cannabis retailer and lower potency hemp edible retailer. These commercial uses shall meet the following standards:
 - 1. Commercial uses are limited to the first floor.
 - 2. Hours of operation, including loading/unloading of deliveries, for commercial uses shall be limited to 6:00 a.m. to 12:00 a.m.

3. In-vehicle sales or services are prohibited.
 4. Outdoor storage is prohibited.
 5. A lot with a cannabis retailer must be at least 1,000 feet from the property line of a site containing a school. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the center or building occupied by the cannabis retailer.
 6. A lot with a cannabis retailer must be at least 1,000 feet from the property line of a site containing a pawn shop, currency exchange, payday loan agency, firearms sales, sexually-oriented business, and other cannabis retailers. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the center or building occupied by the cannabis retailer.
 7. Cannabis retailers shall be contained within a completely enclosed building, and no outside storage, display, or sale of merchandise is permitted.
 8. On-site consumption of cannabis edibles and beverages is prohibited.
- (3) Accessory uses. Accessory uses are as follows:
- a. Home occupations as regulated by this chapter.
 - b. Gardening and other horticultural uses.
 - c. Parking ramps.
 - d. Incidental repair or processing which is necessary to conduct a permitted use and not to exceed 10% of the gross floor area of the associated permitted use.
 - e. Public transit stops/shelters.
 - f. Catering, if accessory to food service, delicatessen, or retail bakery.
 - g. Food service.
 - h. Outdoor seating and service of food and beverages with the following standards:
 1. No speakers or other electronic devices which emit sound are permitted.
 2. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
 - i. Accessory utility structures including:
 1. Small wind energy conversion system as defined in article X, Definitions.
 2. Solar energy systems. A solar energy system with a supporting framework that is either placed on, or anchored in, the ground and that is independent of any building or other structure; or that is affixed to or an integral part of a principal or accessory building, including but not limited to photovoltaic or hot water solar energy systems which are contained within roofing materials, windows, skylights, and awnings.
 3. Cisterns and rainwater collection systems.
 - j. Outdoor storage is prohibited.
 - k. Communication towers are prohibited.
 - l. Small cell antennae are prohibited on the clock tower.

(d) Special performance standards.

- (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, transparency, architectural design, landscaping, parking, and screening requirements.
- (2) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this code. All trash handling and loading areas shall be screened from view within a waste enclosure.
- (3) Signs shall be allowed in conformance with the approved final PUD site plan and development agreement in accordance with the following conditions:
 - a. Freestanding monument signs shall utilize the same exterior materials as the principal buildings and shall not interfere with pedestrian, bicycle or automobile circulation and visibility, and shall be a maximum height of 15 feet.
 - b. Maximum allowable number, sizes, heights, and yards for signs shall be regulated by article VIII, division 9, MU-3 requirements.
 - c. Wall signs of non-residential uses shall only be placed on the ground floor and exterior walls of the occupied tenant lease space, and/or a monument sign.
 - d. Wall signs shall not be included in calculating the aggregate sign area on the lot if they meet the following outlined conditions:
 1. Non-residential wall signs permitted by this section that do not exceed 7% of the exterior wall area of the ground floor tenant lease space.
 2. The sign is located on the exterior wall of the ground floor tenant lease space from which the 7% sign area was derived.
 3. No individual wall sign shall exceed 100 square feet in area.
- (4) Awnings.
 - a. Awnings shall be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
 - b. Backlit awnings shall be prohibited.

Sec. 36-152. PUD 23.

- (a) PUD 23 is commonly referred to as “Arbor Court.”
- (b) Development plan.
 - (1) The site shall be developed, used, and maintained in conformance with the following Final PUD signed Official Exhibits:
 - a. C Preliminary Plat
 - b. C Final Plat
 - c. C ALTA-NSPS Land Title Survey
 - d. C Easement Vacation Exhibit
 - e. C EX-1 DORA Exhibit
 - f. C Storm Report
 - g. C1-1 Demolition Plan

- h. C2.1 Site Plan
- i. C3-1 Grading Plan
- j. C3-2 SWPPP
- k. C3-3 SWPPP Notes
- l. C4.1 Sanitary Sewer & Water Main Plan
- m. C4.2 Storm Sewer Plan
- n. C8-1 City Details
- o. C8-2 Civil Notes
- p. A1.0 Project Data
- q. A2.0 Site Plan
- r. A3.0 Floor Plans – Level -1
- s. A3.1 Floor Plans – Level 1
- t. A3.2 Floor Plans – Levels 2 & 3
- u. A3.3 Floor Plans – Level 4
- v. A3.4 Roof Plan
- w. A4.2 Elevations
- x. A6.0 Exterior Material Schedule
- y. L1-1 Landscape Plan
- z. L1-2 Landscape Details
- aa. LI Site Photometrics Plan
- bb. LII Garage Photometrics Plan

(2) The site shall also conform to the following requirements:

- a. The property shall be developed with 114 residential units.
- b. 207 off-street parking spaces shall be provided.
- c. The maximum building height shall not exceed 49 feet and four stories.
- d. The development site shall include a minimum of 12.2% designed outdoor recreation area based on private developable land area.

(c) Uses.

(1) Permitted uses. The following uses are permitted in PUD 23:

- a. Mid-rise apartment dwellings. Uses associated with the apartment dwellings, including but not limited to, the residential office, fitness facility, mail room, assembly room or general amenity space.

(2) Accessory uses. Accessory uses are as follows:

- a. Home occupations as regulated by this chapter.
- b. Gardening or other horticultural uses.
- c. Public transit stops/shelters.
- d. Accessory utility structures including:
 - 1. Small wind energy conversion system as defined in article X, Definitions.

2. Solar energy systems. A solar energy system with a supporting framework that is either placed on, or anchored in, the ground and that is independent of any building or other structure; or that is affixed to or an integral part of a principal or accessory building, including but not limited to photovoltaic or hot water solar energy systems which are contained within roofing materials, windows, skylights, and awnings.
 3. Cisterns and rainwater collection systems.
 - e. Outdoor uses and outdoor storage are prohibited.
 - f. Communication towers are prohibited.
- (d) Special performance standards.
- (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, transparency, architectural design, landscaping, parking, and screening requirements.
 - (2) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this code. All trash handling and loading areas shall be screened from view within a waste enclosure.
 - (3) Signage shall be allowed in conformance with the N-4 zoning district and shall comply with the following:
 - a. Pylon signs shall be prohibited.
 - (4) Awnings.
 - a. Awnings shall be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
 - b. Backlit awnings shall be prohibited.

Sec. 36-153. PUD 24.

- (a) PUD 24 is commonly referred to as “Wooddale Station (OlyHi).”
- (b) Development plans.
 - (1) The site located on property legally described as Lot 1, Block 1, Wooddale Station, Hennepin County, Minnesota, shall be developed, used, and maintained in conformance with the following Final PUD approved Official Exhibits:
 - a. C0.0 Title Sheet
 - b. C0.1 Site Survey
 - c. C0.10 Site Survey Drawing
 - d. C0.2 Preliminary Plat
 - e. C0.3 Final Plat
 - f. C1.0 Removals Plan
 - g. C1.1 Tree Preservation Plan
 - h. C2.0 Site Plan
 - i. C3.0 Grading Plan
 - j. C4.0 Utility Plan

- k. C5.0-C5.6 Civil Details
 - l. L1.0 Landscape Plan
 - m. L1.1 Designed Outdoor Recreation Area Plan
 - n. L1.2 Landscape Plan Notes and Details
 - o. Photometric Site Lighting Plan
 - p. Parking Structure Lighting Plan – Level P1
 - q. Parking Structure Lighting Plan – Level 1
 - r. Parking Structure Lighting Specifications
 - s. SW1.0 SWPPP Existing Conditions
 - t. SW1.1 SWPPP Proposed Conditions
 - u. SW1.2 SWPPP-Details
 - v. SW1.3 SWPPP-Narrative
 - w. A0.0 Title Page
 - x. A1.0 Introduction – Table of Contents
 - y. A1.1 Introduction – Project Information
 - z. A2.0 Site Analysis – Aerial Views
 - aa. A2.1 Site Analysis – Zoning
 - bb. A2.2 Site Analysis – Surrounding Buildings
 - cc. A2.3 Site Analysis – Existing Conditions
 - dd. A3.0 Proposed Project – Site Plan
 - ee. A3.1 Proposed Project – Circulation
 - ff. A3.2 Designed Outdoor Recreation Area Plan Diagram
 - gg. A4.0 Proposed Project – Floor Plan – Level P1
 - hh. A4.1 Proposed Project – Floor Plan – Level 1
 - ii. A4.2 Proposed Project – Floor Plan – Level 2
 - jj. A4.3 Proposed Project – Floor Plan – Level 3-5
 - kk. A4.4 Proposed Project – Floor Plan – Level 6
 - ll. A4.5 Proposed Project – Roof Plan
 - mm. 5.0-A5.5 Proposed Project – Exterior Elevations
 - nn. A6.0-A6.12 Proposed Project – Perspectives
 - oo. A7.0 Proposed Project – Shadow Study
 - pp. A8.0-A8.1 Proposed Project – Material Boards
 - qq. A9.0-A9.1 Proposed Project – Project Data
 - rr. Site Loading and Unloading Exhibit
 - ss. Site Public Access Exhibit
 - tt. Waste Removal Route
- (2) The site shall also conform to the following requirements:
- a. The property shall be developed with two buildings:

1. One mixed-use building with 69 residential units and 12,000 square feet of commercial uses.
2. One mixed-use building with 240 residential units and six live-work units.
- b. The maximum height shall not exceed 77 feet and six stories for either building.
- c. The site shall include a minimum 12% designed outdoor recreation area.
- d. 408 off-street parking spaces shall be provided, and a parking management plan shall be filed with the city.

(c) Uses.

(1) Permitted uses. The following uses are permitted in PUD 24:

- a. Mid-rise apartment mixed use dwellings. Uses associated with the apartment dwellings, including but not limited to, the residential office, fitness facility, mail room, assembly room or general amenity space.

(2) Uses permitted with standards. The following uses are permitted in PUD 24 if the use complies with the standards specified for the use in this subsection:

- a. Commercial uses: Commercial uses limited to the following: bank, coffee shop, food service, grocery store, liquor store, medical/dental office, office, private entertainment (indoor), restaurants, retail, service, showroom, studio, cannabis retailer and lower potency hemp edible retailer. These commercial uses shall meet the following standards:
 1. Commercial uses are limited to the first floor.
 2. Hours of operation, including loading/unloading of deliveries, for commercial uses shall be limited to 6:00 a.m. to 12:00 a.m.
 3. In-vehicle sales or services are prohibited.
 4. Outdoor storage is prohibited.
 5. A lot with a cannabis retailer must be at least 1,000 feet from the property line of a site containing a school. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the center or building occupied by the cannabis retailer.
 6. A lot with a cannabis retailer must be at least 1,000 feet from the property line of a site containing a pawn shop, currency exchange, payday loan agency, firearms sales or sexually oriented business. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the shopping center or multiuse building occupied by the cannabis retailer.
 7. The lot must be at least 1,000 feet from the property line of a site containing a cannabis retailer. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the shopping center or multiuse building occupied by the cannabis retailer.

8. Cannabis retailers shall be contained within a completely enclosed building, and no outside storage, display, or sale of merchandise is permitted.
9. On-site consumption of cannabis edibles and beverages is prohibited.
- b. Live-work units:
 1. Live-work uses as defined by article X of city code are permitted on the first floor.
 2. A Registration of Land Use (RLU) shall be approved by the city when there is a proposed change in commercial tenant.
- c. Accessory uses. The following uses are permitted in PUD 24 if the use complies with the standards specified for the use in this subsection:
 1. Home occupations as regulated by this chapter.
 2. Gardening and other horticultural uses.
 3. Parking ramps.
 4. Incidental repair or processing which is necessary to conduct a permitted use and not to exceed 10% of the gross floor area of the associated permitted use.
 5. Public transit stops/shelters.
 6. Catering, if accessory to food service, delicatessen, or retail bakery.
 7. Food service.
 8. Outdoor seating and service of food and beverages with the following standards:
 - i. No speakers or other electronic devices which emit sound are permitted.
 - ii. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
 9. Accessory utility structures including:
 - i. Small wind energy conversion system as defined in article X, Definitions.
 - ii. Solar energy systems. A solar energy system with a supporting framework that is either placed on, or anchored in, the ground and that is independent of any building or other structure; or that is affixed to or an integral part of a principal or accessory building, including but not limited to photovoltaic or hot water solar energy systems which are contained within roofing materials, windows, skylights, and awnings.
 - iii. Cisterns and rainwater collection systems.
 10. Outdoor storage is prohibited.
- (d) Special performance standards.
 - (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, transparency, architectural design, landscaping, parking, and screening requirements.

- (2) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this code. All trash handling and loading areas shall be screened from view within a waste enclosure.
- (3) Signs shall be allowed in conformance with the MU-3 zoning districts with the following conditions:
 - a. Freestanding monument signs shall utilize the same exterior materials as the principal buildings and shall not interfere with pedestrian, bicycle or automobile circulation and visibility, and shall be a maximum height of 15 feet; pole-mounted signs shall be prohibited.
 - b. Wall signs of non-residential uses shall only be placed on the ground floor and exterior walls of the occupied tenant lease space, and/or a monument sign.
 - c. Wall signs shall not be included in calculating the aggregate sign area on the lot if they meet the following outlined conditions:
 1. Non-residential wall signs permitted by this section that do not exceed 7% of the exterior wall area of the ground floor tenant lease space.
 2. The sign is located on the exterior wall of the ground floor tenant lease space from which the 7% sign area was derived.
 3. No individual wall sign shall exceed 100 square feet in area.
 - d. Awnings.
 1. Awnings shall be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
 2. Backlit awnings shall be prohibited.

Sec. 36-154. PUD 25.

- (a) PUD 25 is commonly referred to as "Terasa."
- (b) Development plans.
 - (1) The site located on property legally described as Tracts D and E, Registered Land Survey No. 1481, Hennepin County, Minnesota, shall be developed, used and maintained in conformance with the following Final PUD approved Official Exhibits:
 - a. V100 ALTA survey
 - b. V101 ALTA survey
 - c. A00 Cover sheet
 - d. A01 Project information
 - e. A02 Site plan – Architectural
 - f. A03 Site plan – Lighting
 - g. A04 Floor Plan – Level -1
 - h. A05 Floor Plan – Level 1
 - i. A06 Floor Plan – Level 2
 - j. A07 Floor Plan – Level 3-4
 - k. A08 Floor Plan – Level 5

- l. A09 Floor Plan – Level 6
- m. A10 Roof plan
- n. A11 Exterior elevations
- o. A12 Exterior elevations
- p. A13 Exterior elevations
- q. A14 Axonometrics
- r. A15 Perspectives
- s. A16 Perspectives
- t. A17 Renderings
- u. A17.1 Renderings
- v. A17.2 Renderings
- w. A18 Transparency exhibit
- x. A19 Signage exhibit
- y. A20 Shadow study
- z. A21 Shadow study
- aa. A22 Greenspace exhibit
- bb. A23 Transit shelter exhibit
- cc. A24 Overall area survey
- dd. A25 General development plan
- ee. C000 Cover sheet
- ff. C100 General notes
- gg. C200 Site demolition plan
- hh. C201 Tree inventory & preservation plan
- ii. C300 Erosion and Sediment Control Plan – Phase 1
- jj. C301 Erosion and Sediment Control Plan – Phase 2
- kk. C302 Erosion and Sediment Control Details
- ll. C303 SWPPP
- mm. C400 Site dimension plan
- nn. C401 Bus stop plan
- oo. C402 Easement plan
- pp. C403 Semi-truck turning movement
- qq. C500 Grading plan
- rr. C501 Storm sewer plan
- ss. C600 Utility plan
- tt. C700 Construction details
- uu. C701 Construction details
- vv. C702 Construction details
- ww. C703 Construction details
- xx. C704 Construction details

- yy. C705 Construction details
- zz. C706 Construction details
- aaa. C707 Construction details
- bbb. L100 Landscape plan
- ccc. L101 Landscape enlargement
- ddd. L102 Landscape enlargement
- eee. L103 Landscape enlargement
- fff. L104 Landscape enlargement
- ggg. L105 Amenity terrace enlargements
- hhh. L106 Amenity terrace enlargements
- iii. L107 Amenity terrace enlargements
- jjj. L108 Temporary green space
- kkk. L200 Landscape details
- lll. L300 DORA plan

(2) The site shall also conform to the following requirements:

- a. The property shall be developed with a mixed-use building with no more than 223 residential units and no more than 21,000 square feet of commercial uses
- b. The maximum height shall not exceed 81 feet and six stories.
- c. The site shall include a minimum 12% designed outdoor recreation area.
- d. Parking shall be provided off-street in structured parking and surface parking lots
 - 1. A total of 231 parking spaces will be provided in structured parking.
 - 2. A total of 133 parking spaces will be provided in surface parking lots
 - 3. 31 spaces shall include Level 2 electric vehicle charging stations, two of which provide parking access in compliance with the ADA.

(c) Uses.

(1) Permitted uses. The following uses are permitted in PUD 25:

- a. Mid-rise apartment mixed use dwellings. Uses associated with apartment dwellings, including but not limited to, the residential office, fitness facility, mail room, assembly room or general amenity space.

(2) Uses permitted with conditions. The following uses are permitted in PUD 25 if they comply with the conditions specified for the use in this subsection:

- a. Commercial uses: Commercial uses limited to the following: bank, coffee shop, food service, grocery store, liquor store, medical/dental office, office, private indoor entertainment, restaurants, retail, service, showroom, studio and lower potency hemp edible retailers. These commercial uses shall meet the following conditions:
 - 1. Commercial uses are limited to the first floor.
 - 2. Hours of operation, including loading/unloading of deliveries, for commercial uses shall be limited to 6:00 a.m. to 12:00 a.m.

3. Outdoor storage is prohibited.
- (3) Accessory uses. The following uses are permitted in PUD 25 if the use complies with the conditions specified for the use in this subsection:
- a. Home occupations as regulated by this chapter.
 - b. Gardening or other horticultural uses.
 - c. Parking ramps.
 - d. Incidental repair or processing which is necessary to conduct a permitted use and not to exceed 10% of the gross floor area of the associated permitted use.
 - e. Public transit stops/shelters.
 - f. Catering, if accessory to food service, delicatessen, or retail bakery.
 - g. Food service.
 - h. Outdoor seating and service of food and beverages with the following conditions:
 1. No speakers or other electronic devices which emit sound are permitted
 2. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
 - i. Accessory utility structures including:
 1. Small wind energy conversion system as defined in article X, Definitions.
 2. Solar energy systems.
 3. Cisterns and rainwater collection systems.
 - j. Outdoor storage is prohibited.
- (d) Special performance standards
- (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to: outdoor lighting, transparency, architectural design, landscaping, parking, and screening requirements.
 - (2) Each commercial tenant space on the ground floor facing Gamble Drive and the corner of Gamble Drive and Park Place Boulevard shall have a direct and primary access to and from the street building façade and the access shall remain open during business hours.
 - (3) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this code. All trash handling and loading areas shall be screened from view within a waste enclosure.
 - (4) Signs shall be allowed in conformance with the MU-3 zoning districts with the following conditions:
 - a. Freestanding monument signs shall utilize the same exterior materials as the principal buildings and shall not interfere with pedestrian, bicycle or automobile circulation and visibility, and shall be a maximum height of 15 feet; pole-mounted signs shall be prohibited.
 - b. Wall signs of non-residential uses shall only be placed on the ground floor and exterior walls of the occupied tenant lease space, and/or a monument sign.

- c. Wall signs shall not be included in calculating the aggregate sign area on the lot if they meet the following outlined conditions:
 - 1. Non-residential wall signs permitted by this section that do not exceed 7% of the exterior wall area of the ground floor tenant lease space.
 - 2. The sign is located on the exterior wall of the ground floor tenant lease space from which the 7% sign area was derived.
 - 3. No individual wall sign shall exceed 100 square feet in area.
- (5) Awnings.
 - a. Awnings shall be constructed of heavy canvas fabric, metal and/or glass. Plastic and vinyl awnings are prohibited.
 - b. Backlit awnings shall be prohibited.

Sec. 36-155. PUD 26.

- (a) PUD 26 is commonly referred to as “Minnetonka Boulevard Twin Homes.”
- (b) Development plans.
 - (1) The site located on properties legally described as Lots 1-2, Block 1 and Lots 1-6, Block 2, Minnetonka Blvd Twin Homes Addition Hennepin County, Minnesota, shall be developed, used and maintained in conformance with the following Final PUD approved Official Exhibits:
 - a. G100 Cover Sheet
 - b. C000 Certificate Survey
 - c. C001 Construction Notes
 - d. C002 Construction Notes
 - e. C100 Existing Conditions & Removals
 - f. C200 Erosion & Sediment Control Plan
 - g. C201 Erosion & Sediment Control Details
 - h. C300 Site Plan
 - i. C400 Grading Plan
 - j. C500 Utility Plan
 - k. C900 Construction Details
 - l. C901 Construction Details
 - m. A000 General Development Plan
 - n. A100 Architectural Project Site Plan
 - o. A110 Project Site Area Plan
 - p. A200 House Type A - LL & ML Floor Plans
 - q. A210 House Type A - UL Floor Plans & Roof Plans
 - r. A220 House Type A - Exterior Elevations
 - s. A300 House Type B - LL & ML Floor Plans
 - t. A310 House Type B - UL Floor Plans & Roof Plans
 - u. A320 House Type B - Exterior Elevations

- v. L100 Landscape Plan
 - w. L100.1 Landscape Details
 - x. L200 Tree Inventory Plan
 - y. Preliminary Plat
 - z. Final Plat
- (2) The Site shall also conform to the following requirements:
- a. The properties shall be developed with four twin home buildings, providing eight dwelling units.
 - b. The maximum height shall not exceed 27 feet and 2.5 stories.
 - c. Parking shall be provided off-street in individual garages attached to each dwelling unit and individual driveways connecting each garage to the alley.
- (c) Uses.
- (1) Permitted uses: The following uses are permitted in PUD 26:
- a. Two-unit attached dwellings (twin homes).
- (2) Accessory uses. The following uses are permitted in PUD 26 if the use complies with the conditions specified for the use in this subsection:
- a. Home occupations as regulated by this chapter.
 - b. Gardening or other horticultural uses.
 - c. Outdoor storage is prohibited.
- (d) Special performance standards.
- (1) All general zoning requirements not specifically addressed in this ordinance shall be met, including but not limited to outdoor lighting, transparency, architectural design, landscaping, parking, fencing and screening requirements.
- (2) All trash, garbage, waste materials, trash containers, and recycling containers shall be kept in the manner required by this code.
- (3) Signs shall be allowed in conformance with the N-2 zoning district.

Secs. 36-156 to 36-176. Reserved.

ARTICLE VI. OVERLAY DISTRICTS

DIVISION 1. FLOODPLAIN OVERLAY DISTRICT

Sec. 36-177. Statutory authorization.

- (a) The legislature of the State of Minnesota has, in state statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of St. Louis Park, Minnesota does ordain as follows:

Sec. 36-178. Purpose.

- (a) This ordinance regulates development in the flood hazard areas of St. Louis Park. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote public health, safety, and general welfare by minimizing these losses and disruptions.
- (b) National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as Title 44 of the Code of Federal Regulations, Parts 59 -80, as amended, to maintain the community's eligibility in the National Flood Insurance Program.

Sec. 36-179. General provisions.

- (a) How to use this ordinance. This ordinance adopts the floodplain maps applicable to the City of St. Louis Park includes three floodplain districts: floodway, flood fringe, and general floodplain.
 - (1) Where floodway and flood fringe districts are delineated on the floodplain maps, the standards in sections 36-181 and 36-182 will apply, depending on the location of a property.
 - (2) Locations where floodway and flood fringe districts are not delineated on the floodplain maps are considered to fall within the general floodplain district. Within the general floodplain district, the floodway district standards in section 36-181 apply unless the floodway boundary is determined, according to the process outlined in section 36-183. Once the floodway boundary is determined, the flood fringe district standards in section 36-182 may apply outside the floodway.
- (b) Lands to which ordinance applies. This ordinance applies to all lands within the jurisdiction of St. Louis Park shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the floodway, flood fringe, or General floodplain districts.
 - (1) The floodway, flood fringe and general floodplain districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the

overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.

- (c) Incorporation of maps by reference. The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016, and the Flood Insurance Rate Map panels enumerated below, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file in the office of the zoning administrator.

Effective Flood Insurance Rate Map panels:			
27053C0331F	27053C0342F	27053C0353F	27053C0362F
27053C0332F	27053C0351F	27053C0354F	
27053C0334F	27053C0352F	27053C0361F	

- (d) Regulatory flood protection elevation. The regulatory flood protection elevation (RFPE) is an elevation no lower than two feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- (e) Interpretation. The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.
- (1) Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The zoning administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
 - (2) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the board of zoning appeals and city council and to submit technical evidence.
- (f) Abrogation and greater restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- (g) Warning and disclaimer of liability. This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of St. Louis Park or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- (h) No stage increase permitted. No structure, fill, deposit, obstruction or storage of materials or equipment shall be allowed in any floodway, or general floodplain district

which will cause any increase in the stage of the 100-year flood or will cause an increase in flood damages in the reaches affected.

- (i) Compensating storage. The city may approve such structure, fill, deposit, obstruction or storage of materials or equipment if it otherwise complies with the provisions of this chapter and provision is made for compensating storage of floodwaters displaced by the activity listed in this subsection (f). Such compensating storage shall be located where it will achieve the goal of eliminating a stage increase.

Sec. 36-180. Establishment of zoning districts.

- (a) Districts.
 - (1) Floodway district (FW). The floodway district includes those areas within Zones AE that have a floodway delineated as shown on the Flood Insurance Rate Map adopted in section 36-179(c). For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the floodway district also includes those areas that are at or below the ordinary high water level as defined in state statutes, section 103G.005, subdivision 14.
 - (2) Flood fringe district (FF). The flood fringe district includes areas within Zones AE that have a floodway delineated on the Flood Insurance Rate Map adopted in section 36-179(c) but are located outside of the floodway. For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the flood fringe district also includes those areas below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in state statutes, section 103G.005, subdivision 14.
 - (3) General floodplain district (FP). The general floodplain district includes those areas within Zones A and AH that do not have a delineated floodway as shown on the Flood Insurance Rate Map adopted in section 36-179(c).
- (b) Applicability. Within the floodplain districts established in this ordinance, the use, size, type, and location of development must comply with the terms of this ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems.
- (c) Compliance. Provisions for compliance are as follows:
 - (1) Recreational vehicles that do not meet the exemption criteria specified in section 36-180(c)(1)a below shall be subject to the provisions of this Ordinance and as specifically spelled out in sections 36-180(c)(1)c below.
 - a. Exemption - Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in section 36-180(c)(1)b below and further they meet the following criteria:
 - 1. Have current licenses required for highway use.
 - 2. Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used

in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.

3. The recreational vehicle and associated use must be permissible in any preexisting, underlying zoning use district.
- b. Areas exempted for placement of recreational vehicles:
 1. Individual lots or parcels of record.
 2. Existing commercial recreational vehicle parks or campgrounds.
 3. Existing condominium type associations.
- c. Recreational vehicles exempted in section 36-180(c)(1)b lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in section 36-180(c) & section 36-180(d) of this ordinance. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.
- (2) Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this chapter.
- (d) Annexations. The Flood Insurance Rate Map panels adopted by reference into section 36-179(c) above may include floodplain areas that lie outside of the corporate boundaries of the City of St. Louis Park at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of St. Louis Park after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

Sec. 36-181. Floodway district (FW).

The floodway district, all uses not listed as permitted uses or conditional uses shall be prohibited. No new structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

- (a) Permitted uses. The following uses, subject to the standards set forth in section 36-181(b), are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:
 - (1) Outdoor plant nurseries, horticulture, forestry, sod farming, and wild crop harvesting.
 - (2) Industrial-commercial loading areas, and parking areas.
 - (3) Open space uses and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and

nature preserves, fish hatcheries, fishing areas, and single or multiple purpose recreational trails.

- (4) Residential lawns, gardens, parking areas, and play areas.
 - (5) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.
- (b) Standards for floodway permitted uses.
- (1) The use shall have a low flood damage potential.
 - (2) The use shall be permissible in the underlying zoning district.
 - (3) The use shall not obstruct flood flows or increase flood elevations and must not involve structures, obstructions, or storage of materials or equipment.
 - (4) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
- (c) Conditional uses. The following uses shall require a conditional use permit following the standards and procedures set forth in section 36-186(c) of this ordinance and further subject to the standards set forth in section 36-181(d), if otherwise allowed in the underlying zoning district or any applicable overlay district.
- (1) Structures and parking lots accessory to the uses listed in section 36-181(a)(1) - section 36-181(a)(3), above and the uses listed in section 36-181(c)(2) - section 36-181(c)(3) below.
 - (2) Docks, piers, wharves, and water control structures.
 - (3) Placement of fill or construction of fences that obstruct flood flows.
 - (4) Structural works for flood control such as levees, dikes and floodwalls, constructed to any height where the intent is to protect individual structures for a frequency flood event equal to or less than the 10-year frequency flood event.
- (d) Standards for floodway district conditional uses. The standards for floodway district conditional uses are as follows:
- (1) All uses. A conditional use must not cause any increase in the state of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.
 - (2) The conditional use shall be permissible in the underlying zoning district.
 - (3) Fill; storage of materials and equipment:
 - a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - b. Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching,

riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.

- c. Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the city council has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.
- (4) Accessory structures. Accessory structures, as identified in section 36-181(c)(1), may be permitted, provided that:
- a. Structures are not intended for human habitation;
 - b. Structures will have a low flood damage potential;
 - c. Structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;
 - d. Service utilities, such as electrical and heating equipment, within these structures must be elevated to or above the regulatory flood protection elevation or properly floodproofed;
 - e. Structures must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed structures must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.
 - f. As an alternative, an accessory structure may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
 - 1. To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - 2. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
- 4.44. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of state statutes, section 103G.245.
- (5) A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

- (6) Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

Sec. 36-182. Flood fringe district (FF).

- (a) Permitted uses. Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in section 36-182(b).
- (b) Standards for flood fringe permitted uses.
 - (1) All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor, is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than the regulatory flood protection elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon.
 - (2) For all structures constructed after June 15, 1998, the lowest floor elevations shall be no lower than the regulatory flood protection elevation. For all structures existing on June 15, 1998, and additions to structures existing on June 15, 1998, the lowest floor shall be no lower than one foot below the regulatory flood protection elevation.
 - (3) Accessory structures. As an alternative to the fill requirements of section 36-182(b)(1), structures accessory to the uses identified in section 36-182(a) may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:
 - a. The accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.
 - b. All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be:
 1. Adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, and
 2. Constructed with materials resistant to flood damage, and
 3. Must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation.
 - c. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
 1. To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 2. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

- (4) The cumulative placement of fill or similar material on a parcel must not exceed 400 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with section 36-182(b)(1) of this ordinance, or if allowed as a conditional use under section 36-182(c)(3) below.
- (5) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.
- (6) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
- (7) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- (8) Compacted fill; protected slopes. Fill shall be properly compacted, and the slopes shall be properly protected by the use of rip rap, vegetative cover or other acceptable methods. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- (9) Vehicular access. All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation.
- (10) Commercial uses. Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
- (11) Hydraulic capacity. Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map.
- (12) Manufacturing and industrial uses. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in subsection (b)(10) of this section. In considering permit applications, consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.
- (13) Anchoring. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

- (c) Conditional uses. The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in section 36-186(c) of this ordinance.
 - (1) Any structure that is not elevated on fill or floodproofed in accordance with section 36-182(b)(1) and section 36-182(b)(3) of this ordinance.
 - (2) Storage of any material or equipment below the regulatory flood protection elevation.
 - (3) The cumulative placement of more than 400 cubic yards of fill when the fill is not being used to elevate a structure in accordance with section 36-182(b)(1) of this ordinance.
 - (4) The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in section 36-182(d)(6).
- (d) Standards for flood fringe district conditional uses.
 - (1) The standards listed in section 36-182(b)(5) through section 36-182(b)(13) apply to all conditional uses.
 - (2) Basements, as defined by section 36-182 of this ordinance, are subject to the following:
 - a. Residential basement construction is not allowed below the regulatory flood protection elevation.
 - b. Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with section 36-182(d)(3).
 - (3) All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 - (4) The placement of more than 400 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
 - a. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
 - b. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the city council.
 - c. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

- (5) Storage of materials and equipment.
 - a. The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited.
 - b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in a manner required by a plan approved by the city.
- (6) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
 - a. Design and certification - The structure's design and as-built condition must be certified by a registered professional engineer as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
 - b. Specific standards for above-grade, enclosed areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - 1. The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and
 - 2. That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

Sec. 36-183. General floodplain district (GF).

- (a) Permitted uses.

- (1) The uses listed in section 36-181(a) of this ordinance, floodway district permitted uses, are permitted uses.
 - (2) All other uses are subject to the floodway/flood fringe evaluation criteria specified in section 36-183(b) below. Section 36-181 applies if the proposed use is determined to be in the floodway district. Section 36-182 applies if the proposed use is determined to be in the flood fringe district.
- (b) Procedures for floodway and flood fringe determinations.
- (1) Upon receipt of an application for a permit or other approval within the general floodplain district, the applicant shall be required to furnish such information deemed necessary by the zoning administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the floodway or flood fringe district. This information may include the following:
 - a. A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; and the location and elevations of streets.
 - b. The drainage area contributing to the waterbody and existing type and level of development in the drainage area.
 - c. A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 - d. Photographs showing existing land uses, vegetation upstream and downstream, and soil types.
 - e. Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
 - (2) If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the floodway or flood fringe district. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in section 36-183(b)(3) below.
 - (3) The determination of floodway and flood fringe must include the following components, as applicable:
 - a. Estimate the peak discharge of the regional (1% chance) flood.
 - b. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - c. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides

of the stream within the reach must be assumed in computing floodway boundaries.

- (4) The zoning administrator will review the submitted information and assess the technical evaluation and the recommended floodway and/or flood fringe district boundary. The assessment must include the cumulative effects of previous floodway encroachments. The zoning administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the zoning administrator may approve or deny the application.
- (5) Once the floodway and flood fringe district boundaries have been determined, the zoning administrator must process the permit application consistent with the applicable provisions of section 36-181 and section 36-182 of this ordinance.

Sec. 36-184. Land development standards.

- (a) In general. Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City of St. Louis Park.
- (b) Subdivisions. No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities.
 - (1) All lots within the floodplain districts must be able to contain a building site outside of the floodway district at or above the regulatory flood protection elevation.
 - (2) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation.
 - (3) For all subdivisions in the floodplain, the floodway and flood fringe district boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
 - (4) In the general floodplain district, applicants must provide the information required in section 36-181 of this ordinance to determine the regional flood elevation, the floodway and flood fringe district boundaries and the regulatory flood protection elevation for the subdivision site.
 - (5) If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage within the flood prone area, and
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - c. Adequate drainage is provided to reduce exposure of flood hazard.

- (c) Building sites. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:
 - (1) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (2) Constructed with materials and utility equipment resistant to flood damage;
 - (3) Constructed by methods and practices that minimize flood damage; and
 - (4) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Sec. 36-185. Public utilities, railroads, roads, and bridges.

- (a) Public utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.
- (b) Public transportation facilities. Railroad tracks, roads, and bridges to be located within the floodplain must comply with section 36-181 and section 36-182 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- (c) On-site water supply and sewage treatment systems: Where public utilities are not provided:
 - (1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in state statutes chapter 4725.4350, as amended; and
 - (2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding and are subject to the provisions in state statutes chapter 7080.2270, as amended.

Sec. 36-186. Administration.

- (a) Zoning administrator. A zoning administrator or other official designated by the city council must administer and enforce this ordinance.
- (b) Permit requirements.
 - (1) Permit required. A permit must be obtained from the zoning administrator prior to conducting the following activities:

- a. The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof.
 - b. The use or change of use of a building, structure, or land.
 - c. The construction of a dam, fences, or on-site septic system.
 - d. The change or extension of a nonconforming use.
 - e. The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
 - f. The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
 - g. Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.
- (2) Application for permit. Permit applications must be submitted to the zoning administrator on forms provided by the zoning administrator. The permit application must include the following as applicable:
- a. A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
 - b. Location of fill or storage of materials in relation to the stream channel.
 - c. Copies of any required municipal, county, state, or federal permits or approvals.
 - d. Other relevant information requested by the zoning administrator as necessary to properly evaluate the permit application.
- (3) Certificate of zoning compliance for a new, altered, or nonconforming use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the zoning administrator stating that the use of the building or land conforms to the requirements of this ordinance.
- (4) Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.
- (5) Record of first floor elevation. The zoning administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The zoning administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.
- (6) Notifications for watercourse alterations. Before authorizing any alteration or relocation of a river or stream, the zoning administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to state statutes, section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

- (7) Notification to FEMA when physical changes increase or decrease the base flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the zoning administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.
- (c) Factors for conditional use approval.
- (1) Administrative review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with section(s) 36-452 Conditional Use Permits (CUP) of the zoning ordinance.
- (2) The factors upon which the decision of the city council shall be based when considering conditional use applications are as follows:
- a. All relevant factors specified in other sections of this chapter.
 - b. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - c. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
 - d. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - e. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - f. The importance of the services provided by the proposed facility to the community.
 - g. The requirements of the facility for a waterfront location.
 - h. The availability of alternative locations not subject to flooding for the proposed use.
 - i. The compatibility of the proposed use with existing development and the development anticipated in the foreseeable future.
 - j. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - k. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - l. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
 - m. Such other factors which are relevant to the purposes of this division.
- (3) Conditions attached to conditional use permits. Upon consideration of the factors listed above and the purpose of this ordinance, the city council shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
- a. Modification of waste treatment and water supply facilities.

- b. Limitations on period of use, occupancy, and operation.
 - c. Imposition of operational controls, sureties, and deed restrictions.
 - d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
 - e. Flood proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
- (4) Submittal of hearing notices to the Department of Natural Resources (DNR). The zoning administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
 - (5) Submittal of final decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

Sec. 36-187. Nonconformities.

- (a) Continuation of Nonconformities. A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in article X, section 36-486 of this ordinance, are subject to the provisions of section 36-187(1) through section 36-187(6) of this ordinance.
 - (1) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its nonconformity, its flood damage potential or degree of obstruction to flood flows except as provided in section 36-187(2) below. Expansion or enlargement of uses, structures or occupancies within the floodway district is prohibited.
 - (2) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in section 36-187(3) and section 36-187(7) below.
 - (3) The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the city's initial floodplain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all labor. If the current cost of all previous and proposed alterations and additions

exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of this chapter for new structure.

- (4) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The assessor must notify the zoning administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.
- (5) If any nonconformity is substantially damaged, as defined in section 36-486 of this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in section 36-181 or section 36-182 will apply depending upon whether the use or structure is in the floodway or flood fringe, respectively.
- (6) If any nonconforming use or structure experiences a repetitive loss, as defined in section 36-486 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.
- (7) Any substantial improvement, as defined in section 36-486 of this ordinance, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of section 36-181 or section 36-182 of this ordinance for new structures, depending upon whether the structure is in the floodway or flood fringe district.

Sec. 36-188. Penalties and enforcement.

- (a) Violation constitutes a misdemeanor. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.
- (b) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:
 - (1) In responding to a suspected ordinance violation, the zoning administrator and local government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
 - (2) When an ordinance violation is either discovered by or brought to the attention of the zoning administrator, the zoning administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency

Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.

- (3) The zoning administrator shall notify the suspected party of the requirements of this ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the zoning administrator may order the construction or development immediately halted until a proper permit or approval is granted by the community. If the construction or development is already completed, then the zoning administrator may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.
- (4) If the responsible party does not appropriately respond to the zoning administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this ordinance and shall be prosecuted accordingly. The zoning administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

Sec. 36-189. Amendments.

- (a) Floodplain designation – restrictions on removal. The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the commissioner determines that, through other measures, lands are adequately protected for the intended use.
- (b) Amendments require DNR approval. All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The commissioner must approve the amendment prior to community approval.
- (c) Map revisions require ordinance amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in section 36-179(c) of this ordinance.

DIVISION 2. TRAVEL DEMAND MANAGEMENT (TDM) OVERLAY DISTRICT

Sec. 36-190. Purpose and effect.

- (a) The United States and the state's departments of transportation are upgrading State Highway No. 12 to become Interstate Highway 394 (I-394) which will alter transportation patterns and foster new development and redevelopment along the

highway corridor. It will also generate traffic congestion on both the freeway system and the local street networks in portions of the city and Golden Valley resulting in traffic congestion, air pollution, noise pollution and other environmental problems. Since the I-394 corridor runs along the common border between the city and Golden Valley, they have studied the situation and entered into a joint powers agreement. This division is intended to impose on all dense developments, which will contain more than 0.6 square foot of gross floor area per each square foot of land area within a lot or parcel in the I-394 corridor, the condition that once the traffic generated at the Xenia/Vernon interchange, the Louisiana Avenue interchange and General Mills Boulevard/Boone Avenue interchange exceeds certain levels of service, or the established reserve capacity, whichever is first, the developments will be required to prepare and effectuate traffic management plans which will serve to reduce the traffic congestion, air and noise pollution and other environmental problems associated with them. This division does not prohibit development, but rather, permits development assuming appropriate traffic management plans are in place and effect. The joint task force will review the plans and ensure their compliance with this division.

Sec. 36-191. Area of application.

- (a) The area covered by the I-394 Travel Demand Management (TDM) overlay zoning district is that portion of zones A and B lying within the boundaries of the city. This division is intended to supplement or overlay the existing zoning of lots or parcels in the area covered, not to contradict or replace the existing zoning and contemplates substantially completed and operational interchanges at I-394/Xenia-Vernon, I394/Louisiana Avenue and I-394/General Mills Boulevard-Boone Avenue in this city and Golden Valley. The city may restrict development below the projected reserve capacity or the traffic level of service, if, in the exercise of its judgment, it deems it appropriate to do so.

Sec. 36-192. Conditions.

- (a) The conditions for this division are as follows:
 - (1) All developments in the area covered by this division which will contain more than 0.6 square foot of gross floor area per each square foot of land area within a lot or parcel shall obtain a conditional use permit which conforms to the terms of this division.
 - (2) In addition to the other land use requirements of this chapter, the conditional use permit shall contain the following conditions:
 - a. For all parcels located within zone A, each time the traffic generated for one hour during the p.m. peak hour three days out of five consecutive business days exceeds level of service E at more than half of the intersections within the Xenia/Vernon interchange (effective after the interchange is substantially completed and operational), or once the reserve capacity allocated to the city for this interchange has been used, whichever is first, the owner shall implement an original or revised traffic management plan. The traffic

management plan initially shall be prepared when the traffic generated for one hour during the p.m. peak hour three days out of five consecutive business days reaches level of service E at more than half of the intersections of the Xenia/Vernon interchange (effective after the interchange is substantially completed and operational). It shall be designed to reduce the traffic generated by or from the parcel by a percentage which, in conjunction with the other parcels in the zone, will accommodate level of service E at the p.m. peak hour (or keep it within the city's allocable portion of the reserve capacity, if that applies), given the p.m. peak hour trips assumed to be generated by the parcel based on the table in section 36-198. The owner shall submit the traffic management plan to the joint task force which shall review and approve all traffic management plans before they may be implemented.

- b. For all parcels located within zone B, each time the traffic generated for one hour during the p.m. peak hour three days out of five consecutive business days exceeds level of service D at more than half of the intersections within the Louisiana Avenue interchange, or once the reserve capacity allocated to the city for this interchange has been used, whichever is first, the owner shall implement an original or revised traffic management plan. The traffic management plan initially shall be prepared when the traffic generated for one hour during the p.m. peak hour three days out of five consecutive business days reaches level of service D at more than half of the intersections of the Louisiana Avenue interchange. It shall be designed to reduce the traffic generated by or from the parcel by a percentage which, in conjunction with the other parcels in the zone, will accommodate level of service D at the p.m. peak hour (or keep it within the city's allocable portion of the reserve capacity, if that applies) given the p.m. peak hour trips assumed to be generated by the parcel based on the table in section 36-198. The owner shall submit the traffic management plan to the joint task force which shall review and approve a traffic management plan before they may be implemented.
 - c. Each development containing more than 0.6 square foot of gross floor area per each square foot of land area within a lot or parcel within one of the three zones shall monitor the traffic generated by it, the locations and times to be determined by the joint task force, and it shall supply such traffic volume figures to the joint task force. Each planning department will publish those figures yearly. The joint task force shall determine the acceptable methods of measuring traffic volumes, the acceptability of persons or firms undertaking it and all other reasonable requirements in connection therewith.
- (3) Each developer or owner of a parcel who leases part of the parcel, or part of a building thereon, to one or more tenants shall include the following in each lease: the cities of Golden Valley and St. Louis Park have established an I-394 traffic zoning ordinance. It will require traffic management plans for traffic generated by this and certain adjacent developments when certain conditions occur. Under such conditions, it will restrict traffic generated by these developments. The plan is

intended to promote improved traffic circulation and reduce pollution and congestion, particularly during peak times, for all users of city streets. The traffic management plans prepared by the owners may require the use of rideshare incentive programs, public transit incentives, bicycle and pedestrian incentive measures, variable work hours or flex-time programs under which employees are required to stagger their work hours, measures to reduce reliance on single-occupancy vehicles, shared parking and the like. A copy of the complete zoning ordinance may be obtained by calling the city offices of Golden Valley or St. Louis Park.

Sec. 36-193. Owner requirement.

- (a) Each development on a parcel which is required to have a traffic management plan by the terms of this division shall manage the traffic it generates in such a way as to substantially meet the terms of the traffic management plan for that parcel.

Sec. 36-194. Traffic management plan.

In addition to being approved by the joint task force, the initial traffic management plan shall be reviewed by the other city planning agencies and approved by the city council as part of the regular conditional use permit or planned unit development approval process. It shall utilize the appropriate techniques available to reduce the p.m. peak hour traffic generated by the parcel, including but not limited to:

- (a) Ridesharing incentive programs which may include activities to encourage and assist the formation of car, van, and bus pools, such as cash payments or subsidies and preferential parking charges and parking space location, and other analogous incentive programs.
- (b) Public transit incentive programs which may include the provision of paratransit services to and from convenient public transit sites and to accommodate midday and evening excursions, the constructing of transit shelters and amenities, the construction of bus/rail transit stations and related facilities, the dedication of land and the provision of other subsidies for the construction and operation of public transit facilities, the provision of transit fare media subsidies and marketing programs, and the provision of other analogous incentive programs.
- (c) Recommended improvements in public transit which services the site of the proposed use, such as changes in service routes, increases in the frequency of service, alterations in the location of facilities, the establishment of fare incentive programs and other measures designed to make public transit more accessible to occupants of the proposed use.
- (d) Bicycle and pedestrian incentive measures which may include the provision of bicycle parking and storage facilities, the construction and extension of bicycle paths and pedestrian walkways, the provision of shower and locker facilities and similar incentive features.
- (e) In the case of office and industrial uses, variable work hour, or flex time, programs under which employees working at the proposed use will stagger their work hours in

order to affect a reduction in the amount of peak period traffic to and/or from the use which would otherwise occur.

- (f) Measures to reduce the reliance on single-occupancy vehicles by employees and others who will travel to and from the proposed use which may include parking fee structures tailored to discourage single-occupancy vehicles, proscription of tenant-employee subsidy of parking costs for single-occupancy vehicles, time and other access restrictions to parking spaces in on-site parking facilities, and programs to support and encourage the utilization of alternative transportation modes.
- (g) Use and accessory use design options which reduce reliance on single-occupancy vehicles by employees and others who will travel to and from the proposed use, such as the provision of less parking area than that required under the provision of this chapter, shared parking arrangements, the incorporation of residential units (in the case of proposed commercial uses) and other analogous design features.
- (h) Any other technique or combination of techniques capable of reducing the traffic and related impacts of the proposed use.

Sec. 36-195. Nonconforming traffic generation uses.

- (a) Nonconforming traffic generation uses are all uses within the area covered by this division which existed or had approved land use and building permits before the effective date of the ordinance from which this chapter is derived. If a nonconforming traffic generation use exceeds more than 0.6 square foot of gross floor area per each square foot of land area within a lot or parcel, it may not be altered or modified unless it conforms to the terms of this division.

Sec. 36-196. Joint task force.

- (a) The joint task force shall consist of eight members: two elected officials from each city, each city manager and a staff member appointed by the city manager from each city. Its function shall be to periodically monitor the traffic generation and air pollution in zones A, B and C and to review traffic management plans so as to ensure their compliance with the intent and purpose of this division. It also shall adopt and promulgate rules of procedure. If the joint task force deadlocks, the issue or matter shall be submitted first to mediation under the Rules of the American Arbitration Association. Thereafter, upon agreement of the parties, the issue or matter may be submitted under the Rules of the American Arbitration Association to binding arbitration by a single arbitrator chosen by the parties, or if they cannot agree, by the county district court. The arbitration shall proceed under the Rules of the American Arbitration Association.

Sec. 36-197. Traffic management administrative fee.

- (a) Under the authority in M.S.A. § 462.353, subd. 4, each owner of a parcel or development subject to the terms of this division shall pay a traffic management administrative fee of \$0.10 per square foot of gross floor area. Fifty percent of the fee shall be paid at the time such owner applies for a conditional use permit or planned

unit development for such development and 50 percent of the fee shall be paid at the time such owner applies for a building permit thereof. The fees shall be collected by the city and deposited as a separate fund under the authority of the joint task force. The fund will be used by the joint task force only for its costs incurred in reviewing, investigating, and administering traffic management plans under this division. Should the costs of administering and enforcing this division require it, the city reserves the right to periodically assess such costs to the parcels within the area covered. The city also reserves the right to periodically assess the parcels within the respective areas for the costs involved in implementing capital improvements designed to reduce traffic congestion, facilitate transit use, and implement traffic management plans in the vicinity of Xenia/Park Place Boulevard and I-394, Louisiana Avenue and I-394, and Boone Avenue and I-394.

Sec. 36-198. Trip generation rates; table.

- (a) The following table is the I-394 corridor traffic study, trip generation rates source/comparison:

Table 36-198(a). I-394 Corridor Traffic Study
Trip Generation Rates Source/Comparison
P.M. Peak Hour Trip Generation Rates

Land Use Type	Unit	ITE (1982)		BRW/MC		SRF/MTKA		SRF/G.V.-S.L.P.		ITE (1987)	
		In	Out	In	Out	In	Out	In	Out	In	Out
Residential single-family	D.U.	0.63	0.37	--	--	0.63	0.37	0.63	0.37	0.63	0.37
Residential mid-density	D.U.	0.32	0.19	0.63	0.38	0.50	0.30	0.50	0.30	0.41	0.21
Residential high-density	D.U.	0.44	0.26	0.66	0.38	0.38	0.22	0.38	0.22	0.22	0.17
Office < 200 K.S.F.	1,000 sq. ft.	0.44	1.76	0.37	1.49	0.44	1.76	0.44	1.76	0.31*	1.66*
Office > 200 K.S.F.	1,000 sq. ft.	0.44	1.76	0.37	1.49	0.24	1.76	0.24	1.76	0.24*	1.26*
Retail < 200 K.S.F.	1,000 sq. ft.	2.85	3.05	2.98	3.18	2.96	3.15	2.96	3.15	4.17*	4.52*
Retail > 200 K.S.F.	1,000 sq. ft.	2.11	2.69	2.61	3.32	1.62	2.06	1.62	2.06	1.69*	1.84*
Industrial	1,000 sq. ft.	0.35	0.70	--	--	0.32	0.63	0.32	0.63	0.20	0.77
Restaurant	1,000 sq. ft.	3.79	2.35	1.16	0.71	2.74	1.69	2.74	1.69	5.00	2.25
Hotel/motel	Room	0.36	0.37	0.51	0.52	0.51	0.52	0.32	0.33	0.37	0.24

Land Use Type	Unit	ITE (1982)		BRW/MC		SRF/MTKA		SRF/G.V.-S.L.P.		ITE (1987)	
		In	Out	In	Out	In	Out	In	Out	In	Out
Entertainment /club	1,000 sq. ft.	0.73	0.77	--	--	0.73	0.77	0.73	0.77	0.74	0.78
Golf course	Acre	0.08	0.31	--	--	--	--	0.24	0.45	0.03	0.35
Nursing home	Bed	0.05	0.16	--	--	0.05	0.16	0.32	0.33	0.5	0.16
Service commercial	1,000 sq. ft.	--	--	--	--	2.35	2.12	--	--	--	--
Retail > 1,000 K.S.F.	1,000 sq. ft.	1.40	1.90	1.04	1.10	1.12	1.18	--	--	1.39	1.51
* Mid rate in new (1987) I.T.E. range between 10—200 K.G.S.F. and 300—1,000 K.G.S.F.											

DIVISION 3. HISTORIC WALKER LAKE OVERLAY DISTRICT

Sec. 36-199. Purpose

- (a) The Historic Walker Lake (HWL) overlay district is established to promote investment and infill development that preserves and protects the unique character of the Historic Walker Lake area.
- (b) The boundaries of the HWL overlay district shall be the area shown on the official zoning map.

Sec. 36-200. Development Standards

- (a) No minimum and maximum number of parking spaces are required in the HWL overlay district.
- (b) Parking lots and ramps as a principal use shall be owned by the City.
- (c) Freestanding signs, including monument and pylon signs, are prohibited. Monument signs less than six feet in height are permitted in the HWL overlay district.

Sec. 36-201. Design Guidelines

- (a) The design of lots, uses, and buildings in the HWL overlay district shall substantially conform with the design guidelines established in the Historic Walker Lake Area Design Guidelines, adopted by the City Council on December 11, 2020.

Secs. 36-202 to 36-222 reserved.

ARTICLE VII. USE SPECIFIC STANDARDS

DIVISION 1. GENERALLY

Sec. 36-223. Applicability.

- (a) The Use Specific Standards listed in this article are applicable to those uses listed in the Principal Uses and Accessory Uses tables in article III and article IV which are indicated as having use specific standards in that column of the table. Compliance with the use specific standards is required whether the uses are shown as Permitted with Standards or Conditional.

DIVISION 2. PRINCIPAL USES, RESIDENTIAL

Sec. 36-224. Bed and breakfast establishment.

- (a) The facility shall be owner occupied.
- (b) The total number of guestrooms shall be limited to three.
- (c) Not more than 50% of the gross floor area of the residence shall be used for the guesthouse operation.
- (d) Accommodations may be provided for a guest for a period not exceeding 14 days.
- (e) Food service shall be limited to breakfast.
- (f) Rented rooms shall not contain cooking facilities.
- (g) Rooms used for sleeping shall be part of the primary residential structure and shall not have been constructed specifically for rental purposes.

Sec. 36-225. Dwelling, single unit.

- (a) Lot access.
 - (1) If a lot is adjacent to an alley, driveway access shall be off the alley.
 - (2) If a lot is not adjacent to an alley but is a corner lot or a through lot, then driveway access shall be off the side street with the lower functional class as defined by the comprehensive plan.
 - (3) If a lot is not adjacent to an alley nor a corner lot, driveway access can be from the street.
 - (4) A driveway existing as of March 3, 2025 that does not meet the above lot access standards can continue in the same location until the property is redeveloped. Such driveway may be expanded as long as it is in conformance with the city code.
- (b) The maximum cumulative garage door width facing a public right of way shall not exceed 50% of the principal building's front facade.
- (c) If the dwelling is a manufactured home, it shall:
 - (1) Have a permanent, completely enclosed foundation which complies with the state manufactured home building code and which is constructed around the entire circumference of the structure.

- (2) Meet the standards and be certified by the U.S. Department of Housing and Urban Development.
- (d) For N-1 and N-2 districts, a single-unit dwelling which legally existed or for which a valid building permit had been granted on or before the effective date of the ordinance from which this chapter is derived, may be expanded by an addition or dormer, provided the addition does not extend into the existing side yard.

Sec. 36-226. Dwelling, single unit small.

- (a) The dwelling shall have a maximum size of no more than 1,200 square feet. The maximum ground floor area of the dwelling shall not exceed 800 square feet.
- (b) The maximum height of the dwelling unit shall be 25 feet.

Sec. 36-227. Dwelling, two-unit (duplex).

- (a) Any two-unit (duplex) dwelling shall abide by the standards required for dwelling, single-unit.

Sec. 36-228. Dwelling, two-unit attached (twinhome).

- (a) Any two-unit attached (twinhome) dwelling shall abide by the standards required for dwelling, single-unit.

Sec. 36-229. Dwelling, detached courtyard cottage/bungalow.

- (a) A cottage courtyard development shall consist of at least four and no more than 12 dwelling units located around a shared, centrally located courtyard.
- (b) The cottage courtyard development shall provide a minimum of 300 square feet of common open space per dwelling unit. This common open space includes the required shared courtyard, which shall be at least 20 feet in width and depth.
- (c) A cottage courtyard development may have more than one courtyard.
- (d) Each dwelling unit shall have a maximum height of 25 feet.
- (e) Each dwelling unit shall have a maximum ground floor area of 900 square feet.
- (f) Each dwelling unit shall have the primary entrance oriented to the shared courtyard.
- (g) Each dwelling unit abutting a public street shall have windows on the facade oriented to the public street.
- (h) Each dwelling unit shall have no more than a one-stall attached garage.
- (i) Accessory buildings. No accessory buildings shall be allowed except for a one-stall detached garage for each dwelling unit and accessory buildings for use by the homeowners association.
- (j) Parking areas shall not be located in any required yard abutting a public street.
- (k) Accessory dwelling units are prohibited.
- (l) Dwelling units may be located on one parcel or on individual parcels for each dwelling unit with a separate parcel for common open spaces and facilities.

Sec. 36-230. Dwelling, three-unit.

- (a) Any three-unit dwelling shall abide by the standards required for dwelling, single-unit.

Sec. 36-231. Dwelling, four-unit.

- (a) Lot access.
 - (1) If a lot is adjacent to an alley, driveway access shall be off the alley.
 - (2) If a lot is not adjacent to an alley but is a corner lot or a through lot, then driveway access shall be off the side street with the lower functional class as defined by the comprehensive plan.
 - (3) If a lot is not adjacent to an alley nor a corner lot, driveway access can be from the street.
 - (4) A driveway existing as of March 3, 2025 that does not meet the above lot access standards can continue in the same location until the property is redeveloped. Such driveway may be expanded as long as it is in conformance with the city code.
- (b) On the public street-facing facade, no garage shall occupy more than 50% of any street-facing individual unit facade.

Sec. 36-232. Dwelling, townhouse.

- (a) Lot access.
 - (1) If a lot is adjacent to an alley, driveway access shall be off the alley.
 - (2) If a lot is not adjacent to an alley but is a corner lot or a through lot, then driveway access shall be off the side street with the lower functional class as defined by the comprehensive plan.
 - (3) If a lot is not adjacent to an alley nor a corner lot, driveway access can be from the street.
 - (4) A driveway existing as of March 3, 2025 that does not meet the above lot access standards can continue in the same location until the property is redeveloped. Such driveway may be expanded as long as it is in conformance with the city code.
- (b) The maximum number of dwellings per structure shall be as follows:
 - (1) Small townhouse dwelling shall have no more than four units
 - (2) Large townhouse dwelling shall have no more than eight units. The orientation of the structure(s) shall match the orientation of other existing principal structures along the block on which it is located.
- (c) On the public street-facing facades, no garage door shall exceed more than 50% of the width of the front façade of any individual unit.
- (d) Buildings shall be designed with significant variation in the façade every 60 feet and minor variations at least every 20 feet. Variation can be achieved with articulation, texture, materials, doors, windows, roof dormers, gables, and covered porches. Any architectural projection or recess used to accomplish this change shall be a minimum of six feet wide and two feet deep.

Sec. 36-233. Dwelling, apartment (low-rise).

- (a) Lot access. Lot access for any low-rise apartment dwelling shall abide by the lot access standards as required for dwelling, townhouse above.
- (b) Individual dwelling unit entrances for ground floor units may be interior or exterior entrances.

- (c) Any driveways or parking areas within 30 feet of a property zoned N-1 or N-2 shall be screened. Such screening may consist of a solid hedge, an architectural compatible opaque wall, fence, berm or combination thereof.

Sec. 36-234. Dwelling, apartment (mid-rise).

- (a) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (b) Any mid-rise apartment dwelling shall abide by the standards as required for dwelling, apartment (low-rise).

Sec. 36-235. Dwelling, apartment (high-rise).

- (a) Any high-rise apartment dwelling shall abide by the standards as required for dwelling, apartment (mid-rise).

Sec. 36-236. Dwelling, apartment mixed use (low-rise)

- (a) On the ground story, at least 75% of the building facade along the primary street frontage and 25% of the building facade along the secondary street shall be non-residential uses within the first 30 feet behind the street frontage facade.
 - (1) The 25% non-residential requirement along the secondary street shall not apply if adjacent to N-1 or N-2 zoned and used districts. In this case, residential and residential accessory uses (including parking) are allowed along the entire length of the building adjacent to the secondary street.
 - (2) Residential accessory uses may include leasing and/or property management offices, fitness facilities for tenants, meeting rooms, or similar uses for the exclusive use of residents of the building.
- (b) The uses are in conformance with the comprehensive plan.
- (c) Ground story residential dwellings in existence on December 11, 2020, shall be considered a conforming use.
- (d) The building design and placement shall provide a desirable residential environment.
- (e) Dwelling unit entrances are not required to be interior to the building and individual exterior entrances are encouraged for ground floor units.
- (f) Buildings shall be located a minimum of 10 feet from the back of the curb line of internal private roadways or parking lots.
- (g) A minimum five-foot-wide sidewalk or paved trail access to open space, plazas, pedestrian ways, and off-site parks shall be provided for building occupants.
- (h) A minimum of 12% of the net site area shall be developed as designed outdoor recreation area.
- (i) Lot access.
 - (1) If a lot is adjacent to an alley, then the access to the parking lot and structured parking shall be from the alley.

- (2) If a lot is not adjacent to an alley but is a corner lot or a through lot, then driveway access shall be off the street with the lower functional class as defined by the comprehensive plan.
- (j) Any driveways or parking areas within 30 feet of a property zoned N-1 or N-2 shall be screened to a height of eight feet. Such screening may consist of a solid hedge, an architectural compatible opaque wall, fence, berm or combination thereof.

Sec. 36-237. Dwelling, apartment mixed use (mid-rise).

- (a) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (b) Any apartment mixed use (mid-rise) building shall abide by the standards as required for apartment mixed use (low-rise).

Sec. 36-238. Dwelling, apartment mixed use (high-rise).

- (a) Any apartment mixed use (high-rise) building shall abide by the standards as required for apartment mixed use (mid-rise).

Sec. 36-239. Dwelling, live/work unit.

- (a) The work space shall be separate from the living space.
- (b) The floor area devoted to the business use may not exceed the floor area devoted to the residential use within the unit.
- (c) Any space that will be used by walk-in customers of the business must be accessible from an exterior entrance that is not used to access other residential units.
- (d) With the exception of the exterior entrance, the business cannot substantially alter the exterior of the property or substantially affect the character of the neighborhood or the health, safety and welfare of the residents.
- (e) The business space must be designed to permit conversion to residential space with minimum work and no structural changes.
- (f) Uses which are not allowed include but are not limited to the following: uses classified as industrial; appliance, small engine and bicycle repair; motor vehicle sales; motor vehicle service and repair; pawnshops; animal handling; bars; food service; restaurants; private entertainment; cannabis businesses; sexually oriented businesses; and cannabis businesses.
- (g) The dwelling shall be located above or behind the work space.

Sec. 36-240. Group home/non-statutory.

- (a) The use shall not be located within 1,500 feet of any other group home or state-licensed residential facility.
- (b) The maximum occupancy of a facility shall not exceed six people in the N-1 and N-2 district, 30 people in the N-3 district, and 50 people in the N-4 district. A minimum of 300 square feet of gross building area shall be provided for each resident.

- (c) A minimum of 12% of the net site area shall be developed as designed outdoor recreation area.
- (d) At least 800 square feet of lot area shall be provided for each person, including resident staff, housed on the site.
- (e) The building structure shall not be modified or converted for the specific purpose of accommodating the group home use except to comply with Americans with Disabilities Act requirements or other normal maintenance and repair.
- (f) The following shall also be required for facilities located in the N-1 and N-2 districts:
 - (1) No more than two people shall occupy one bedroom
 - (2) One bathroom shall be provided for every three persons living at the facility.

Sec. 36-241. Hostel.

- (a) The hostel shall be affiliated with a national or international hostel organization and shall be subject to the operating procedures of such organization.
- (b) The hostel shall be available for occupancy only by members of the affiliate or the parent organization.
- (c) The hours for check-in/check-out shall be limited to 6:00 a.m. to 1:00 a.m.
- (d) Overnight parking of vehicles whose passenger capacity exceeds 15 shall be prohibited on the site.
- (e) Outdoor recreational and play areas shall be located at least 25 feet from any lot zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers.
- (f) No room shall contain more than four beds.

Sec. 36-242. Hotel/motel.

- (a) The facility shall contain a minimum of 600 square feet of lot area per unit.
- (b) Building heights shall be limited to four stories or 45 feet within 100 feet of any parcel that is zoned N and used for dwelling purposes.
- (c) Shall be located in the upper stories of a structure; the basement; or in the ground story, a minimum of 30 feet behind any primary street façade and behind a permitted use.
- (d) Rooms shall be accessed from the interior of the building.
- (e) Secondary service uses may also be provided, such as food service, meeting rooms, pools, and fitness rooms as accessory uses.
- (f) A lobby and secondary service uses serving the hotel/motel may be provided along 25% of the primary frontage as defined by the zoning administrator. The remaining 75% of the primary frontage shall be non-residential uses.

Sec. 36-243. Nursing home.

- (a) All structures shall be located a minimum of 30 feet from any parcel that is zoned N and used for dwelling purposes.

- (b) A minimum of 12% of the net site area shall be developed as designed outdoor recreation area.

Sec. 36-244. Manufactured home park.

- (a) The manufactured home park, and all manufactured homes sited within it, must meet all requirements set forth in state statutes.
- (b) A responsible attendant or caretaker must be in charge at all times and shall be responsible for ensuring the maintenance of the park, its facilities, and its equipment in clean, ordinary, and sanitary condition.
- (c) The manufactured home park must be at least 5 acres in size.
- (d) The manufactured home park shall meet the density requirement set forth in the comprehensive plan.
- (e) Uses permitted within the park shall include only manufactured homes, storm shelters, recreational facilities, and accessory uses to the manufactured homes, including common laundering facilities, garages, sheds, and similar structures necessary for the operation and maintenance of the park.
- (f) All manufactured homes shall be equipped with an anchoring system approved by the Minnesota Department of Administration (Building Code division). The frame, wheels, crawl space, storage areas, and utility connections of all manufactured homes shall be concealed from view by skirting made of durable all-weather construction material that is consistent with the exterior of the manufactured home. Installation of the skirting must be completed within 60 days of the placement of the manufactured home on the pad. No obstruction shall be permitted that impedes the inspection of plumbing and electrical facilities.
- (g) The maximum impervious surface coverage on individual manufactured home sites for the manufactured home, any accessory structures, and driveway shall be 50%.
- (h) Except for public, community, and utility structures, the maximum height of principal and accessory structures shall not exceed 20 feet.

Sec. 36-245. State-licensed residential facility.

- (a) The use shall have a valid state license authorizing the residential facility. The license shall be issued specifically for the property where the residential facility is being conducted.

DIVISION 3. PRINCIPAL USES, PUBLIC, SOCIAL, & INSTITUTIONAL

Sec. 36-246. Business/trade school/college.

- (a) All educational and training activities shall occur within a building.

Sec. 36-247. Educational facility.

- (a) Educational facilities with 20 or fewer students.
 - (1) The school shall be limited to preschool through eighth grade.

- (2) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (3) Student drop-off and loading areas shall not interfere with traffic and pedestrian movements.
- (4) An outdoor play area shall be provided that contains at least 40 square feet per student enrolled at the school or be located adjacent to a public park.
- (b) Educational facility with more than 20 students.
 - (1) The principal buildings shall be located a minimum of 30 feet from any parcel zoned N and used for a dwelling.
 - (2) An off-street passenger loading area shall be provided to maintain vehicular and pedestrian safety.
 - (3) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (c) Pick-up/drop-off areas shall not conflict with other on-site or abutting land uses and shall not create congestion on public streets. Only automobiles and passenger vans shall be allowed to use an alley for pickup and drop-off of students.
- (d) In multitenant buildings, the school shall have at least one separate building entrance or shall have an interior entrance that is within 50 feet of a common building entrance.
- (e) Outdoor areas designated for group activities shall be located a minimum of 25 feet from a lot zoned N and used for dwelling purposes.
- (f) The use must have a minimum of 40 square feet of outdoor area per student dedicated to outdoor student activity and enclosed by a fence or be within ¼ mile of a city park developed with recreational facilities.

Sec. 36-248. Hospital.

- (a) Buildings, or portions thereof, located within 100 feet of any parcel that is zoned N and used for dwelling purposes shall be limited to four stories or 45 feet, whichever is less.
- (b) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (c) Internal traffic circulation shall be designed to minimize traffic within 100 feet of any abutting property zoned N and used for dwelling purposes.
- (d) Screening shall be installed along any abutting property zoned N and used for dwelling purposes, and the screening shall include a six-foot privacy fence.

Sec. 36-249. Municipal, county, state, or federal administrative or service facility.

- (a) Buildings shall be located at least 25 feet from a lot that is zoned N and used for dwelling purposes.
- (b) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

Sec. 36-250. Place of assembly.

- (a) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (b) In MU-1 district, not permitted in a building with residential uses.
- (c) In multitenant buildings, noise shall be contained within that space dedicated to the place of assembly use. No noise shall be audible within common areas or in adjacent units.
- (d) In multitenant buildings, the place of assembly shall have a separate entrance or shall have an interior entrance that is within 50 feet of a common building entrance.
- (e) All buildings shall be located a minimum of 30 feet from any parcel that is zoned N and used for dwelling purposes.
- (f) An off-street passenger loading area shall be provided to maintain vehicular and pedestrian safety.
- (g) Outdoor recreational and play areas shall be located at least 25 feet from any parcel that is zoned N and used for dwelling purposes.

Sec. 36-251. Police/fire station.

- (a) Buildings shall be located at least 25 feet from a lot that is zoned N and used for dwelling purposes.
- (b) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (c) Unobstructed visibility shall be provided from the driveway to the adjacent streets for emergency vehicles and a traffic light shall be installed at the entrance to the facility to control non-emergency traffic if recommended by the Director of Public Works.

Sec. 36-252. Post office customer service.

- (a) The use shall only be permitted when it can be demonstrated that the operation will not have a significant adverse effect on the existing level of service and safety of adjacent streets and intersections.
- (b) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (c) Outdoor mailboxes intended for in-vehicle service shall be located to allow in-vehicle mail drop-off by the vehicle's driver.

Sec. 36-253. Religious institution.

- (a) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (b) All buildings shall be located a minimum of 30 feet from any parcel that is zoned N and used for dwelling purposes.

- (c) An off-street passenger loading area shall be provided to maintain vehicular and pedestrian safety.
- (d) Outdoor recreational and play areas shall be located at least 25 feet from any lot zoned N and used for dwelling purposes.

DIVISION 4. PRINCIPAL USES, COMMERCIAL

Sec. 36-254. Adult day care.

- (a) A minimum of 12% of the net site area shall be developed as designed outdoor recreation area or be adjacent to a city park or public open space with designed outdoor recreation opportunities.
- (b) Within the N-1 and N-2 districts, the facility may serve 16 or fewer persons.

Sec. 36-255. Animal handling.

- (a) No animals shall be kept outside the building or cause offensive odor or noise discernible at the property line of the lot on which the activity is conducted.
- (b) Boarding animals during the day and/or night shall not be permitted in a vertical mixed-use building.
- (c) The use shall be located a minimum of 100 feet from any parcel that is zoned N and used for dwelling purposes.

Sec. 36-256. Animal handling, limited.

- (a) Daytime or overnight boarding of animals is not permitted unless the animals are kept overnight for medical treatment/care.

Sec. 36-257. Appliance, small engine and bicycle repair.

- (a) Engines shall not be operated or tested outside of a structure if the use is located within 300 feet of any parcel that is zoned N.
- (b) Uses involving combustible engines shall not be permitted in a residential mixed-use building.

Sec. 36-258. Auto body/painting.

- (a) Damaged or inoperable vehicles shall be stored indoors or in areas that meet the outdoor storage standards listed in section 36-295.
- (b) The facility shall be located a minimum of 300 feet from any parcel that is zoned N or occupied with a residential mixed-use building.
- (c) No sales, storage or display of used automobiles shall be permitted.
- (d) In the B1 district, the facility shall only be allowed as accessory to a motor vehicle sales or motor vehicle fuel and repair use.

Sec. 36-259. Bank.

- (a) Self-service machines shall be located inside the building.

Sec. 36-260. Cannabis retailer.

- (a) The lot must be at least 1,000 feet from the property line of a site containing a school. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the shopping center or multiuse building occupied by the cannabis retailer.
- (b) The lot must be at least 1,000 feet from the property line of a site containing a pawn shop, currency exchange, payday loan agency, firearms sales or sexually-oriented business. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the shopping center or multiuse building occupied by the cannabis retailer.
- (c) The lot must be at least 1,000 feet from the property line of a site containing a cannabis retailer. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the shopping center or multiuse building occupied by the cannabis retailer.
- (d) In-vehicle sales or services are prohibited.
- (e) The use shall be contained within a completely enclosed building, and no outside storage, display, or sale of merchandise is permitted.
- (f) On-site consumption of cannabis or lower-potency hemp and beverages is prohibited.

Sec. 36-261. Car wash.

- (a) A car wash that is a principal use shall have parking space to permit the stacking of at least 30 cars or the maximum number of vehicles which can be washed during a 30-minute period, whichever is greater; plus an additional 10 off-street parking spaces for employees and storage of employee owned and washed cars.
- (b) Drainage and surfacing plans for a car wash shall be approved by the director of public works. The plans shall describe the wash water disposal and sludge removal facilities to be employed to accomplish dust, salt, and other chemical and mud abatement on the premises and prevent the accumulation of surface water, wash water or sludge on the site or in the vicinity of the premises.
- (c) No ingress or egress points for a car wash shall be closer than 150 feet from the point of intersection of the required front and side yard lines adjoining intersecting streets. The exit door from the car wash shall be at least 45 feet from the public right of way. Drainage shall be away from the public street at the egress points to prevent spillage onto the street. The grades of the interior floor shall be sloped away from the exit door, and such floor shall be sloped to an accepted interior drainage system. No water which is used in the operation of the car wash shall be allowed on any public right of way.
- (d) Automatic car washes shall be located a minimum of 95 feet from any parcel that is zoned N and used for dwelling purposes or any parcel that has a residential mixed-use building. In this case, entrance and exit doors for the car wash that face the residential parcel shall be located at least 100 feet from the residential parcel.
- (e) Automatic car washes accessory to a motor fuel station or motor vehicle service and repair facility shall provide stacking space for at least four cars. Cars located in these

stacking spaces should not block ingress and egress driveways on the site or driveways providing access to gasoline pumps, service bays or required off-street parking, except that vehicles in stacking spaces may block access to parking stalls which are signed for employee parking only. All other provisions of this section shall apply to automatic car washes, except that no additional off-street parking spaces shall be required for an automatic car wash and ingress or egress to an automatic car wash may be permitted within 150 feet of the point of intersection of the required front and side yard lines.

Sec. 36-262. Catering.

- (a) This use may also include associated facilities such as offices and small-scale warehousing, but distribution is limited to vans and small trucks. Distribution access shall be from the rear.
- (b) The maximum overall gross floor area is limited to 12,000 square feet.
- (c) Outside storage of catering vehicles or associated equipment shall be kept in areas that meet the outdoor storage standards specified in section 36-295.
- (d) All outdoor activities such as loading and unloading shall be located a minimum of 100 feet from any parcel that is zoned N or used for dwelling purposes.
- (e) Any exhaust system venting outdoors shall be located away from residential areas.

Sec. 36-263. Dry cleaning or laundering facility.

- (a) The use shall not exceed 15,000 square feet in area.
- (b) Outside storage and parking of trucks involved in the operation of the business is limited to trucks and vans with a manufacturer's rated cargo capacity of one ton or less.
- (c) Outside vehicle storage shall meet the standards listed in section 36-295 outdoor storage.

Sec. 36-264. Grocery store.

- (a) When the grocery store is located in a mixed-use building with residential or office uses above the grocery use, the following applies:
 - (1) No activity results in any noxious or offensive odors, sounds, vibrations, emissions, or any external nuisances upon adjacent properties.

Sec. 36-265. Group day care/nursery school.

- (a) The principal buildings shall be located a minimum of 30 feet from any parcel zoned N and used for a dwelling.
- (b) The on-site outdoor activity areas shall be enclosed by a minimum four-foot-tall fence.
- (c) City parks may be utilized to meet up to 50% of the required outdoor activity areas with the following standards:
 - (1) The park must have age-appropriate play equipment.
 - (2) There is a clearly defined and maintained sidewalk or improved trail connecting the facility to the park.

- (3) Outdoor recreational and play areas shall be located at least 25 feet from any parcel zoned N and used for dwelling purposes.
- (d) An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.

Sec. 36-266. Liquor store.

- (a) The lot must be at least 1,000 feet from the property line of a site containing a pawnshop, currency exchange, payday loan agency, firearms sales or sexually-oriented business. In the case of a shopping center or a multiuse building, the distance shall be measured from the portion of the center or building occupied by the liquor store.

Sec. 36-267. Lower potency hemp edible retailer.

- (a) The standards for lower-potency hemp edible retailers are that the use shall be located more than 300 feet from the property line of a site containing a school. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the shopping center or multiuse building occupied by the lower-potency hemp edible retailer.

Sec. 36-268. Motor fuel station.

- (a) All pump islands, air dispensers and other service devices shall be installed at least 12 feet off and toward the interior of the lot from the required yard line, and no display, servicing of vehicles, parking or dispensing of gasoline shall take place within the required yard. On sites where pump islands have been constructed at the required yard line, a landscaped area of eight feet shall be installed in the required yard.
- (b) All on-site utility installations shall be placed underground.
- (c) No outside sale or display shall be permitted except gasoline and other goods consumed in the normal operation of a car limited to the following kinds of products: oil, gasoline and oil additives, propane tanks, windshield cleaner, windshield wipers, tires and batteries. No products shall be sold or displayed in any required yard nor shall the total display area occupy more than 150 square feet in area or be more than five feet in height. No other vehicular parts and non-automobile-oriented goods shall be displayed or sold outside.
- (d) Modification of the requirement of this section may be made for service stations in existence on the effective date of the ordinance from which this chapter is derived, if the city council finds that, because of the shape of the lot, size of the lot, the location of the principal building on the lot or similar circumstances, it would be impossible to satisfy the strict terms of this section or that they could be satisfied only by imposing exceptional or undue hardship upon the owner of the lot.
- (e) Any canopy and canopy support systems shall be constructed using architectural design and materials which are compatible with the principal structure.
- (f) No public address system shall be audible from any parcel that is zoned N and used for dwelling purposes.
- (g) The use is in conformance with the comprehensive plan.

- (h) Refer to section 36-369 for electric vehicle supply equipment (EVSE) requirements.
- (i) In addition to the above requirements, the following standards shall apply to motor fuel stations in the MU-1 district:
 - (1) Hours of operation shall be between 6:00 a.m. and 11:30 p.m.
 - (2) Gasoline pump islands, dispenser type, and location shall be designed so that no more than eight vehicles can be refueled at any given time.
 - (3) The number of service stalls shall not exceed two.

Sec. 36-269. Motor vehicle sales.

- (a) No previously registered but currently unlicensed or inoperable vehicles shall be stored on premises.
- (b) A minimum of 50% of the vehicles for sale on the premises shall be new vehicles.
- (c) All open sales or rental lots shall be operated in conjunction with a building or buildings containing the same or similar materials as displayed on the open sales or rental lot.
- (d) The building and the sales or rental lot shall be on one contiguous site.
- (e) String lighting shall be prohibited.
- (f) The area of open sales or rental lot used for storage and display of merchandise shall not exceed two square feet for every one square foot of building on the site devoted to the same or a similar use or accessory use.
- (g) No test driving shall be permitted on local residential streets.
- (h) No outdoor public address system shall be permitted.
- (i) All customer and employee parking shall be clearly designated and signed.
- (j) No motor vehicle transport loading or unloading shall be permitted on any minor residential street.
- (k) No display or storage of motor vehicles shall be permitted on any public right of way.
- (l) The storage lot shall be located a minimum of 100 feet from any parcel that is zoned N and used for dwelling purposes, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
- (m) The use is in conformance with the comprehensive plan.

Sec. 36-270. Motor vehicle service and repair.

- (a) No public address system shall be audible from any parcel that is zoned residential and used or subdivided for residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
- (b) All repair, assembly, disassembly and maintenance of vehicles shall be inside a closed building except tire inflation, changing wipers or adding oil.
- (c) Test driving shall be prohibited on any street in a N district.
- (d) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (e) The building housing the use shall be located a minimum of 100 feet from any parcel that is zoned neighborhood and used or subdivided for residential use, or any parcel that has a residential mixed-use building.

Sec. 36-271. Office.

- (a) The use shall occupy no more than 50% of the building in the I-2 district.
- (b) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (c) The parking areas shall be set back at least five feet from any parcel that is zoned N.
- (d) The materials used in and placement of all signs shall be integrated with the building design and architecture.

Sec. 36-272. Pawnshop.

- (a) The lot must be at least 1,000 feet from the property line of a site containing another pawnshop, currency exchange, payday loan agency, firearms sales, liquor store, sexually oriented business or cannabis retailer. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the center or building occupied by the pawnshop.
- (b) The pawnshop use shall not operate in conjunction with a sexually oriented business.
- (c) The lot must be at least 1,000 feet from the property line of a site containing another pawnshop, currency exchange, payday loan agency, firearms sales, liquor store or sexually oriented business. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the center or building occupied by the pawnshop.
- (d) The lot shall be located a minimum of 350 feet from any parcel that is zoned N, or has an educational use, religious institution, park, library or community center. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the center or building occupied by the pawnshop.
- (e) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial. Access to and from local residential streets is prohibited.
- (f) In-vehicle sales or services are prohibited.
- (g) Firearm transactions are prohibited.
- (h) The use shall be contained within a completely enclosed building. Outside storage, display, or sale of merchandise is prohibited.
- (i) Exterior loudspeakers or public address systems are prohibited.
- (j) Visibility into the store shall be maintained by utilizing clear, transparent glass on all windows and doors, and by keeping all windows free of obstructions for at least three feet into the store. Product may be displayed for sale in the window as long as the display, including signage, does not occupy more than 30% of the window area.
- (k) Interior and exterior bars, grills, mesh or similar obstructions, whether permanently or temporarily affixed, shall not cover any exterior door or more than 10% of any individual window or contiguous window area.
- (l) Neon accents and back-lighted awnings shall be prohibited.
- (m) Parking space requirements shall be determined pursuant to section 36-363. If a pawnshop is combined with another use such as a currency exchange or payday loan

agency, each use shall be considered a separate use for purposes of determining minimum parking requirements.

Sec. 36-273. Payday loan agency and currency exchange.

- (a) The lot must be at least 1,000 feet from the property line of a site containing a pawnshop, currency exchange, payday loan agency, firearms sales, liquor store, sexually oriented business, or cannabis retailer. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the center or building occupied by the payday loan agency or currency exchange.
- (b) The use shall not operate in conjunction with a sexually-oriented business.
- (c) The lot shall be located a minimum of 350 feet from any parcel that is zoned N, or has an educational (academic) use, religious institution, park, library or community center. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the center or building occupied by the use.
- (d) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial. Access to and from local residential streets is prohibited.
- (e) In-vehicle sales or services are prohibited.
- (f) The use shall be contained within a completely enclosed building.
- (g) Exterior loudspeakers or public address systems are prohibited.
- (h) Windows must be of clear, transparent glass and be free of obstructions for at least three feet into the store. Product may be displayed in the window as long as the display, including signage, does not occupy more than 30% of the window area.
- (i) Neon accents and back-lighted awnings shall be prohibited.

Sec. 36-274. Restaurant.

- (a) The uses must be so located as to be visible and easily accessible to pedestrians from the public right of way.
- (b) A six-foot sidewalk for pedestrian use shall be constructed along the perimeter of parking lot, drive aisle, and street adjacent to building to allow for the separation of pedestrian and vehicular movements within the parking lot.
- (c) If there is a wine and/or beer liquor license, there shall be no separate bar area within the restaurant.

Sec. 36-275. Retail or service establishment over 50,000 square feet.

- (a) This use shall only be permitted when it can be demonstrated that the operation will not have a significant adverse effect on the existing level of service on adjacent streets and intersections.
- (b) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (c) All buildings and structures shall be set back a minimum of 25 feet from any parcel that is zoned N and used for dwelling purposes.
- (d) The use is in conformance with the comprehensive plan.

Sec. 36-276. Self-storage facility.

- (a) No hazardous or flammable materials shall be stored on site.
- (b) No auctions, commercial sales/rentals, garage sales, or other activities not consistent with the approved storage use shall be conducted on the premises.
- (c) No separate, dedicated utility connections, namely, electricity, water, telephone, cable TV, or gas, will be provided to the individual units.
- (d) No unit within a self-storage facility shall be utilized as a place of business.
- (e) Outdoor storage is permitted with the following conditions:
 - (1) Only commercial and recreational vehicles may be stored outside.
 - (2) The vehicles must be properly licensed and in operable condition.
 - (3) The outdoor storage area shall not exceed 10% of the property size.
 - (4) The outdoor storage area shall be screened from view from surrounding properties with a 15-foot landscaped buffer and an 8-foot privacy fence and trees.

Sec. 36-277. Sexually-oriented business, high impact.

- (a) No person shall operate a high impact sexually oriented business on property, any part of which is within the area circumscribed by a circle which has a radius of 350 feet from any of the uses listed in this subsection (a). Distances shall be measured by following a straight line, without regard to intervening structures or objects, between the closest points on the property lines of the two uses. This distance requirement applies to the following uses:
 - (1) Property developed or zoned for residential uses;
 - (2) Property frequented by children or designed as a family destination, such as a day care facility, school, library, park, playground, nature center, religious institution, and other public recreational facility;
 - (3) Premises licensed under chapter 3 of this ordinance, relating to on-sale liquor, beer and wine licensing.
- (b) No person shall operate a high impact sexually oriented business on property, any part of which is within the area circumscribed by a circle which has a radius of 1,000 feet from another high impact sexually oriented business, pawnshop, currency exchange, payday loan agency, firearms sales, liquor store, or cannabis retailer. Distances shall be measured by following a straight line, without regard to intervening structures or objects, between the closest points on the property lines of the two uses.
- (c) No owner, manager or employee may sell or display for sale any sexually-oriented materials except in original unopened packages.
- (d) No owner, manager or employee of a high impact sexually-oriented business shall have been convicted of a sex crime, as identified in M.S.A. §§ 609.293 609.352, 609.746 609.749, 609.79, 518B.01, or related statute dealing with sexual assault, sexual conduct, harassment, obscenity, or domestic abuse.
- (e) No owner, manager or employee of a high impact sexually-oriented business shall allow any sexually-oriented materials or entertainment to be used on any sign or window display.

- (f) No owner, manager or employee of a high impact sexually-oriented business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the high impact sexually-oriented business establishment which is prohibited by any ordinance of the city, the laws of the state, or the laws of the United States. Nothing in this chapter shall be construed to authorize or permit conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinance prohibiting the exhibition, sale or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors.
- (g) The business owner, manager or employee shall ensure that no person under the age of 18 years enters the business.
- (h) No owner, manager or employee shall allow any sexually-oriented materials or entertainment to be visible or perceivable in any manner, including aurally, at any time from outside of the business.
- (i) No owner, manager or employee shall allow any person under the age of 18 years to have access to sexually-oriented materials, whether by sight, purchase, touch, or any other means.
- (j) Each business shall display a sign on its main entrance door which reads: "This business sells sexually-oriented material or entertainment. Persons under the age of 18 are prohibited from entering." The sign letters shall be a minimum of two inches high.
- (k) No business regulated by this subsection may have a license under chapter 3 of this code, and no alcoholic beverages may be consumed in the business.
- (l) No business shall exceed 10,000 square feet in gross floor area.
- (m) No patron, employee, or other person may physically contact any specified anatomical area of himself or herself, or of any other person, except that a live performer may touch himself or herself.
- (n) Each live performer shall remain at all times a minimum distance of ten feet from all members of the audience and shall perform on a platform intended for that purpose, which shall be raised at least two feet from the level of the floor on which the audience is located. No performer may solicit or accept any pay, tip, or other item from any member of the audience.
- (o) No business shall have any booths, stalls or partitions which separate any area from a general public room. The restrictions of this subsection do not apply to restrooms, storage rooms, or private offices of the owner, manager, or employees of the business, if such storage rooms or offices are used solely for running the business and no person other than the owner, manager, and employees is allowed in the storage rooms or offices.

Sec. 36-278. Sexually-oriented business, limited impact.

- (a) No owner, manager or employee shall allow any sexually-oriented materials or entertainment to be visible or perceivable in any manner, including aurally, at any time from outside of the business.
- (b) The business owner, manager or employee shall assure that no person under the age of 18 years enters the separate area where sexually-oriented materials are provided.

- (c) No owner, manager or employee shall allow any person under the age of 18 years to have access to any sexually-oriented materials, whether by sight, purchase, touch, or any other means.
- (d) No owner, manager, or employee may sell or display for sale any sexually-oriented materials except in original unopened packages.
- (e) No business may have a license under chapter 3 of this code other than an off-sale license for non-intoxicating malt liquor.
- (f) Both the owner of a sexually-oriented business and the manager of the business shall be responsible for the conduct of their employees and for compliance with this section.
- (g) No owner or manager of a sexually-oriented business shall employ a person under the age of 18 years.
- (h) No owner, manager or employee of a sexually-oriented business shall have been convicted of violating this section three or more times within 24 months.

Sec. 36-279. Shopping center, neighborhood.

- (a) The shopping center development shall not exceed 50,000 square feet of gross floor area.
- (b) Location shall be at the intersection of collector and/or arterial roadways.
- (c) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (d) All buildings and structures shall be set back a minimum of 25 feet from any parcel that is zoned N and used for dwelling purposes, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.
- (e) A neighborhood shopping center shall meet the pedestrian access requirements in article VIII, division 3.

Sec. 36-280. Shopping center, community.

- (a) The shopping center development shall not exceed 200,000 square feet of gross floor area.
- (b) Location shall be at the intersection of two arterial roadways, the intersection of an arterial and a collector, or along an arterial near such an intersection.
- (c) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (d) All buildings and structures shall be set back a minimum of 25 feet from any parcel that is zoned N and used for dwelling purposes, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers.

Sec. 36-281. Showroom.

- (a) Distribution is limited to vans and small trucks. Distribution access shall be from the rear of the building.
- (b) Delivery vehicles cannot be stored on-site.

- (c) Showrooms with attached warehousing components shall be separated from the warehousing components by a minimum eight-foot-tall permanent wall.
- (d) Distribution shall be from a designated loading area only.

Sec. 36-282. Studio.

- (a) No impact noise shall be audible from any property located in a N district or dwelling unit if the studio use is located in a residential mixed-use building.
- (b) Distribution access shall be from the rear of the building.
- (c) A showroom or retail outlet is permitted as an accessory use.

Sec. 36-283. Vendor market.

- (a) In-vehicle sales or services are prohibited.
- (b) In multitenant buildings, the vendor market shall have a separate entrance or shall have an interior entrance that is within 50 feet of a common building entrance.

DIVISION 5. PRINCIPAL USES, RECREATION

Sec. 36-284. Country club.

- (a) All structures shall be located a minimum of 30 feet from any parcel that is zoned N and used for dwelling purposes.

Sec. 36-285. Golf course.

- (a) All structures shall be located a minimum of 30 feet from any parcel that is zoned N and used for dwelling purposes or has an occupied institutional building, including but not limited to educational facilities, religious institutions, and community centers.

Sec. 36-286. Indoor entertainment.

- (a) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (b) Not permitted in a building with residential uses.
- (c) In multitenant buildings, noise shall be contained within that space dedicated to the place of assembly use. No noise shall be audible within common areas or in adjacent units.
- (d) In multitenant buildings, the place of assembly shall have a separate entrance or shall have an interior entrance that is within 50 feet of a common building entrance.
- (e) All buildings shall be located a minimum of 30 feet from any parcel that is zoned N and used for dwelling purposes.
- (f) An off-street passenger loading area shall be provided to maintain vehicular and pedestrian safety.
- (g) Outdoor recreational and play areas shall be located at least 25 feet from any parcel that is zoned N and used for dwelling purposes.
- (h) In-vehicle sales or services prohibited.

- (i) The use must be so located as to be visible and easily accessible to pedestrians from the public right of way.
- (j) If there is a wine, beer, and/or intoxicating liquor license, there shall be no separate bar area within the establishment.

Sec. 36-287. Park/recreation.

- (a) All structures shall be located a minimum of 30 feet from any parcel that is zoned N and used for dwelling purposes or as an institutional building, including but not limited to educational facilities, religious institutions and community centers.
- (b) Areas designated for group activities shall be located a minimum of 25 feet from any parcel that is zoned N and either used for dwelling purposes or as an institutional building, including but not limited to educational facilities, religious institutions, and community centers.
- (c) Facilities which serve a regional function shall not be permitted.
- (d) Facilities which serve a community wide or regional function shall be located with primary vehicular access on a collector or arterial street.
- (e) Swimming pools shall be located a minimum of 50 feet from any lot line and a minimum of 12 feet from any other structure on the same lot.
- (f) Swimming pools shall be completely enclosed using an F4 fence as a minimum requirement.
- (g) Screening shall be installed along the property line when the use abuts property used for dwelling purposes or in an N districts. This screening shall include a berm or fence which shall be adequately maintained. Application of this provision shall not require a fence within the required front yard.

DIVISION 6. PRINCIPAL USES, INDUSTRIAL

Sec. 36-288. Anaerobic digester.

- (a) Anaerobic digesters shall be permitted only as part of a larger development which contains at least one other principal use, and where electricity and biogas produced by the digester is used primarily by the larger development.
- (b) Organic material, as defined in the zoning code, is the only input allowed.
- (c) No more than 30,000 tons of organic material shall be processed per year.
- (d) The digester system, associated equipment and operations must occur completely within a negative pressure building.
- (e) Organic material shall be deposited from the delivery vehicle directly into an enclosed container integrated with the digester system.
- (f) Sorting of material must occur in an enclosed container integrated with the digester system.
- (g) Odor controlling devices shall be used to prevent odors from being detectable outside of the building containing the digester system.
- (h) Flaring of biogas is only allowed to burn excess gas and shall not be visible from off-site.
- (i) No outdoor storage is allowed.

- (j) Retail distribution of compressed natural gas is not allowed.
- (k) All necessary permits relating to items such as emissions, solid waste processing, energy production, industrial wastewater, and storm water must be obtained from the appropriate agencies.
- (l) All necessary contracts or agreements with material providers and utility companies must be submitted to the city prior to the issuance of a building permit.

Sec. 36-289. Cannabis operation.

- (a) The lot must be at least 1,000 feet from the property line of a site containing a school. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the shopping center or multiuse building occupied by the cannabis producer.
- (b) The lot must be at least 1,000 feet from the property line of a site containing a cannabis operation. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the shopping center or multiuse building occupied by the cannabis producer.
- (c) The use shall be contained within a completely enclosed building, and no outside storage, display or sale of merchandise is permitted.

Sec. 36-290. Composting operation.

- (a) All buildings, structures and activity areas shall be located a minimum of 30 feet from all lot lines.
- (b) No food scraps or other vermin-attracting materials shall be processed, stored, or disposed on the site.
- (c) Operations shall not involve the on-site holding, storage or disposal of hazardous wastes as defined by applicable statutes, rules, or regulations.

Sec. 36-291. Hemp processor.

- (a) The lot must be at least 1,000 feet from the property line of a site containing a school. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the shopping center or multiuse building occupied by the hemp processor.
- (b) The lot must be at least 1,000 feet from the property line of a site containing a cannabis operation. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the shopping center or multiuse building occupied by the hemp processor.
- (c) The use shall be contained within a completely enclosed building, and no outside storage, display or sale of merchandise is permitted.

Sec. 36-292. Manufacturing/processing.

- (a) All outdoor activities such as loading and unloading shall be located a minimum of 100 feet from any parcel that is zoned N and used for dwelling purposes and any residential mixed-use building.

- (b) All manufacturing/processing activities shall occur within a building.
- (c) All doors and windows facing a property zoned N shall remain closed.

Sec. 36-293. Manufacturing/processing, light.

- (a) All activities shall occur within a building.
- (b) Outside storage is prohibited.
- (c) All doors and windows facing a property zoned N shall remain closed.
- (d) Operation shall not result in noxious or offensive odors, sounds, vibrations, emissions, or any external nuisances upon adjacent properties. Noise and odors pertaining to the assembly, manufacturing and processing activities shall not be discernable from the property line of a property zoned N.
- (e) A showroom and/or retail outlet is required and shall be located in the primary street frontage of the building.
- (f) The showroom and/or retail outlet shall occupy a minimum of 20% of the gross floor area with no maximum limit.
- (g) All outdoor activities such as loading and unloading shall be located a minimum of 100 feet from any parcel that is zoned residential and used residential.

Sec. 36-294. Microbrewery or microdistillery.

- (a) The brewery or distillery shall not produce more than 20,000 barrels of malt liquor per year.
- (b) Alcohol produced off-site shall not be sold on-site, this includes both on-sale and off-sale transactions.
- (c) In addition to the standards above, the following standards apply within the MU-1, MU-2, MU-3 and B-1 districts:
 - (1) A taproom and/or retail outlet is required and shall occupy up to 25% of the gross floor area of the brewery or distillery.
 - (2) This use may include associated facilities such as offices and small-scale warehousing, but distribution is limited to vans and small trucks. Distribution access shall be from the rear of the building.
 - (3) The maximum overall gross floor area is limited to 20,000 square feet.

Sec. 36-295. Outdoor storage.

- (a) Storage areas shall be surrounded on all sides by a minimum six-foot-tall privacy fence. Slatted chain-link fences shall not be allowed. Fence may be increased to eight feet when:
 - (1) Adjacent to a property zoned N or a property improved with a residential mixed-use building.
 - (2) Stored items are visible above the six-foot fence.
- (b) For properties adjacent to a railroad track, fencing shall not be required on the side of the storage yard adjacent to the railroad track when the grade of the railroad track is more than six feet above the adjacent grade of the storage area.

- (c) A minimum five-foot-wide landscaped greenway, and six-inch tall concrete curb shall be required when the storage area is adjacent to a right of way, property zoned neighborhood, or a property improved with a residential mixed-use building.
- (d) Storage shall not be permitted within any required yards.
- (e) Storage areas shall be separated from the required parking and circulation areas.
- (f) Stored materials shall not interfere with either on-site or off-site traffic visibility.
- (g) Inoperative vehicles or equipment or other items typically stored in a junkyard or salvage yard shall not be stored on land on which storage is permitted with conditions under this section.
- (h) All areas used for outdoor storage shall be paved and bordered with a six-inch concrete curb.
- (i) When allowed as an accessory use, in addition to the above requirements, storage areas shall not be allowed to be closer to a street than the principal building.

Sec. 36-296. Printing facility.

- (a) This use may also include associated facilities such as offices and small-scale warehousing.
- (b) The maximum overall gross floor area is limited to 12,000 square feet.
- (c) A showroom and/or retail outlet is required and shall be located in the primary street frontage of the building.
- (d) The showroom and/or retail outlet shall occupy a minimum of 25% of the gross floor

Sec. 36-297. Warehouse/storage.

- (a) In the I-1 district, no more than 60% of floor area may be utilized for warehouse.
- (b) With the exception of loading and unloading of commodities, and parking and storage of trailers, all functions shall be within an enclosed building. Parking and storing trailers shall be considered outdoor storage and shall comply with the outdoor storage outdoor storage land use regulations allowed in the district.
- (c) All outdoor activities such as loading and unloading shall be located a minimum of 100 feet from any parcel that is zoned neighborhood and used or subdivided for residential, or any property that is occupied by a residential mixed-use building.
- (d) Where possible, the loading and unloading areas shall be located on the side of the building farthest from any parcel that is zoned neighborhood and used for residential or is occupied by a residential mixed-use building.

DIVISION 7. PRINCIPAL USES, TRANSPORTATION AND UTILITIES

Sec. 36-298. Communication towers and antennas.

- (a) Purpose.
 - (1) To accommodate the reasonable communication needs of residents and business in the community while protecting the public health, safety, and general welfare of the community.

- (2) To establish appropriate maximum heights of communication towers and antennas, considering their potential adverse impacts on the community at large and the ability to mitigate such impacts.
 - (3) To minimize adverse impacts on properties in close proximity to communication towers and antennas.
 - (4) To minimize adverse visual effects of communication towers and antennas through careful design and siting standards.
 - (5) To avoid potential damage to adjacent properties from communication tower and antenna failure through structural standards and setback requirements.
 - (6) To maximize the use of existing communication towers, antennas and buildings to accommodate new antennas in order to reduce the number of communication towers needed to serve the community.
- (b) Zoning compliance. Communication towers and antennas are allowed as provided in each zoning district and must be in compliance with the provisions of this chapter.
- (c) Communication tower and antenna design requirements. Communication towers and antennas proposed or modified anywhere in the city shall meet the following design requirements:
- (1) Communication towers up to 120 feet in height shall be of a monopole type.
 - (2) The city may impose reasonable requirements to preserve the design, appearance or intended purpose of a structure when collocation is proposed.
 - (3) Antenna designs and mounts shall be designed to minimize visual impact.
 - (4) All small wireless facilities and their support structures must use the same color and/or finish as the pole they are mounted to.
 - (5) Antenna must be mounted within two inches of the support pole.
 - (6) With the exception of the antenna, all components of the small wireless facilities, including wires and conduit must be located inside the building, structure, or pole it is attached to, and inside the, mounting bracket used to attach the antenna to the building, structure or pole it is attached to. Wires and conduit must also be placed underground when applicable. Components of the antenna may be screened from off-site views when located on the roof of a building.
 - (7) Communication towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state law or regulation that preempts local regulations. Wireless facilities and lighting may collocate if the lighting is intended for pedestrian or traffic safety or to illuminate parking lots or recreational fields.
 - (8) All small wireless facilities and support facilities must comply with the city's noise regulations.
 - (9) Back-up battery facilities that generate noise are prohibited.
 - (10) Small wireless facilities shall not obstruct city street and wayfinding signage.
 - (11) The use of any portion of a communication tower for displaying flags or signs other than warning or equipment information signs is prohibited.

- (12) No stickers, signs, or decals are allowed to be visible on small wireless facilities.
The exceptions to this rule are safety alerts required by law. These must be placed on the back or underside of facilities.
- (13) Ground equipment associated with a communication tower or antenna shall be housed in a building. The building shall meet the architectural design standards of this chapter and shall meet the minimum communication tower setback requirements of the underlying zoning district. This provision shall not apply to small wireless facilities.
- (14) Wireless facilities and wireless support structures shall maintain at least eight feet of clearance from other poles, furniture, landscaping, art, and other obstructions.
- (15) All small wireless facilities must be mounted so that there is a vertical clearance of at least 12 feet between the facility and the grade at the base of the structure.
- (16) Every communication tower or free-standing antenna shall be protected to discourage climbing of the tower or antenna by unauthorized persons.
- (17) No small wireless facility may extend more than 10 feet above its wireless support structure.
- (d) Free-standing antennas. Any antenna that is a separate structure and not attached to a building shall comply with all height and other requirements of this chapter relating to towers.
- (e) Co-location requirements.
 - (1) A proposal for a new communication tower or antenna shall not be approved unless the applicant shows that the antenna cannot be reasonably accommodated on an existing pole, structure, communication tower or building.
 - (2) The owner of any communication tower exceeding 50 feet in height constructed after the effective date of this ordinance shall permit the reasonable joint use of the structure for other antennas.
- (f) Building-mounted antennas.
 - (1) Antennas attached to a building shall be no higher than 10 feet above the highest point of the building.
 - (2) All building-mounted equipment shall be consistent with the architectural features of the building and be painted to match the color of the building exterior, roof or sky, whichever most effectively screens the equipment, as determined by the zoning administrator.
- (g) Location specific regulations for communication towers and antennas.
 - (1) No more than one communication tower is allowed per parcel zoned and used for residential.
 - (2) Communication towers located on parcels occupied by residential dwellings are only allowed in the rear yard.
 - (3) Communication towers and antennas located on property zoned residential and used for residential purposes shall be limited to communication towers and antennas used for the private enjoyment of those on the premises.
 - (4) Monopoles shall be setback at least 10 feet from all lot lines. Communication towers of all other construction types shall be setback a distance equal to 1.5 times their engineered collapse radius or a distance equal to their height,

whichever is less, except that all communication towers located on private property shall be located a minimum distance of twice their height from any parcel zoned or used for residential purposes or zoned mixed-use.

- (5) All equipment located on the ground shall be set back as to comply with the minimum yards of the zoning district they are located in, except that equipment located entirely underground is allowed to encroach into the required yards.
- (6) Communication towers shall not be located between a principal structure and a lot line adjacent to a street, with the following exceptions:
 - a. In Industrial zoning districts, communication towers may be placed between the building and the side lot line abutting a street.
 - b. On sites adjacent to public streets on all sides, communication towers may be placed between the building and either the side lot line abutting a street or the rear lot line.
- (7) Public right of way. Communication towers and antennas may be installed in the public right of way as permitted by chapter 24, article VII, division 2 of the St. Louis Park city code.
- (8) A communication tower that complies with all other requirements of this chapter is allowed as a conditional use in a wetland, public waters wetland, Wetland Conservation Act (WCA) wetland, flood fringe district or general floodplain district. The standards for the issuance of a conditional use permit shall be the general criteria contained in this chapter applicable to all conditional use permits and the specific requirements for conditional uses in the flood fringe and general floodplain districts. The tower shall also comply with all other applicable laws and regulations.
- (h) Permit requirements. All antennae and communication towers erected, constructed, or located within the city shall obtain a building permit.
- (i) Maintenance requirements. Communication tower and antenna shall be structurally sound. Additionally, finish and paint shall be maintained in good condition, free from rust, graffiti, peeling paint, or other blemish.
- (j) Additional submittal requirements. In addition to the information required elsewhere in this code, applications for communication towers or antennas that are permitted with conditions or require a conditional use permit shall include the following supplemental information unless it is determined by the zoning administrator that certain information is not required based upon the nature of the proposed antenna or communication tower:
 - (1) A report from a qualified and licensed professional engineer that:
 - a. Describes the communication tower height, width including antennas, and design including a cross section and elevation; a site plan which demonstrates all building dimensions and horizontal setbacks of associated equipment, HVAC and decibels, paving, landscaping, security lighting, and fencing.
 - b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas.

- c. Describes the communication tower's capacity, including the number and type of antennas it can accommodate.
 - d. Documents what steps the applicant will take to avoid interference with established public safety telecommunications.
 - e. Includes an engineer's stamp and registration number.
 - f. Includes other information necessary to evaluate the request.
 - g. Includes the dimensions and expected quality of the existing and proposed transmission service area.
 - h. Includes the location, depth of utilities and other land lines connected to the communication tower and associated equipment.
 - i. Reviews potential interference with public safety telecommunications equipment and renders an opinion as to what the interference issues may be resulting from the proposed antenna, and recommendations as to how the interference can be mitigated. The report must also state whether or not the proposed antenna complies with all non-interference requirements of the FCC. A copy of the FCC approval of the antennae in regard to non-interference must be attached.
- (2) For all communication towers which are not used solely for private use antenna, a letter of intent committing the communication tower owner and his or her successors to allow the shared use of the communication tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
 - (3) Before the issuance of a conditional use permit and/or building permit, proof that the proposed communication tower complies with regulations administered by the Federal Aviation Administration and Federal Communications Commission shall be submitted.
- (k) Discontinued or unused communication towers or antennas. All discontinued or unused communication towers or antennas or portions of communication towers and antennas, together with associated facilities shall be removed within 12 months of the cessation of operations at the site. In the event that a communication tower is not removed within 12 months of the cessation of operations at a site, the communication tower and associated facilities may be removed by the city and the costs of removal assessed against the property.
- (l) Amateur radio towers.
 - (1) Communication towers supporting amateur radio antennas shall be setback at least 15 feet from any property line.
 - (2) Amateur radio towers must be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of amateur radio service, antennas mounted on such a tower may be modified or changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.
 - (3) As part of any administrative or Conditional Use Permit approval, any requirements of this chapter may be modified to the extent necessary to provide

reasonable accommodation to an amateur radio tower to the extent required by federal law.

- (m) Legal non-conforming towers. New or replacement antennas may be installed on a legal non-conforming tower so long as the new or replacement antenna does not increase the overall height of the tower and is designed to minimize visual impact.

Sec. 36-299. Parking ramp.

- (a) For parking ramps in N districts, the following standards apply:
 - (1) The height of any parking ramp shall meet the height standards for principal buildings of the district in which it is located.
 - (2) The minimum required yard for any parking ramp located within 200 feet of any parcel that is zoned N and either used for residential use or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers shall be 50 feet. Parking ramps which are entirely enclosed shall meet the principal building yard requirements of the applicable zoning district.
 - (3) The parking ramp shall be screened from view from any abutting property located within an N district. The screening shall include a six-foot berm where the parking ramp is above ground.
 - (4) If the parking ramp is located within 400 feet of any parcel that is zoned N and either used for dwelling purposes or has an occupied institutional building, including but not limited to educational (academic) facilities, religious institutions, and community centers, all light sources on the top deck of a parking ramp shall be below the sight lines drawn from a point one foot above the light source to any point within said parcel ten feet lower than the maximum structure height of that use at a distance of 400 feet from the wall of the parking ramp nearest to said parcel.
- (b) For parking ramps located outside of N districts, the following standards apply:
 - (1) Access shall be from a roadway identified in the comprehensive plan as a collector or arterial or otherwise located so that access can be provided without conducting significant traffic on local residential streets.
- (c) Parking ramps shall be designed so that vehicles are not visible from the sidewalk and the only openings at street level are those to accommodate vehicle ingress and egress.
 - (1) Parking ramp facades that are visible from off the site shall display an integration of building materials, building form, textures, architectural motif, and building colors with the principal building. If the parking ramp is located within 20 feet of a street right of way or recreational trail, the facade facing the street shall be subject to the same requirements for exterior surface materials as for buildings.
 - (2) Snow removal areas shall not be located in the front yard or side yard abutting a street.
 - (3) Parking ramps shall be located only behind the rear of the building.
 - (4) Parking ramps located on a street frontage shall have principal uses on the ground floor.

- (5) The minimum yard requirement for any parking ramp located within 200 feet of a parcel that is zoned neighborhood and used for residential shall be 50 feet.
- (6) The parking ramp shall be screened from view from any abutting property located within a N district.
- (7) Vehicular entrances to structured parking garages within the building generally shall be limited to locations on the rear façade that face the rear parking yard; except such entrances may be located on the side façade, facing the limited side parking yard, if the following is met:
 - a. The location may not be closer to the street than the maximum setback requirement.
- (8) No signs shall be permitted on parking ramp facades.

Sec. 36-300. Public service structure.

- (a) Outdoor storage areas shall be located a minimum of 25 feet from any parcel that is zoned N and used or subdivided for residential use.
- (b) All structures shall be located a minimum of 10 feet from any parcel that is zoned N and used or subdivided for residential.
- (c) All service drives shall be paved.

Sec. 36-301. Utility substation.

- (a) No structure shall be located within 25 feet of any property line.
- (b) No structure shall be located within 200 feet of any parcel that is zoned N and used for dwelling purposes or a property occupied by a residential mixed-use building.

DIVISION 8. ACCESSORY USES

Sec. 36-302. Accessory dwelling unit.

- (a) Accessory dwelling units shall only be permitted on single-unit dwelling lots.
- (b) There shall be no more than one accessory dwelling unit permitted per lot.
- (c) Occupancy of the single-unit dwelling lot, including both the principal dwelling unit and the accessory dwelling unit, shall be limited to no more than one household and up to two persons who are boarders/roomers or reside in one of the dwelling units.
- (d) The accessory dwelling unit shall not be sold independently of the principal residential dwelling and may not be a separate tax parcel.
- (e) Accessory dwelling units that are attached to the principal dwelling unit shall be no more than 40% of the gross floor area of the single-unit dwelling.
- (f) Accessory dwelling units that are detached from the principal residential structure shall comply with the regulations for accessory structures and must comply with the following additional requirements:
 - (1) Detached accessory dwelling units shall be located a minimum of five feet from any rear lot line unless the rear lot line is adjacent to an alley, in which case it may be located five feet from the rear lot line.
 - (2) Detached accessory dwelling units located less than six feet from the principal dwelling is subject to the same side yard as required for the principal dwelling.

Detached accessory dwelling units located six feet or more from the principal dwelling shall be located a minimum of five feet from any side property line.

- (3) Detached accessory dwelling units shall have a floor area greater than 200 square feet.
- (4) Balconies and decks above the ground floor shall be located a minimum of 15 feet from a side yard or a rear yard. Rooftop decks for an accessory dwelling unit shall not be allowed.

(g) Accessory dwellings may not be used for short-term rental purposes.

Sec. 36-303. Accessory dwelling unit affiliated with a religious institution.

- (a) The dwelling units/living quarters shall be on the same property as the religious institution.
- (b) The dwelling units/living quarters shall at a minimum have access to on-site facilities for cooking, sleeping, and bathing.
- (c) At least 12% of the lot area shall be developed as a designed outdoor recreation area.
- (d) The persons living/staying on-site must be clergy, employees, or similarly associated with the religious institution.
- (e) The residential density of the accessory dwelling units/living quarters shall not exceed the residential density that would otherwise be allowed on the property, and in no case shall it exceed 15 persons.
- (f) The combined gross floor area of the accessory dwelling units/living quarters shall be less than the gross building area of the principal building and principal use.
- (g) If the dwelling units/living quarters are not within the principal building:
 - (1) The buildings shall be built on a permanent foundation and connected to city sanitary sewer and water.
 - (2) The accessory dwelling units/living quarters shall be exempt from the accessory building size limitations.
 - (3) The accessory building(s) shall be architecturally compatible with the principal building.
 - (4) The accessory building(s) shall not be taller or otherwise larger in scale than the principal building.
- (h) All required licenses or permits to establish and maintain the dwelling units/living quarters shall be obtained.

Sec. 36-304. Accessory building.

- (a) Accessory buildings located less than six feet from a principal building on the same lot, measured from ground to sky, and from the nearest projection of each building, excluding decks and stoops less than 30 inches in height, shall be considered part of the principal building and shall follow principal building standards.
- (b) All accessory buildings shall obtain a zoning or building permit prior to installation and must be anchored in a manner approved by the city.
- (c) Accessory buildings shall not be located in a drainage or utility easement without first obtaining approval of an encroachment agreement.

- (d) Accessory buildings used as accessory dwelling units shall abide by the accessory building regulations and the accessory dwelling unit regulations. Regulations for accessory dwelling units shall prevail when there are conflicts between the two sections.
- (e) Location.
 - (1) Shall not be located in front of the principal building's front face.
 - (2) Accessory buildings located behind the principal building's rear face shall meet the following requirements:
 - a. Accessory buildings shall be located a minimum of two feet from any lot line, except when the side of the building accessed by the vehicle is less than 30 degrees to the property line adjacent to an alley, then the building shall be at least five feet from the lot line.
 - b. Eaves, overhangs, or other extensions from the roof shall be located a minimum of two feet from the lot line.
 - c. Gutters shall be located a minimum of 18 inches from the side and rear lot line.
 - (3) Detached garages when located between the front and rear faces of the principal building shall meet the following requirements:
 - a. It shall meet the same side yards as required for the principal building.
 - b. Eaves shall meet the same yard requirements as required for the principal building.
 - (4) Accessory buildings on through lots shall be subject to the front and side yard requirements of the principal building if the accessory building is located within 60 feet of the rear lot line.
- (f) Size.
 - (1) The total cumulative ground floor area of all accessory buildings on lots improved with single-unit dwellings shall not exceed the smaller of 800 square feet or 25% of the area behind the rear face of the principal building. This provision shall not prohibit the construction of either a detached garage or a detached accessory dwelling unit, or a combination thereof, that is no greater than 576 square feet in area provided there are no other accessory buildings. This exception does not allow more impervious surface than allowed for the principal use.
 - (2) The total cumulative ground floor area of all accessory buildings on lots improved with two, three, or four-unit dwellings shall not exceed the smaller of 1,200 square feet or 25% of the area behind the rear face of the principal building. This provision shall not prohibit the construction of a detached garage that is no greater than 576 square feet in area provided there are no other accessory buildings. This exception does not allow more impervious surface than allowed for the property.
- (g) Height.
 - (1) Shall not exceed 15 feet in height.
 - (2) The maximum height may be increased to 24 feet where the primary exterior materials of the accessory building match the primary exterior materials of the

principal building and the roof pitch matches a roof pitch of the principal building, and provided the wall height shall not exceed 9 feet from the building ground floor to the highest top plate of the exterior non-gable end walls. Dormers are exempt from the height measurement if the combined width of the dormers is less than 50% of the side of the building they are located on.

- (3) The height of all accessory buildings shall be lower than the highest roof line of the principal building.

(h) Design.

- (1) All detached garages and other accessory buildings shall be compatible in design and materials to the principal building on the parcel.
- (2) No plumbing for kitchen or bathroom facilities (including but not limited to toilets and showers) is allowed in any detached garage or other accessory building unless it is determined to be an accessory dwelling unit. Hose bibs and utility sinks are allowed.
- (3) Windows, doors, and similar openings may be located in the second story of an accessory building if the wall or dormer in which it is located faces a lot line that abuts a public right of way or the door and/or window is at least 15 feet from any property that is zoned residential and used or subdivided for residential use.

- (i) Garages below grade level. Where the natural grade of a lot at the building line of a house is eight feet or more above the established curb level, a private garage may be erected within any yard provided one-half or more of its height is below grade level and it is located a minimum of ten feet from any lot line adjacent to a street and five feet from any side lot line.

Sec. 36-305. Accessory retail sales.

- (a) Accessory retail sales shall be limited to a maximum of 15% of the gross floor area of the principal use.

Sec. 36-306. Accessory structure.

- (a) All detached decks, patios, sport courts, detached pergolas, and similar structures shall obtain a permit prior to installation and must be anchored in a manner approved by the city.
- (b) Accessory structures shall not be located in a drainage or utility easement without first obtaining approval of an encroachment agreement.
- (c) Accessory structures located behind the principal building's front face shall be a minimum of two feet from the lot line if over six feet in height.
- (d) Accessory structures that are located in front of the principal building's front face and are over four feet in height shall be located:
 - (1) At least 15 feet from the street lot line.
 - (2) At least three feet from internal side lot lines.
 - (3) At least nine feet from all other lot lines abutting a street when there is more than one street frontage.
- (e) Arbors, pergolas, arches, gateways, or similar open structures over purposeful pedestrian walkways that extend between properties, between front and back yard

areas, or from the public right of way to a house or garage may be located up to the property line as long as:

(1) There is no more than one such structure per lot line.

(2) The structure is not more than 10 feet in height, 10 feet in width, and three feet in depth.

(f) All accessory structures shall be no more than 15 feet in height and lower than the highest roofline of the principal building.

Sec. 36-307. Adult day care in a religious institution, community center, or nursing home.

(a) There shall be at least 150 square feet of outdoor sitting and exercise area per person under care at peak periods.

Sec. 36-308. Bar.

(a) Allowed only as accessory to a restaurant, hotel or place of assembly.

Sec. 36-309. Boarders or roomers.

(a) Up to two boarders or roomers shall be allowed per resident household provided the living area for the boarders/roomers is within the principal building and does not constitute a separate dwelling unit.

Sec. 36-310. Cannabis retailer.

(a) The use shall locate within and be accessory to a cannabis operation.

(b) The use shall occupy a maximum of 25% of the gross floor area of a cannabis operation.

(c) The lot must be at least 1,000 feet from the property line of a site containing a school. In the case of a shopping center or multiuse building, the distance shall be measured from the boundary of the portion of the shopping center or building occupied by the cannabis retailer.

(d) The lot must be at least 1,000 feet from the property line of a site containing a pawn shop, currency exchange, payday loan agency, firearms sales or sexually oriented business. In the case of a shopping center or multiuse building, the distance shall be measured from the boundary of the portion of the shopping center or building occupied by the cannabis retailer.

(e) The lot must be at least 1,000 feet from the property line of a site containing a cannabis retailer. In the case of a shopping center or multiuse building, the distance shall be measured from the portion of the shopping center or multiuse building occupied by the cannabis retailer.

(f) In vehicle sales or services are prohibited.

(g) The use shall be contained within a completely enclosed building, and no outside storage, display, or sale of merchandise is permitted.

(h) On-site consumption of lower-potency hemp or cannabis edibles and beverages is prohibited.

Sec. 36-311. Catering.

- (a) In the N-1 district, this use is allowed only as accessory to community centers, educational (academic) facilities, country clubs and religious institutions.
- (b) In the MU and B-1 districts, this use is allowed only if accessory to a restaurant, food service, or grocery store.
- (c) All vehicles used in connection with any catering operation shall be stored within a building or screened area of a parking structure or in a legal off-site location.

Sec. 36-312. Community garden.

- (a) Allowed only as an accessory use to community centers, educational (academic) facilities, country clubs, and religious institutions.

Sec. 36-313. Food service.

- (a) Service shall be intended for employees of the development.
- (b) It shall not occupy more than 5% of the gross floor area of the building.
- (c) Seating may be provided for more than ten persons.
- (d) Signs posted outside the building are not permitted.

Sec. 36-314. Family day care serving 14 or fewer persons.

- (a) Only one employee who does not live within the dwelling unit is allowed.

Sec. 36-315. Group day care/nursery school in a religious institution, community center, or educational (academic) institution.

- (a) The on-site outdoor activity area shall be enclosed with a fence. If adjacent to an N district, the fence shall meet the screening requirements listed in section 36-276.
- (b) As allowed for by state licensing, city parks may be utilized to meet up to 50% of the required outdoor activity areas with the following conditions:
 - (1) The park must have age-appropriate play equipment.
 - (2) There is a clearly defined and maintained sidewalk or improved trail connecting the facility to the park.
- (c) Within the N districts, the following standards apply:
 - (1) Outdoor activity areas shall be located at least 25 feet from any lot zoned N and used for a dwelling.
 - (2) An off-street passenger loading area shall be provided to maintain vehicular and pedestrian safety.
- (d) In districts other than N districts, the following standards apply:
 - (1) The use shall occupy a maximum of 10% of the gross floor area.
 - (2) The use is intended for the benefit of employees.

Sec. 36-316. Helistop.

- (a) Helistops shall be used exclusively in connection with a hospital and shall be subordinate to the hospital in area, extent, and purpose.

- (b) The helicopter pad must be dust free and screened from view and takeoff and landings shall not be over residential areas.
- (c) Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m., excluding emergency operations.

Sec. 36-317. Home occupation.

- (a) Authorized home occupations. A dwelling in any use district that permits dwellings may conduct a home occupation as an accessory use if it complies with the following conditions:
 - (1) A registration of land use is required for any home occupation established after July 12, 2019, that has customers, students or employees coming to the site.
 - (2) The home occupation and structure housing the home occupation meets all applicable fire and building codes, as well as any other city, county, state, or federal regulations.
 - (3) The home occupation is clearly incidental and subordinate to the residential use of the property and does not change the character of the property.
 - (4) The floor area of the home occupation cannot exceed 25% of the total floor area of the principal dwelling unit. If a home occupation is conducted by the occupant of an accessory dwelling unit, then it is limited to 25% of the floor area of the accessory dwelling unit.
 - (5) Operation of the home occupation is not apparent from the public right of way.
 - (6) All material or equipment is stored within an enclosed structure.
 - (7) The home occupation does not produce nuisance noise, odors, smoke, heat, glare, vibration, or electrical interference beyond the residential lot occupied by the home occupation.
 - (8) One person who does not legally reside at the property may be employed at a home occupation. If there is a home occupation being conducted in both the primary dwelling and accessory dwelling unit, then only one of the two may have an employee that does not legally reside on the property.
 - (9) Persons do not come to the location of the home occupation to be dispatched to other locations, or to pick-up or drop-off equipment, materials, or supplies.
 - (10) Sale of products related to the home occupation is allowed with the following conditions:
 - a. Products are shipped to and from the premises; or
 - b. Product sales occur off-site at a permissible location; or
 - c. Customers visit the premises by appointment only; or
 - d. Products are sold on the premises at garage sales as regulated by this chapter.
 - (11) No more than one non-illuminated wall sign up to two square feet in area is used to identify the home occupation.
 - (12) The home occupation does not include any of the following uses: auto body/painting, motor vehicle sales, motor vehicle service and repair, small engine repair, massage, medical/dental office, animal handling, restaurant, firearm sales, currency exchange, payday loan agency, sexually oriented business, high-impact

sexually oriented business, cannabis retailers, lower-potency hemp edible retailers, or cannabis operations.

- (13) No portion of the home occupation is conducted within any attached or detached accessory building, except the occupants of an accessory dwelling unit may conduct a home occupation in the accessory dwelling unit.

Sec. 36-318. Incidental repair or processing which is necessary to conduct a permitted principal use.

- (a) Shall not exceed 25% of the gross floor area.
- (b) All repairs and maintenance shall be conducted indoors unless the vehicle or equipment is too large to be moved indoors or if the vehicle or equipment cannot practically be moved indoors or if the repair is of an emergency nature.
- (c) No outdoor repair or maintenance shall be conducted within 100 feet of any parcel that is occupied by a dwelling.

Sec. 36-319. In-vehicle sales or services.

- (a) Not allowed in residential mixed-use buildings.
- (b) Stacking shall be provided for six cars per customer service point and shall comply with all yard requirements.
- (c) Drive-through facilities and stacking areas shall not be located within 100 feet of any parcel zoned N.
- (d) This use shall only be permitted when it can be demonstrated that the operation will not have a significant adverse effect on the existing level of service on adjacent streets and intersections.
- (e) The drive-through facility shall be designed so it does not impede traffic or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian or vehicular conflicts.
- (f) Access shall be to a roadway identified in the comprehensive plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.
- (g) Any canopy constructed as part of this use shall be compatible with the architectural design and materials of the principal structure.
- (h) The use is in conformance with the comprehensive plan.

Sec. 36-320. Living quarters of persons employed for domestic or medical purposes.

- (a) The living area for the domestic/medical household staff shall be within the principal building and does not constitute a separate dwelling unit.

Sec. 36-321. Mikvah pool.

- (a) Shall be accessory to a single-unit dwelling or religious institution.
- (b) Shall be allowed within an occupied single-unit dwelling if there are three additional off-street parking spaces.

Sec. 36-322. Motor fuel station.

- (a) The motor fuel station shall be for fleet vehicle use only and shall not be open to the public.
- (b) All pump islands, air dispensers and other service devices shall be installed toward the interior of the lot at least 12 feet from the required yard line, and no display, servicing of vehicles, parking or dispensing of gasoline shall take place within the required yard. On sites where pump islands have been constructed at the required yard line, a landscaped area of eight feet will be installed in the required yard.
- (c) All on-site utility installations shall be placed underground.
- (d) Canopy and canopy support systems shall be constructed using architectural design and materials which are compatible with the principal structure. Only incidental regulatory signage may be permitted on the canopy and canopy support systems.
- (e) No sound generated on the site by any means including a public address system shall be audible from any N district.
- (f) Modification of the requirements of this section may be made for businesses in existence on the effective date of the ordinance from which this chapter is derived, if the city council finds that, because of the shape of the lot, size of the lot, the location of the principal building on the lot, or similar circumstances, it would be impossible to satisfy the strict terms of this section or that they could be satisfied only by imposing exceptional or undue hardship upon the owner of the lot. This section shall not be interpreted to allow public use of the motor fuel station.
- (g) Refer to section 36-369 for electric vehicle supply (EVSE) requirements.

Sec. 36-323. Motor vehicle service and repair.

- (a) Shall be permitted only if accessory to a motor fuel station or motor vehicle sales.
- (b) The number of service bays shall not exceed two.
- (c) No public address system shall be permitted.
- (d) All repair, assembly, disassembly and maintenance of vehicles shall be inside a closed building except tire inflation, changing wipers or adding oil.
- (e) Test driving shall be prohibited on any street in a N district.

Sec. 36-324. Outdoor sales (display).

- (a) All outdoor sales (display) shall meet the conditions of section 36-333(b)(6) for temporary outdoor sales.
- (b) For outdoor sales uses related to motor vehicles, the following standards apply:
 - (1) No public address system shall be audible from any property located in an N district.
 - (2) The site shall be kept neat and orderly.
 - (3) The use shall not be permitted within any required yard, or landscaped area.
 - (4) The use shall be located a minimum of 100 feet from any parcel that is occupied by a dwelling.
 - (5) The operator of the use shall not sell or trade exclusively in used merchandise but shall have at least one-third of its stock on the site in new, unused merchandise.

- (6) All open sales or rental lots shall be operated in conjunction with a business operated in a building or buildings in which the same or similar materials are displayed and offered for sale as those displayed on the open sales or rental lot.
- (7) All paved areas shall be graded, designed and landscaped as required by article VIII, divisions 4 and 5 of this chapter.
- (8) String lighting shall be prohibited.
- (9) The area of open sales or rental lot used for storage and display of merchandise shall not exceed two square feet for every one square foot of building on the site devoted to the same or similar use or accessory use.

Sec. 36-325. Outdoor seating and service of food and beverages.

- (a) The use shall be accessory to restaurants or food service or characterized as employee outdoor seating which may have chairs and a grill.
- (b) The use shall not be located in the interior side or back yard facing a parcel zoned N and used for dwelling purposes. This provision will not apply if the first floor of the building located on the adjacent parcel is not occupied by a residential dwelling or if a residential dwelling is located above the principal use.
- (c) No speakers or other electronic devices which emit sound are permitted outside of the principal structure.
- (d) Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
- (e) A minimum of six feet horizontal distance is required between obstructions on sidewalks.

Sec. 36-326. Outdoor storage.

- (a) Storage shall not be permitted within any required yards other than the rear yard.
- (b) Outdoor storage is limited to a maximum area of 25% of the property area.
- (c) The minimum required front yard shall be equal to the distance the principal building is from the front lot line.
- (d) The minimum required side yard abutting a street shall be equal to the distance the principal building is from the side lot line abutting a street.
- (e) Storage areas shall be separated from required parking areas and loading facilities by a landscaped greenway at least five feet wide and enclosed around the perimeter with a six-inch high, poured-in-place concrete curb.
- (f) Storage areas shall be screened from off-site views with a six-foot minimum fence constructed of wood or similar opaque material.
- (g) For properties adjacent to a railroad track, fencing shall not be required on the side of the storage yard adjacent to the railroad track when the grade of the railroad track is more than six feet above the adjacent grade of the storage area.
- (h) Stored materials shall not interfere with traffic visibility standards in section 36-50.
- (i) Inoperative vehicles or equipment shall not be stored in the storage area.
- (j) All areas used for outdoor storage shall be maintained in a fashion which minimizes the generation of dust from the storage area and precludes the transport of sand, gravel, or other sediment to the public drainage system during stormwater runoff. Surface

materials used in outdoor storage areas may include, but are not limited to, concrete, asphalt, crushed rock and gravel.

Sec. 36-327. Residential swimming pool, whirlpool, or sport court.

- (a) Shall only be permitted behind the front face of the principal building.
- (b) Shall be a minimum of five feet from the rear lot line.
- (c) Shall meet the same side yard setbacks as required for the principal building.
- (d) A six-foot privacy fence shall be required to screen the portion of the swimming pool, whirlpool, or sport court located within 25 feet of the rear lot line.
- (e) Mechanical equipment shall meet the same setback required for the swimming pool or whirlpool unless it is contained within an accessory building.
- (f) Residential swimming pools shall be in conformance with section 36-49 and section 12-3 of the city ordinance.
- (g) A pool house is an accessory building and shall be in conformance with the following conditions:
 - (1) Property must have an in-ground swimming pool that is larger in area than the pool house building.
 - (2) The pool house cannot exceed 400 square feet in area and one story in height.
 - (3) The building design and materials shall be consistent with the principal building.
 - (4) The building may include a bathroom but shall not include kitchen facilities.
 - (5) The building cannot be designed or used as a dwelling unit or for any business use.

Sec. 36-328. Showroom.

- (a) The use shall not exceed 15% of the gross floor area of the associated principal use.

Sec. 36-329. Solar energy system.

- (a) Solar energy systems (SES) shall be in conformance with the following standards:
 - (1) Roof-mounted SES shall be located per one of the following:
 - a. Pitched roof. Locate the equipment on a rear facing surface of the roof, if feasible for communication purposes.
 - b. Flat roof. Locate the equipment towards the rear portion of the roof, where visibility is limited from the street to the maximum extent possible. Solar panels may be located anywhere on the roof and may be utilized to screen rooftop equipment.
 - (2) Ground-mounted SES shall only be allowed in the following locations:
 - a. Rear yard.
 - b. May be located in the side yard if the SES is screened from the street with an opaque wall of the same or similar material as the principal building's street facade.
 - (3) Height. The height of the SES is either a maximum of 12 feet or the maximum that is not visible from any street sidewalk, whichever is greater.
 - (4) Performance standards. When noxious or offensive odors, sounds, vibrations, emissions, or any external nuisances upon adjacent properties, including truck

traffic, will be generated by this accessory use above any generated by the principal use, a Conditional Use Permit is required (see section 36-452).

Sec. 36-330. Student housing.

- (a) Student housing may be allowed as an accessory use to educational facilities within the N-2 and N-3 districts with the following conditions:
 - (1) No more than 50 students may live on-site in the N-2 district, while no more than 200 students may live on-site in the N-3 district.
 - (2) An outdoor recreation area shall be provided that contains at least 40 square feet per student living at the educational (academic) facility.
 - (3) The housing must be supervised 24 hours a day, seven days a week by an adult living on-site.
 - (4) The students living on-site must be actively enrolled in the educational (academic) facility as full-time students.
 - (5) The student housing must be located on the same parcel as the educational (academic) facility.

Sec. 36-331. Warehouse/storage.

- (a) The use shall not exceed 25% of the gross floor area of the associated principal use.

Sec. 36-332. Wind energy conversion system (WECS).

- (a) Standards by Zoning District. Table 36-332(a) lists, by zoning district, the maximum height, maximum number of WECS per lot, and minimum lot size requirements.

Table 36-332(a). Wind energy conversion system standards.

Districts	Maximum height* (feet)	Maximum number of WECS per lot*	Minimum lot size (acres)
N, MU, B-1, P-1	110' 170' with CUP	2	1.5
I-1, I-2	110' 199' with CUP	4	1.5
* The height and number of WECS per lot is dependent on meeting the yard requirements.			

- (b) Required yards. WECS shall meet the following yard requirements:
 - (1) At least 110% of the WECS height from all property lines.
 - (2) At least 100% of the WECS height from other WECS.
 - (3) At least 20 feet from principal buildings.
 - (4) The furthest reach of the blade must be at least 30 feet from the ground and any other obstruction.
- (c) Design requirements. All WECS shall meet the following design requirements:
 - (1) Monopole tower. All towers shall be of a free-standing monopole type that does not utilize guyed wires or any other means to support the tower.

- (2) Roof mounting. Roof mounted WECS are prohibited.
 - (3) Minimize visual impact. WECS design and location shall minimize visual impact.
 - (4) Color and finish. All WECS shall be white, grey or another non-obtrusive color. Blades may be black to facilitate deicing. Finishes shall be matt or non-reflective.
 - (5) Tower lighting. WECS shall not be artificially lighted, except to the extent required by the FAA or other federal or state law or regulations that preempt local regulations.
 - (6) Signs and displays. The use of any portion of a WECS for displaying flags and signs, other than warning or equipment information signs, is prohibited.
 - (7) Associated equipment. Ground equipment associated with a WECS shall be housed in a structure. Structures housing equipment shall meet the architectural design standards of this chapter. Control wiring and powerlines shall be wireless or underground.
 - (8) Braking system required. All WECS shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the tower structure, rotor blades and turbine components.
 - (9) Design height. The applicant shall provide evidence that the proposed height of the WECS does not exceed the height recommended by the manufacturer or distributor of the system.
 - (10) Interconnection agreement. The applicant shall provide a copy of the utility notification requirements for interconnection, unless the applicant intends, and states on the application, that the WECS will not be connected to the electricity grid.
 - (11) Technology standards. WECS must meet the minimum standards of a WECS certification program recognized by the American Wind Energy Association (AWEA), such as AWEA's Small Wind Turbine Performance and Safety Standard, the Emerging Technologies program of the California Energy Commission, or other 3rd party standards acceptable to the city.
- (d) Permits required. In addition to the information and permits required elsewhere in this chapter, applications for a WECS shall include the following information unless it is determined by the zoning administrator that certain information is not required based upon the nature of the proposed WECS:
- (1) A dimensioned drawing that illustrates the total WECS height, including the footings and tower width.
 - (2) A site plan illustrating that the proposed WECS complies with all required yards and other requirements affecting where a WECS can be located.
 - (3) A report that describes decibels at varying wind speeds for a set distance from the turbine, up to the cut-out wind speed.
 - (4) Additional information requested by the zoning administrator necessary to evaluate the request.
- (e) Noise. Audible sound due to WECS operations shall comply with the standards governing noise contained in chapter 12, article IV.
- (f) Abandonment and decommissioning. If the WECS remains nonfunctional or inoperative for a continuous period of one year, the WECS shall be deemed abandoned

and shall constitute a public nuisance. The owner shall remove the abandoned WECS at their expense after a demolition permit has been obtained. Removal includes the entire structure including foundations to below natural grade and transmission equipment.

Sec. 36-333. Temporary uses.

- (a) Purpose and effect. The purpose of this section is to provide conditions under which temporary uses may be allowed in order to ensure a minimum negative impact to neighborhoods and neighboring land uses.
- (b) Authorized temporary uses. A structure or land may be used for one or more of the following temporary uses if the use complies with the conditions stated in this chapter:
 - (1) Construction structures.
 - a. No construction structure, except leasing offices, shall be permitted for a period of time exceeding that necessary for construction of the project.
 - b. No construction structure shall be located within the dripline of any trees which are designated to be saved under section 36-381.
 - c. Construction structures may be located within required yards, but not within 15 feet of any public right of way or where prohibited under section 36-50.
 - d. All construction structures must be removed before a final occupancy permit is issued.
 - (2) On-site equipment and material storage.
 - a. Construction materials shall not be placed on a construction site unless a valid building permit has been issued for that construction.
 - b. Construction materials shall not be permitted on the site after the time necessary for construction has expired.
 - c. Construction materials may not be located within the dripline of any trees which are to be saved under the approved tree removal plan.
 - d. Construction materials may be located within required yards, but not within 15 feet of any public right of way or where prohibited under section 36-50.
 - (3) Any equipment or construction materials stored on the site for a period exceeding 120 days shall be screened from view from any properties within a N district.
 - (4) Temporary structures.
 - a. Temporary structures shall not be permitted for more than 180 days per calendar year, except that temporary structures used for the storage of vehicles, equipment or other household items shall not be permitted for more than 14 days per calendar year on any parcel that is zoned N and used or subdivided for residential.
 - b. No significant trees shall be removed for the placement of a temporary structure.
 - c. Temporary structures may be located within required yards, but not within 15 feet of any public right of way or where prohibited under section 36-50.

(5) Carnivals and festivals.

- a. Carnivals and festivals shall not be permitted for more than 14 days in any calendar year except in public parks or closed right of way as approved by the city or as specified by PUD approval. The city council may approve events lasting more than 14 days at any other location with the following conditions:
 1. Approval of a site plan showing compliance with city code;
 2. Approval of a public safety plan, including traffic control, fire protection and security of the site and area;
 3. Approval of a cleanup and restoration plan;
 4. Other conditions to address the public health, safety, welfare and community impacts from the use, including any sound and vibration impacts to surrounding properties;
 5. A financial guarantee, in an amount determined by the zoning administrator or city council, may be required to ensure compliance with and/or completion of the approved plans;
 6. Payment of all required application fees.
- b. Carnivals and festivals shall be permitted within the required front yard, side yard, and rear yard; except where prohibited under section 36-50. Carnivals and festivals shall not be allowed within the public right of way unless such right of way will be closed for the event as approved by the city.
- c. All signage must meet the temporary signage provisions found in section 36-412; a sign plan for carnivals and festivals lasting longer than 14 days may vary from the temporary signage provisions if approved by the city council. Exceptions to the temporary sign ordinance shall be limited to allowing:
 1. Temporary signs to be displayed for the duration of the event.
 2. Up to twice the temporary sign area on the site than otherwise allowed. More than twice the temporary sign area may be approved for sites larger than 200,000 square feet.
 3. Private directional signage provided the signs are unlit, for directional purposes only, are 2 square feet per sign face or less, and are located to direct traffic to and from the location and the closest highways and away from residential and other sensitive land use areas.

(6) Temporary outdoor sales.

- a. Temporary sales, including licensed food service, shall only be permitted within a MU, B, I or PUD district or in public parks or closed right of way as approved by the city.
- b. Temporary outdoor sales which do not exceed 100 square feet shall be permitted. However, no merchandise shall be stored outside overnight.
- c. Temporary sales which exceed 100 square feet shall be permitted for a period not to exceed four consecutive days or a total of 14 days in a calendar year except in public parks or closed right of way as approved by the city or as specified by PUD approval.

- d. Temporary sales shall only be allowed if associated with a permitted retail business operating within a building on the site in which the same or similar merchandise is offered for sale except in public parks or closed right of way as approved by the city or as specified by PUD approval.
 - e. Temporary sales shall be permitted in the required front yard, side yard, and rear yard unless prohibited under section 36-50; however, temporary outdoor sales shall not be allowed in any required landscaped area or within the public right of way unless such right of way will be closed for the event as approved by the city or as specified by PUD approval. All signage must meet the temporary signage provisions found in section 36-412.
- (7) Agricultural commodities--Not more than 90 days.
- a. Christmas tree sales or the sale of other agricultural commodities may be located within required yards, but not within 15 feet of any public right of way or where prohibited under section 36-50.
 - b. Agricultural commodities shall be permitted on a parcel for not more than 90 days within any calendar year.
 - c. Tents, stands and other similar temporary structures may be utilized, provided they are clearly identified on the plan reviewed and approved by the zoning administrator. The use shall not impair parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.
- (8) Agricultural commodities--Up to six months. The sale of agricultural commodities, including seasonal farmers' markets, greenhouses, and gardening supplies, which are offered for sale directly from the grower/producer, shall be allowed as a temporary use provided the following standards are satisfied:
- a. A site plan must be submitted to the city.
 - b. The temporary use shall be located in the B-1, MU and PUD districts, in a public park or closed right of way as approved by the city.
 - c. The owner of any private property on which the temporary use is proposed to be located shall submit a letter in support of the use to the city.
 - d. If the temporary use is located on a surface parking lot or area, such use shall not encumber more than 10% of the total amount of available parking spaces.
 - e. Products shall be limited to produce, vegetables, flowers, plants and related items.
 - f. Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation or emergency access. Temporary sales on unpaved landscaped areas are prohibited except in public parks as approved by the city or as specified by PUD approval.
 - g. Tents, stands and other similar temporary structures may be utilized, provided they are clearly identified on the submitted plan and provided it is determined

that they will not impair parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.

- h. The submitted plan shall clearly demonstrate that adequate off-street parking for the proposed temporary use can and will be provided for the duration of the temporary use. Determination of compliance with this requirement shall include the consideration of the nature of the temporary use and applicable parking requirements set forth in article VIII, division 4 of this chapter or the approved PUD. Consideration shall be given to the parking needs and requirements of the principal uses located on the same property. If unforeseen circulation or congestion problems occur on the site, or causes traffic to back up on public streets, the city may order the use to relocate on the same property or to be removed.
 - i. Signage related to the temporary use shall be in compliance with the applicable standards set forth in the approved PUD, or article VIII, division 9 of this chapter and the following standards:
 - 1. Freestanding signs shall not exceed 16 square feet.
 - 2. All other signage shall be placed on a tent or canopy.
 - 3. No sign face shall exceed 100 square feet. Special signage for purposes of traffic direction and control may be authorized by the city.
 - j. The maximum time for sales activities shall be six months per calendar year per property.
 - k. All stands, equipment, signs, and other structures shall be maintained in good repair.
 - l. All stands, equipment, signs and other structures shall be removed on the last day of the temporary use.
- (9) Pollution abatement structures and equipment.
- a. Pollution abatement structures shall be permitted for a period not to exceed 60 months. If the abatement is not completed within 60 months, the period may be extended provided that a statement is provided which shows the progress of abatement and an estimate of the length of time needed to complete the project.
 - b. Equipment and structures shall not displace required off-street parking.
 - c. Equipment and structures shall not be located within any required yards, except where it is demonstrated that no other areas exist on a designated site.
 - d. Structures shall meet all of the architectural requirements of article VIII, division 7 of this chapter.
 - e. Any landscape materials which are displaced as a result of the structure or equipment shall be replaced when the structure is removed.
 - f. A surety, in a form approved by the city manager, shall be filed before the installation of any building to ensure its removal after pollution abatement is completed and to ensure the replacement of displaced landscape materials.

- g. All equipment and structures shall be removed and landscape materials replaced within six months after the completion of the pollution abatement. Pollution abatement shall be considered to be complete when notice has been received from the state pollution control agency stating the abatement has been completed.
- (10) Garage sales. Garage sales shall be permitted in all N zoned and/or used properties subject to the following conditions.
 - a. Activities relating to the sales, including any outdoor display/storage, shall be limited to no more than two sales events in each calendar year, each for a period not to exceed 72 consecutive hours.
 - b. Garage sale signs are regulated as follows:
 - 1. On single-unit and two-unit dwellings are limited to two square feet in area per street frontage.
 - 2. Garage sale signs on other neighborhood zoned and/or used properties shall be regulated by the temporary sign area allowed under table 36-409(a) for the zoning and size of the property in question except that in no case may a sign exceed 25 square feet per street frontage.
 - 3. All garage sale signs must comply with section 36-407.
 - 4. Garage sale signs are exempt from sign permit requirements provided such signs are posted no more than two days prior to the sale and are removed immediately after the end of the sale.
- (11) Mobile use. Mobile uses are permitted with the following conditions:
 - a. A zoning permit is required to operate a mobile use vehicle. A separate permit shall be required for each location the mobile use operates, and permits shall be valid for one calendar year unless further limited by this section. The applications shall include:
 - 1. A completed application form.
 - 2. A site plan showing where on the property the vehicle shall be located.
 - 3. The dates the vehicle shall be on the property.
 - 4. A copy of a letter from the property owner authorizing the vehicle to locate on the property.
 - 5. A copy of applicable licenses and permits to operate and provide the service.
 - 6. Required fee
 - b. Only mobile use-food and mobile use-medical are permitted.
 - c. The vehicle shall have all permits and licenses required by the State and Hennepin County to operate. A current copy of the permits and licenses shall be kept at the vehicle and immediately made available upon request. The operator shall comply in all respects with all requirements of state and county law.

- d. A building permit is required for a trailer if the customer enters the trailer during the conduct of the business.
- e. The vehicle may be parked in a public right of way if the right of way is closed as authorized by the city.
- f. The vehicle operator shall have written permission from the property owner to operate on their property. The written permission shall be kept with the vehicle and made immediately available to the city upon request.
- g. The vehicle operator shall comply with the following site standards:
 - 1. The vehicle shall be parked on a paved surface, unless it is located on a public park as approved by the city.
 - 2. The vehicle shall be located at least 30 feet away from an entrance to a public road.
 - 3. The vehicle shall not disrupt traffic and parking.
 - 4. There shall be at least six feet of safe pedestrian passage around the vehicle.
- h. Hours of operation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- i. Lighting shall be limited to:
 - 1. Vehicular lighting required by law.
 - 2. Lights necessary to illuminate the inside of an enclosed vehicle, service deck of a cart, and the point-of-sale area of the vehicle. The lighting shall not extend above the vehicle, shall be downcast, and shielded in such a way to illuminate the vehicle, and a point-of-sale area only. The lighting shall not directly illuminate an area more than 10 feet away from the vehicle.
- j. Noise generated by the vehicle and the use shall not become a nuisance. The operation of the vehicle shall adhere to the following:
 - 1. No vehicle shall use or maintain any outside sound amplifying equipment, televisions or similar visual entertainment devices, or noisemakers, such as bells, horns, or whistles.
 - 2. Power generators shall not exceed 70 decibels measured 10 feet away from the source.
- k. Signage shall be limited to the following:
 - 1. Text and images permanently applied to the vehicle as a decal or painted image and text.
 - 2. Signs that are attached to the vehicle. The signs shall not extend above the roof of the vehicle or extend more than five inches beyond any side of the vehicle. These signs can be unlit or internally lit.
 - 3. Text and images permanently applied to awnings that are attached to the vehicle, do not extend above the height of the roof of the vehicle, and are at least six feet from the ground to the bottom of the awning.

4. Text and images permanently applied to umbrellas that are attached to a food cart. The umbrella shall be less than nine feet in height and maintain a clearance of at least six feet from the ground to the bottom of the umbrella.
5. One pedestrian sign as defined in section 36-412(b)(4). The pedestrian sign must be located within five feet of the vehicle.
- l. Trash, litter, recycling and refuse shall be handled in the following manner:
 1. All waste liquids, garbage, litter and refuse shall be kept in leak proof, non-absorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the establishment the vehicle operates from. Public trash cans shall not be used to dispose of waste generated by the operation. Excepted from this is the occasional use by customers.
 2. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, or any other place except the licensed food establishment.
 3. The operator shall provide a garbage receptacle with a tight-fitting lid. The receptacle shall be easily accessible for customer use and located within five feet of the vehicle.
 4. The operator shall be responsible for all litter and garbage left by customers.
- m. Overnight parking of the vehicle is not permitted, except that a vehicle under a long-term contract to operate on a premises may be kept overnight on the same premises with the following conditions:
 1. The vehicle is open for business at least six hours and five days per week for every week it is kept on site. The business hours must be posted on the outside of the vehicle at all times.
 2. There is a minimum of six feet of pedestrian walkway between the vehicle and the edge of the sidewalk or marked pedestrian walkway.
 3. Vehicles located on public property are exempt from these requirements pertaining to overnight parking.
- n. Mobile use-food shall also comply with the following conditions:
 1. Only food and non-alcoholic beverages shall be sold.
 2. The vehicle shall not have a drive-thru facility.
 3. Vehicles stored overnight on private property shall be kept within 10 feet of the principal building wall, near the customer entrance of the building.
 4. All transactions, services and preparation must occur inside the vehicle.
 5. Mobile use-food is allowed to operate on any property, except that properties zoned N are limited to six days per calendar year.
- o. Mobile use-medical shall also comply with the following conditions:
 1. The caregivers shall have all permits and licenses required by the State and County to operate. A current copy of the permits and licenses shall

be kept at the vehicle and immediately made available upon request. The operator shall comply in all respects with all requirements of state and county law.

2. The vehicle shall be used to provide a non-surgical medical service only.
3. Hazardous waste shall be contained and disposed of in a manner required by law.
4. Overnight boarding of pets is not permitted.
5. The sale of animals is not permitted.
6. Animals shall be kept inside the vehicle when receiving treatment and when under the supervision of the caregiver.
7. Mobile use-medical is not permitted to operate on a N-zoned property which is used for residential purposes.

Secs. 36-334 to 36-354 reserved.

ARTICLE VIII. DEVELOPMENT STANDARDS

DIVISION 1. GENERALLY

Sec. 36-355. Applicability.

- (a) The development standards listed in this article apply to all properties in St. Louis Park. Compliance with these development standards is required unless otherwise specified in this chapter.

DIVISION 2. PERFORMANCE STANDARDS.

Sec. 36-356. Mixed use and business districts.

- (a) The processes and equipment employed in the production of any goods on the premises or used to conduct the business of a primary use shall meet the following requirements:
 - (1) Vibration. Any vibration discernible beyond the property line to the human sense of feeling for three minutes or more duration (cumulative) in any one hour and any vibration producing a particle velocity of more than 0.035 inch per second are prohibited.
 - (2) Glare or heat. Any operation producing intense glare or heat shall be performed within an enclosure so as not to be perceptible at the property line.
 - (3) Noise. Noise levels both inside and outside of buildings must meet federal, state and local requirements which may be amended from time to time.
 - (4) Air pollution. All emissions shall meet federal, state and local requirements which may be amended from time to time.

Sec. 36-357. Industrial districts.

- (a) Processes and equipment employed in production of goods shall conform to the following standards:
 - (1) Vibration. Any vibration discernible beyond the property line to the human sense of feeling for five minutes or more duration (cumulative) in any one hour and any vibration producing a particle velocity of more than 0.035 inch per second are prohibited. For properties abutting a N district, no vibration producing a particle acceleration velocity of more than 0.035 inch per second at the property line are permitted between the hours of 7:00 p.m. and 7:00 a.m.
 - (2) Glare and heat. Any operation producing intense glare or heat shall be performed within an enclosure so as not to be perceptible at the property line.
 - (3) Industrial waste material. All liquid and solid waste shall be identified in all processes and operations and approved disposal methods identified. All waste discharged to the sanitary sewer shall meet the requirements of the city and the rules and regulations of the metropolitan waste control commission. All proposed discharges to the storm sewer shall be identified. No waste will be permitted to be

discharged into the storm sewer system, provided that this does not exclude storm drainage, cooling water, and other water not prohibited by any law, rule, regulation or ordinance. Storm drainage shall meet the requirements of all state laws, rules, regulations, watershed district requirements, and city requirements as may be amended from time to time. Stormwater drainage shall be protected from undue pollution and contaminants. All solid waste must be identified and handled in compliance with federal, state, and local requirements as may be amended from time to time.

- (4) Noise. Noise levels inside and outside of all buildings must meet federal, state, and local requirements as may be amended from time to time.
- (5) Air pollution. All emissions shall meet federal, state, and local requirements as may be amended from time to time.

DIVISION 3. PEDESTRIAN ACCESS.

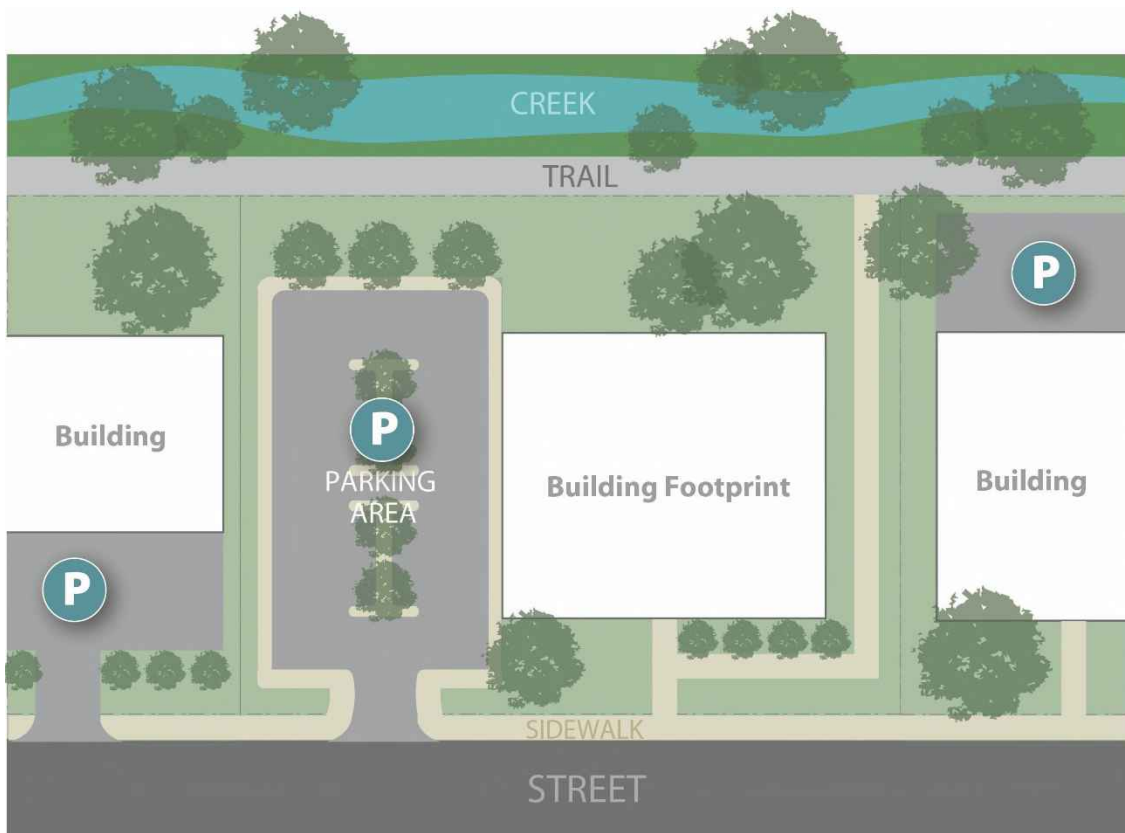
Sec. 36-358. Purpose and effect.

- (a) A goal of the comprehensive plan is to encourage transportation facilities which adequately consider pedestrian, bicycle and other nonmotorized transportation needs. In order to implement this goal, pedestrian links need to be incorporated into development.

Sec. 36-359. Required linkage to public streets and trails.

- (a) In all new commercial developments and all mixed-use developments, a separate direct pedestrian/bicycle access shall be provided between the principal building and the public street or a public trail, on all sides of the lot which front on a public street or public trail (see figure 36-359(a)).
 - (1) If this access passes through a parking area, then the access shall be separated from parking areas by curbed, landscaped islands which have a minimum width of 20 feet inclusive of sidewalk.
 - (2) If a transit stop is located on any adjacent public street, access shall be located convenient to that transit stop.
 - a. In mixed use districts, developments located on a public transit route shall work with the transit authority and accommodate a transit stop that conveniently serves the development, if needed for the transit route.
- (b) On-site pedestrian/bicycle facilities shall be provided as logical connections to adjacent off-site uses.
- (c) Sidewalks shall be provided along all sides of the lot that abut a public or private street.

Figure 36-359(a). Pedestrian/bicycle access.



DIVISION 4. VEHICULAR OFF-SITE ACCESS, PARKING, AND LOADING.

Sec. 36-360. Purpose.

- (a) The purpose of regulating vehicular off-street access, parking, and loading facilities is to prevent congestion on public rights-of-way for the safety and welfare of the public, design facilities to enhance pedestrian safety, reduce hardcover, control stormwater, and reduce the heat island effect. The regulations are created through analysis of the associated land use intensity, duration, time, and style which demand design requirements and standards for such facilities.

Sec. 36-361. Site access.

- (a) The standards within this section do not apply to residential uses in the N-1 and N-2 districts.
- (b) Vehicular site access to all mixed-use, business, and industrial uses shall be to a local street or alley when available. Access to collector or arterial streets is discouraged and shall only be allowed when access to a local street or alley is unavailable or impractical.
- (c) Vehicular driveway access is managed through alleys, primary and secondary street frontages. The order of access is as follows:
 - (1) An alley permits unlimited access.

- (2) If no alley exists, one driveway per secondary street frontage is permitted.
- (3) If no other option exists, one driveway is permitted off the primary street frontage and shared access with abutting properties is encouraged.
- (d) Driveways access to streets and alleys are subject to review and regulations of the engineering department.
- (e) Shared driveways are encouraged.
- (f) Connections between parking lots that allow vehicular cross access are encouraged.
- (g) Pedestrian ways, sidewalks, and driveway crossings shall be provided to connect parking spaces to the public entrance of the building. Driveways shall not be utilized as designated pedestrian routes.
- (h) There shall be no vehicular access or vehicular curb cuts within 50 feet of the intersection of the projection of the nearest curblines of any public streets, with the following exceptions:
 - (1) Where the city engineer determines that such a curb-cut is necessary and will be safe for pedestrians or bicyclists using nearby trails, sidewalks, or roadways.
 - (2) In the industrial districts where it can be demonstrated that adherence to this standard will cause undue hardship to the property owner.

Sec. 36-362. Permits.

- (a) The construction of any unenclosed off-street parking area or driveway access shall require a permit, unless review is completed as part of another permit. The application for such a permit shall include the application form, fee, and site plan. Additional information, such as stormwater calculations and lighting plans may be required.

Sec. 36-363. Required quantity of parking spaces.

- (a) Each use shall provide the required number of parking spaces for that use as established in table 36-363(a), except where otherwise noted.
 - (1) In the MU districts, all new structures and the expansion of an existing structure shall be subject to the alternative minimum and maximum parking space requirements specified in table 36-363(a).
 - (2) In the MU districts, structures that were in existence on or before January 10, 2020, and are not expanding are not subject to the minimum and maximum parking space requirements specified in table 36-363(a). No additional parking spaces are required for these structures; however, the number of existing parking spaces on the property cannot be reduced unless the parking spaces are relocated to another property in accordance with the shared parking requirements located within this section.
 - (3) In the P-1 and Historic Walker Lake overlay district, table 36-363(a) shall not apply to any properties. There are no minimum and maximum number of parking spaces required in the HWL overlay district.
- (b) For uses not listed, the off-street parking space requirements shall be established by the zoning administrator based upon the characteristics and functional similarities

between uses including, but not limited to the size of building, type of use, number of employees, expected volume and turnover of customer traffic, and expected frequency and number of delivery or service vehicles.

- (c) For structures containing multiple uses, each parking requirement shall be calculated separately.
- (d) The parking space requirements may be revised upward or downward by the city council as part of an application for a conditional use permit or planned unit development based on verifiable information pertaining to parking.
- (e) Required parking spaces must be located on the same lot as the principal use, unless shared parking or off-site parking is approved for the use.

Table 36-363(a). Parking Space Requirements

Use	N, B, and I Districts	MU Districts	
	Minimum Standard	Minimum Standard	Maximum Standard
Residential Uses			
Household Living			
Dwelling, single-unit	2 spaces per dwelling unit. Additional spaces are not required for a boarder or an accessory dwelling unit		
Dwelling, two-unit	2 spaces per dwelling unit. Additional spaces are not required for a boarder or an accessory dwelling unit		
Dwelling, detached courtyard cottage/bungalow	1.5 spaces per dwelling unit		
Dwelling, three-unit; Dwelling, four-unit; Dwelling, townhouse; Dwelling, apartment	Per unit: • Studio or one bedroom – 1 space • Two bedroom – 1.5 spaces • Three or four bedroom – 2 spaces An additional 5% of the required parking shall be provided for guest parking		
Dwelling, live/work unit	1 space per unit plus 1 space per 1,000 SF of nonresidential gross floor area	1 space per unit plus 1 space per 1,250 SF of nonresidential gross floor area	1 space per unit plus 1 space per 750 SF of nonresidential gross floor area
Manufactured home park	2 spaces per dwelling unit		
Group Living			

Use	N, B, and I Districts	MU Districts	
	Minimum Standard	Minimum Standard	Maximum Standard
State-licensed residential facility	1 space per 3 bedrooms	1 space per 4 bedrooms	1 space per 3 bedrooms
Roominghouse	2 spaces plus 1.25 spaces per guest room	2 spaces plus 1 space per guest room	2 spaces plus 1.5 spaces per guest room
Group home	1 space per 3 beds	1 space per 4 beds	1 space per 2 beds
Nursing home	1 space per 5 bedrooms	1 space per 6 bedrooms	1 space per 5 bedrooms
Lodging			
Bed and breakfast establishment	1.25 spaces per guest room		
Hostel	1.25 spaces per each dwelling unit, guestroom, or hotel room.		
Hotel/motel	1.25 spaces per each dwelling unit, guestroom, or hotel room	1 space per each dwelling unit, guestroom, or hotel room	1.50 spaces per each dwelling unit, guestroom, or hotel room
Public, Social and Institutional			
Adult day care	2 spaces per each 5 program participants licensed by state.	2 spaces per each 6 program participants licensed by state.	2 spaces per each 4 program participants licensed by state.
Business/trade school/college	1 space per classroom plus 1 space for each 5-person capacity	1 space per classroom plus 1 space for each 6-person capacity	1 space per classroom plus 1 space for each 4-person capacity
Group daycare/nursery school	1 space per classroom plus 1 space per 10 students based on facility maximum capacity.	1 space per classroom plus 1 space per 15 students based on facility maximum capacity.	1 space per classroom plus 1 space per 10 students based on facility maximum capacity.
Community center	Parking requirement shall be based upon uses within the building.		
Educational facility	Elementary and Junior High: 2 spaces per each classroom.	Elementary and Junior High: 2 spaces per each classroom.	Elementary and Junior High: 5 spaces per each classroom.

Use	N, B, and I Districts	MU Districts	
	Minimum Standard	Minimum Standard	Maximum Standard
	High school and post-secondary: 1 space per each 4 students based on building capacity, plus 1 space for each 2 classrooms.	High school and post-secondary: 1 space per each 4 students based on building capacity, plus 1 space for each 2 classrooms.	High school and post-secondary: 1 space per each 3 students based on building capacity, plus 1 space for each 2 classrooms.
Hospital	1 space per each 400 square feet of gross floor area	1 space per each 450 square feet floor area.	1 space per each 350 square feet floor area.
Medical/dental clinic or office	3 spaces per treatment room	2 spaces per treatment room	4 spaces per treatment room
Municipal, county, state, or federal administrative or service facility	1 space per 400 SF of gross floor area plus 1 space for each fleet vehicle	1 space per 500 SF of gross floor area plus 1 space for each fleet vehicle	1 space per 300 SF of gross floor area plus 1 space for each fleet vehicle
Place of assembly, and Religious institutions	1 space per 4 persons of the maximum occupancy of main assembly area.	1 space per 6 persons of the maximum occupancy of main assembly area.	1 space per 4 persons of the maximum occupancy of main assembly area.
Commercial			
Personal Services and Businesses			
Animal handling	1 space per each 400 square feet of gross floor area, but not fewer than five spaces	1 space per each 400 square feet of gross floor area, but not fewer than five spaces	1 space per each 300 square feet of gross floor area, but not fewer than five spaces
Appliance, small engine and bicycle repair	1 space per each 500 square feet of gross floor area	1 space per each 500 square feet of gross floor area plus 1 space for each company-owned vehicle stored on-site	1 space per each 400 square feet of gross floor area plus 1 space for each company-owned vehicle stored on-site
Bank	1 space per each 300 square feet of gross floor area Maximum: One space per each 200 square feet floor area.	1 space per each 400 square feet of gross floor area	1 space per each 300 square feet of gross floor area

Use	N, B, and I Districts	MU Districts	
	Minimum Standard	Minimum Standard	Maximum Standard
Cannabis retailer	1 space per each 300 square feet of gross floor area Maximum: One space per each 200 square feet floor area.	1 space per each 400 square feet of gross floor area	1 space per each 300 square feet of gross floor area
Catering	1 space per each 500 square feet of gross floor area plus 1 space for each company-owned vehicle stored on-site	1 space per each 500 square feet of gross floor area plus 1 space for each company-owned vehicle stored on-site	1 space per each 400 square feet of gross floor area plus 1 space for each company-owned vehicle stored on-site
Coffee shop	1 space per each 200 square feet of gross floor area	1 space per each 200 square feet of gross floor area	1 space per each 100 square feet of gross floor area
Dry cleaning or laundering facility	1 space per each 300 square feet of gross floor area Maximum: One space per each 200 square feet floor area.	1 space per each 400 square feet of gross floor area	1 space per each 300 square feet of gross floor area
Firearms sales	1 space per each 300 square feet of gross floor area Maximum: One space per each 200 square feet floor area.	1 space per each 400 square feet of gross floor area	1 space per each 300 square feet of gross floor area
Funeral home	1 space per 4 persons of the maximum occupancy	1 space per 4 persons of the maximum occupancy	1 space per 6 persons of the maximum occupancy
Grocery store	1 space per each 300 square feet of gross floor area Maximum: One space per each 200 square feet floor area.	1 space per each 400 square feet of gross floor area	1 space per each 300 square feet of gross floor area

Use	N, B, and I Districts	MU Districts	
	Minimum Standard	Minimum Standard	Maximum Standard
Liquor store	1 space per each 300 square feet of gross floor area Maximum: One space per each 200 square feet floor area.	1 space per each 400 square feet of gross floor area	1 space per each 300 square feet of gross floor area
Lower potency hemp edible retailer	1 space per each 300 square feet of gross floor area Maximum: One space per each 200 square feet floor area.	1 space per each 400 square feet of gross floor area	1 space per each 300 square feet of gross floor area
Motor fuel station	1 space per 2 fuel pumps. Space adjacent to fuel pumps does not count towards this requirement	1 space per 3 fuel pumps. Space adjacent to fuel pumps does not count towards this requirement	1 space per 2 fuel pumps. Space adjacent to fuel pumps does not count towards this requirement
Motor vehicle sales	1 space per 400 square feet of gross floor area		
Motor vehicle service and repair	4 spaces per service bay		
Autobody/painting	4 spaces per service bay		
Parcel delivery service	1 space per 400 square feet of floor area devoted to office, processing, or service, plus 1 space for each vehicle kept on the premises		
Pawnshop	1 space per each 300 square feet of gross floor area	1 space per each 400 square feet of gross floor area	1 space per each 300 square feet of gross floor area
Payday loan agency and currency exchange	1 space per each 300 square feet of gross floor area	1 space per each 400 square feet of gross floor area	1 space per each 300 square feet of gross floor area

Use	N, B, and I Districts	MU Districts	
	Minimum Standard	Minimum Standard	Maximum Standard
Retail or service establishment	1 space per each 300 square feet of gross floor area Maximum: One space per each 200 square feet floor area. 1 space per each 500 square feet floor area. (large merchandise)	1 space per each 400 square feet of gross floor area	1 space per each 300 square feet of gross floor area
Restaurant	1 space per 4 persons of the maximum occupancy	1 space per 4 persons of the maximum occupancy	1 space per 6 persons of the maximum occupancy
Self-storage facility	1 space per 50 storage compartments		
Sexually-oriented business, high impact	1 space per each 300 square feet of gross floor area Maximum: One space per each 200 square feet floor area.	1 space per each 400 square feet of gross floor area	1 space per each 300 square feet of gross floor area
Sexually-oriented business, limited impact	1 space per each 300 square feet of gross floor area Maximum: One space per each 200 square feet floor area.	1 space per each 400 square feet of gross floor area	1 space per each 300 square feet of gross floor area
Shopping center	1 space per each 300 square feet of gross floor area Maximum: One space per each 200 square feet floor area.	1 space per each 400 square feet of gross floor area	1 space per each 300 square feet of gross floor area
Showroom	1 space per each 500 square feet of gross floor area	1 space per each 600 square feet of gross floor area	1 space per each 400 square feet of gross floor area

Use	N, B, and I Districts	MU Districts	
	Minimum Standard	Minimum Standard	Maximum Standard
Studio	1 space per each 400 square feet of gross floor area	1 space per each 500 square feet of gross floor area	1 space per each 300 square feet of gross floor area
Vendor market	3 spaces per market vendor		
Recreation			
Commercial entertainment, indoors	1 space per 4 persons of the maximum occupancy	1 space per 4 persons of the maximum occupancy	1 space per 6 persons of the maximum occupancy
Commercial entertainment, outdoors	50 spaces per field, sports court, or activity area plus 1 space per 4 fixed seats for spectator area		
Country club	Parking requirement shall be based upon uses on the site		
Golf course	2 spaces per hole		
Professional			
Office	1 space per each 300 square feet of gross floor area	1 space per each 400 square feet of gross floor area	1 space per each 300 square feet of gross floor area
Medical, optical, and dental laboratory; research and development	Less than 50,000 square feet floor area: 1 space per each 300 square feet of gross floor area Between 50,000 square feet floor area and 200,000 square feet floor area: 1 space per each 325 square feet of gross floor area Between 200,000 square feet floor area and 400,000 square feet floor area: 1 space per	1 space per each 500 square feet floor area in excess of 4,000 square feet	1 space per each 300 square feet of gross floor area

Use	N, B, and I Districts	MU Districts	
	Minimum Standard	Minimum Standard	Maximum Standard
	each 350 square feet of gross floor area Greater than 400,000 square feet floor area: 1 space per each 375 square feet of gross floor area		
Industrial			
Cannabis operation/hemp processor	1 space per 750 square feet of gross floor area		
Manufacturing/processing, light	1 space per 750 square feet of gross floor area	1 space per 1,000 square feet of gross floor area	1 space per 750 square feet of gross floor area
Manufacturing/processing	1 space per 1,000 square feet of gross floor area		
Microbrewery	1 space per 4 persons of the maximum occupancy	1 space per 4 persons of the maximum occupancy	1 space per 6 persons of the maximum occupancy
Microdistillery	1 space per 4 persons of the maximum occupancy	1 space per 4 persons of the maximum occupancy	1 space per 6 persons of the maximum occupancy
Outdoor storage	1 space per each 20,000 square feet of area devoted to outdoor storage		
Printing facility	1 space per 750 square feet of gross floor area	1 space per 1,000 square feet of gross floor area	1 space per 750 square feet of gross floor area
Printing facility, industrial	1 space per 1,000 square feet of gross floor area		
Warehouse/storage	1 space per each 2,000 square feet of gross floor area		
Transportation and Utilities			

Use	N, B, and I Districts	MU Districts	
	Minimum Standard	Minimum Standard	Maximum Standard
Freight terminal	1 space per 300 square feet of office space plus 1 space per 20,000 square feet of outdoor yard space		

Sec. 36-364. Reductions to parking space requirements.

- (a) The following off-street parking space reductions may be utilized jointly or separately except as indicated otherwise:
- (1) Transit reductions. Only one of the following deductions may apply to any property:
 - a. Parking requirements may be reduced based on the proximity to a light rail transit (LRT) station. Distance shall be measured from the station platform to the property line by walking distance via sidewalk, trail, and/or city centerlines.
 1. 30% reduction when the use is located up to ¼ mile from the LRT station.
 2. 20% reduction when the use is located up to ½ mile from the LRT station.
 - b. High frequency bus service. Parking may be reduced by up to 15% for any parcel located within one-quarter mile of high-bus transit with service at least every 15 minutes. The service must operate between 6:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 6:00 p.m. on Saturdays.
 - c. Regular bus service. Parking may be reduced by up to 10% for any parcel located within one-quarter mile of regular bus transit service on all days of the week and adequate pedestrian access must be available between the transit stop and the parcel. Regular transit service shall operate at least twice hourly between 7:30 a.m. and 6:30 p.m. on weekdays and once hourly after 6:30 p.m. Regular transit service shall operate on Saturdays, Sundays, and holidays.
 - (2) On-street parking. Parking may be reduced on a one-for-one basis through the use of on-street parking adjacent to the parcel. To qualify, adequate pedestrian access must be available between the principal structure and all on-street parking spaces. On-street parking reductions may be approved by the zoning administrator, subject to a determination by the city engineer that adequate off-street parking will be available to accommodate vehicles during snow removal and other periods of parking restrictions.
 - (3) Travel demand management. In those instances where no transit or on-street parking reductions are available, parking may be reduced by 5% through the

implementation of a travel demand management plan. Such a plan shall be filed with and approved by the zoning administrator and may be subject to yearly review.

- (4) Bicycle parking conversion. In addition to the reductions listed above, any property may choose to convert a minimum of one required vehicle parking space, and a maximum of 5% of required vehicle parking spaces, to bicycle parking. The bicycle parking must be permanently anchored to the ground and meet all bicycle parking requirements of this article. Bicycle parking provided via conversion may count towards minimum bicycle parking requirements. Conversion of a required vehicle parking space shall require a permit approved by the city before construction.
- (b) Proof of parking. If it is demonstrated that the required parking is in excess of the actual demand, all of the required parking need not be constructed initially. Any spaces not constructed, as shown on the site plan, shall be constructed when determined necessary by the zoning administrator or at such a time as the property owner determines necessary. The area of future parking shall be landscaped, but that landscaping shall not be used to satisfy landscaping requirements. To ensure construction of the future spaces, a financial or other guarantee may be required by the city.
- (c) Shared on-site parking. Shared off-street parking facilities can collectively provide parking in any district for more than one structure or use, subject to the following conditions:
 - (1) The uses shall have their highest peak demand for parking at substantially different times of the day or week, or an adequate amount of parking shall be available for both uses during shared hours of peak demand.
 - (2) The minimum spaces required under a shared parking agreement shall be based on the number of spaces required for the use that requires the most parking.
 - (3) A shared parking agreement shall be filed with the city. The terms of the shared parking agreement shall include, at a minimum:
 - a. The hours, size, and a description of the operation of each of the tenants.
 - b. A dimensioned site plan showing the location and number of parking spaces.
 - c. A plan for mediating conflicts between tenants. The plan shall identify the property owner or designee as being responsible for administering and enforcing the agreement.
 - d. A statement acknowledging that the city may deny a proposed use or expansion of an existing use if it deems the site does not have sufficient parking.
 - e. The plan shall be signed by the property owner.
- (d) Off-site parking. Off-site parking shall require a conditional use permit, subject to the following conditions:
 - (1) Paved pedestrian access shall be provided and maintained between the off-site parking facility and the principal structure.

- (2) The off-site parking facility shall be located no further than 300 feet from a residential structure and no further than 500 feet from a non-residential structure. Shuttle service may be provided as an alternative means of access for non-residential uses.
- (3) Off-site parking facilities shall be protected by an irrevocable covenant recorded by the county. A certified copy of the recorded document shall be provided to the zoning administrator within 60 days after approval of the agreement by the city council.

Sec. 36-365. Parking area use.

- (a) Required parking spaces and the driveways providing access to them shall not be utilized for the following:
 - (1) Storage of unlicensed or inoperable motor vehicles, other goods, or snow.
 - (2) Display, sales, rental or repair of motor vehicles or other goods.
 - (3) Loading and unloading of vehicles.
 - (4) Living space, unless required parking spaces are provided elsewhere.
 - (5) Aisles and driveways shall not be used for any purpose that would for any period of time prevent vehicle access to parking spaces or inhibit circulation or emergency service response.

Sec. 36-366. Design requirements for parking areas.

- (a) Parking spaces.
 - (1) Required parking spaces shall be 8.5 feet wide and 18 feet long.
 - (2) However, where modifications are determined appropriate by the zoning administrator as a result of a need for compact or oversize parking spaces, up to 20% of the spaces may be designated as a different size.
 - (3) Unless alternative requirements are designated by the zoning administrator, parking spaces shall be served by access drives with minimum dimensions provided as follows:

Table 36-366(a). Parking Lot Dimensions

Stall Angle (degrees)	Stall Type	Curb Length (feet)	Vehicle Projection (feet)	Aisle Width (feet)	Total Width (feet)
45	Standard	12.0	18.5	13.0*	50.0
	Compact	11.5	17.0		
60	Standard	10.0	20.0	15.0*	55.0
	Compact	9.5	18.0		
75	Standard	9.0	20.5	18.0*	59.0
	Compact	8.5	17.5		
90***	Standard	8.5	18.0	24.0	60.0**
	Compact	8.0	16.0		

Stall Angle (degrees)	Stall Type	Curb Length (feet)	Vehicle Projection (feet)	Aisle Width (feet)	Total Width (feet)
Parallel	Standard	23.0	8.5	22.0	38.0
	Compact	21.0	8.0		

* One-way aisles only

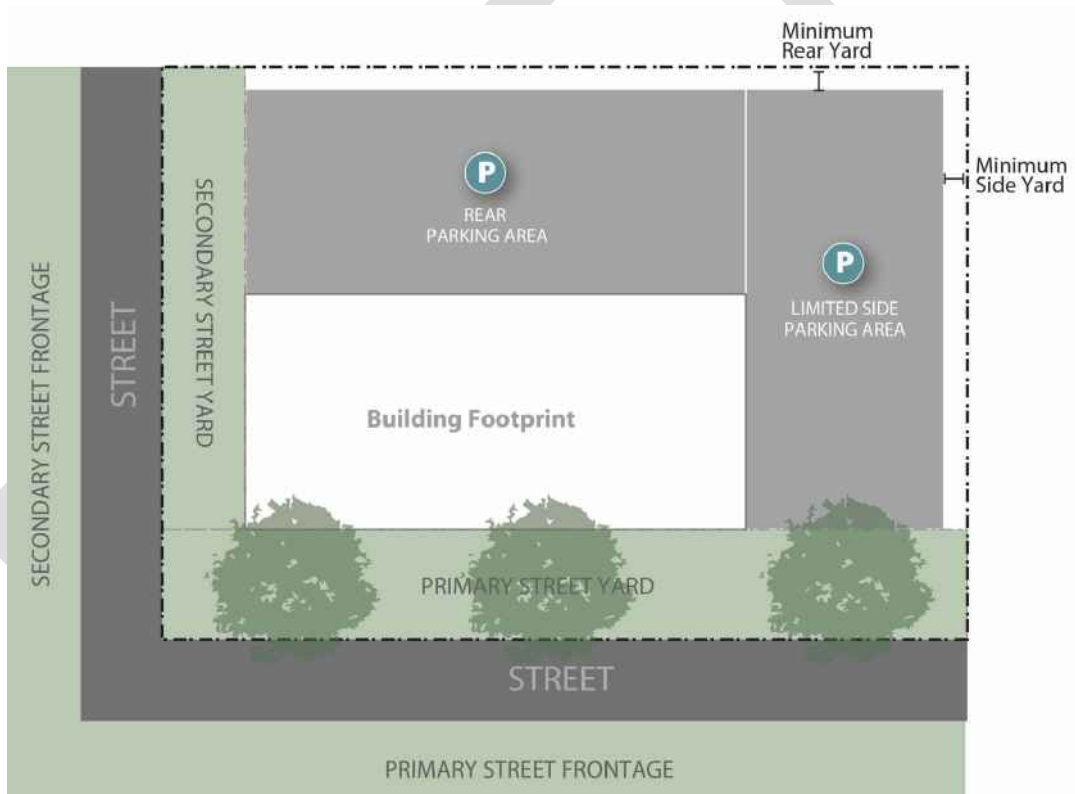
** When parking is provided within a parking ramp, the total bay width may be reduced to 58 feet.

*** In a MU-1 district the minimum aisle width may be reduced to 22.0 feet and a minimum total width of 58.0 feet, with the condition that aisles less than 24.0 feet wide shall provide a minimum curb length of 9.0 feet.

- (b) Handicapped parking spaces. The size, number and location of stalls reserved for handicapped parking shall be provided and identified as required by applicable regulations.
- (c) Turnaround. All parking areas, except those serving one- through three-unit dwellings on local streets, shall be designed so that cars do not have to back into the public street.
- (d) Surfacing. All driveways and all areas intended to be utilized for parking spaces shall be constructed of bituminous asphalt, concrete, or pavers. Such surfacing shall be approved by the city engineer and maintained in good repair.
- (e) Walkways. Required parking areas for six or more vehicles shall have walkways separated from the parking area and surfaced with bituminous asphalt, pavers, or concrete to provide access from parking areas to the entrances of buildings.
- (f) Drainage. All parking or paved areas shall be adequately served by storm sewer or other approved stormwater facilities. Such facilities shall be approved by the city engineer.
- (g) Lighting. Required parking areas for six or more vehicles shall meet the lighting standards found in section 36-402.
- (h) Curbs. A six-inch-high, poured-in-place concrete curb shall be provided around the periphery of all parking lots and internal access roads, except where the city engineer determines that a curb would impede the drainage plan.
 - (1) Access roads to developments of single-unit, two-unit, or three-unit dwellings are exempt from this requirement.
- (i) Yards. Required parking areas shall be subject to the following requirements:
 - (1) In the N-3 and N-4 districts, parking areas shall be subject to the requirements for front yards and side yards abutting a street.
 - (2) In the I districts, parking areas shall be permitted in the front yard and side yards abutting a street, provided that the yard shall not be reduced to less than five feet.
 - (3) In the MU districts:

- a. Parking spaces and drive aisles shall not be located between a building and a street, except that a through lot may have parking between the building and a less prominent street, as determined by the zoning administrator. In the case of a through-lot, the minimum yard requirement for parking spaces shall be five feet when adjacent to a street.
- b. The minimum yard requirement for parking spaces and drive aisles shall be zero when located adjacent to a non-neighborhood district.
- c. Rear parking yard. Parking may be permitted in the rear of the lot, but shall not be closer than eight feet to property zoned N-1 or N-2 in the rear or side yard and shall be screened from the front by the building. Refer to the street and parking yards illustration (figure 36-366(a)). Note that accessory parking structures within each district have separate side and rear yard standards.

Figure 36-366(a) Street and parking yards.



- d. Limited side parking yard. Parking may be permitted with the following:
 1. Location. The parking is permitted only in the side parking yard of the building (refer to figure 36-366(a)) but shall not be closer than five (5) feet to property zoned N-1 or N-2 in the rear or side yard.
 2. Limited Width. Up to one double-loaded bay of surface parking is permitted with a maximum width of 65 feet.

3. Perpendicular to the Street. The parking lot shall be located perpendicular to the street with the centerline of the drive aisle perpendicular to the centerline of the street.
4. Accessory Parking Structure. An accessory parking structure is not permitted in the side yard of a primary street frontage.
- e. Garage Entrances. Vehicular entrances to structured parking garages within the building generally shall be limited to locations on the rear façade that face the rear parking yard; except such entrances may be located on the side façade, facing the limited side parking yard, so long as the location is not closer to the street than the maximum of the build-to zone.
- (j) Residential parking location. Required parking spaces in the N-1 and N-2 districts shall be subject to the following requirements:
 - (1) Required parking shall be located in an enclosed structure or behind the front of the principal structure.
 - (2) Required parking shall not be permitted in a front yard, except where no other location for parking is possible.
 - (3) Required parking shall be located on the same lot as the structure housing the principal use, except for religious institutions and condominiums.
- (k) Each parking space shall open directly to an aisle or driveway. Tandem parking spaces, however, may be established for:
 - (1) Single-unit dwellings, two-unit dwellings, twin-homes, three- and four-unit dwellings, townhouse, and courtyard cottages.
 - (2) Commercial and apartment and apartment-mixed use dwellings if approved with a parking management plan and as part of the site plan of a conditional use permit or planned unit development.

Sec. 36-367. Maintenance.

- (a) All off-street parking areas shall be maintained in good repair.
- (b) All parking areas shall have the parking spaces clearly marked on the pavement, using minimum four-inch-wide painted lines or other marking devices approved by the city engineer. Such markings shall conform to the approved parking plan and shall be maintained in a clearly legible condition. No parking facilities shall be marked in a manner that reduces the number of parking stalls to less than the number required by this zoning ordinance.

Sec. 36-368. Neighborhood parking and driveways

- (a) Parking and storage of vehicles in N districts. The parking or storing of any motor vehicle, recreation vehicle, or commercial vehicle in the N districts is subject to all restrictions in division 4 and this subsection.
 - (1) Findings. The city council finds that certain standards are desirable in order to preserve neighborhood character, public health and safety, property values, and allow all residents a reasonable use and enjoyment of property. While the city

council finds that the use and possession of commercial and recreational vehicles are an important factor in the lives of a substantial number of residents of the city, the council also finds that certain types and sizes of commercial and recreational vehicles, the improper storage of commercial and recreational vehicles, and the parking of and storage of excessive numbers of vehicles can affect the neighborhood character as well as public health and safety, property values, and the reasonable use and enjoyment of neighboring properties. While the ability of recreational vehicle owners to provide for the security of and access to their vehicles is a reasonable expectation, they have a responsibility to respect the rights of residents, owners, and users of neighboring properties and to avoid interference with the purposes of the zoning district in which they are located. The city council further finds that the establishment of these standards furthers the goals in the city's comprehensive plan relative to enhancement of residential neighborhoods and similar goals expressed in Vision St. Louis Park. The city council establishes these standards as a means to balance the interests of the owners of commercial and recreational vehicles, adjacent residents and the public.

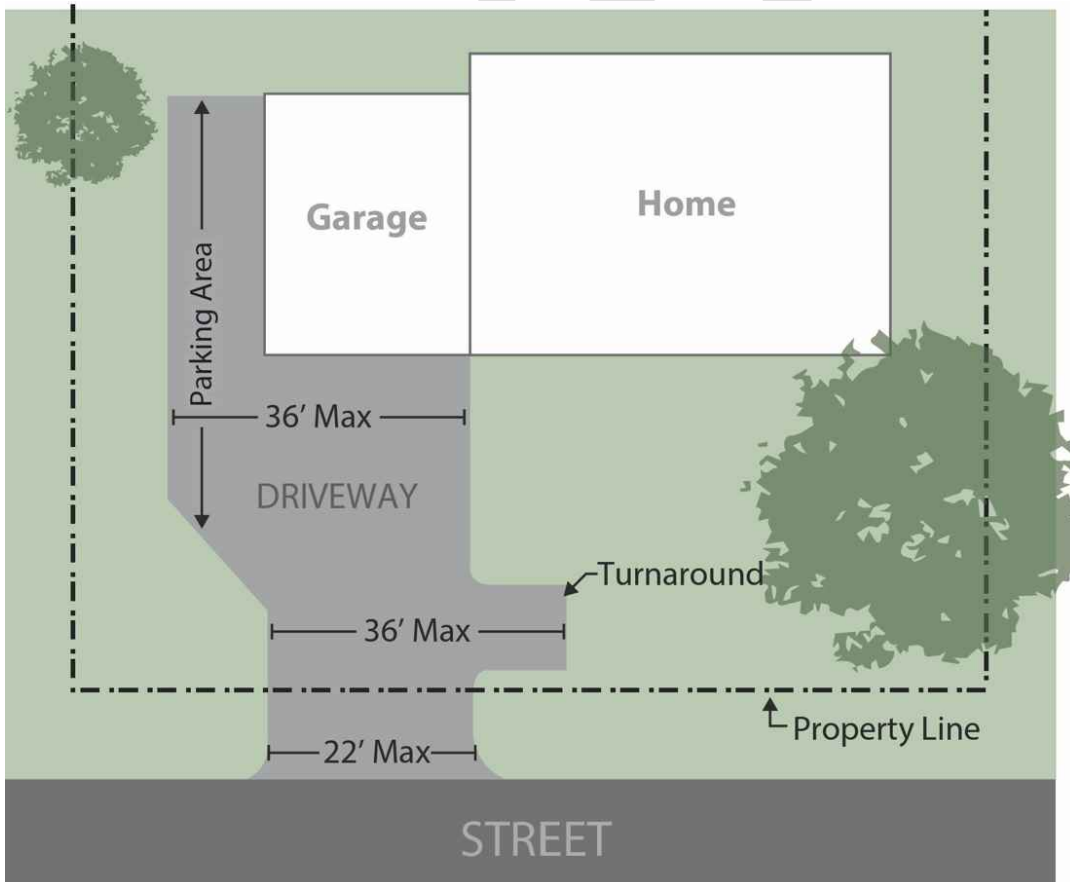
- (2) Except as provided in subsections (a)(3) and (a)(9) of this section, no motor vehicle, recreational vehicle, commercial vehicle, or trailer shall be permitted to stand or park in the N districts which exceeds any of the following:
 - a. Nine feet in height, measured from the ground to the highest point on the vehicle at recommended tire pressure. For the purpose of measuring height, all accessories, attachments, and materials carried upon a vehicle shall be considered part of the vehicle;
 - b. Twenty-two feet in length, measured at the longest point of the vehicle or, if a trailer, the horizontal distance between the front and rear edges of the trailer bed. For the purpose of measuring length, all accessories, attachments, and materials carried upon a vehicle shall be considered part of the vehicle or trailer bed; or
 - c. Six thousand five hundred pounds, empty weight including the box.
- (3) One recreational vehicle which exceeds any of the limits set forth in subsection (a)(2) of this section and is owned by the occupant of the premises can be parked behind the rear face of the principal building if:
 - a. The vehicle is parked no closer than five feet from any property line.
 - b. If the property has more than a three-unit dwelling, the vehicle must be stored on a concrete or bituminous surface and the parking space must be in excess of the minimum number of parking spaces required by this chapter.
 - c. The vehicle shall be screened using a 90% opaque fence which is six feet high and plant materials which at maturity have the ability to screen 100% of the height and 100% of the length of the vehicle with a minimum of 50% opacity from view from:
 - 1. Any park.
 - 2. Any abutting residentially developed property.
 - 3. Any street which abuts the rear yard.

- d. The fence and plant materials shall be located in such a manner that visibility is maintained as required in section 36-50. A six-foot-high gate may be placed in the fence to allow for ingress and egress. Plant materials may be omitted at points of ingress and egress but the gap in landscaping may not exceed the width of the vehicle plus two feet.
- (4) The following provisions shall apply to the parking and storage of vehicles on residential parcels in the N-1 and N-2 districts:
- a. No more than four vehicles can be parked or stored outside an enclosed building on a lot that contains a single-unit dwelling. For a two-unit dwelling (duplex), each dwelling may have up to four vehicles parked or stored outside. This regulation shall not apply during snow emergencies.
 - b. No more than two non-passenger vehicles can be parked on a residential lot outside of an enclosed building. Except as permitted in subsection (a)(3) of this section, vehicles shall be stored on a designated parking space. Non-passenger vehicles cannot be parked or stored in front of the front face of the principal building or between the front and rear face of the principal building when abutting a street except as allowed under subsection (a)(3) of this section.
 - c. Only commercial vehicles which do not exceed any of the size requirements under subsection (a)(2) of this section and are designed exclusively for on-street use can be parked on residential lots outside an enclosed building. Commercial vehicles shall be parked only within a garage or on a designated parking space and cannot be parked or stored in front of the front face of the principal building or between the front and rear face of the principal building when abutting a street except as permitted under subsection (a)(4) of this section.
 - d. Except as permitted in subsection (a)(3) of this section, all vehicles must be stored on a surface improved for driveway purposes with an approved paving surface.
 - e. No more than one recreational vehicle which exceeds the size requirements in subsection (a)(3) of this section can be parked on a residential lot outside an enclosed building.
 - f. No non-passenger vehicle can be parked within five feet of an interior side lot line or rear lot line.
 - g. No non-passenger vehicle can be parked in front of the front face of the principal building or between the front and rear face of the principal building when abutting a street except where designated parking space is permitted under section 36-366(j). Under no circumstances can a non-passenger vehicle which exceeds the size limitations in subsection (a)(2) of this section be parked in a front yard.
 - h. No non-passenger vehicle can be parked on a residential lot if the vehicle is not owned or leased by the occupant of the premises where it is parked or is a commercial vehicle owned by the employer of an occupant who is using the vehicle for business purposes.

- i. Only one tow truck can be parked on a residential property.
 - j. Parking is not permitted on a driveway within five feet of the curb of a public street. In the absence of a curb, parking shall not be permitted within five feet of the traveled public roadway, in no event can a vehicle be parked in such a manner as to block a public sidewalk.
 - k. Recreational vehicles six feet in height or less at their highest points may be parked in one non-driveway area between the front and rear face of the principal building on a neighborhood zoned lot provided that they are ten feet or more from the adjacent residence, do not extend beyond the front face of the principal building, and are screened from the street and from the adjacent neighbor with a 90% opaque fence with a height at least equal to the height of the highest point of the vehicle to be screened. A fence-height gate may be placed in the fence to allow for ingress and egress.
- (5) One vehicle with an attached snowplow can be parked outside of an enclosed building between November 1 or the first two-inch snowfall, whichever occurs first, and April 30. This vehicle will be considered to be a commercial vehicle when applying this chapter.
 - (6) Snowplows and other commercial equipment must be stored within an enclosed structure when not attached to a vehicle.
 - (7) Outdoor storage of fish houses is not permitted on a residential lot.
 - (8) On-street parking of non-passenger vehicles is not permitted in the N districts.
 - (9) The following are exempt from the provisions in this subsection:
 - a. Any vehicle being used in conjunction with a temporary service benefiting the property.
 - b. Vehicles used in conjunction with authorized construction sites between 7:00 a.m. and 10:00 p.m. Monday through Friday and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.
 - c. Vehicles used in conjunction with authorized public works construction.
 - d. Recreational vehicles can be parked temporarily while being loaded or unloaded or during routine maintenance and servicing not exceeding 48 consecutive hours.
- (b) Single-unit, two-unit, and three-unit dwelling driveway and parking areas. The following provisions shall apply:
 - (1) Permit required. A driveway permit shall be issued prior to the installation, replacement, or expansion of any driveway or parking area.
 - (2) Width.
 - a. The maximum width for the driveway apron shall not exceed 22 feet.
 - b. The maximum cumulative width for driveways, parking areas, and turnarounds shall not exceed 36 feet for single-unit, and 44 feet for two- and three-unit dwellings.
 - c. Horseshoe driveways are permitted when additional driveway accesses are allowed. The secondary driveway width shall be deducted from the maximum driveway width allowed and shall not exceed 12 feet in width.
 - (3) Setbacks.

- a. No side setbacks are required for driveways, parking areas, and turnarounds.
 - b. The start of the transition to a driveway or parking area that is wider than the driveway apron may start immediately after the driveway apron and cannot exceed 45 degrees.
 - c. Turnarounds must be located on private property.
- (4) Driveway access.
- a. One access to a street and/or alley is allowed for single-unit dwellings on lots less than 80 feet wide.
 - b. Two accesses to a street and/or alley are allowed for two- and three-unit dwellings, or single-unit dwellings on lots greater than or equal to 80 feet wide.
 - c. Two street accesses are allowed for corner lots with the condition that one access is allowed per street frontage for lots less than 80 feet in width.
- (5) Miscellaneous.
- a. The maximum slope on the driveway shall not exceed 10%.
 - b. The surface of the driveway shall be paved with asphalt, concrete, or pavers. Permeable pavers and ribbon driveways may be used on private property if vegetation is maintained between the ribbons of the driveway and the open areas of the permeable pavers.

Figure 36-368(a). Driveway dimensions



Sec. 36-369. Electric vehicle supply equipment.

- (a) The intent of this section is to facilitate and encourage the use of electric vehicles, to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure, and establish minimum requirements for such infrastructure to serve both short and long-term parking needs.
- (b) Number of required electric vehicle charging stations.
 - (1) All new, reconstructed or expanded parking lots with 14 or fewer parking spaces shall be allowed, but not required, to install EVSE.
 - (2) All new, reconstructed or expanded parking lots with at least 15 but no more than 49 spaces shall install EVSE as required below.
 - a. Multiple-unit residential. At least 10% of the surface parking spaces shall be served by level 2 stations. At least one handicapped accessible parking space shall have access to an EVCS.
 - b. Non-residential land uses. At least two level 2 stations shall be provided. At least one handicapped accessible parking space shall have access to an EVCS.
 - (3) All new, reconstructed or expanded parking lots with at least 50 parking spaces shall install EVSE as required below.
 - a. Multiple-unit residential. At least 10% of surface parking spaces shall be served by level 2 stations. At least one handicapped accessible parking space shall have access to an EVCS.
 - b. Non-residential land uses. At least 5% of the surface parking spaces shall be served by level 2 stations, with at least one station adjacent to an accessible parking space. In non-residential districts, DC charging stations may be installed to satisfy the EVCS requirements described above on a one-for-one basis.
 - (4) All new or reconstructed motor fuel stations as defined in section 36-479 shall be required to install at least one additional level 2 charging station.
 - (5) In addition to the number of required EVCSs, the following accommodations shall be required for the anticipated future growth in market demand for electric vehicles:
 - a. Multiple-unit residential land uses: all new, expanded, and reconstructed parking lots shall provide the electrical capacity necessary to accommodate the future hardwire installation of level 2 EVCSs for a minimum of 50% of the surface parking spaces.
 - b. Non-residential land uses: all new, expanded, and reconstructed parking lots shall provide the electrical capacity necessary to accommodate the future hardwire installation of level 2 or DC EVCSs for a minimum of 50% of the surface parking spaces.
 - (6) These requirements may be revised upward or downward by the city council as part of an application for a conditional use permit or planned unit development based on verifiable information pertaining to parking.

- (c) Reductions to EVSE requirements. When the cost of installing EVSE required by this chapter would exceed 5% of the total project cost, the property owner or applicant may request a reduction in the EVSE requirements and submit cost estimates for city consideration. When city council approval of the project is not required, the zoning administrator may administratively approve a reduction the required amount of EVSE in order to limit the EVSE installation costs to not more than 5% of the total project cost.
- (d) Permitted locations.
 - (1) Level 1 and level 2 EVCSs are permitted in every zoning district, when accessory to the primary permitted use. Such stations located at single-unit, two-unit, and multiple-unit shall be designated as private restricted use only.
 - (2) DC EVCSs are permitted in the non-neighborhood districts, when accessory to the primary permitted use.
 - (3) If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a motor fuel station for zoning purposes. Installation shall be located in zoning districts which permit motor fuel stations.
- (e) General requirements for single-unit dwellings.
 - (1) EVSE shall be located in a garage, or on the exterior wall of the home or garage adjacent to a parking space.
 - (2) EVSE shall comply with all relevant design criteria as outlined in subsection (f)(4) of this section, unless specifically exempted.
- (f) General requirements for multi-unit residential and non-residential development parking.
 - (1) Accessible spaces. A charging station will be considered accessible if it is located adjacent to and can serve an accessible parking space as defined and required by the ADA. It is not necessary to designate the EVSE exclusively for the use of vehicles parked in the accessible space.
 - (2) EVSE – public use shall be subject to the following requirements:
 - f. The EVCSs shall be located in a manner that will be easily seen by the public for informational and security purposes.
 - g. The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves.
 - (3) Lighting. Site lighting shall be provided where EVSE is installed unless charging is for daytime purposes only.
 - (4) Equipment design standards.
 - a. Battery charging station outlets and connector devices shall be mounted to comply with state code and must comply with all relevant Americans with Disabilities Act (ADA) requirements. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.

- b. Electric vehicle charging devices may be located adjacent to designated parking spaces in a garage or parking lot provided the devices do not encroach into the required dimensions of the parking space (length, width, and height clearances).
 - c. The design should be appropriate to the location and use. Facilities should be able to be readily identified by electric vehicle users and blend into the surrounding landscape/architecture for compatibility with the character and use of the site.
 - d. EVCS pedestals shall be designed to minimize potential damage by accidents, vandalism and to be safe for use in inclement weather.
- (5) Usage Fees. The property owner may collect a service fee for the use of EVSE.
- (6) Maintenance. EVSE shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting problems with the equipment or access to it.

Sec. 36-370. Bicycle parking.

- (a) Bicycle parking is required to provide adequate and safe facilities for the storage of bicycles, to encourage the use of bicycles as an alternative to motor vehicles, and to provide bicycle access to employment, commercial and other destinations. All new, expanded, or reconstructed parking structures or lots shall install bicycle parking as required below.
- (b) General requirements.
 - (1) Bicycle parking may be provided using the following approaches:
 - a. Bicycle racks: open-air devices to which a bike is locked, suitable for short-term visitor and customer parking.
 - b. Bicycle lockers: stand-alone enclosures designed to hold one bicycle per unit, preferred for sites that require all-day bicycle parking.
 - c. Bicycle lockups: site-built secure enclosures that hold one or more bicycles, best for residents' and employees' all-day or long-term bicycle storage.
 - (2) The city encourages the use of the "inverted U" type bike rack. Other bike rack designs must provide for:
 - a. Supporting the bicycle frame at two locations, not including either wheel.
 - b. Allowing both the frame and at least one wheel to be locked to the rack.
 - c. Allowing the use of either a cable or U-type lock.
 - d. Bicycles which are equipped with water bottle cages.
 - e. Bicycles which are not equipped with kickstands.
 - f. All types and sizes of bicycles, including various types and sizes of frames, wheel sizes and tire widths.
 - (3) All bicycle racks or lockers must be securely anchored to the ground or building structure.
 - (4) Bicycle racks or lockers shall be placed on a level, pavement, or concrete surface.

- (c) Location criteria for bicycle racks.
 - (1) Bicycle racks shall be placed near building entrances, generally within 50 feet.
 - (2) Bicycle rack placement should allow for visual monitoring by people within the building and/or people entering the building.
 - (3) Bicycle racks shall be located to avoid conflicts with pedestrians.
 - (4) Bicycle racks shall be at least 24 inches from a wall to which they are parallel and 30 inches from a wall to which they are perpendicular.
- (d) Number of required bicycle parking spaces.
 - (1) Where the minimum number of required bicycle parking spaces is not specifically listed for an individual use, the zoning administrator shall determine the minimum number of required spaces. The zoning administrator shall consider functional similarities between uses where a parking requirement is listed in the chapter and the proposed use in determining the requirement.
 - (2) Residential uses.
 - a. Single through four-unit dwellings, courtyard cottages, and townhomes. No bicycle parking spaces are required.
 - b. Apartments and apartments mixed-use dwelling. One bicycle parking space per dwelling unit, plus one bicycle parking space per ten automobile parking spaces.
 - (3) Commercial, office and industrial uses. Bicycle parking spaces equal to 10% of the automobile parking space requirement, but not less than four bicycle parking spaces.
 - (4) Institutional uses. One bicycle parking space per 10 automobile parking spaces, except that schools must provide one bicycle parking space per 10 students.

Sec. 36-371. Delivery service entrances and off-street loading facilities.

- (a) All delivery service entrances to a building shall be from a public alley, service-alley, off-street parking lot; deliveries not able to be made from a public alley, service-alley or off-street parking lot shall be made from the curb in a manner that does not obstruct drive lanes or on-street parking spaces.
- (b) Loading zones. The off-street loading requirement for non-residential buildings with less than 20,000 square feet may be satisfied by the designation of a loading zone area on the site. This loading zone area shall be separate from any required off-street parking area and access to the loading zone area shall be provided which does not conflict with automobile circulation to, from, or within the site.
- (c) Loading docks, berths, and facilities.
 - (1) Loading dock. A minimum of one loading dock shall be provided for non-residential buildings with 20,000 square feet or more in floor area.
 - (2) Loading facility. A loading facility includes the dock, the berth for the vehicle, maneuvering areas, and the necessary screening walls.
 - (3) Location.

- a. All loading berth curb cuts shall be located 25 feet or more from the intersection of two street rights-of-way.
- b. No loading berth shall be located less than 50 feet from any parcel that is zoned neighborhood and used or subdivided for residential use unless it is entirely within a building.
- c. Loading facilities shall not occupy the required front yard.
- (4) Size. A loading dock shall have a berth area at least 12 feet wide and 55 feet long.
- (5) Access. Each loading berth location shall permit vehicular access to a street or public alley in a manner which will least interfere with traffic.
- (6) Surfacing. All loading facilities and accessways shall be paved with bituminous or concrete paving to control the dust and drainage.
- (7) Screening. All berths shall be screened from view from the adjoining streets and any property in a N district. The screening shall consist of a minimum 10-foot-high wall and landscaping. Walls shall be designed to be harmonious with the principal structure. In situations where access to the loading berth is directly from the street and no other practicable means of access exist, this screening requirement shall not apply.
- (8) Accessory use. No required loading berth or access drive shall be used for the storage of goods or inoperable vehicles. It may not be included as a part of the space necessary to meet the off-street parking requirements.

DIVISION 5. LANDSCAPING.

Sec. 36-372. Purpose.

- (a) The city recognizes the aesthetic, ecological, and economic value of landscaping in both the natural and built environments and requires its use to serve the following objectives:
 - (1) Protect the health, safety, and general welfare of the community.
 - (2) To deter crime through the use of good environmental design practices.
 - (3) Promote the reestablishment of vegetation in the community for aesthetic, health, and wildlife reasons.
 - (4) Improve ground water quality.
 - (5) Reduce storm water runoff.
 - (6) Promote compatibility between land uses by reducing the visual, noise, dust, and lighting impacts of specific development on users of the site and abutting uses.
 - (7) Aid in energy conservation by providing shade from the sun and shelter from the wind.
 - (8) Safeguard and enhance property values.
 - (9) Break up expanses of paved areas and provide surface shade.
 - (10) To promote development which will minimize the loss of trees; ensure maintenance of vegetation; encourage a resourceful and prudent approach to urban development; provide an objective method to replace trees; provide

incentives for creative land use and good site design which preserves existing trees. The landscape standards in this section are established to promote these objectives and encourage innovative and creative landscape design for the benefit of the city. This section consists of the minimum landscaping and screening requirements for use throughout the city.

Sec. 36-373. Applicability.

- (a) The zoning administrator may require additional landscaping or alter the placement of the landscaping as deemed appropriate.

Sec. 36-374. Required landscape plan.

- (a) With the exception of single-unit and two-unit dwellings, a detailed landscape plan shall be submitted for review and approval by the zoning administrator for all new developments, additions or modifications to existing developments or when changes are made to existing landscape plans.
- (b) Landscape plans shall be prepared by a registered landscape architect or other qualified individual as determined by the zoning administrator.
- (c) The landscape plan shall be drawn to a scale of not less than one inch equals 50 feet.
- (d) The locations and materials which are to be used in existing landscaping and proposed developments shall be clearly drawn and labeled on a landscape plan.
- (e) The plan shall, at a minimum, show the following:
 - (1) The boundary lines of the property with accurate dimensions.
 - (2) The locations of existing and proposed buildings, parking lots, roads, and other improvements.
 - (3) A plan showing existing topography and proposed grading with contour intervals no greater than two feet.
 - (4) The location, diameter of trees and common name of existing trees and shrubs.
 - (5) A planting schedule containing symbols, quantities, common and botanical names, size of plant materials, root condition, and special planting instructions.
 - (6) The planting details illustrating proposed locations of all new plant materials.
 - (7) The locations and details of other landscape features including berms, retaining walls, fences, walls, sculptures, fountains, street furniture, lights, courtyards and planter boxes.
 - (8) The details of restoration of disturbed areas including areas to be sodded or seeded.
 - (9) The location and details of irrigation systems.
 - (10) The details and cross sections of all required screening.
 - (11) A description of a method to be employed for the protection of all existing landscape materials to be saved.
 - (12) Planting and installation details as necessary to ensure conformance with all required standards.

Sec. 36-375. Minimum landscaping requirements.

- (a) All open areas of a lot that are not used for buildings, required parking or circulation areas, patios, or storage shall be landscaped with a combination of canopy trees, ornamental trees, evergreen trees, shrubs, flowers, sod, ground cover materials, and other site design features to ensure soil stabilization. This shall not apply to undisturbed areas retained in a natural state.
- (b) Landscape plans shall be developed with an emphasis upon the boundary or perimeter of the proposed site, to the immediate perimeter of the structure, parking areas, and along areas to be screened.
- (c) The following minimum number of plant materials shall be provided:
 - (1) For purposes of calculations, structure parking used as an accessory use shall not be counted as gross building floor area.
 - (2) Single-unit and two-unit dwellings constructed after May 7, 2007, shall plant one tree per lot in the boulevard. The boulevard tree shall be of a species identified in the City of St. Louis Park's Landscape Tree List for streets and boulevards and shall be planted according to city requirements.
 - (3) Multi-unit residential dwellings shall require one canopy or evergreen tree per dwelling unit.
 - (4) Non-residential uses shall require at a minimum the greater of:
 - a. One canopy or evergreen tree per 1,000 square feet of gross building floor area, or
 - b. One canopy or evergreen tree per 50 lineal feet of site perimeter.
 - (5) Up to 25% of the required number of canopy or evergreen trees may be substituted with ornamental trees at a ratio of two ornamental trees to one canopy or evergreen tree.
 - (6) Shrubs shall be required at a minimum of the greater of the following:
 - a. Six shrubs per 1,000 square feet of gross building floor area, or
 - b. Six shrubs per 50 lineal feet of site perimeter.
 - c. This requirement shall not apply to single-unit and two-unit residential dwellings.
 - (7) Where there is more than one use per building or development, each use shall be calculated separately to determine minimum landscape requirements.
 - (8) Landscaping with native species. At least 50% of the plantings used in the landscape plan must be native plants.
 - (9) Xeriscaping is encouraged and shall be required in areas that are not irrigated. Xeriscaping is landscaping which uses plants that have low water requirements, making them able to withstand extended periods of drought. Xeriscaping landscapes are a conscious attempt to develop plantings which are compatible with the environment and make a conscious effort to minimize use of water.
 - (10) Rain gardens/bioretenention systems are encouraged. Bioretention systems can be described as shallow, landscaped depressions commonly located in parking lot

islands or within areas that receive stormwater runoff. For credit under this section, the rain garden/bioretention system shall be above ground and a visible part of the green or landscaped area. Stormwater flows into the bioretention area, ponds on the surface, and gradually infiltrates into the soil bed. Pollutants are removed by a number of processes including absorption, filtration, volatilization, ion exchange, and decomposition. Filtered runoff can either be allowed to infiltrate into the surrounding soil (functioning as an infiltration basin or rainwater garden) or discharged to the storm sewer or directly to receiving waters (functioning like a surface filter). The use of under drain systems is discouraged unless where infiltration is prohibited by the water resources management plan. Runoff from larger storms is generally diverted past the area to the storm drain system.

Sec. 36-376. Screening.

- (a) Screening shall consist of landscaping/vegetation, fences, walls, berms, hedges, landscape materials, or a combination thereof. The height and depth of the screening shall be consistent with the height and size of the area for which screening is required.
 - (1) All walls and fences shall be architecturally harmonious with the principal structure.
- (b) Principal buildings, accessory structures and drive through facilities including stacking areas within the MU-1, MU-2, MU-3, B-1, I-1, I-2 and P-1 districts shall be screened from any parcel that is zoned neighborhood and used or subdivided for residential or has an occupied institutional building including but not limited to a school, religious institution or community center.
 - (1) If the parcel zoned neighborhood is not separated by a public right of way and is less than 50 feet away from the building, structure or drive through facility, the screening shall include a six-foot privacy fence along the side and/or rear property line abutting the residential property; the fence height may be increased to eight feet at the discretion of the zoning administrator. The fence will not be required when a multi-unit building is adjacent to an existing multiple-unit building of four or more dwelling units.
- (c) Off-street loading and service areas: must be screened from contiguous properties and adjacent streets, except at access points. Screening shall consist of plant material and any combination of berms, fences, or walls that provide 100% opacity, year-round, to a height of at least ten feet.
- (d) Outside storage areas; utility service structures; mechanical equipment; refuse/recycling; maintenance structures and other ancillary equipment shall be screened 100% from all off-site views year-round. In addition to landscaping, exterior refuse handling and outside storage areas shall be screened with a six-foot wall or privacy fence. The fence may be required to be taller at the discretion of the zoning administrator.
 - (1) In mixed-use and business districts, screening shall be constructed of complementary materials to the principal building.

(e) Parking lots:

- (1) All off street parking areas and drive lanes located within 30 feet of any parcel that is zoned neighborhood and used or subdivided for residential or has an occupied institutional building such as a school, religious institution or community center shall be screened with landscaping and a solid fence or wall a minimum of eight feet high in the side and rear yard and 48 inches when adjacent to a front yard.
- (2) Regardless of subsection (e)(a) above, off street parking areas located within 30 feet of a public right of way shall provide screening between the parking lot and right of way, except at access points. Such screening may consist of a solid hedge, an architectural compatible opaque wall, fence, berm or combination thereof. The screening shall be at least 36 inches and no more than 42 inches in height. Transit shelters, benches, bike racks, or similar features may be integrated as part of the screen as approved by the zoning administrator.

(f) Utilities and mechanical equipment:

- (1) The visual impact of rooftop equipment shall be minimized using one of the following methods. Where rooftop equipment is located on buildings and is visible from the ground within 400 feet from property in a N district, only the items listed in subsections (f)(1) and (f)(2) shall be used.
 - a. A parapet wall.
 - b. A fence the height of which extends at least one foot above the top of the rooftop equipment and incorporates the architectural features of the building.
 - c. The rooftop equipment shall be painted to match the roof or the sky, whichever is most effective.
 - d. Solar collector surface and its frame shall be exempt from rooftop screening requirements.
- (2) Utility service structures (such as utility meters, utility lines, transformers, aboveground tanks); refuse and recycling handling; loading docks; maintenance structures; and other ancillary equipment must be inside a building or be entirely screened from off-site views utilizing a privacy fence or wall that is at least six feet in height. A chain link fence with slats shall not be accepted as screening.
- (3) All utility services shall be underground except as provided elsewhere in this chapter.

- (g) Properties used as single- through three-unit dwellings are exempt from the screening requirements.

Sec. 36-377. Off street parking areas.

- (a) Off street parking areas with more than 25 parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb or approved equivalent and shall contain mulch to retain soil moisture. Turf grass is permitted within landscaped areas located around the periphery of a parking lot. This provision shall not apply to parking structures.

- (1) Landscape islands are required at the end of each row of cars, or every 15 stalls whichever is less. All landscape islands shall contain a minimum of 180 square feet and a minimum dimension shall be five feet.
- (2) A minimum of two canopy trees of the same species must be provided per island.
- (3) Shrubs, perennials or ornamental grass must be incorporated in each landscaped island.
- (4) Islands shall be prepared with clean soil to a depth of five feet and improved to ensure adequate drainage, nutrient and moisture-retention levels for the establishment of plantings.
- (5) All perimeter and interior landscaped areas in parking lots shall be equipped with a permanent irrigation system, unless drought-tolerant plant materials are used exclusively. Where drought-tolerant plant materials are used, irrigation shall be required only for the two-year period following plant installation and may be accomplished using hoses, water trucks, or other nonpermanent means.
- (b) Raised islands shall be provided at the end of any parking row where it abuts vehicle circulation lanes or driveways. Raised islands shall also be provided to separate pedestrian and vehicular traffic.
- (c) Rock mulch shall not be used in landscaped islands.

Sec. 36-378. Alternative landscape options.

- (a) The city encourages the use of special design features such as green rooftops, integrated pedestrian facilities and public art. To encourage the use of these special design features, the city acknowledges a degree of flexibility may be necessary to adjust to unique situations. Landscaping required in this section may be reduced if at least one of the following alternative landscaping options are utilized:
 - (1) Green rooftops. Green rooftops are veneers of living vegetation installed atop buildings, from small garages to large industrial structures. Green rooftops help manage stormwater by mimicking a variety of hydrologic processes normally associated with open space. Plants capture rainwater on their foliage and absorb it in their root zone, encouraging evapotranspiration and preventing much stormwater from ever entering runoff streams. What water does leave the roof is slowed and kept cooler, a benefit for downstream water bodies. Green roofs are especially effective in controlling intense, short duration storms and have been shown to reduce cumulative annual runoff by 50% in temperate climates.
 - (2) Aesthetic design. Sites designed to include at least one of the following: public art, public seating, fountains, plazas, perennial beds, entrance landscaping, integrated pedestrian facilities, or other amenities reviewed and approved by the zoning administrator.
 - (3) Recreational or transportation benefit. The site includes amenities that provide recreational or transportation benefits over and above what is required by the city, such as integrated pedestrian facilities or a transit shelter.

Sec. 36-379. Plant material standards.

- (a) The complement of trees required shall be at least 25% deciduous and at least 25% coniferous. Not more than 30% of the required number of trees shall be composed of one species. Single- through four-unit dwellings are exempt from this requirement.
- (b) Minimum size of plantings. Caliper inches to be measured six inches off the ground.
 - (1) Deciduous tree (canopy) – 2.5 inch caliper
 - (2) Ornamental tree – 1.5 inch caliper
 - (3) Evergreen tree – 3 inch caliper
 - (4) Deciduous shrub – 5 gallon pot
 - (5) Evergreen shrub - 5 gallon pot
 - (6) Ornamental grass – 1 gallon pot
- (c) Species of plant material which satisfy the requirements of this section shall be consistent with the City of St. Louis Park's Landscape Tree List, as provided by the city.
- (d) Existing healthy significant and heritage trees may be counted toward the landscaping requirements, if they are not identified as prohibited.
- (e) The vegetation required for screening and off-street parking areas may be counted toward the minimum landscaping requirements provided the plan continues to meet the purpose and objectives of this section.
 - (1) The diversity of landscape tree species shall meet the following requirements:
 - a. Each of the first three trees planted on a site must be of a different genus.
 - b. When 20 or more trees are required on a site or within a development, no more than 20% of all trees shall be of the same genus.

Sec. 36-380. Method of installation.

- (a) The spacing of trees shall be appropriate to the type of plant species provided. Evergreen shrubs shall be planted in clusters in order to maximize survival.
- (b) Traffic visibility shall be maintained by selecting and locating landscaping and design features that do not result in a safety or visibility hazard as required in section 36-50.
- (c) All deciduous shrubs and spreading or globe evergreen shrubs shall be moved onto the site in pots. All other plant materials shall be balled and burlapped (B&B) or moved onto the site with a tree spade.
- (d) Minor plan substitutions to any approved planting plan may be accepted as approved by the zoning administrator.
- (e) Landscaping for one- and two-unit homes shall be installed within one year of the issuance of the building permit for a new home, addition or garage.
- (f) In calculating the required plant material under the provisions of this section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number.

Sec. 36-381. Restrictions for tree removal; standards for replacement.

- (a) Public land. Only those persons authorized by the city may remove any tree from public land. Trees removed from any public land including city, county or state right of way shall be replaced by the person or entity who removed it. Replacement shall be in the following manner:
 - (1) Replacement of any live tree which is removed from any public land shall be required on a caliper inch for caliper inch basis. The city may also elect to receive cash in lieu of trees based on a fee per caliper inch determined by the city council.
 - (2) Replacement trees shall be replaced in locations as follows:
 - a. On public boulevards where the boulevard width is four feet or more, trees should be planted at 30-foot intervals, according to a landscape plan, or as approved by the city; however, no tree shall be planted within 15 feet of a utility pole, seven feet of a shutoff valve or underground utility, two feet of a concrete curb, or within 25 feet of an intersection as regulated by section 36-50; or
 - b. In a public park or open space.
 - (3) Replacement trees shall be of a species approved by the city forester.
- (b) Private land. This subsection shall not apply to trees removed from existing lots developed with single-unit or two-unit dwellings. If any existing lot of record is subsequently subdivided, tree replacement shall be required for all of the new resulting lots or parcels.
 - (1) Any person proposing a land disturbing activity shall apply to the city for, and receive approval of, a tree protection permit. No land shall be disturbed until the plan is approved by the city and conforms to the standards set forth herein.
 - (2) The application for a tree protection permit shall include the following:
 - a. The name, address, and phone number of the person applying for the permit.
 - b. The name and address of the property owner.
 - c. A tree inventory of the site certified by a registered land surveyor, landscape architect, or forester which identifies the size, species, condition, and locations on the land of all existing significant and heritage trees on the property. In addition, this inventory shall identify all significant and heritage trees which will be cut down, removed, or lost due to grading or other damage. The tree inventory shall be verified by the city forester.
 - d. Where the proposed changes include land alteration, a grading plan which identifies the following:
 - 1. A minimum scale of one inch equals 50 feet.
 - 2. All existing and proposed contours at two-foot intervals.
 - 3. Location of all existing and proposed structures.
 - 4. Any grade change or land alteration, whether temporary or permanent, of greater than one foot measured vertically, affecting 30% (as measured on a horizontal plane) or more of a tree's root zone.

5. Utility construction which may result in the cutting of 30% or more of a tree's roots within the root zone.
 6. Any areas where soil compaction is planned to a depth of six inches or more, or of 30% or more of the surface of the soil within a root zone.
 - e. A plan for the protection of trees intended to be saved shall adhere to tree protection methods and locations as outlined in the tree replacement section of this article.
 - f. A statement of the proposed use of the land including a description of the type of building or structure existing or proposed to be constructed on the site.
 - g. The number, type and size of trees required to be replaced by this section.
 - h. The proposed locations of the replacement trees.
- (3) Allowable tree removal.
- a. Up to 20% of the diameter inches of significant trees on any parcel may be removed without replacement requirements. Replacement according to the tree replacement schedule is required when removal exceeds more than 20% of the total significant tree diameter inches.
 - b. Replacement according to the tree replacement schedule is required for removal of all heritage tree diameter inches.
 - c. Diseased, dead, or structurally unsound trees are exempt from the provision of this section. The city forester will make the final determination of whether a tree is diseased, dead or structurally unsound.
- (4) Tree replacement schedule. Tree removals over the allowable tree removal limit on the parcel shall be replaced according to the following schedule:
- a. Significant trees shall be replaced with new trees at a rate of one- and one-half caliper inch replaced for every one diameter inch removed.
 - b. Heritage trees shall be replaced with new trees at a rate of two caliper inches replaced for every one diameter inch removed.
- (5) Heritage tree preservation credits. A credit may be applied to the required significant or heritage tree replacement if a healthy, heritage tree is preserved on a site. The tree must be approved by the city as a quality tree worth saving. The credit will be applied at a rate of one caliper inch for every one heritage tree diameter inch preserved, up to 50% of the total required replacement. If a heritage tree for which credit is provided does not survive one year after construction, the developer will be required to pay the fee-in-lieu.
- (6) Removal of any significant or heritage tree or approval of a permit for land alteration which results in tree destruction shall be subject to and conditioned upon the owner or developer replacing the loss or reasonably anticipated loss of all live significant and heritage trees. The number of caliper inches to be provided in replacement shall be determined by the following formula:
- a. Significant trees

$$[B - (A \times 0.2)] \times 1.5 = C$$

A	=	Total diameter inches of significant trees situated on the land.
B	=	Total diameter inches of significant trees lost as a result of land alteration or removal.
C	=	Replacement trees (number of caliper inches).

b. Heritage trees

$$(A \times 2) - (B - A) = C$$

A	=	Total diameter inches of heritage trees lost as a result of land alteration or removal.
B	=	Total diameter inches of heritage trees situated on the land.
C	=	Replacement trees (number of caliper inches).

- (7) Protected tree replacement fee. If a significant or heritage tree that was identified for preservation and received replacement credit or zoning ordinance consideration is removed or damaged during construction, the developer will be required to pay the city a cash mitigation. The fee is based on the diameter inches of the tree(s) damaged or removed. The fee per diameter inch is set forth in the city's fee schedule as the cash in lieu of replacement trees fee.
- (8) Location of replacement trees.
- Priority shall be given to locate replacement trees on any part of the parcel where screening is required.
 - If there is insufficient area within the project to plant the required replacement trees, they may be planted within any park, open space, or boulevard within the city as determined by the city provided the city consents in writing. The city may also elect to receive cash in lieu of trees based on a fee per caliper inch determined by the city council.
- (9) Replacement trees shall be of a species similar to the trees which are lost or removed but shall be limited to one of those species shown on the City of St. Louis Park's Landscape Tree List, as provided by the city. No more than 50% of the caliper inches of the replacement trees shall be understory trees.
- (c) All trees required to be replaced by this section shall be replaced in the following manner.
- Replacement trees shall be planted within 18 months from the date the permit authorizing the removal of trees is issued.
 - Diseased, dead, or structurally unsound trees are exempt from the provision of this section. The city forester is responsible for determining a tree is diseased, dead or structurally unsound.
 - Any replacement tree which is not alive and healthy one year following the date that it was planted shall be replaced with a new healthy tree of the same size and species as the removed tree.

- (4) Sources of trees. Replacement trees shall consist of Minnesota certified nursery stock.

Sec. 36-382. Tree protection.

- (a) All trees which are to be retained on any site shall be marked and physically protected from harm or destruction caused by soil compaction, equipment and material storage within the drip line, bark abrasions, changes in soil chemistry, out-of-season pruning and root cutting during construction.
- (b) Before any construction or grading of any development project occurs, orange "safety fence" at least four feet in height and staked with steel posts no less than every five feet shall be placed around the drip line borders of woodlots and or the drip lines of significant trees to be preserved. Signs shall be placed along this fence line identifying the area as a tree protection area and prohibiting grading beyond the fence line. This fence must remain in place until all grading and construction activity is terminated.
- (c) No equipment, construction materials, or soil may be stored within the driplines of any significant trees to be preserved.
- (d) Care must be taken to prevent the change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints.
- (e) Drainage patterns on the site shall not change considerably causing drastic environmental changes in the soil moisture content where trees are intended to be preserved.
- (f) Pruning of oak and elm tree branches and roots must not take place from May 1 through July 31 (see section 34-61). If wounding of oak or elm trees occurs, a nontoxic tree wound dressing must be applied immediately. Excavators must have a nontoxic tree wound dressing with them on the development site.
- (g) Any tree determined by the city forester to be destroyed or damaged shall be replaced in accordance with the tree replacement section above.

Sec. 36-383. Maintenance of landscaping.

- (a) All landscaping and site improvements shall be completed within one year after the certificate of occupancy has been issued.
- (b) The continued maintenance of all required landscaping materials in a live and healthy state is a requirement of this section and is the responsibility of the owner and tenant of the property on which the materials are required. This requirement shall run with the land and be binding upon all future property owners. Failure to comply with this requirement shall be a violation of this section.
- (c) An underground sprinkler system shall be installed in all landscaped areas except areas to be preserved in a natural state or where all proposed plant materials are drought tolerant. Where drought-tolerant plant materials are used, irrigation shall be required only for the two-year period following the installation and may be accomplished using hoses, water trucks or other nonpermanent means.

Sec. 36-384. Security.

- (a) Before approval of a permit, the owner or developer shall:
 - (1) Enter into a written agreement with the city on a form approved by the city attorney in which the developer undertakes to comply with the provisions and conditions imposed by this section and the owner or developer shall indemnify the city against any loss, cost or expense, including an amount payable for reasonable attorneys' fees incurred in enforcing the terms of the agreement.
 - (2) Provide a surety in a form approved by the city attorney to ensure the obligations of that agreement will be performed. The amount of surety shall be 125% of the estimated cost necessary to furnish and plant the required landscaping. The estimated cost shall be subject to approval by the city. If the estimated cost submitted by the developer to the city is not approved by the city, the city shall have the exclusive right to determine the estimated cost.
- (b) The property owner shall request an inspection after the required landscaping has been installed. The security will be released one year following the inspection when all landscaping is found to comply with the approved landscape or replacement plan. That part of the security which has not been released at the end of that year shall be retained and shall secure the developer's obligation to remove and replant replacement trees which are not alive or are unhealthy at the end of the year and to replant missing trees. The entire security may be released one year after the replanting of such trees has been satisfactorily completed if the city has certified that those replacement trees are alive and healthy. To be certified as alive and healthy, the following conditions must exist:
 - (1) No tree shall have sustained mechanical injury to the trunk of a tree causing loss of more than 30% of the bark circumference of the tree at any location along the tree's trunk.
 - (2) No tree shall have had soil compacted to six inches deep over more than 30 percent of its root zone.
 - (3) No tree shall have had more than 30% of its roots cut for the installation of any utility or for any other purpose.
 - (4) No tree shall possess more than 25% of its crown in dead branches.
 - (5) None of the security shall be released until the developer's obligations to indemnify the city for any expenses incurred in enforcing the terms of the agreement are satisfied.

Sec. 36-385. Penalties for violation.

- (a) Any tree not exempted by section 36-381(b)(1) that is visibly damaged or has a root system that has been driven on causing soil compaction or the soil within the root zone has been compacted in any way, shall be replaced in accordance to the tree replacement formula found in section 36-381(b)(4), or as per section 36-381(a) for public trees. Also, any person who is not authorized by the city who removes any tree from any public property without first obtaining a permit and any person who fails to

replace trees in the manner provided in this subsection shall, in addition to the criminal penalties prescribed by law, be required to pay to the city the estimated cost of tree replacement in the amount determined by the city. Upon determination that this has occurred, the city shall submit a bill for the amount of tree replacement. If that amount is not received by the city within 90 days, such amount shall be assessed as a special assessment on any land owned by the person violating this chapter which is located in the city.

DIVISION 6. FENCES.

Sec. 36-386. General provisions.

- (a) Permit required. A permit shall be required prior to the installation of any fence.
- (b) Submission requirements. The following information shall be submitted prior to a fence permit being issued:
 - (1) Application form and fee.
 - (2) Site plan indicating location of fence.
 - (3) Fence design indicating height and style of fence.
- (c) Yards definition. The definition of yards found in section 36-485 shall be used for this section.

Sec. 36-387. Fence location.

- (a) All fences shall be located entirely upon the private property of the party requiring or requesting the construction of the fence. It shall be the responsibility of the party installing the fence to ensure that it is constructed on their property.
- (b) No fence shall be constructed or permitted on any public property, right of way or easement without the express authorization from the public agency having jurisdiction over the property or right of way.
- (c) In the MU-1 district, fences in the street yards are prohibited, unless they meet the following standards:
 - (1) Maximum height: three feet
 - (2) Maximum opacity: 50%

Sec. 36-388. Fence design.

- (a) Fences shall be constructed so the finished side of the fence is facing towards the neighboring properties, exposing the structural side to the party requesting the fence. Alternating board fences which have the structural elements equally visible on both sides shall be considered as complying with this section.
- (b) Permitted materials. Fences must be constructed of materials designed for permanent outdoor fencing, including, but not limited to, wood, metal, bricks, masonry, and rigid plastic or vinyl. Wood fences must be constructed of naturally decay resistant wood such as cedar or redwood, or wood treated by the manufacturer to be decay resistant.

- (c) Prohibited materials. Fences must not be constructed from razor wire, wood not manufactured for exterior use, or materials originally intended for other purposes. Above ground electric fence is not permitted. Barbed wire is permitted only on top of fences in nonresidential districts, a minimum of six feet above the natural grade. Chain link or metal wire fencing finer than 11-gauge in diameter is prohibited.
- (d) Exceptions. The following fences are exempt from the design requirements:
 - (1) Snow fences when used by institutional and public land uses exclusively for control of snow between November 1 and April 15.
 - (2) Chicken wire fencing when used to enclose a garden.
 - (3) Fences used to secure a construction site.
 - (4) Fences used to protect vegetation during construction.
 - (5) Fences used to control erosion.
 - (6) Fences used to provide screening of a patio or placed in landscaping for decorative purposes subject to the following conditions:
 - a. The fence shall be located in the side or rear yard.
 - b. The fence shall be located at least three feet from the property line.
 - (7) Chain link and metal wire fences utilizing wood for the support structure shall install the chain link and metal wire on the fence owner's side of support structure.

Sec. 36-389. Height.

- (a) The height shall be measured from the side of the fence with the lower ground level to the top of the fence or wall section. When there is a grade change between posts, then the height of the fence shall be the average of the height measurements taken where the fence panel meets each post, but in no case shall the height of any one point exceed six inches above the maximum allowed by this section. Fence posts may exceed eight inches above the maximum allowed by this section.
- (b) A fence or wall shall not exceed six feet in height if it is located in any side or rear yard.
- (c) A fence, wall or hedge shall not exceed four feet in height if located in a front yard.
- (d) Exceptions.
 - (1) A fence or wall may be up to eight feet in height if placed in any side or rear yard which abuts Interstate 394, State Highway 100, State Highway 7, State Highway 169, or their adjacent frontage road.
 - (2) A fence or wall may be up to eight feet in height if placed in any side or rear yard in a N district which abuts property in the B, MU or I districts, or abuts a railroad right of way, school, religious institution, or other public building.
 - (3) A fence or wall may be up to eight feet in height if placed in any side or rear yard when it is required for screening.
 - (4) A fence or wall in one front yard of any through lot may be at the height permitted in a rear yard if it complies with all of the traffic visibility provisions of section 36-

50, is used as a rear yard, and the fenced yard used as the rear yard does not adjoin a yard used as a front yard.

- (5) Barbed wire may be used by certain industrial and public service users for health and safety purposes. However, the barbed wire cannot be used at a height lower than six feet six inches, and the overall height of the fence including the barbed wire cannot exceed eight feet.

Sec. 36-390. Construction and maintenance.

- (a) Both sides of the fence shall be maintained in a condition of good repair.
- (b) Any fence that is potentially dangerous to the public safety or health by reason of construction or sharp projections or protrusions shall be removed or repaired.

DIVISION 7. ARCHITECTURAL DESIGN.

Sec. 36-391. Purpose.

- (a) The purpose of this section is to serve the public interest by promoting a high standard of development in the city. Through a comprehensive review of both functional and aesthetic aspects of new or intensified developments, the city seeks to accomplish the following:
 - (1) Implement the comprehensive plan;
 - (2) Preserve the character of neighborhoods, commercial and industrial areas;
 - (3) Reasonably maintain and improve the city tax base;
 - (4) Reduce the adverse impacts of dissimilar land uses;
 - (5) Promote orderly and safe flow of vehicular and pedestrian traffic;
 - (6) Discourage the development of identical and similar building facades which detract from the character and appearance of the neighborhood;
 - (7) Preserve the natural and built environment; and
 - (8) Minimize adverse impacts on adjacent properties from buildings which are or may become unsightly.

Sec. 36-392. Applicability.

- (a) Architectural design standards shall be applicable to all apartment, mixed use, and non-residential buildings.

Sec. 36-393. Building design.

- (a) Buildings shall be designed to enhance the attractiveness of the city's streetscape by minimizing monotonous structures and long, blank walls. Additionally, buildings shall, through use of architectural details and scale, have architectural features and patterns that provide visual interest from the perspective of the pedestrian. The following techniques shall be incorporated into building design in order to accomplish such requirements.

Table 36-393(a). Architectural Design Standards

District		Upper stories stepback	Primary street frontage non-residential use minimum	Building entrances	Transparency minimum, ground story (%)	Transparency minimum, upper stories (%)
Mixed Use	MU-1	None	75%; first 30 ft. behind building facade	A primary entrance is required on the building's primary street frontage Each business shall have a direct and primary access facing the street frontage or an interior arcade.	Primary frontage: 50% Secondary frontage: 20%	Primary frontage: 20% Secondary frontage: 20%
	MU-2	For side and rear property lines adjacent to N-1 or N-2 districts, the portion of the building above 40 feet shall be stepped back from the side and rear property lines a minimum of 10 feet				
	MU-3					
Business	B-1		None			
Neighborhood	N-1	None	None	None	None	None
	N-2	None	None	A primary entrance is required on the building's	Primary frontage: 50% Secondary	Primary frontage: 20% Secondary
	N-3	For side and rear property lines adjacent to N-1 or N-	None			

District		Upper stories stepback	Primary street frontage non-residential use minimum	Building entrances	Transparency minimum, ground story (%)	Transparency minimum, upper stories (%)
	N-4	2 districts, the portion of the building above 40 feet shall be stepped back from the side and rear property lines a minimum of 10 feet	None	primary street frontage	frontage: 20%	frontage: 20%
Industrial	I-1	None	None	None	None	None
	I-2	None	None	None	None	None
Park and Open Space	P-1	Each standard shall match the requirement for the adjacent properties. If the adjacent properties are in two or more zoning districts, then the more restrictive requirement applies.				

- (1) Additional ground floor transparency standards. The following transparency criteria shall be required along street frontages for buildings in the PUD, MU, and B districts.
- Window paintings and signage shall cover no more than 10% of the total window and door area
 - Visibility into the space shall be maintained for a minimum depth of three feet. Display of merchandise is allowed within this three feet.
 - Interior storage areas, utility closets and trash areas shall not be visible from the exterior of the building.
 - No more than 10% of total window and door area shall be glass block, mirrored, spandrel, frosted or other opaque glass, finishes or material including window painting and signs. The remaining 90% of window and door area shall be highly transparent, low reflectance windows with a minimum 60% transmittance factor and a reflectance factor of not greater than 0.25.
 - Buildings which expand the gross square footage of the building by more than 50% shall bring the entire building into compliance with these transparency requirements.

- f. The city acknowledges a degree of flexibility may be necessary to adjust to unique situations. Alternatives that provide an increase in pedestrian vibrancy and street safety including but not limited to public art and pedestrian scale amenities may be considered and may be approved by the zoning administrator, unless the development application requires approval by city council, in which case the city council shall approve the alternate transparency plan.
- (2) Interior and exterior bars, grills, mesh or similar obstructions shall not cover any exterior door or more than ten percent of any individual window or contiguous window area.
- (3) Temporary security screens may cover all windows and doors, and be located within three feet of the windows and doors with the following conditions:
 - a. The security screen does not obscure more than 50% of the visibility into the building at any window or door.
 - b. The security screen is retracted and stored in a location so as not to be visible during business hours.
 - c. The security screen is located inside the building. Exterior security screens are not permitted.
- (4) For side and rear property lines adjacent to N-1 or N-2 districts, building shadows shall not cover more than 50 percent of a principal building wall in the N-1 or N-2 districts for a period greater than two hours between 9:00 a.m. and 3:00 p.m. for more than 60 days of the year.
- (5) Architectural design elements that will be considered in the review of building and site plans include building materials, color and texture, building bulk, general massing, roof treatment, proportion of openings, facade design elements and variation, window and openings. Site plan design elements that will be considered in the determination as to whether site plan design is superior include quantity, quality, variation, compatibility and size of plant materials, landscape berms and screening walls. Also considered will be the overall order, symmetry and proportion of the various elements within the site and within the larger context of the area or corridor.
- (6) The height, bulk, general massing, roof treatment, materials, colors, textures, major divisions, and proportions of a new or remodeled building shall be compatible with that of other buildings on the site and on adjacent sites.

Sec. 36-394. Building materials.

- (a) Exterior surface materials of buildings shall be installed and maintained in accordance with the adopted building code and the manufacturer's specifications and shall be subject to the regulations listed below. Products listed as "integral colored" shall continue its surface color consistently through the depth of the product as opposed to being colored, painted, or stained on the surface only.

- (1) Classes of materials. Materials shall be divided into class I, class II and class III categories as follows:
- a. Class I. The following materials are considered class I materials as specified:
 - 1. Brick
 - 2. Marble, granite, or other natural stone
 - 3. Integral colored cast stone (the stone is colored consistently through)
 - 4. Textured cement stucco
 - 5. Architectural wall cladding (Nichiha, Equitone and similar brands)
Material must be through colored and at least 5/8 inches thick.
 - 6. Copper
 - 7. Porcelain
 - 8. Glass
 - 9. Wall mounted solar energy system
 - 10. Residential buildings containing four or fewer dwelling units may utilize the following additional materials:
 - i. Wood
 - ii. Vinyl siding
 - iii. Fiber-reinforced cement board
 - iv. Prefinished metal
 - 11. Residential buildings containing five or more dwelling units may utilize the following additional materials:
 - i. Up to 10% of the required class I materials may be finished with clapboard and/or shake-style fiber-reinforced cement board with a minimum thickness of ¼ inch.
 - 12. Park buildings under 3,000 square feet may utilize the following additional materials.
 - i. Wood
 - b. Class II. The following materials are considered class II materials as specified:
 - 1. Exposed aggregate concrete panels
 - 2. Burnished concrete block
 - 3. Integral colored split face (rock face) and exposed aggregate concrete block
 - 4. Cast-in-place concrete
 - 5. Insulated exterior wall panels (E.I.F.S., Drivit and similar brands)
 - 6. Fiber-reinforced cement board siding with a minimum thickness of ¼ inch
 - 7. Prefinished metal
 - 8. Integral colored concrete panels other than smooth finished
 - c. Class III. The following materials are considered class III materials as specified:
 - 1. Unpainted or surface painted concrete block (scored or unscored)
 - 2. Unpainted or surface painted plain or ribbed concrete panels

3. Unfinished or surface painted metal
 4. Smooth finished concrete panels
 5. Brick, stone, or integral colored material which has been painted
- (2) New construction minimum class I materials. At least 60% of each building face visible from off the site must be of class I materials except as permitted by subsection (d)(4)c. of this section. Not more than 10% of each building face visible from off the site may be of class III materials. Portions of buildings not visible from off the site may be constructed of greater percentages of class II or class III materials if the structure otherwise conforms to all city ordinances. The mixture of building materials must be compatible and integrated.
- (3) New construction buildings in I-1 and I-2 districts.
- a. Not on major streets and not near residential. For buildings in the I-1 and I-2 districts which are not located on a principal arterial, minor arterial, major collector, or adjacent to or across from any neighborhood zoned property, class I materials may be reduced to a minimum of 25% provided that the remaining materials are functionally and durably equal to a class I material as certified by the architect or manufacturer.
 - b. On major streets or near residential. For building walls in the I-1 and I-2 districts facing on a principal arterial, minor arterial or major collector, or adjacent to or across from any neighborhood zoned property, class I materials may be reduced to a minimum of 25% provided that the remaining materials are functionally and durably equal to a class I material as certified by the architect or manufacturer and that the architectural design and site plan are superior quality as determined by the zoning administrator. The architecture and site plan shall meet the following minimum criteria to be considered superior quality:
 1. The exposed height of the building wall shall not exceed 15 feet.
 2. The number of required plant units shall be increased by 20% or the size of 20% of the overstory trees installed shall be increased to 3 1/2 caliper inches.
 3. A minimum of 10% of the building facade must be windows or glass spandrels.
- (4) Existing buildings. Existing buildings may paint or stain their exterior utilizing product specifically formulated for its intended use. All painted or stained surfaces shall be maintained so it is free of chipping and peeling.
- (5) Temporary materials. On non-residential properties, covered patios with a permanent solid roof may enclose the wall openings with transparent non-glass materials for up to six months per calendar year provided the permanent exterior wall materials are not covered.

Sec. 36-395. Awnings and canopies.

- (a) Design parameters. Awnings and canopies shall be designed, installed, and maintained to meet the following criteria:
 - (1) Awnings and canopies shall have noncombustible frames. If an awning can be collapsed, retracted, or folded, the design shall be such that the awning does not block any required exit.
 - (2) Canopies no more than 12 feet wide are permitted in the N-3, N-4, MU and B-1 districts if they are open at the sides, comply with the traffic visibility provisions of section 36-50 and provide 14 feet of clearance if located over any access roadway or fire lane.
 - (3) Awnings and canopies less than 25 feet in width may extend into the public right of way up to two feet from the face of the nearest curb line measured horizontally.
 - (4) All portions of any awning and canopy shall provide at least eight feet of clearance over any walkway and twelve feet of clearance over a driveway or private roadway.
 - (5) Canopy posts or other supports located within a public right of way or easement shall be placed in a location approved by the city engineer.
 - (6) Awnings shall be constructed of heavy canvas fabric, metal, and/or glass.
 - (7) Plastic, vinyl, and backlit awnings are prohibited.
- (b) Permit required. A building permit shall be issued prior to the installation of any awning or canopy. In addition to the building permit, an encroachment agreement shall be issued by the city engineer prior to the installation of any awning or canopy that extends into, upon or over any street or alley right of way, park or other public property. The encroachment agreement shall include provisions that hold the owner of the awning or canopy liable to the city for any damage which may result to any person or property by reason of such encroachment or the removal of such encroachment. Additional conditions may be imposed on encroachment permits to protect the health, safety or welfare of the public or to protect nearby property owners from hardship or damage or to protect other public interests as determined by the city engineer.
- (c) Submission requirements. The following information shall be submitted prior to the installation of an awning or canopy.
 - (1) Application form and fee. A separate fee shall be required for the building permit and encroachment agreement.
 - (2) Dimensioned and scaled site plan and building elevations.
 - (3) Four sets of drawings for each awning or canopy proposed.
- (d) Projections to be safe.
 - (1) All such projections over public property shall be structurally safe, shall be kept in a safe condition and state of repair consistent with the design thereof and repaired when necessary in the opinion of the city engineer or building official by and at the expense of the person having ownership or control of the building from which they project.

- (2) Faded or torn canopies, awnings and banners shall be removed or replaced. If faded or torn canopies, awnings and banners are not removed or replaced by the owner within 30 days of notification by the city, the city may remove them and assess the cost of removal to the property.
- (e) Removal upon order. The owner of an awning or canopy, any part of which projects into, upon, over or under any public property shall, upon being ordered to do so by the city engineer, remove at once any part or all of such encroachment and shall restore the right of way to a safe condition. Such removal and restoration of the right of way will be at the sole expense of the property owner. The city may, upon failure of the property owner to remove the encroachment as ordered, remove the encroachment, and the reasonable costs of removing such encroachment incurred by the city shall be billed and levied against the property as a special assessment.

Sec. 36-396. Banners

- (a) Decorative banners are allowed in the N-4, B-1, MU-2 and MU-3 districts and are regulated as follows:
 - (1) All banners shall be an integral part of the overall design scheme of a project. A banner shall be deemed to be a part of the integral design scheme if the following conditions exist:
 - a. The banner is compatible with the architectural character of the building in terms of rhythm of openings, horizontal or vertical emphasis, and stylistic features of the building in color, pattern and shape.
 - b. The banner is considered to be in harmony and unity with various elements within the site and also within the larger context of the area or corridor.
 - c. The location and placement of the banner provides a harmonious rhythm to the building and site elements.
 - d. The zoning administrator shall determine whether any banner meets the design criteria set forth by this subsection (a)(1).
 - (2) No single banner may exceed eight square feet in area.
 - (3) Banners shall be securely fastened on the full length of at least two sides of the banner to a structure which was erected for another principal purpose, such as a light standard.
 - (4) Faded or torn banners shall be removed or replaced. If faded or torn banners are not removed or replaced by the owner within 30 days of notification by the city, the city may remove them and assess the cost of removal to the property.
 - (5) No banner may display a commercial message.
 - (6) Banners shall be exempt from the total allowable sign area for a parcel.
 - (7) The maximum aggregate area for banners shall not exceed 40 square feet, except for properties improved with one- to three-unit dwellings located in the N-1 and N-2 districts which shall not exceed nine square feet.
 - (8) The top of a banner may not exceed 15 feet in height from the ground.
 - (9) No banner may be displayed within any required yard.

Sec. 36-397. Murals.

- (a) Permit required. A permit is required and shall be issued prior to the installation of any mural.
 - (1) The following information shall be submitted prior to a permit being issued demonstrating compliance with this section:
 - a. A dimensioned drawing of the proposed mural.
 - b. A picture of the building or wall indicating the precise location of the mural.
 - c. Details of the material used and manner of installation.
 - (2) Repairing or repainting the mural in the manner it was approved does not require additional permits.
- (b) Dimensional standards. Murals shall abide by the following standards.
 - (1) Area. Murals on buildings may cover up to 50% of the entire building wall area in elevation view totaled across all building sides.
 - (2) Height. No portion of a mural may extend above the surface on which it is installed.
 - (3) Projection. No part or element of a mural may project more than two feet beyond the plane of the surface upon which it is installed.
 - a. The projection cannot encroach into a public easement of record without the written approval of the director of engineering.
 - b. A projection over a sidewalk must maintain at least eight feet of clearance from the sidewalk surface to the lowest portion of the projection.
- (c) Placement Standards. Murals shall abide by the following placement standards:
 - (1) Murals shall not directly face adjacent residential structures.
- (d) Design standards. Murals shall abide by the following design standards:
 - (1) Any portion of the mural determined by the zoning administrator to be a sign will be calculated as a wall sign.
 - (2) Murals shall not include any of the following:
 - a. Mechanically produced or computer-generated printed images
 - b. Electric or mechanical components that cause changing images
 - c. Representations which imitate or appear to imitate any official traffic sign or device which appears to regulate or direct the movement of traffic, or which interferes with the proper operation of any traffic sign or signal.
 - (3) Materials and maintenance.
 - a. The mural must be securely attached to the building or structure to which it is applied.
 - b. Materials must be durable and weather resistant to prevent premature deterioration or other unintended changes in appearance. They must be able to be cleaned of dirt, graffiti, and other natural or unintended damage.
 - c. Materials must be appropriate for outdoor location and climate.

- d. Damaged, peeling, or deteriorating murals shall be repaired or removed. If removed, then repairs to the building or structure shall be made as determined by the community development director.

Sec. 36-398. General provisions.

- (a) All exterior finishes for one and two-unit dwellings and accessory structures shall be installed within one year from the issuance of the building permit.
- (b) Additions and accessory structures. The exterior wall surface materials, roof treatment, colors, textures, major divisions, proportion, rhythm of openings, and general architectural character, including horizontal or vertical emphasis, scale, stylistic features of additions, exterior alterations, and new accessory buildings shall address and respect the original architectural design and general appearance of the principal buildings on the site and shall comply with the requirements of this section. Clear acrylic that is high impact, double-skinned, non-yellowing, and a minimum eight millimeters thick may be classified as a class I material for accessory greenhouses.

DIVISION 8. OUTDOOR LIGHTING.

Sec. 36-399. Purpose.

- (a) The purpose of this section is to minimize the adverse effect of light and glare on operators of motor vehicles, pedestrians, and on residential and other land uses in the vicinity of a light source in order to promote traffic safety and to prevent the nuisances associated with the intrusion of spill light and glare.

Sec. 36-400. Applicability.

- (b) The requirements of this section apply to all outdoor lighting, except lighting for signs which are covered under section 36-413(e), and for street lighting within public rights-of-way.

Sec. 36-401. General provisions.

- (a) Lighting plan. Submittal of a lighting plan shall be required to ensure compliance with this section for all new development, redevelopment, and additions other than single-unit and two-unit dwelling units. The city may also require a lighting plan for any proposed new light source. This lighting plan shall include the following:
 - (1) A site plan showing location of buildings, parking areas, landscaping, and all proposed outdoor lighting fixtures.
 - (2) Proposed mounting height of each outdoor lighting fixture.
 - (3) Descriptions of each proposed outdoor lighting fixture including but not limited to manufacturers catalog specifications sheets, photometric data, IESNA "cutoff" fixture designation, glare control package, type of lamp (e.g., high pressure sodium, metal halide, mercury vapor, fluorescent induction), lamp color temperature, and on/off control devices.

- (4) An illuminance grid (point-by-point) plot of footcandles overlaid on the site plan, plotted out to 0.0 footcandles, indicating the location and aiming of outdoor lighting fixtures in compliance with the regulations of this section.
- (b) Maximum illuminance levels. Outdoor lighting shall not exceed the maximum maintained illuminance levels as recommended by the Illuminating Engineering Society of North America (IESNA).
- (c) Measurement. Post-installation lighting levels shall be measured after dark at the property line of the adjacent property by facing a light meter directly at the light source at three feet above grade.
- (d) Spill light and glare. Outdoor lighting shall be designed and arranged to limit spill light and glare on adjacent properties. Reflected glare or spill light shall not exceed five-tenths (0.5) footcandle when the source of light abuts any property used for residential or one (1.0) footcandles when the source of light abuts any commercial or industrial property, as measured at the property line of the adjoining use.
- (e) Hours of operation. The city may limit the hours of operation of outdoor lighting equipment if the city believes it necessary to reduce the impact of light on the surrounding neighborhood.
- (f) Prohibited lighting. No flickering or flashing lights shall be permitted.
- (g) Luminaire design.
 - (1) For the lighting of predominantly horizontal surfaces, luminaires shall be aimed straight down and shall meet full cutoff criteria unless ornamental light fixtures are installed in the manner provided in a site and building plan approved by the city. Ornamental fixtures may be approved when the developer can demonstrate that undesirable off-site impacts stemming from direct or reflected views of the light source are eliminated by the fixture design or location of the lighting fixture.
 - (2) For the lighting of predominantly non-horizontal surfaces, such as building facades, landscaping, fountains, displays and statuary, luminaires shall be located, aimed and shielded so as to not project their beam onto abutting properties, past the object being illuminated, skyward or onto a public roadway. The lighting shall be fitted with such devices as shields, barn doors, baffles, louvers, skirts or visors to minimize spill light and glare impacts.
- (h) Maximum mounting height. Light poles or standards for exterior lighting shall not exceed a height of 45 feet, except that poles or standards on the top level of parking structures shall not exceed 25 feet.

Sec. 36-402. Parking lot lighting.

- (a) Parking lots:
 - (1) Parking lots shall provide an average horizontal illumination not to exceed three (3.0) footcandles.
 - (2) The average illumination shall not exceed one (1.0) footcandle between 10:00 p.m. to 6:00 a.m., or 30 minutes past business hours, whichever is later.
- (b) Parking structures:

- (1) The average horizontal illumination in fully enclosed parking ramps shall be at least five (5.0) footcandles.
- (2) The average horizontal illumination in partially enclosed parking structures shall not exceed three (3.0) footcandles.
- (3) The top level of parking structures shall comply with the same lighting requirements as parking lots when uncovered and open to the sky.
- (4) When the parking structure uses motion-activated lighting, the maximum average horizontal illumination level shall not exceed one (1.0) footcandle when no motion is detected.

Sec. 36-403. Recreational lighting provisions.

- (a) Because of its unique requirements for nighttime visibility of recreational activities and limited days/hours of operation, outdoor recreational facility lighting is exempt from the outdoor lighting standards of section 36-401(b) through (h).
- (b) An outdoor recreational facility that has illuminated playing fields, courts or performance spaces shall be subject to the following standards:
 - (1) Luminaire design. All outdoor recreational lighting fixtures shall be directionally shielded. Lighting fixtures shall also be aimed to ensure that their beams fall within the primary playing area of the fields/courts/tracks or primary performance space and immediate surroundings so that spill light and glare on adjacent properties are minimized.
 - (2) Glare control. All outdoor recreational lighting fixtures shall be from a manufacturer that offers a glare control package, and it shall be fitted with the manufacturer's strongest glare reducing package.
 - (3) Maximum illuminance levels. All outdoor recreational lighting installations shall be designed to achieve no greater than the maximum illuminance levels for the proposed recreational activity as recommended by the Illuminating Engineering Society of North America (IESNA).
 - (4) Maximum spill light levels. Spill light shall be minimized to the greatest extent possible given the unique illumination constraints of the outdoor recreational facility. Since outdoor recreational facilities require much higher lighting levels than other outdoor lighting uses and are in operation for limited periods of time, the maximum spill light level allowed is also higher. When an outdoor recreational facility abuts a residential dwelling unit, it shall be designed so that the illumination at the residential property boundary line that is attributable to the recreational lighting does not exceed 1.5 maximum vertical footcandles.
 - (5) Maximum mounting height. The mounting height of outdoor recreational lighting fixtures shall not exceed a maximum height of 80 feet. The city council may approve additional height if it is shown as necessary to reduce spill and glare and has no additional adverse impacts.
 - (6) Hours of operation. The use of outdoor recreational lighting shall not be permitted between the hours of 11:00 p.m. and 7:00 a.m. The main lighting shall be turned

off no later than one hour after an event ends. Where technically feasible, a low-level lighting system shall be installed to be used for patrons leaving the facility, cleanup, nighttime maintenance and other closing activities.

- (7) Visual impact plan. To assist the city in determining whether the potential impacts of proposed outdoor recreational lighting have been suitably managed, applications for illuminating outdoor recreational facilities shall be accompanied not only with the information required under section 36-401(a) but also by a visual impact plan that contains the following:
- a. Plan views containing a layout of the outdoor recreational facility, showing light pole locations the location of abutting residential properties and structures, and proposed landscape measures that will screen lighting from adjacent properties.
 - b. Elevations containing pole and luminaire mounting heights, and luminaire arrays for each pole location.
 - c. Light scans in the maximum vertical plane containing illuminance plots at the boundary of the adjacent property, taken at a height of three feet.
 - d. Proposed frequency of use of the outdoor recreational facility during hours of darkness on a month-by-month basis and proposed time when the recreational lighting will be switched off.
 - e. A narrative describing the measures proposed to achieve minimum off-site disturbance, including landscape screening.
- (8) Subsections (b)(5) and (6) of this section shall apply to all outdoor recreational facilities existing as of the effective date of this ordinance. Subsection (e) of this section shall apply in its entirety to any new outdoor recreational facility, the expansion of an existing facility, upon replacement of the luminaires or fixtures or upon any reconfiguration of existing lighting installations. Outdoor recreational lighting installations existing as of the effective date of this ordinance may continue to be operated in their existing configuration, including repair and maintenance, so long as there is no increase in maximum illuminance levels, light spill, or glare.

DIVISION 9. SIGN REGULATIONS.

Sec. 36-404. Purpose.

- (a) The purpose of this section is to establish minimum requirements for the size, placement, and maintenance of signs by adopting regulations governing all signs in the city.
- (b) The sign regulations are intended to permit a safe, efficient, effective and aesthetic means of communication using signage which recognizes the need to maintain an attractive and appealing appearance of property in the community, including that property used for residential, commercial, industrial, institutional, public development use, and the air space above and between those uses. These regulations are intended to permit signage which is adequate for effective communication but minimizes

distractions to traffic and prevents visual clutter and visual pollution which can be caused by the unregulated use of signage.

Sec. 36-405. Findings.

- (a) The city finds that:
 - (1) The manner of installation, location and maintenance of signs affects the public health, safety, and general welfare of the community.
 - (2) The safety of motorists, cyclists, pedestrians, and other users of the public streets and property are affected by the number, size, location, and appearance of signs that divert the attention of drivers.
 - (3) Installation of signs on the tops of buildings constitutes a hazard during periods of high winds and is an obstacle to effective firefighting and other emergency services.
 - (4) Uncontrolled and unlimited construction and placement of permanent and temporary signs adversely affect the image and aesthetic attractiveness of the community and undermines economic value and growth.
 - (5) Uncontrolled, abandoned and unlimited signs, particularly temporary signs, which are commonly located in or near public rights-of-way or at driveway and street intersections, result in roadside clutter, obstruction of views of oncoming traffic, and a visual distraction to drivers and pedestrians.
 - (6) Electronic signs, including video display signs, are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, electronic signs, including video display signs, are highly distracting to drivers and driver distraction continues to be a significant underlying cause of traffic accidents.

Sec. 36-406. Permit required.

- (a) An approved permit shall be required prior to the installation of any sign.
 - (1) Submission requirements. The following information shall be submitted prior to a permit being issued:
 - a. Application form and fee. A fee shall be charged per sign, except that decorative banners and internal site directional information less than four square feet in area shall be charged one fee per proposal submitted for review and approval.
 - b. Site plan and building elevations, if applicable.
 - c. A pictorial depiction of each proposed sign (see sign permit application).
- (b) A separate permit is required for each proposed sign.
 - (1) Exceptions:
 - a. A sign plan for all directional signs located on the property or PUD can be submitted as one permit request. The sign plan must indicate the location, size, and text of each directional sign.

- (c) Sign permits shall be null and void if the sign is not installed 180 days after the issuance of a permit.

Sec. 36-407. Prohibited signs.

- (a) The following signs shall not be permitted, erected or maintained on any property within the city:
 - (1) Signs which by reason of position, movement, shape, illumination or color could constitute a hazard to oncoming traffic.
 - (2) Private signs that resemble any official marker, governmental agency or display such words as “stop,” “look” or “danger” which may interfere with, mislead or confuse persons using public streets unless so specified by this section.
 - (3) Signs containing “obscene” content as defined by state statutes, section 617.241.
 - (4) Signs on or over the public rights-of-way unless the city council grants permission for a temporary sign on or over the public rights-of-way for a period of time not to exceed 10 days.
 - (5) Searchlights, beacons, strobe lights or other illuminated signs emitting a beam consisting of a collection or concentration of rays of light.
 - (6) Rooftop signs except as specified in section 36-411.
 - (7) Billboards.
 - (8) Off-premises signs
 - (9) Inflatable signs and tethered balloons.
 - (10) Signs mounted on chimneys, rooftop equipment, observation towers, flagpoles, cooling towers, elevator penthouses, commercial antennas, communication towers, belfries, church spires and cupolas.
 - (11) Signs, including the sign structure or any other component of the sign, that rotate, revolve, scroll, move, flash, blink, fade, or are animated.
 - (12) Illuminated signs at residential properties with four or fewer dwelling units.
 - (13) Signs located on private property without the consent of the owner thereof.
 - (14) Signs which are structurally unsafe, dilapidated or abandoned.

Sec. 36-408. Exempt signs.

- (a) The following signs shall not require a permit and are allowed in addition to those signs allowed by sections 409 - 412 of this division. The exemptions shall apply only to the requirement of a permit and shall not be construed as excusing the installer of the sign, or the owner of the property upon which the sign is located, from complying with the other provisions of this article.
 - (1) Public signs.
 - (2) The United States flag, other national flags, the flags of all the states of the United States and the city flag.

- (3) Property address information which does not exceed 12 inches in height and which is visible from the street or road fronting the property for public safety reasons.
- (4) Signs on courtesy benches if they comply with the requirements of chapter 8 of this code.
- (5) Signs on vehicles when the vehicle is being used in the normal day-to-day operation of a business.
- (6) Internal wayfinding.
 - a. Internal wayfinding that does not exceed four square feet in sign face area and 42 inches in height, shall be exempt from the required yard restrictions, and shall not be included in the maximum total area for permanent signs identified in table 36-409(a).
 - b. Internal wayfinding that exceeds four square feet in sign face area, and/or 42 inches in height shall be subject to all permanent sign regulations.
 - c. Internal wayfinding shall be located on the property, or within an approved planned unit development, on which the business receiving the benefit of the private directional sign is located.

Sec. 36-409. Permanent signs.

- (a) Permanent signage shall include:
 - (1) Freestanding signs.
 - a. No more than one freestanding sign shall be permitted on an individual street frontage of a lot.
 - b. All faces of a freestanding sign are included when calculating total sign area allowed for the property.
 - (2) Wall signs.
 - (3) Blade signs.
 - a. All faces of a blade sign are included when calculating total sign area allowed for the property.
 - (4) Signs on canopies and awnings.
 - a. Signs on canopies and awnings shall be regulated in the same manner as wall signs except as otherwise exempted.
 - (5) Signs applied to the interior or exterior surface of a window.
- (c) Permanent signage shall follow the size requirements found in table 36-409(a).

Table 36-409(a). Sign Area and Height.

Zoning district	Lot size (square feet)	Maximum sign height (feet)	Maximum total area (square feet)	Maximum size of sign face (square feet)
N-1	Any lot size – residential use	6	3	3

Zoning district	Lot size (square feet)	Maximum sign height (feet)	Maximum total area (square feet)	Maximum size of sign face (square feet)
	Any lot size – non-residential use	15	100	75
N-2	Any lot size – residential use except low-rise apartment dwelling.	6	2	2
	Any lot size – low-rise apartment dwelling, or non-residential use	15	100	75
N-3	0-30,000	10	40	40
	Over 30,000	10	60	60
N-4	0-30,000	15	60	60
	Over 30,000	15	100	60
MU-1, MU-2, MU-3	0-10,000	25	100	75
	10,000-20,000	25	200	100
	20,000-50,000	25	250	150
	50,000-200,000	25	300	150
	Over 200,000	25	400	300
B-1	0-10,000	25	100	75
	10,000-20,000	25	150	100
	Over 20,000	25	200	150
I-1, I-2	0-20,000	25	100	75
	20,000-50,000	25	200	100
	50,000-100,000	25	250	150
	100,000-200,000	25	300	300
	Over 200,000	25	400	300
P-1	0-30 acres	15	80	60
	Over 30 acres	25	450	150

(d) Adjustments to table 36-409(a). Signs which qualify for any adjustment permitted under this section shall conform to all other sections of this chapter.

- (1) For any building not located in a N district which is eight or more stories or 85 or more feet in height, the maximum size for any one sign face may be increased up

to 400 square feet, if the sign is located on the wall of the building more than 75 feet above the ground. This provision does not increase the maximum total area allowed for the property.

- (2) The total area of all wall signs on a building which meets the following outlined conditions shall not be included in calculating the aggregate sign area on a lot:
 - a. The building shall be a shopping center, a building containing multiple tenants, or a single-tenant building located on a single lot with other principal buildings and is part of an approved CUP or planned unit development.
 - b. The tenants are located on the ground floor of the building and have a direct and primary access to the outside of the building.
 - c. The sign area of all walls, blade, canopy, or awning signs permitted by this section shall not exceed seven percent of the exterior wall area of the space occupied by the tenant.
 - d. The sign is located on the exterior wall of the space occupied by the tenant from which the seven percent sign area was derived.
 - e. No individual wall sign shall exceed 150 square feet in area, except in the MU districts where the maximum area of any individual sign shall not exceed 100 square feet.
- (3) The maximum size of the sign face may be increased by 20% for a property which is not located in a N district if the sign is located at least 100 feet from any public right of way.
- (4) Additional signs permitted in the P-1 district. The following signs are permitted in the P-1 district and shall not be included in the maximum total area for permanent and temporary signs.
 - a. Scoreboards. One scoreboard per athletic field with a maximum height of 15 feet and a maximum sign face of 80 square feet.
 - b. Athletic field signs are considered to be temporary signs and are permitted with the following conditions:
 1. The sign must be inside of, and face the interior of, an athletic field that is fully enclosed by a fence.
 2. The sign shall not be displayed before May 1 and/or after October 31.
 3. The maximum sign height is 4 feet.
 4. The maximum sign face is 4 feet by 8 feet.
 5. The maximum height of text (letters and numerals) is 7 inches.
 6. The maximum height of logos is 15 inches.
 7. Pictures and illustrations are permitted at any size within the 4 x 8 sign face.
 8. The back side of the sign must be blank and painted a dark shade of green.
 9. The sign cannot be illuminated or made of reflective materials.
 10. There shall be no more than 15 signs per field.

Sec. 36-410. Electronic signs.

- (a) Electronic signs are allowed subject to the following conditions:
 - (1) Electronic signage is not permitted on residential properties in the neighborhood districts.
 - (2) The sign face shall not exceed:
 - a. 20 square feet for properties less than 20 acres in area in a neighborhood district or the park and open space district.
 - b. 40 square feet for properties 20 acres or greater in area in a neighborhood district or the park and open space district.
 - c. 40 square feet in all other districts.
 - (3) The maximum sign face established above shall not be in excess of the maximum sign area allowed in table 36-409(a).
 - (4) No more than one sign face may be visible from any same location off-site unless the signs are more than 500 feet apart.
 - (5) Messages and/or images must be displayed for at least three seconds.
 - (6) Electronic signs existing on May 28, 2010, must comply with this section, except that electronic signs that exceed the maximum size limit above may continue as a non-conforming sign as to size.
 - (7) Messages or displays must change instantaneously. Using any type of special effect to change from one message or display to another is prohibited.
 - (8) Electronic signs installed after May 28, 2010, shall meet the following standards:
 - a. A mechanism that immediately turns off the sign if it malfunctions.
 - b. A mechanism that automatically adjusts the illuminative brightness of the display according to existing ambient light conditions.
 - c. The sign shall not exceed a brightness level of 0.3-foot candles above ambient light as measured from 100 feet from the sign. All measurements shall be taken with the meter pointing at the sign and perpendicular to the sign face. The ambient light level shall be taken with the sign off. The sign's brightness level shall be taken with the sign displaying a full white screen.
 - d. The electronic sign must be certified as complying with the brightness standards and the malfunction provision. The certification must come from the sign manufacturer or other qualified individual and must be submitted with the sign permit application and at any time thereafter as requested by the city.

Sec. 36-411. Rooftop screen signs.

- (a) Notwithstanding section 36-407(a)(6) wall signs are permitted on rooftop screening structures subject to the following conditions:
 - (1) The rooftop screen structure is located on a building that is at least eight stories tall.

- (2) The rooftop screen structure upon which the sign is mounted must enclose an area equal to at least 40% of the total rooftop area of the building.
- (3) For rooftop screen structures with multiple or varying heights, the signs cannot extend above the height of the shortest section of the rooftop screening structure.
- (4) The rooftop screen structure shall be included in the building height.
- (5) The rooftop screen structure must be included in the building elevation when calculating compliance to the architectural design and materials of each building elevation.
- (6) Prior to installing any wall sign on the rooftop screen structure, the rooftop screen structure must be inspected and certified by an engineer to verify that the structure can support the proposed sign.

Sec. 36-412. Temporary signs.

- (a) Temporary signs shall conform to the requirements of this section, including the following:
 - (1) With the exception of portable signs as defined below, temporary signs may be permitted on a lot for a total of 30 days in any calendar year.
 - (2) The total sign area of all temporary signs on a lot shall not exceed the following:
 - a. In the N-1 and N-2 districts: six square feet.
 - b. In the N-3 and N-4 districts: 25 square feet.
 - c. In all other districts: 80 square feet.
 - (3) Off-premises temporary signs are prohibited except as specified below.
 - (4) Temporary signs, other than pedestrian signs, may be constructed of paper, cloth, canvas, wood or any other light and non-durable material.
- (b) Temporary signs are permitted as follows:
 - (1) Beginning 46 days before the state primary in a state general election year until 10 days following the state general election, noncommercial signs are allowed as specified in state statute chapter 211B.045 Noncommercial Signs Exemption.
 - a. Signs shall not be placed on the public right of way or any publicly owned property, including boulevard trees and utility poles.
 - b. Signs shall not obstruct the vision at an intersection or otherwise constitute a hazard to public safety.
 - (2) One temporary sign is permitted per street frontage of any property for sale, rent or lease.
 - a. Each sign shall be less than 80 square feet in area and less than 10 feet in height unless attached to a wall. The following exceptions apply:
 1. Signs shall not exceed six square feet for dwellings in the N-1 and N-2 districts.
 2. The maximum size for any one sign may be increased to 200 square feet for any building not located in a N district which is six or more stories or

65 or more feet in height, if the sign is located on the wall of the building more than 55 feet above the ground.

b. This sign shall be removed when the property is sold, rented or leased.

(3) Signs may be placed on any property with an open building permit as follows:

a. A sign displayed on public property must conform to the Highway Traffic Regulation Act, state statute section 169.97 et seq., for informational signs and if displayed on private property, may not exceed the area and height requirements of this section for signs on that parcel.

b. Duration. Signs shall be removed once the building permit is closed.

(4) Pedestrian signs are temporary signs further regulated as follows:

a. No portion of the sign shall project beyond a cuboid measuring three feet wide by three feet deep by four feet in height.

b. Pedestrian signs may be placed up to the property line, subject to section 36-50. No portion of the sign shall be placed in or project into the public right of way, and any such sign shall be located so that it does not obstruct pedestrian or vehicular movement or impede pedestrian or vehicular visibility.

c. The sign may be displayed during business hours only. The sign shall be stored inside a building during non-business hours and during severe weather conditions.

d. The sign shall not be placed in such a manner that it obstructs the visibility of another property's permanent signage.

e. No place of business shall display more than one pedestrian sign at any time and the total of all pedestrian and other temporary signs on the property shall not exceed the total allowed in table 36-409(a).

f. Pedestrian signs that are maintained in good repair and in accordance with all ordinance provisions may be permitted for up to one calendar year. The zoning administrator may revoke a permit and remove any sign that does not meet the ordinance requirements or is creating a public hazard. After one year, a new permit may be applied for.

g. Pedestrian signs may be constructed of wood, metal, non-flexible plastic or any other durable material.

Sec. 36-413. General provisions.

(a) Required yards. Sign shall maintain a 10-foot minimum yard to property line unless exempted below:

(1) In the B-1, MU-1, MU-2 and MU-3 districts any sign less than 200 square feet in sign area shall be located no closer than five feet to the property line.

(2) In the B-1, MU-1, MU-2 and MU-3 districts, a blade sign may project into the required front yard and side yard abutting a street if the sign meets the following requirements:

a. The sign is attached to a wall in such a manner that meets the building code; and

- b. The lowest portion of the sign is no closer than eight feet to the ground; and
 - c. The sign shall not extend higher than the lowest portion of a window of a residential unit located on the second story of a mixed-use building.
 - d. No portion of the sign shall extend more than five feet into the required yard, and in no instance shall the sign project into the public right of way.
 - e. The portion of any sign face extending into the required yard does not exceed 40 square feet.
- (3) Except as allowed under (a)(2)b of this section, a wall sign may extend into the required yard a distance not to exceed 18 inches, and a canopy or awning sign may extend into the required yard as allowed by section 36-49(b)(7) and (11) except that structures that do not meet the current front or side yard requirements shall place signs flush against the front or side walls.
- (4) Temporary and exempt signs specified in sections 36-408 and 36-412.
- (5) In the I-1 district the required front yard for a freestanding sign shall be 20 feet. The required side yard abutting a street for a freestanding sign shall be 15 feet.
- (b) Freestanding signs. Except for private directional, project information, real estate, political, decorative banners, and temporary signs, no more than one freestanding sign shall be permitted on an individual street frontage of a lot or PUD site.
- (c) Parking areas. Signs shall not be placed in or restrict access to required parking spaces or loading berths.
- (d) Multi-tenant building. The property owner or the property owner's designee shall be responsible for allocating the allowable sign area among the tenants of a multi-tenant building. If the property owner does not allocate the sign area, the city may do so based on the proportion of floor area or tenant frontage occupied by each tenant.
- (e) Lighting. All signs must meet the following standards:
- (1) Direct rays or glare of light from an illuminated sign shall not be visible from public right of way or property other than that on which the illuminated sign is located. Any external source of illumination must be provided with shields or lenses which concentrate the light on the sign.
 - (2) Brightness Standards:
 - a. The sign shall not be brighter than is necessary for clear and adequate visibility.
 - b. The sign shall not be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle.
 - c. The sign shall not be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.
 - d. The sign shall not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face.

- e. The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the city's instructions. The adjustment must be made immediately upon notice of non-compliance from the city.
- (f) Electrical wiring. The electrical energy used to illuminate freestanding signs may not be from an overhead source but must be buried underground. The conduit and wiring to all signs must be concealed.
- (g) Wind load. All signs shall be designed and constructed to withstand wind loads of at least 30 pounds per square foot of area and the dead loads required by the building code and other ordinances of the city.
- (h) Anchoring. All signs shall be safely and securely anchored to their supporting structure. All attachments and movable parts shall be securely fastened. No sign shall be anchored to another sign.
- (i) Bracing. All signs shall be constructed with internal or hidden bracing. External bracing shall be eliminated whenever practicable. Exposed wire, cable and chain braces are prohibited.
- (j) Glass. All glass must be safety or tempered glass and designed and installed to withstand a wind load of 30 pounds per square foot.
- (k) Durable Materials.
 - (1) All permanent sign faces and supports shall be made of durable materials.
 - (2) Canvas, cloth, and similar materials such as flexible vinyl, are not allowed except for canopies and temporary signs other than pedestrian signs.
 - (3) All permanent wood signs must be constructed of durable hardwood products. The wood must be treated against rot and decay, and cannot be constructed of plywood, chipped wood, hardboard, fiber board or similar materials.
- (l) Maintenance.
 - (1) All signs shall be kept in good repair and free from peeling paint, rust, damaged or rotted supports or framework, broken or missing faces, facing, or missing letters.
- (m) Maintenance grounds. The premises surrounding all ground signs shall be maintained by the property owner or tenant of the property on which they are located in a safe, clean, and sanitary condition free and clear of all rubbish and weeds.
- (n) Removal and repair. Any structure from which a sign has been moved or removed shall be repaired with a material which matches the existing background.
- (o) Removal of painted signs. Any structure from which a painted sign is removed shall be repainted, sandblasted, or treated in a manner which makes the former sign not visible. The surface from which the sign was removed, shall be refinished in a manner to match the surrounding surface.
- (p) Signs not to be traffic hazard. No sign shall be installed in a way that obstructs clear vision of persons using the streets or at any location that, because of its position, shape, or color, interferes with, obstructs the view of, or may be confused with any authorized traffic sign, signal, or device. No sign, other than public or project informational signs, shall be visible from a public street which makes use of the words

"Stop," "Look," "Danger," or any other word, phrase, symbol, or character which may interfere with, mislead or confuse persons using the public streets.

- (q) Pedestrian clearance. Any sign which projects over a sidewalk or other pedestrian way must be not less than eight feet above ground level.
- (r) Sign area and height. The allowable sign area and height are established by table 36-409(a) in subsection 36-409(c) and adjustments to table 36-409(a) in section 36-409(d) of this section.
- (s) Noncommercial speech. Any non-commercial message may be substituted for any commercial message on any sign allowed under the code, subject to the same regulations applicable to such signs.

Sec. 36-414. Special provisions.

- (a) In addition to the general provisions contained in section 36-413, these special provisions apply to on-premises signs which face freeways and highways.
- (b) Application may be made to the city for an increase in maximum sign height on a lot having all of the following characteristics:
 - (1) The lot abuts the right of way of an interstate freeway or state highway or abuts a frontage road immediately adjacent to an interstate freeway or state highway.
 - (2) The lot does not have and is not permitted to have directional signage on the interstate freeway or state highway directing the public to the subject lot.
 - (3) The lot has no other option permitted by this chapter to provide the requested square footage of signage visible from 50% of, at a plane 3.5 feet above, the portion of the interstate freeway or highway adjacent to the lot.
- (c) To be eligible for an increase in sign height, the second point of all cross-sectional drawings, as described in subsection (c)(2)b. of this section, must be located such that more than 50% of the plane above the traveled surface of the interstate freeway or state highway is obstructed from the first point, as described in subsection (c)(2)a. of this section. An application for increased sign height shall be accompanied by the following drawings drawn to scale:
 - (1) A site plan showing the location of the proposed sign, property lines of the subject property, road alignments of adjacent streets and highways and the locations of any cross-sectional drawings necessary to analyze the request.
 - (2) Cross sectional drawings necessary to analyze the request showing the entire traveled surface of the freeway or state highway, any retaining walls or fences, any frontage roads, proposed sign location and height and a straight line (referred to as the "sight line") drawn between two points described as follows:
 - a. The first point situated on a line perpendicular to the earth's surface at the location of the proposed sign passing through the center of the sign face and 25 feet above the centerline of the nearest adjacent street or the ground level of the base of the proposed sign, whichever results in a higher elevation.
 - b. The second point situated on a plane surface 3.5 feet above and parallel to the traveled surface of the interstate freeway or state highway, located by

projecting a line from the first point to its intersection with the plane surface so that the resulting point of intersection of the line with the plane surface (the second point) is as close as possible to the first point while not passing through an intervening obstruction that would prevent visibility.

- (3) The zoning administrator may approve an application to increase sign height which meets the criteria set forth in this subsection (c)(3) where the proposed sign plan meets each of the following requirements:
- a. The sign is no higher than necessary to permit the bottom edge of the sign face to be visible from at least 50% of the traveled surface of the interstate or state highway.
 - b. The top of the sign face is no more than 12 feet above the bottom of the sign face.
 - c. The location of the sign is such that the increase in sign height is minimized.
 - d. The sign face shall not exceed 150 square feet.
 - e. The sign lighting is either internal or indirect and no light source is visible beyond the property lines of the lot.
 - f. Illuminated signs located within 400 feet of the structures used for residential purposes shall have its illuminated portion shielded from view of such residential structures.

Sec. 36-415. Nonconforming signs.

- (a) General. A nonconforming sign shall not be relocated, altered or modified in size or height unless it is made fully conforming with this section.
- (b) Removal. Except for changing signs or billboards, if a face or message on a nonconforming sign is removed, the entire sign and sign structure must be removed or made to conform with this section.
- (c) Temporary sign. Temporary and portable signs in existence at the time of passage of the ordinance from which this section is derived which do not conform to this section shall be removed or made to conform within 30 days of the effective date of the ordinance from which this section is derived.
- (d) Real estate signs. Real estate signs in existence as of the date of the ordinance from which this section is derived were adopted which do not conform with the requirements of this section shall be removed or made to conform within 120 days of the effective date of the ordinance from which this section is derived.
- (e) Billboards.
 - (1) Any billboard in existence as of the date of the ordinance from which this section is derived was adopted may remain in place if it is not increased in sign area or height and is maintained in conformance with the general provisions of this chapter. The following are not permitted on billboards:
 - a. Flashing signs.
 - b. Changing signs.
 - c. Rotating signs.

- d. Electronic signs.
- (2) The maximum height of a billboard shall be 35 feet, including extensions, measured as required by section 36-488.
- (3) Billboards which have been destroyed or damaged must be removed when the cost of repair equals more than 50% of the appraised physical value of the structure.

Sec. 36-416. Forfeiture.

- (a) Any sign installed or placed on public property shall be forfeited to the public and subject to confiscation, unless it conforms to the requirements of this section. In addition to other remedies granted to it by this section, the city shall have the right to recover from the owner or person placing the sign the full costs of removal and disposal of the sign in a civil action.

Sec. 36-417. Severability.

- (a) If any section, subsection, sentence, clause or phrase of this division is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this division. The city council hereby declares that it would have adopted the division in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

DIVISION 10. GRADING; FILLING AND LAND RECLAMATION; EXCAVATION AND MINING.

Sec. 36-418. Filling and land reclamation.

- (a) Land excavation is the removal of sand, dirt, gravel, rock, clay or similar earth material or unsuitable foundation material from the land.
- (b) Land filling is the deposit of the earth material so as to raise existing surface grades.
- (c) Grading is the movement of the earth material within a given site.
- (d) For purposes of this section, it is assumed that a typical dump truck has a carrying capacity of approximately ten "loose" cubic yards of earth material.
- (e) Commercial mining prohibited. Extraction of earth materials for commercial purposes such as on-going sand and gravel mining operations shall be prohibited within the city.
- (f) Permits required.
 - (1) Land excavation, grading or filling in excess of 200 cubic yards of material shall require a permit from the public works director, after review and approval of the exhibits required hereunder.
 - (2) Land excavation, grading or filling in excess of 3,000 cubic yards of material shall require a conditional use permit.
- (g) Permit exceptions. A permit under this section shall not be required for the following:
 - (1) Excavations, grading or fills of less than 200 cubic yards of material;

- (2) Excavations or fills associated with a development project on platted property which have commenced within two years after an approved plat has been filed with the county;
 - (3) Excavations, grading or fills by state, county or city authorities in connection with the construction or maintenance of roads, highways, parks or utilities or on slope or utility easements, provided the activity is conducted within public rights-of-way or easements;
 - (4) Curb cuts, utility hook-ups or street openings for which another permit is required from the city; or
 - (5) Any development for which a building permit, conditional use permit, or planned unit development has been approved and granted and a final grading plan approved as a part thereof.
- (h) Permit application/exhibits. Application for excavation and filling permits shall be made in writing on forms supplied by the city and shall be submitted to the zoning administrator for processing. The following information and exhibits shall be submitted with the completed application form:
- (1) A map or plan of the proposed excavation or fill area and 50 feet around showing existing and proposed elevations at two-foot contours, and showing any existing buildings within the area; and
 - (2) Identification of proposed truck hauling routes, including the following:
 - a. Hours of operation;
 - b. Dates of operation;
 - c. Method of controlling dust on site and along haul routes;
 - d. Method of controlling erosion;
 - e. Assurance that spillage of material on and damage to public streets used as haul routes shall be cleaned up and repaired to the satisfaction of the Engineering Director; and
 - f. Other information as required by the zoning administrator to protect the interests of the city and affected property owners including, but not limited to, surface water drainage.
- (i) Requirements.
- (1) The excavation, grading or filling permit shall run for one year unless a lesser or greater period is specified by the City Council.
 - (2) At the end of excavation, grading or filling operations, the disturbed area shall be restored with topsoil or other approved cover material and shall be reseeded to establish approved vegetation.
 - (3) The city may require a cash escrow, letter of credit, or surety bond in such form and sum as the city may determine to cover the cost of corrective measures such as cleaning and/or repairing streets and highways used as haul roads. In any case, the applicant shall bear the cost of the corrective measures as may be required.

Secs. 36-419 to 36-438 reserved.

ARTICLE IX. DEVELOPMENT PROCEDURES

DIVISION 1. COMMON PROCEDURES AND REQUIREMENTS.

Sec. 36-439. Authority to file applications.

- (a) Land use applications for an individual property may be initiated by:
 - (1) The owner of the property that is the subject of the application; or
 - (2) An agent authorized by the owner of the property that is the subject of the application, which may include a lessee of the property. Evidence of such authorization shall be the signature of the property owner.
 - (3) If the property subject to an application is under more than one ownership, all owners or their authorized agents shall join in filing the application.
- (b) The planning commission and city council may initiate text and map amendments to this chapter. If the subject of the amendment is a specific site or project, the planning commission or city council may initiate amendments with or without application from the owner.

Sec. 36-440. Application submittal.

- (a) Each complete land use application shall be filed with the zoning administrator and shall include the following:
 - (1) An application on the official application form provided by the city, including an application fee as established by ordinance.
 - (2) All those application materials required that are specific to the application and necessary to complete the review.
- (b) An application will not be accepted until it is complete and all required materials have been submitted.
- (c) The city council must approve or deny a land use request within the time allotted under state statutes, section 15.99.
- (d) Any action by the city to extend the time limit to process a zoning application in accordance with state statutes, section 15.99, as amended, may be taken administratively without city council approval.

Sec. 36-441. Technical assistance.

- (a) Upon receipt of a complete application, the zoning administrator shall, when deemed necessary, refer the request to appropriate staff to ensure that informational requirements are complied with.
- (b) When deemed necessary, the zoning administrator shall instruct the appropriate staff persons to prepare technical reports and/or provide general assistance in preparing a recommendation on the request to the planning commission and city council.

Sec. 36-442. Public hearing.

- (a) Any public hearing required by this chapter may be continued once. If a hearing is continued more than once, another notice shall be given in accordance with section 36-451(c)(2).

Sec. 36-443. Development agreement.

- (a) The city may, at its sole discretion, require the owner and developer of a proposed development to execute a development and/or planning agreement which may include, but not be limited to, all requirements of the final plan as a condition of final approval.
- (b) The development agreement may require the developers to provide an irrevocable letter of credit in favor of the city, performance guarantee or cash escrow. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the city. The city may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the provision or development of improvement called for by the development agreement.

Sec. 36-444. Recording.

- (a) Ordinances, resolutions, and agreements shall be filed with Hennepin County.

Sec. 36-445. Amendments.

Amendments to site plans, CUPs or PUDs are described as follows and shall adhere to the following procedures:

- (a) Administrative amendments.
 - (1) Administrative amendments include proposed changes to building dimensions involving 10% or less of such dimension, proposed site modifications involving 10% or less of the total existing site area, and proposed changes to other previously approved standards involving 10% or less of such standard, which meet all ordinance requirements.
 - (2) These amendments may be approved by the zoning administrator and shall not require planning commission review or council approval, unless otherwise stated in the approved development agreement.
 - (3) Administrative approval may be obtained for modifications specified in the development agreement as requiring only administrative approval.
 - (4) The zoning administrator may determine that a proposed amendment is a major amendment, even if it meets the criteria of an administrative amendment and shall follow the procedure for major amendments in this subsection.
 - (5) The zoning administrator may approve amendments to the approved landscaping plan to accommodate solar energy systems provided the solar energy system meets the requirements of this chapter, the amendment does not result in a reduction to the number of approved trees and shrubs, landscaping elements integral to the overall design of the site are not impacted, landscaping utilized for

the intent of screening is not impacted, and properties subject to tree replacement requirements meet the replacement requirements. Alternatively, the zoning administrator may refer amendments to the city council for approval as either a minor or major amendment of the site plan, CUP or PUD.

- (6) Administrative approval of a PUD amendment shall only be granted if the applicant has provided written notification to all owners of property within the PUD that such approval is being sought. The notification shall inform the property owners that approval of the proposed modification may be granted after 10 days have elapsed from the mailing date of the notice unless a property owner files an appeal with the zoning administrator within that time. If any such appeal is filed, the proposed modification shall be considered in the same manner as a major amendment to the approved final plan.
- (b) Major amendments. A major amendment to the approved final plan of the site plan, CUP or PUD shall be processed and approved in the same manner as an initial application, except that submission requirements shall be modified as appropriate by city staff to reflect the nature of the proposed amendment. Major amendments shall include:
 - (1) Any amendment that is not an administrative amendment.
 - (2) Any amendment determined to be a major amendment by the zoning administrator.
 - (3) Any amendment specified as such in the development agreement.

Sec. 36-446. Withdrawal of application.

- (a) Any request for withdrawal of an application shall be submitted in writing to the zoning administrator.

Sec. 36-447. Successive applications.

- (a) No permit request that has been denied wholly or in part shall be reconsidered for a period of 180 days from the date of the order of denial, except on grounds of new evidence or proof of changed conditions.

Sec. 36-448. Appeal of decision.

- (a) Right of appeal. At any time within 20 days after a written order, requirement, permit, decision, refusal, or determination by the zoning administrator has been made interpreting or applying this chapter, except for actions taken in connection with prosecutions for violation hereof, the applicant or any other person, officer, or department representative of the city affected by it may appeal the decision to the board of zoning appeals by filing a notice of appeal with the community development department addressed to the board of zoning appeals stating the action appealed from and stating the specific grounds upon which the appeal is made.
- (b) Setting a public hearing. The city shall set a public hearing for the appeal by the board of zoning appeals to be held not less than 10 days nor more than 45 days after it receives a notice of appeal. Notice of the hearing of the appeal before the board of

zoning appeals shall be given by mail to all applicants. A notice of hearing shall be published in the official newspaper of the city at least 10 days before the hearing date if the appeal involves the determination of boundary lines of a use district. Any interested party may appear at the public hearing in person or by agent or attorney. The decision of the board of zoning appeals shall be by resolution. A copy of the resolution of the board of zoning appeals shall be mailed to the applicant by the city clerk.

- (c) Board of zoning appeals to decide. The board of zoning appeals shall determine by resolution all appeals from any written order, requirement, permit, decision, refusal, or determination of the zoning administrator; and from any interpretation of the text of this chapter, the location of the boundary of a use district as shown on the zoning map. The resolution shall be adopted by a majority vote of all members present and voting on the issues presented by the appeal. In making the decision, members of the board shall consider the questions raised in light of the general purpose of this chapter and the comprehensive plan.
- (d) Appeal to city council. Any person aggrieved by a decision of the board of zoning appeals may appeal the decision in a manner provided in section 36-451(c)(4).
- (e) Fee for appeal. A required fee established by resolution adopted by the city council shall be charged for all requests for appeal or interpretation of this chapter.

Sec. 36-449. Reimbursement.

- (a) Purpose. The purpose of this section is to:
 - (1) Provide a procedure to reimburse the city for its cost of review, analysis, and evaluation of development proposals, conditional use permits, zoning amendments and enforcement of the ordinance from which this chapter is derived in cases where, due to the level of complexity of the application under consideration, excessive costs beyond those normally incurred by the city as a result of the administration of the ordinance from which this chapter is derived are incurred. The excess costs result from problems presented in review, analysis, and evaluation which necessitate intensive investigation and research. The intent of this section is to ensure an adequate level of review of these cases and to ensure that the adverse effects of development on the city are minimized and compliance with goals and objectives of the comprehensive plan and this chapter are obtained.
 - (2) Provide a procedure and criteria to reimburse to applicants a portion of the fees and costs already paid to the city, but not needed to cover the costs and expenses incurred by the city in reviewing their application or request.
- (b) Reimbursement of city expenses.
 - (1) Conditions where reimbursement authorized. The city may, in its sole discretion, require reimbursement of city costs under the following conditions:
 - a. When the city manager finds multiple planning commission and city council meetings are required to review a particular item and additional staff time is expended on that item subsequent to the initial meeting.

- b. When the city manager finds it necessary to retain consultants and experts to review requests and advise its staff of specific impacts of a proposal, including but not limited to impacts on traffic, utilities, drainage, and aesthetic or environmental characteristics of the community.
 - c. When it is necessary for the city attorney to review a proposal.
 - d. When the city manager finds that other extraordinary costs are incurred by the city as a result of the administration of this chapter.
- (2) Procedure.
- a. The city shall notify the applicant that the city will incur additional costs at the earliest possible time and, if possible, provide the applicant with an estimate of the expected additional cost.
 - b. The applicant shall pay the estimated additional cost to the city by certified check, bank money order, wire transfer, or ACH payment. If the amount paid to the city initially is insufficient to cover all city costs, the additional amount shall be billed to the applicant. Any money which has not been used to pay additional costs after the applicant's request has been processed shall be refunded to the applicant.
 - c. No certificate of occupancy for any project subject to this section shall be issued until all money owing to the city has been received.
 - d. All costs billed under this section shall be based on the actual cost to the city of staff time, overhead, material costs, and actual billings from consultants, experts and attorneys.
- (c) Refund of fees. If any application for a conditional use permit, variance, zoning amendment, PUD, continued special permit or vacation is withdrawn in writing by the applicant or is not processed by the city for any other reason so that a final decision is not made by the city, the applicant is entitled to a refund of the application fees paid to the city according to the following provisions:
- (1) 75% of the application fee and 100% of the recording fee shall be refunded if the request is withdrawn before the deadline for rescinding the public hearing publication.
 - (2) 50% of the application fee and 100% of the recording fee shall be refunded if the request is withdrawn before the request has been considered by the planning commission or board of zoning appeals.
 - (3) 25% of the application fee and 100% of the recording fee shall be refunded if the request is withdrawn before the request is considered by the city council.
 - (4) Any portion of additional fees paid to reimburse costs incurred by the city that exceeds the costs already or expected to be incurred by the city.

DIVISION 2. LAND USE APPLICATIONS

Sec. 36-450. Registration of land use.

- (a) Approval required; exceptions.

- (1) No person or business shall use or occupy any land or building within the city without first obtaining approval of a registration of land use for the proposed use.
- (2) Exceptions:
 - a. When a certificate of occupancy is issued.
 - b. When a permitted office use replaces an existing office use, provided the total office area of the building does not change in size.
 - c. Occupancy of a dwelling for residential purposes.
- (b) Responsibility. Both the property owner and the lessee shall be responsible for securing the registration of land use required by this section.
- (c) Application and information. The applicant shall provide the following information to determine compliance with this section:
 - (1) Site address.
 - (2) Present use.
 - (3) Proposed use.
 - (4) Floor plan showing proposed and existing size and use of each room.
 - (5) Site plan - if necessary.
- (d) Approval of the registration of land use. The city shall approve the registration of land use provided that the use is legal per this chapter and complies with the city codes, comprehensive plan, state codes and licensing requirements. Once the registration of land use has been approved, the use shall be permitted to occupy the land or building.
- (e) Revocation of a registration of land use. Any false statement or factual material submitted to the city for approval of a registration of land use shall automatically revoke the registration of land use. After the city has determined that false information was received, the city shall notify the owner and lessee that the registration has been revoked. The notification shall also include that they have 10 days to either obtain a new registration of land use or terminate use of the land or building. If the use continues without a valid registration of land use, both the landowner and tenant shall be guilty of violating this section.

Sec. 36-451. Variances.

- (a) Purpose. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property. A variance may be granted when strict enforcement of the provisions of the zoning code would cause practical difficulties to the property owner, and when it can be demonstrated that such action will be in keeping with the spirit and intent of the code.
- (b) Standards and provisions. While reviewing a variance application, the city shall consider the strict application of the provisions of this chapter and the requirements of all applicable state law.
 - (1) Variances are not permitted for:
 - a. Any land use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located.

- b. Floor elevations lower than the flood protection elevation in the floodplain district.
- (2) The city may grant variances upon consideration of the following:
 - a. The effect of the proposed variance upon the health, safety, and welfare of the community.
 - b. The request is in harmony with the general purposes and intent of the ordinance.
 - c. The request is consistent with the comprehensive plan.
 - d. The applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - 1. The property owner proposes to use the property for a land use permitted in the zoning district in which the land is located. A variance can be requested for dimensional items required in the zoning ordinance, including but not limited to setbacks and height limitations.
 - 2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - 3. The variance, if granted, will not alter the essential character of the locality.
 - 4. Economic considerations alone do not constitute practical difficulties.
 - 5. Practical difficulties include inadequate access to direct sunlight for solar energy systems.
 - e. There are circumstances unique to the property including the shape, topography, water conditions, or other physical conditions.
 - f. The granting of the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
 - g. The granting of the variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion in the public streets, increase the danger of fire, or endanger public safety.
 - h. The granting of the variance will not merely serve as a convenience to the applicant but is necessary to alleviate a practical difficulty.
- (3) The city may impose conditions in the granting of variances. A condition must be directly related and must bear a rough proportionality to the impact created by the variance.
- (4) Variances shall be granted for earth sheltered construction as defined in state statutes section 216C.06, subdivision 14, when in harmony with the ordinance.
- (5) Variances involving a floodway, flood fringe and floodplain. If the application for a variance involves property within a floodway, flood fringe and floodplain district, a copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within 10 days of such action. In determining whether the property owner is proposing to use the property in a reasonable

manner, the following additional variance criteria of the Federal Emergency Management Agency must also be satisfied:

- a. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - b. Variances shall only be issued by a community upon
 - 1. a showing of good and sufficient cause,
 - 2. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - 3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - d. No variance shall allow a lower degree of flood protection than the Regulatory Flood Protection Elevation.
 - e. Flood insurance notice and record keeping. The zoning administrator shall notify the applicant for a variance that:
 - 1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - 2. Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.
- (c) Process. A request for a variance shall be considered by the board of zoning appeals. The city council, however, will act as the board of zoning appeals for variance requests made in conjunction with a conditional use permit or subdivision. In such cases, the planning commission shall hold the public hearing on the variance request, review the variance request along with the conditional use permit or subdivision process, and report its findings and recommendations to the city council.
- (1) Applications. All applications for variances shall be initiated by, or with the written consent of, the owners of the property. A complete application shall consist of:
- a. An application and fee payment.
 - b. A written explanation of the request addressing the variance criteria in subsection (b)(2) above.
 - c. A survey of the property showing all property lines, existing and proposed structures, and easements.

- d. A dimensioned plan showing the floor plan and elevations for all existing and proposed structures.
 - e. A map or plat showing the lands proposed for variance and all lands adjacent to the subject property and the names and addresses of the owners of the lands in the area as they appear on the records of the county auditor or other appropriate records.
 - f. Any other materials required by the city.
- (2) Notice. After receipt of a complete application, the city shall set a date for a public meeting before the board of zoning appeals for the variance request within 45 days after the application is received by the city. Notices for the public meeting shall be mailed to the following:
- a. Properties directly and diagonally adjacent to the subject site. Adjacent includes properties that are directly and diagonally across a street and alley from the subject property. The zoning administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances(s) occurring within a floodway, flood fringe or floodplain district sufficiently in advance so that the commissioner will receive at least 10 days' notice of the meeting.
- (3) Public meeting. The public meeting shall be held after notice has been given. The board of zoning appeals shall hear arguments for and against the proposed variance and it may continue the meeting if it is reasonably required.
- (4) Appeal to the city council. Residents and property owners within the city may appeal the decision of the board of zoning appeals to the city council. The appeal must be in writing and must be filed with the city clerk within 10 days after the date of the board of zoning appeals' decision. The required fee shall be paid to the city treasurer when the appeal request is filed. When an appeal is received by the city, the applicant will be notified of the date and time the city council will hear the appeal. No appeal will be heard until the city has notified all properties adjacent to the subject property of the date scheduled for the appeal hearing. If no appeal is made within the 10-day period, the decision of the board of zoning appeals shall be final. If an appeal is taken from the decision of the board of zoning appeals, the city council shall hear the appeal within 30 days of the filing of the appeal unless that period is extended with consent of the appellant. The city council may reverse a decision of the board of zoning appeals by an affirmative vote of the majority of its full membership. The city council shall render a decision within 30 days concluding the appeal hearing. A decision of the board of zoning appeals shall not become effective until the end of the appeal period has expired. If an appeal is filed before the end of the appeal period, the decision of the board of zoning appeals shall not become effective until the city council has rendered a decision on the appeal.
- (5) Any person who is denied a variance by the board of zoning appeals or whose appeal is denied by the city council may not reapply for the same variance within 24 months from the denial date unless the physical conditions of the property or

land in question have changed. A change in the physical conditions would include, but is not limited to, a division or combination of the land or a taking of part of the land for public purpose.

Sec. 36-452. Conditional Use Permits (CUP).

- (a) Findings and purpose: The city council may grant conditional use permits by resolution for uses and purposes authorized by this chapter and may impose such additional conditions and safeguards in permits as may be necessary to protect the comprehensive plan and the general purpose and intent of this chapter. Prior to December 31, 1992, such permits were known as special use permits.
- (b) Standards and conditions. A conditional use permit shall be issued when the following findings are made:
 - (1) Consistency with plans. It is consistent with and supportive of principles, goals, objectives, land use designations, redevelopment plans, neighborhood objectives, and implementation strategies of the comprehensive plan.
 - (2) Nuisance. It is not detrimental to the health, safety, morals, and general welfare of the community as a whole. It will not have undue adverse impacts on the use and enjoyment of properties, existing and anticipated traffic conditions, parking facilities on adjacent streets, and values of properties in close proximity to the conditional use.
 - (3) Compliance with code. It is consistent with the regulations, intent and purpose of city code and the zoning district in which the conditional use is located.
 - (4) Consistency with service capacity. It will not have undue adverse impacts on governmental facilities, services or improvements which are either existing or proposed.
 - (5) Site design. It is consistent with the design and other requirements of site and landscape plans prepared by or under the direction of a professional landscape architect or civil engineer registered in the state and adopted as part of the conditions imposed on the use by the city council.
 - (6) Consistency with utilities. It is consistent with the city's stormwater, sanitary sewer, and water plans.
 - (7) Conditions specific to site. It complies with all conditions imposed by the city council and listed within the conditional use permit.
- (c) General provisions:
 - (1) Conditional use permit required. No building or land shall be used or occupied for a use which requires a conditional use permit until the permit has been issued.
 - (2) Compliance to conditions required. No building or land shall be used or occupied for which a conditional use permit has been issued unless that use complies with all of the conditions of that conditional use permit.
 - (3) Referral to planning commission. The request for a conditional use permit shall be referred to the planning commission for a public hearing and to study the effect of the proposed use on the comprehensive plan and on the character and

development of the neighborhood. The planning commission shall recommend to the city council whether to grant or deny the conditional use permit request and the conditions which should be attached to the conditional use permit if the recommendation is to approve the request.

- (4) Action without planning commission recommendation. If the planning commission does not transmit a recommendation to the city council in a timely manner, then the city council may take action on the request without a recommendation of the planning commission.
 - (5) Reimbursement. The conditional use permit shall become valid after the applicant has paid to the city all fees due according to section 36-449.
 - (6) Building permits. Building permits shall not be issued for any property for which the city council has approved a conditional use permit until the applicant has met the conditions of the permit, paid to the city all required fees, has signed an assent form, and has filed with the city clerk any required letter of credit or other security.
- (d) Process:
- (1) Application. All applications for conditional use permits shall be initiated by, or with the written consent of, the owners of the property. A complete application shall consist of:
 - a. An application and payment of required application fee.
 - b. A complete and accurate legal description of the property.
 - c. A written explanation of the request addressing the development proposal and the criteria listed in subsection (b) above.
 - d. A survey of the property showing all property lines, topography, structures, and easements. Additional drawings showing site conditions and improvements as needed to show compliance with city regulations.
 - e. Dimensioned plans showing the following:
 1. Site plan showing landscaping, lighting, parking, and other site design elements required to show compliance with city code.
 2. Drainage, stormwater and utility plans prescribing locations for city water, sewer, fire hydrants, manholes, power, telephone, and cable lines, natural gas mains, and other service facilities prepared by a professional civil engineer registered in the state and adopted.
 3. Floor plan and elevations for all existing and proposed structures.
 - f. A map or plat showing the lands proposed for the conditional use permit and all lands within 350 feet of the boundaries of the property and two copies of the names and addresses of the owners of the lands in the area as they appear on the records of the county auditor or other appropriate records.
 - g. Any other materials required by the city.
 - (2) Hearings.

- a. The planning commission shall conduct a public hearing for all conditional use permit applications and major amendments to existing conditional use permits.
 - b. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the city at least 10 days prior to the date of the hearing.
 - c. A notice of the hearing shall also be mailed at least 10 days before the date of the hearing to each owner of the affected property and owners of record of property located wholly or partly within 350 feet of the property for which the conditional use permit has been requested.
 - d. The person responsible for mailing the notice shall use the records of the county auditor's office or other appropriate records to determine the names and addresses of owners entitled to written notice. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the person giving the notice and shall be made a part of the record of the proceedings. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings provided a bona fide attempt has been made to comply with this section.
- (3) Conditions. The city council may impose reasonable conditions on any conditional use permit and may, at any time at its election or upon application by the property owner, modify the conditions of an existing conditional use permit as changing circumstances warrant.
 - (4) Modifications. The city council may initiate a modification of an existing conditional use permit. The modification shall follow the same process as required for a conditional use permit.
 - (5) Assent form. A conditional use permit with imposed conditions is not valid until the applicant has signed an assent form and the approved exhibits which acknowledge the terms and conditions under which the conditional use permit is granted, agreeing to observe them.
 - (6) Filing. The resolution approving a conditional use permit or modification of a conditional use permit shall include the legal description of the property for which the permit was issued. A certified copy of the resolution shall be filed with the appropriate filing officer at the county recorder or county registrar of titles.
 - (7) Extension of time. The city council may grant an extension of time beyond the termination date for any conditional use permit. The fee to process an extension request shall be set by resolution adopted by the city council establishing such fees. At the time the extension is granted, the city council or the board of zoning appeals may waive the fee and direct the return of a part or all of it to the applicant. In considering whether to refund any of the fee charged, the city shall determine whether it has incurred additional expense in considering the request for extension. Requests for extension of time must be filed with the city manager before the termination date of the conditional use permit.

- (8) Denial. Conditional use permits may be denied by resolution of the city council. A resolution of denial shall constitute a finding by the city council that the conditions required for approval do not exist.

Sec. 36-453. Planned Unit Developments (PUDs).

- (a) Purpose and Intent. The purpose of a PUD District is to benefit the city and its residents by providing a comprehensive procedure intended to allow greater flexibility in the development of land than would be possible under a conventional zoning district. The decision to zone property to PUD is a public policy decision for the city council to make in its legislative capacity. The intent of this section is to:
 - (1) Allow for the greater utilization of new technologies in building design, construction, and land development.
 - (2) Promote higher standards of site and building design.
 - (3) Promote a more efficient and effective use of streets, utilities, and public facilities to support high-quality development at a lesser cost.
 - (4) Provide for the establishment of recreational, public, and open spaces which may be made more usable and be more suitably located than would otherwise be provided under conventional development procedures.
 - (5) Allow modifications to the strict application of regulations of conventional zoning districts that are in harmony with the goals, policies and intent of the city's comprehensive plan and this chapter.
 - (6) Encourage a more creative and efficient use of land.
 - (7) Preserve and enhance desirable site characteristics, including flora and fauna, scenic views, screening, and access.
 - (8) Promote environmental sustainability in the development of land, building construction and building operations.
 - (9) Ensure integrated pedestrian facilities to and within a PUD district.
 - (10) Provide for improved connections to mass transit facilities.
 - (11) Encourage an increase in the supply of low-income and moderate-income housing.
 - (12) Allow for the mixing of land uses within a development when such mixing of land uses could not otherwise be accomplished under this chapter.
- (b) Building and site design. The city council shall find that the quality of building and site design proposed by the PUD plan will substantially enhance aesthetics of the site and implement relevant goals and policies of the comprehensive plan before a PUD ordinance may be approved. In addition, the following criteria shall be satisfied:
 - (1) The design shall consider the project as a whole and shall create a unified environment within project boundaries by ensuring architectural compatibility of all structures, efficient vehicular and pedestrian circulation, aesthetically pleasing landscape and site features, and design and efficient use of utilities.
 - (2) The design of a PUD shall achieve compatibility of the project with surrounding land uses, both existing and proposed, and shall minimize the potential adverse

impacts of the PUD on surrounding land uses and the potential adverse effects of the surrounding land uses on the PUD.

- (3) A PUD shall comply with the city's green building policy.
 - (4) A PUD that includes residential uses shall comply with the city's inclusionary housing policy.
 - (5) The use of green roofs or white roofs and on-site renewable energy is encouraged.
 - (6) More than one building may be placed on one lot in a PUD.
- (c) Application of section provisions. The provisions of this section shall be administered as follows:
- (1) Land use guidance. No PUD shall be approved on property guided by the Comprehensive Plan for low density residential development.
 - (2) PUD regulations. A PUD district may incorporate the regulations of one or more other zoning districts as determined by the zoning administrator and designated in the ordinance creating the district.
 - (3) Modifications. A PUD district may modify any provision of this chapter except for the following:
 - a. PUDs shall comply with the requirements of the floodplain ordinance.
 - b. PUDs shall comply with the sign requirements of the most closely related zoning district as designated in the approving ordinance.
 - c. PUDs shall comply with the Travel Demand Management District.
 - (4) Permitted land uses. Any land use that is consistent with the comprehensive plan may be allowed in a PUD district. Residential and non-residential uses may be included in a single PUD district. The PUD ordinance shall identify all land uses allowed in the PUD district. Any change from the uses listed in the PUD ordinance shall be considered an amendment to the PUD and shall follow the procedures specified in this section. The following uses are prohibited in a PUD: currency exchange; firearms sales; pawnshop; payday loan agency; sexually oriented business.
 - (5) Minimum area. A PUD district must consist of a parcel or contiguous parcels of land at least two acres or more in size. Tracts of less than two acres may be approved only if the applicant can demonstrate that a project of superior design can be achieved or that greater compliance with comprehensive plan goals and policies can be attained through use of a PUD.
 - (6) Additional requirements. PUDs shall be subject to the imposition of additional requirements when, in the opinion of the city council, such additional requirements are necessary to protect the general welfare, public safety, neighborhood character and/or to achieve the objectives contained in section 36-3.
- (d) Submission requirements and procedure. Planned unit developments shall be proposed and considered according to the requirements of this section.
- (1) Pre-application conference. Before filing an application for approval of a PUD, an applicant may submit a concept plan for review and comment by city staff. Staff

may schedule a review of the concept plan by the planning commission and/or city council to obtain nonbinding comments on its merits.

- (2) Preliminary PUD plan. A complete application for a preliminary PUD plan shall include all of the following information:
- a. An application and payment of required application fee.
 - b. A statement describing how the PUD will meet the stated purposes and objectives of this section.
 - c. If land encompassed within a proposed PUD is to be platted, replatted or subdivided, all information required for consideration and approval of a preliminary plat is also required in accordance with the subdivision ordinance, and the review may be carried out simultaneously with the review of a PUD.
 - d. A current certified survey showing existing conditions of properties located within the proposed PUD, and buildings and topography of properties located within 150 feet of the proposed PUD.
 - e. Preliminary general development plans. Plans shall be dimensioned and based on the survey. Plans shall show compliance to the city code and proposed modifications.
 1. Detailed site plan.
 2. Landscape plan, including spaces used for designed outdoor recreation area (DORA).
 3. Tree preservation and replacement plan.
 4. Erosion control plan.
 5. Utility, drainage, and storm water management plans prepared by a civil engineer registered in Minnesota.
 6. Lighting plan.
 7. Building elevations and floor plans.
 8. Fire protection plan.
 - f. Traffic study, which the city may deem necessary. The study shall contain, at a minimum, the total and peak hour trip generation from the site at full development, the effect of such traffic on the level of service of nearby and adjacent streets, intersections, and total parking requirements.
 - g. If a PUD has been requested that involves two or more phases, the PUD applicant shall submit a phasing plan. This plan shall demonstrate that each phase is capable of independently addressing and complying with the city code, traffic study and storm water requirements and include the geographical sequence of construction and the number of dwelling units or square footage of nonresidential property to be constructed in each phase.
 - h. Environmental data which the city may deem necessary. This data must include a preliminary analysis of the probability of site contamination.
 - i. Any other information required by the city.

- (3) Final PUD plan. A complete application for a final PUD plan shall contain all of the following information:
- a. An application and payment of required application fee.
 - b. A final plat that meets the requirements of the subdivision ordinance.
 - c. A current certified survey showing existing conditions of properties located within the proposed PUD, and buildings and topography of properties located within 150 feet of the proposed PUD.
 - d. Final general development plans. Plans shall be dimensioned and based on the survey. Plans shall show compliance to the city code and proposed modifications.
 1. Detailed site plan.
 2. Landscape plan, including spaces used for designed outdoor recreation area (DORA).
 3. Tree preservation and replacement plan.
 4. Erosion control plan.
 5. Utility, drainage, and storm water management plans prepared by a civil engineer registered in Minnesota.
 6. Lighting plan.
 7. Building elevations and floor plans.
 8. Fire protection plan.
 - e. Any deed restrictions, covenants, agreements, and articles of incorporation and bylaws of any proposed homeowners' association or other documents or contracts which control the use or maintenance of property covered by the PUD.
 - f. A final phasing plan, if phasing is proposed, indicating the geographical sequence and timing of development of the plan or portions thereof, including the estimated date of beginning and completion of each phase.
 - g. Any other information required by the city.
- (4) Procedure. Planned unit developments shall be proposed and processed according to the requirements of this section. No application for a final PUD shall be processed until the application for a preliminary PUD has been approved by the city council unless the zoning administrator determines the preliminary PUD and final PUD may be processed simultaneously.
- a. Preliminary PUD.
 1. Application. An application for preliminary approval of a PUD district shall be on a form provided by the city and shall include all required information comprising a preliminary PUD plan.
 2. Referral to planning commission. The completed application shall be reviewed by city staff and a report concerning the application shall be submitted to the planning commission.

3. Public hearing. The planning commission shall hold a public hearing in accordance with section 36-442.
 4. Approval. The city council may approve the preliminary PUD plan in whole or in part, may approve subject to conditions, may deny, or may continue consideration of the preliminary PUD plan for further investigation and hearing at a later date.
 5. Denial. When a preliminary PUD plan has been denied by the city council, the owner or applicant may not reapply for the same or similar development on the same property for the six-month period following the date of the denial.
- b. Final PUD.
1. Application. An application for final approval of a PUD district shall be on a form provided by the city and shall include all data and plans comprising a final PUD plan.
 2. Timeframe for submission. Application for a final PUD shall be submitted for approval within 180 days after city council approval of the preliminary PUD unless a written request for a time extension is submitted by the applicant and approved by the city council.
 3. The city council shall consider the final PUD plan. If the city council deems it necessary, it may set a public hearing for consideration of the final PUD plan. The city council may deny the final PUD plan or may approve the final PUD plan in whole or in part. A final PUD district shall be approved by ordinance.
 4. No development activity may occur on a site for which a PUD has been applied, until a final PUD district has been approved in whole or in part for that site.
- c. Preliminary and final PUD combined.
1. The application form for a final PUD shall be used.
 2. The application shall include all data and plans comprising both a preliminary PUD plan and final PUD plan.
 3. The approval procedure shall be the same as for a preliminary PUD, except that final approval shall be by ordinance.
- (5) Operating and maintenance requirements for common areas. If certain land areas or structures within the PUD are designated for recreational use, public plazas, open areas or service facilities, the owner of such land and buildings shall enter into an agreement with the city that ensures the continued operation and maintenance of such areas or facilities in a manner suitable to the city.
- (6) Zoning map. All approved PUD districts shall be designated on the city's zoning map as it is revised from time to time.
- (7) Building permit. No building permit shall be issued, or development shall occur on land for which a PUD district has been approved which does not conform to the approved final plan.

- (8) Amendments. Proposed development of land for which a PUD has been approved or modifications to existing projects which does not conform to the approved final plan shall be processed as either an administrative amendment or major amendment as determined by the zoning administrator.
 - a. The official exhibits affected by the approved amendment shall be amended and replaced in their entirety.
- (9) Final development plan governs use of land. The subject area shall be permanently governed by the conditions, provisions and restrictions of the approving ordinance and final development plan. The ordinance and plan, as amended from time to time, shall govern the use of the land.
- (e) Status of planned unit developments established prior to February 27, 2015. Planned unit developments approved prior to February 27, 2015 are either permitted, permitted with standards, conditional uses, or nonconforming uses under the provisions of this chapter. This section establishes the status of planned unit developments approved under the previous ordinance based upon the five categories described in this subsection and sets forth procedures for the termination, and in some cases conversion, of planned unit developments.
 - (1) Planned unit developments now permitted or permitted with standards. Planned unit developments issued for land uses which, under this chapter, are now permitted or permitted with standards in the zoning district in which the property is located are hereby continued in full force and effect. The owner of property subject to a continued planned unit development may request termination of the planned unit development by providing the city with a letter requesting termination. Upon receipt of a letter requesting termination, the city shall issue a written termination to the applicant which shall be recorded on the title to the property by the city. The owner of the property shall sign an assent form provided by the city wherein the owner agrees to indemnify and hold harmless the city for any actions or consequences arising from termination of the planned unit development. Upon termination of the planned unit development, the land use shall be governed by the regulations of this ordinance, and other applicable ordinances. Once a planned unit development is declared terminated, it may not be reinstated.
 - (2) Planned unit developments now conditional uses. Planned unit developments issued for land uses which, under this chapter, are now conditional uses in the zoning district in which the property is located are hereby continued in full force and effect. The holder of a continued planned unit developments may request the city to verify compliance of the property with the terms and conditions of the continued planned unit development. A holder of a planned unit development requesting such verification shall submit such plans and other documentation necessary to demonstrate to the zoning administrator that the property complies with the terms and conditions of the continued planned unit development. Upon a satisfactory demonstration of compliance with the conditions of the continued planned unit development, the zoning administrator shall issue a certificate of

zoning compliance stating that the property complies with the terms and conditions of the continued planned unit development. The certificate of zoning compliance shall be recorded on the title of the subject property by the city. The holder of a continued planned unit development may request the city to convert the planned unit development to a conditional use permit under the terms of this chapter, provided the property meets all conditions and requirements of this ordinance and other applicable city ordinances. The procedure for converting a continued planned unit development to a conditional use permit shall be the same as that procedure required for adoption of a conditional use permit as specified in section 36-452.

- (3) Planned unit developments now nonconforming uses. A land use which was permitted by planned unit development and which is now a nonconforming land use in the district in which it is located, may continue to operate as defined in the planned unit development. It cannot, however, be expanded or intensified unless rezoned into a new planned unit development zoning district or the use is otherwise altered to conform to current code.
- (f) General conditions for continued planned unit development. All land uses subject to a continued planned unit development are subject to the following general conditions:
 - (1) Any property covered by a continued planned unit development shall comply with all provisions of the planned unit development. If it is subsequently determined that a property is not in compliance with the provisions of the continued planned unit development, the holder of the continued planned unit development shall take whatever actions are necessary to bring the property into compliance with the conditions and provisions set forth in the planned unit development. Failure to bring the planned unit development into compliance within 12 months of written notification of noncompliance by the city shall be grounds for termination of the continued planned unit development. The procedure to be followed in terminating the planned unit development shall be that specified in subsection 36-455(m). Upon termination of the continued planned unit development, the use shall be subject to the provisions of article I, division 6 of this chapter pertaining to nonconformities and all other applicable provisions of this chapter, including the regulations for the district in which the use is located.
 - (2) If the property is damaged or destroyed and the cost to repair such damage or destruction exceeds 60% of the assessor's market value of the structure at the time of the damage, the property shall be brought into compliance with this chapter.
 - (3) Property covered by a continued planned unit development may be expanded, altered, or modified, subject to all of the following:
 - a. Any nonconformities existing on the site shall be brought into greater or complete compliance with other provisions of this chapter to the extent reasonable and possible, except that greater or complete compliance will not be required with the following provisions:
 1. Lot area.

2. Lot width.
3. Required yards.
4. Building height.
5. Density.

Sec. 36-454. Amendments to zoning ordinance and map.

- (a) Generally. The city council may, by an affirmative vote of a majority of all its members, adopt amendments to this chapter. Amendments which change all or part of the existing classification of a zoning district from residential to either commercial or industrial require a two thirds majority vote of all members of the city council.
 - (1) Initiation of proceedings. Proceedings for amendment of the ordinance from which this chapter is derived shall be initiated by:
 - a. A petition of the owners of the actual property, the zoning of which is proposed to be changed.
 - b. A recommendation of the planning commission.
 - c. Action of the city council.
 - d. A recommendation of the community development director.
 - (2) Reference to the planning commission. Except in the case of an initial recommendation by the planning commission, any proposed change shall be submitted to the planning commission and its recommendation shall be submitted to the city council before further proceedings are taken on any zoning request. The planning commission shall meet, consider the proposed change, and submit its recommendation to the city council within 60 days after submission of the matter to it. If no recommendation is given to the city council by the planning commission within 60 days after the request for a recommendation has been made to the planning commission, the city council may take action without a planning commission recommendation.
- (b) Additional requirements.
 - (1) Applications. All applications for changes in the boundaries of any zoning district initiated by the petition of the owners of the property shall be accompanied by a map or plat showing the land proposed to be changed and all lands within 350 feet of the boundaries of that land and the names and addresses of the owners of the lands shown on the records of the county auditor.
 - (2) Hearings. After an application is received for a change to the ordinance from which this chapter is derived, the city shall set a date for a public hearing. At the time set for the hearing, the planning commission shall hear arguments for and against the proposed change, and may continue the hearing from time to time not exceeding 45 days from the original date specified in the notice of hearing. If a hearing is continued more than once, another notice shall be given in accordance with subsection (b)(3) of this section.
 - (3) Notice. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the city at least 10 days prior to the day of the hearing.

When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least 10 days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use the records of the county auditor or any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the record of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subsection has been made. Proof of service shall be made by the affidavit of the persons serving same and shall be filed with the city clerk.

- a. The commissioner of the department of natural resources shall be notified at least 10 days in advance of the public hearing of any request to amend the boundaries of the FW, FF and FD districts.
 - b. FW, FF or FD boundaries shall not be amended unless the city provides adequate information to the commissioner of the department of natural resources that the map is in error or the lands are adequately protected from flood.
- (4) Fees for rezoning and amendments to the text. No application for change in the boundaries of any zoning district or for change in the text of the ordinance from which this chapter is derived shall be filed until the person making the request has paid to the city treasurer a fee, the amount which has been set by resolution of the city council. If the city planning commission initiates proceedings for rezoning and text amendments, the council may require that such payment be made by owners of property involved before making any change.
- (5) Planning commission recommendation. Any proposed change to the ordinance from which this chapter is derived shall be submitted to the planning commission. After holding a public hearing and deliberating on the request, the planning commission shall render a finding that all amendments to the zoning ordinance map and text are consistent with the comprehensive plan and shall submit its findings and recommendation to the city council within 45 days after submission of the matter to the city council. If no recommendation is given to the city council by the planning commission within 45 days after the request for a recommendation has been made to the planning commission, the city council may take action without a planning commission recommendation.
- (6) Time limit for action. The city council shall act on the proposed change within 45 days after reviewing a recommendation from the planning commission, or a period of 45 days has elapsed from the time the planning commission received the request, if no recommendation was made. This period may be extended if the applicant agrees to a time extension.

- (c) Special procedure for comprehensive rezoning. Whenever the planning commission, in its capacity or acting on referral from the city council, recommends a comprehensive rezoning of a substantial part of the city which consists of not less than 50 lots of platted area or five acres of unplatted area in order to conform to changing conditions, the city council may make all or a part of that recommendation effective by amendment to the ordinance from which this chapter is derived. In such a case, the provisions of section 36-454(b) shall not be applicable; but the procedure for such amendment shall be as follows:
- (1) Maps. A map shall be prepared and filed in the office of the city clerk, which shows all streets and lands in the area proposed to be rezoned in sufficient detail to permit each platted lot and each parcel of ground to be identified by the zoning ordinance classification assigned and all zoning regulations which will be applicable to them if the proposed amendment for rezoning is adopted.
 - (2) Notice. The city clerk shall publish notice in official newspaper of the city at least 10 days prior to the date of the hearing.
 - (3) Planning commission hearing. The planning commission shall meet and conduct a public hearing upon the proposed rezoning amendment at the time and place specified in the notice prior to making a recommendation for a comprehensive rezoning to the city council. The hearing may be adjourned from time to time by the planning commission, but it shall not be continued more than 60 days from the date of the original hearing.
 - (4) Adoption. The city council shall act upon the proposed rezoning not less than seven days or more than 60 days after it receives a recommendation from the planning commission. A two-thirds vote of all members of the council shall be required to adopt any amendment to the zoning ordinance. The city council may alter the amendment proposed, but if the alteration results in a modification of the zoning map filed at the time of the first publication of notice of the hearing, it shall not be made until 10 days after notice has been given by registered mail to the owner of the property to be zoned that an amendment is being considered and may be adopted which is different from that shown on the zoning map filed in support of the requested zoning change.
 - (5) Publication. If an ordinance is adopted which provided for comprehensive rezoning even though less than the entire city is affected, the city council shall require that new zoning maps be prepared showing the zoning district boundaries after adoption of the comprehensive amendment. Those maps shall be published as part of the publication of the ordinance amendment. The zoning ordinance need not describe the tracts of land included in each zoning district in any way other than by reference to the zoning maps required by this section.

DIVISION 3. ENFORCEMENT.

Sec. 36-455. Enforcement.

- (a) Compliance required. All persons, firms, corporations, and voluntary associations shall comply with the regulations and conditions contained in this chapter. Any person, firm,

corporation, or voluntary association who fails to comply with any of the provisions of this chapter, or violates any detailed statement, condition, or plan imposed in the manner permitted by this chapter, shall be guilty of a misdemeanor.

- (1) The city may enforce any provision of this chapter by issuing a citation, or by mandamus, injunction, or any other appropriate remedy in any court of competent jurisdiction and may require reimbursement of all legal fees required for the enforcement of any provision of this chapter from persons found guilty of a violation.
 - (2) The city, at its sole discretion, may enter into mediation regarding issues in the enforcement of this chapter, provided that mediation shall not be pursued where the issue involves a specific dimensional or performance requirement. Mediation may be pursued when the issue involves an interpretation of the application of chapter requirements. Mediation shall not be substituted for a variance proceeding and the city shall not agree to be bound by the mediation process when the result would be an action inconsistent with the intent of this chapter.
 - (3) Each day that a violation occurs shall be considered a separate violation.
- (b) Approved land uses. Land shall be used only for the purpose permitted in the district in which the land is located.
 - (c) Height limits. No building shall be erected, converted, enlarged, reconstructed, nor structurally altered to be higher than the height limit established for the district in which the building is located.
 - (d) Area regulations. No building shall be erected, converted, enlarged, reconstructed, nor structurally altered unless it conforms to the area regulations of the use district in which the building is located.
 - (e) A lot shall not be divided nor shall any structure be erected or altered that results in more impervious surface coverage than what is allowed by this chapter for the district in which the lot is located.
 - (f) Parking and loading facilities. No building shall be erected or structurally altered unless the site on which it is located provides the off-street parking and loading facilities required by this chapter.
 - (g) Encroachments. The yards, parking spaces and designed outdoor recreation area required by this chapter shall not be encroached upon or considered as part of the yard, parking space or designed outdoor recreation area required for any other building unless joint use of parking or a combination of yards or designed outdoor recreation area is specifically authorized by this chapter.
 - (h) Building and lot limitations.
 - (1) Every building erected or structurally altered after the effective date of the ordinance from which this chapter is derived shall be located on a lot as defined in section 36-485.
 - (2) In the N-1 and N-2 districts, there shall be no more than one principal building on one lot, except for courtyard cottage developments.

- (i) Short-term rental. No person shall offer for occupancy or enter into an agreement to allow a dwelling unit, or any other portion of their property, to be used as a short-term rental in a manner not otherwise permitted in the zoning district.
- (j) Abandonment, revocation and cancellation of permit or variance. If the zoning administrator determines that any holder of an existing planned unit development approved before February 27, 2015, a special permit, variance or conditional use permit has violated any of the conditions or requirements imposed as a condition to approval, or has violated any other applicable laws, ordinances, or enforceable regulation, the planned unit development, special permit, variance or conditional use permit granted by the city may be revoked and canceled by the following process:
 - (1) The zoning administrator shall notify the holder in writing of the violation. The notice shall be given in person or by United States Postal Service addressed to the address of the applicant stated on the original application. Notice shall also be served upon the occupant of the premises for which the planned unit development, special permit, conditional use permit or variance was issued or, if no occupant can be found, notice shall be posted in a conspicuous place upon such premises. Notice shall be effective on the date of mailing, personal service or posting.
 - (2) The notice shall state that after the expiration of 10 days from the date of the notice, the planned unit development, special permit, conditional use permit or variance is terminated without further action or proceeding.
- (k) New construction required within two years. All variances and conditional use permits shall be revoked and canceled after two years has elapsed from the date of the adoption of the resolution granting the variance or conditional use permit if a new structure or alteration or substantial repair of an existing building is required by the conditional use permit or variance and the holder has failed to complete the work within that year, unless a valid building permit authorizing such work has been issued and work is progressing in an orderly way.
- (l) Occurrence of certain events. If the holder of a conditional use permit or variance fails to make actual use of vacant lands or lands and structures which were existing when the permit or variance was issued and no new structure, alteration, or substantial repair to existing buildings was required; or if a new structure was required by the conditional use permit or variance and no building permit has been obtained, the conditional use permit or variance shall be revoked and canceled upon the occurrence of any of the following events:
 - (1) A change in the zoning use district for such lands is made by amendment to the ordinance from which this chapter is derived by the city council.
 - (2) Eminent domain proceedings have been initiated to take all or any part of the premises described in the conditional use permit or variance.
 - (3) The use described in the conditional use permit or variance becomes an illegal activity under the laws of the United States of America or this state.
 - (4) Title to all or part of land described in such conditional use permit or variance is forfeited to the state for nonpayment of taxes.

- (5) The person to whom the conditional use permit or variance was issued files a written statement in which that person states that the conditional use permit or variance has been abandoned. The statement shall describe the land involved or state the resolution number under which the conditional use permit or variance was granted.
- (6) The premises for which the conditional use permit or variance was issued are used by the person to whom the permit or variance was issued in a manner inconsistent with the provisions of such conditional use permit or variance.
- (7) The building or structure for which a variance or conditional use permit was granted is removed.
- (m) Abandonment if conditions not met or use discontinued.
 - (1) Any conditional use permit granted by the city is revoked and canceled if all conditions imposed in the conditional use permit are not satisfied within a time specified by the city council or if the approved use is discontinued for a period of more than two years.
 - (2) Any variance granted by the board of zoning appeals is revoked and canceled if all conditions imposed in the variance are not satisfied within the time specified by the board of zoning appeals or if the approved use is discontinued for a period of more than two years.
 - (3) If an extension is requested by the owner of the property on which a conditional use permit has been discontinued prior to the end of two years, the city council may consider or approve, by resolution, such requested extension if the city council finds the use to be acceptable and a satisfactory reason exists to grant an extension; however, such extension shall not be granted if it would allow the discontinued use to extend more than an additional three years beyond the original two years.
- (n) Plan change not required. In the event the city adopts an amendment to this chapter that results in a building, land use or conditional use permit becoming non-conforming prior to the commencement of construction of the building, then changes to the plan will not be required if construction begins within 90 days after the effective date of the ordinance amending this chapter. If, however, building construction is voluntarily discontinued by the permit holder for a period of 90 days, then any further construction shall conform to the provisions of the amendment.
- (o) Uses superseding ordinance. A use which violates the provisions of the ordinance which this chapter supersedes shall not be validated by the adoption of the ordinance from which this chapter is derived unless it is permitted by this chapter's provisions, nor shall this chapter extend any temporary use beyond the expiration date of a temporary permit granted prior to the effective date of the ordinance from which this chapter is derived.

Secs. 36-456 to 36-476 reserved.

ARTICLE X. DEFINITIONS AND LAND USE DESCRIPTIONS

DIVISION 1. LAND USE DESCRIPTIONS.

Sec. 36-477. Residential uses.

The following are typical of the residential uses referred to in this chapter.

Bed and breakfast establishment means a private, owner-occupied residence with guestrooms where temporary lodging facilities and some meals are provided to paying lodgers within single-family or two-family dwellings. The lodging is subordinate and incidental to the main residential use of the building. Indoor recreational facilities for the use of the residents and paying lodgers may be included.

Dwelling, existing single-unit detached means a fully detached unit located on an individual lot and intended for occupancy by a single-household that was in existence prior to August 3, 2026. This includes a manufactured home.

Dwelling, single-unit means a fully detached residence located on an individual lot and intended for occupancy by a single household. This includes a manufactured home.

Dwelling, two-unit (duplex) means attached residences designed for or occupied by two households living independently of one another, with both attached units located on one parcel.

Dwelling, attached two-unit (twinhome) means attached residences designed for or occupied by two households, where the attached units share at least one common wall, and each unit is on its own individual parcel.

Dwelling, detached courtyard cottages/bungalows means a cluster of multiple, individual detached dwelling units arranged around a shared courtyard or open space that is typically perpendicular to the street and where the shared courtyard takes the place of individual rear yards.

Dwelling, three unit means a single residential structure on a single lot which is designed with attached residences for the occupancy of three households living independently of one another; the attached units may share a common entrance or have individual entrances.

Dwelling, four unit means a single residential structure on a single lot which is designed with attached residences for the occupancy of four households living

independently of one another; the attached units may share a common entrance or have individual entrances.

Dwelling, townhouse means a single residential unit which is located within a larger residential structure containing multiple attached units and which is separated from the adjoining dwelling unit(s) by at least one common wall. Each dwelling unit may be located on its own individual lot or on a common lot containing all of the attached units. Each dwelling unit shall have separate and individual entrances. A small townhouse dwelling is in a structure with three or four units, while a large townhouse dwelling is in a building with between five and eight units.

Dwelling, apartment means a multiunit residential building that consists of side-by-side or stacked dwelling units on one lot and typically with a shared common entrance. A low-rise apartment has no more than three stories, a mid-rise apartment has between four and six stories, and a high-rise apartment has seven or more stories.

Dwelling, apartment mixed use means a mixed use building, primarily with non-residential uses on the ground floor and residential uses on upper floors. The residential uses consist of side-by-side or stacked dwelling units on one lot and typically with a shared common entrance. A low-rise building has no more than three stories, a mid-rise building has between four and six stories, and a high-rise building has seven or more stories. This description includes the term “mixed use apartment dwelling.”

Group home/non-statutory means occupancy of a residential structure by persons in need of specialized treatment or protection and resident staff who usually live together as a housekeeping unit for a limited period of time. This use may include outpatient group counseling, some supervision, forced detention, treatment for mental illness and drug addiction, protective shelter, half-way house, and release programs. The facility may be licensed by the state but is not mandated.

Hostel means a lodging facility operated under the auspices of a national or international hostel organization which has dormitory rooms available for rent by members. The facility has common cooking and eating facilities and may have common restroom facilities. The duration of stay is typically short and the facility has a resident manager.

Hotel/motel means facilities which provide overnight lodging in individual rooms or suites of rooms, each having a private bathroom, which are rented by day or week. These facilities may include in-room or in-suite kitchens and recreational facilities for use by lodgers. Restaurants, banquet rooms, arcades, fitness centers and other facilities available to non-lodgers are not considered accessory uses.

Live-work unit means a dwelling unit that includes a shop, office, studio, or other work space for the gainful employment of a resident of the dwelling unit.

Manufactured home park means a parcel of land under single control or ownership which has been developed for the placement of manufactured homes for residential use.

Nursing home means a licensed health care facility providing lodging and 24-hour care for medically or physically impaired persons usually on a long-term basis. Residents of the facility do not have private apartments or kitchens. This use includes a food service and may include supporting medical and retail services for the residents.

Roominghouse means a building where lodging is provided for between three and eight persons and is the primary residence of the owner. Lodging is available on an extended basis rather than daily or weekly. No provision for cooking is provided in any of the rooms occupied by lodgers.

Short-term rental means leasing a residential dwelling unit or accessory dwelling unit for a term of less than one month.

State-licensed residential facility means a state-licensed and state-mandated residential facility occupied by persons in need of specialized treatment or protection and resident staff who live together as a single housekeeping unit, usually for a limited period of time. The use includes outpatient group counseling, some supervision and treatment programs. The maximum number of clients served is specified by state law which may be amended from time to time. Persons served may include persons with an intellectual disability and/or those that are severely physically handicapped.

Sec. 36-478. Public, social, and institutional uses.

The following are typical of the institutional uses referred to in this chapter.

Business/trade school/college means a training establishment or institution serving adults and sometimes high school age persons which provides training and/or education toward a skill, license or degree.

Community center means a place, structure, area or other facility which is open to the public and designed to accommodate and serve significant segments of the community and which is used for educational, religious, fraternal, social and recreational programs. This use may include accessory food service and accessory retail shops.

Educational facility means neighborhood, community, district or regional based education services normally provided to children through young adult age. The use may include evening or off-hour services to adults in the community. This use may be public or private, and generally includes an accessory food service and some retail facilities to serve students and faculty.

Hospital means a facility which provides health services primarily for human inpatient medical or surgical care, including related facilities, such as laboratories, outpatient departments, training facilities, central service facilities and staff offices. Characteristics include large institutionally designed buildings, large volumes of traffic, large parking lots or ramps, 24-hour activity, service vehicles, large quantities of waste, and emergency vehicles.

Indoor entertainment means entertainment services provided entirely within an enclosed building. It includes libraries, museums, art galleries, theaters, health or fitness centers, bowling alleys, arcades, roller rinks, and pool halls. Characteristics may include late operating hours, outdoor lighting, noise, and traffic.

Library means a facility where collections of books and other materials are housed in a building which is open to the public during regularly scheduled hours which may include weekend days and evenings. Books and other materials may be available for loan. Characteristics may include high parking demand and high traffic generation.

Medical/dental office means a facility which provides direct delivery of health-related examination and services or treatment to customers on an appointment or walk-in basis; and includes counseling, consultation, chiropractic, and podiatry. The use may include a supporting retail component for medicine, health-related food, or other product.

Municipal, county, state, or federal administrative or service facility means a room, group of rooms, or portion of a building that is used for conducting government affairs including post office, police, and fire stations. It may include various services and programs conducted by the city.

Place of assembly means facilities designed to accommodate large groups of people having shared goals, desires or interests that are not customarily business related. Characteristics may include large group meetings or activities with peak parking demands and noise. This use may include the sale of food and beverages, but if the floor area devoted to food or beverage sales exceeds 50% of the total gross floor area of the facility, then the facility will be classified as a restaurant.

Police/fire station means facilities designed to serve the public health and safety. They may include an office component, the storage of fire trucks, police cars and equipment, and the boarding of personnel within an enclosed building. It may also include various services and programs conducted by the city. Characteristics may include sporadic periods of loud noise, sirens, and activity.

Religious institution means a facility where people gather to relate or manifest faithful devotion to an acknowledged ultimate reality or deity. This use is characterized by meeting rooms, education and training about the religion, worship practice, indoor activities, intermittent parking needs, group singing or chanting, and music. The assembly typically meets on weekends or evenings. Accessory uses which may accompany the principal use include day care, park and ride, and dwelling units for clergy, employees, or persons similarly associated with the religious institution.

Sec. 36-479. Commercial uses.

The following are typical of the institutional uses referred to in this chapter.

Adult day care means a nonresidential facility that provides care to functionally impaired adults on a regular basis for periods of less than 24 hours in a structure which is not the residence of the person being served or the facility operator. Some characteristics of this use are similar to family day care and nursing homes. This use is appropriate in commercial areas provided there is accessibility to outdoor areas for sitting and exercise. Persons being served are most like nursing home residents.

Animal handling means the sale, boarding, treatment and care of privately-owned small animal pets which may include dogs, cats, other mammals, fish and reptiles but excludes large animals such as horses, farm animals or animals raised for slaughter. Characteristics may include special refuse, storage, noise, odor and other nuisance characteristics.

Animal handling, limited means any animal handling use such as veterinary clinics, pet stores, and pet grooming that do not include boarding, daycare, or outdoor off leash recreation space for animals. The use may require an animal to be kept overnight on-site for treatment but does not include boarding or animal daycares.

Appliance, small engine and bicycle repair means maintenance and repair of appliances, small engines, bicycles and similar items. Characteristics include some outdoor activity and noise.

Autobody/painting means a facility for painting, straightening, replacing and repairing

the frame and body parts of motor vehicles usually damaged as result of an accident. It includes the outdoor storage of damaged and dismantled vehicles and may generate odor and noise. This use excludes junkyards and automobile wrecking yards.

Bank means a facility for the deposit, management and lending of money, frequently with accessory drive-up facility. This use includes banks and savings and loans but not insurance companies and stock brokerage firms. Characteristics may include high peak hour traffic on certain days.

Cannabis retailer means a retailer that can purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products and other products allowed by the State of Minnesota from other cannabis businesses and sell or otherwise convey them to customers.

Car wash means a facility designed to wash automobiles and light trucks with little or no human intervention. The facility utilizes automated equipment and wash cycles are relatively short. These facilities are typically accessory to other automotive related land uses and may sporadically cause congestion on its site.

Catering means an operation where food is either fully or partially prepared on site and delivered to the customer off site for final preparation and consumption. Characteristics include truck traffic, refuse storage issues, limited on-site public contact, and possible odors from materials and processing.

Coffee shop means an establishment that primarily sells coffee and coffee-related accessories. They may also sell other refreshment items such as donuts, bagels, muffins, cakes, sandwiches, wraps, salads, and other hot and cold beverages. Limited indoor seating is generally provided for patrons, but table service is not provided.

Dry cleaning or laundering facility means a facility where clothing, diapers, or other fabrics are cleaned by dry cleaning or laundering processes. Materials to be cleaned may be brought to the site either by pickup and delivery trucks operated as part of the business or by customers who drop off and pick up their own materials to be cleaned. The use may include the storage of delivery vehicles on the site.

Food service means the on-site sale of food and beverages which are prepared and served in individual portions in a ready-to-consume state for consumption either on-site or off-site, including seating for not more than 10 persons. Characteristics may include truck and vehicle traffic, cooking odors and refuse. As an accessory use, this use is often found in conjunction with motor fuel stations and grocery stores.

Funeral home means a facility where funeral services are held and where embalming and other processes occur in preparation of the dead for burial. It may include the storage of caskets, funeral urns and other related funeral supplies, and it usually provides vehicles to transport the dead to the place of burial. This use does not include a crematorium.

Grocery store means a retail sales and services establishment where a majority of the sales area is dedicated to the sale of food products such as staple foods and accessory food items.

Group day care/nursery school means a nonresidential facility where childcare, protection and supervision services are provided for a fee on a regular basis for periods of less than 24 hours.

Liquor store means a facility principally for the retail sale of pre-packaged alcoholic beverages for off-premises consumption.

Lower-potency hemp edible retailer means a retailer that sells lower-potency hemp edibles to consumers.

Medical and dental laboratories mean facilities in which individually produced and made-to-order medical and dental prosthetics are crafted for the specific needs of specific individuals. Characteristics may include hours of operation of 7:00 a.m. to 6:00 p.m., daily deliveries to and from the facilities by car, van or light truck, minimal heavy truck traffic, no use of outside storage and occasional visitation of facilities by customers needing specialized attention as to the make-up and fit of their specific prosthesis.

Motor fuel station means a facility which supplies and dispenses at retail motor fuels, including electrical charging, directly into a motor vehicle; it also includes the sale of lubricants, batteries, tires and motor vehicle accessories. Motor fuels may be self-serve or dispensed by an attendant. Light maintenance activities to vehicles including engine tune-ups, lubrication, repairs, and carburetor cleaning may also be conducted. Motor fuel stations may also include facilities for the retail electric charging of vehicles. Characteristics include outdoor activity, high traffic generation and extended hours of operation. This use excludes heavy automobile repair including, but not limited to, engine overhauls, automobile painting, and bodywork.

Motor vehicle sales means display, sale, and rental of automobiles, trucks and recreational vehicles from an indoor showroom facility and may include an outdoor sales lot; motor vehicle and repair and autobody/painting often occur in conjunction with this use. Characteristics may include outdoor activity, banners and lights for promotion and

advertising, outdoor sound systems, truck deliveries, night and weekend operating hours, and test driving on nearby streets.

Motor vehicles service and repair means repair, lubrication, washing, detailing, equipment installation, engine overhauls, and other similar uses involving automobiles, trucks and recreational vehicles. Characteristics may include the storage of vehicles, truck traffic, night and weekend operating hours; motor fuel stations and autobody/painting are excluded.

Office means a facility in which the handling of information or the performance of administrative services is conducted. It includes services provided to persons both on-site and off-site on a walk in or appointment basis such as counseling or indirect or nonpersonal service such as real estate, travel agencies, financial agencies, insurance offices and professional offices. This description excludes hospitals or other medical facilities; except it may include up to a maximum of 10% of the gross floor area in medical or dental offices. Characteristics include high peak period traffic generation and 8:00 a.m. to 5:00 p.m. hours of operation.

Parcel delivery service/post office means a facility for the transshipment of letters and packages generally less than 100 pounds in weight. Customers may purchase stamps, money orders, insurance, and other mail services. Hours of operation are similar to those of offices but may include Saturdays. Characteristics include high volumes of truck and automobile traffic, and vehicles stored on premises overnight.

Pawnshop means a facility where money is loaned based on the value of goods deposited at the facility by the borrower of the money, which goods are held by the lender of the money occupying the facility as collateral for the loan. Items held by the lender which are not redeemed by a borrower may be put up for sale at the facility to the general public. The term pawnshop includes a facility where all or any part of the pawnshop activities are conducted.

Payday loan agency means any business that has as its primary activity the providing of short-term loans for the borrower's own personal, family, or household purpose which are usually for a period of 45 days or less. Payday loan agencies do not include banks.

Research and development mean a facility for basic and applied research or product development. It may include the testing of agricultural, biological, chemical, magnetic, mechanical, optical or other components in advance of product manufacturing. The work completed may result in the creation of new goods or new intellectual property. Research and development do not result in noxious or offensive odors, sounds, vibrations, emissions, or any external nuisances upon adjacent properties. This use does

not involve the fabrication, mass manufacture, or processing of products. This use may include medical, optical, or dental laboratories.

Restaurant means an establishment whose principal business is the sale of food and beverages which are prepared and served in individual portions in a ready-to-consume state for consumption on site. This use is often found in conjunction with bars, hotels, and food service. It is preferably located on major thoroughfares with no access to residential streets. Characteristics include late hours of operation, refuse, high car and truck traffic generation, and cooking odors. Outdoor seating is considered an accessory use. A food service or deli is not considered to be a restaurant if seating is provided for 10 or fewer persons. Restaurant uses are divided into the following subcategories:

- (1) **Restaurant, sit-down:** Sit-down eating establishments that may allow or require reservations. Patrons commonly wait to be seated, are served by wait staff, order from a menu, and pay after the meal. Lounge or bar facilities may be accessory uses. Sale of lower potency hemp edibles and cannabis edibles for consumption on-site, with the appropriate licenses or registrations, may be an accessory use.
- (2) **Restaurant, fast-food with or without drive-through window:** This restaurant type features large carry-out clientele, long hours of service, and high turnover rate for dine-in customers (around 30 minutes). There is no or limited table service, and customers typically order from a menu board and pay before receiving the meal. Sale of lower potency hemp edibles and cannabis edibles for consumption on-site, with the appropriate licenses or registrations, may be an accessory use.

Retail means a facility where merchandise or equipment is displayed and rented or sold and where delivery of merchandise or equipment to the ultimate consumer is made. This use includes limited production, repair or processing as an accessory use. Hours of operation generally begin after the a.m. peak traffic period and extend to time ranges from 5:00 p.m. to 10:00 p.m.; although some convenience stores and grocery stores are open 24 hours per day. Characteristics generally include high parking demand and high off-peak traffic generation; generally prefers high visibility and access to major thoroughfares. This use includes but is not limited to camera shops, clothing stores, department stores, grocery stores, discount stores, jewelry stores, delicatessens, retail bakeries, parcel drop-off locations, toy stores and large item retail; but excludes restaurants, bars, pawn shops, motor vehicle sales, motor fuel stations, cannabis retailers and lower-potency hemp edible retailers.

- (1) **Retail, large item** means a facility where large item merchandise or equipment is displayed and rented or sold and where delivery of merchandise or equipment to the ultimate customer is made. Characteristics generally include hours of operation between 9:00 a.m. and 9:00 p.m. weekdays and weekends. The parking demand per square foot of building area is normally less than the demand for general retail. This use includes but is not limited to, furniture stores, carpet stores, large appliance stores; but excludes motor vehicle sales and pawnshops.

Service means on-site service provided directly to an individual. This use includes barbershops, beauty shops, therapeutic massage, nail salon, laundromats, shoe repair shops, and dry cleaners where articles to be cleaned are picked up and delivered by the patron. This use excludes pawnshops.

Self-storage facility means any real property designed and used for the purpose of renting or leasing individual storage space to individuals, organizations, or businesses who are to have access to such facility for the purpose of storing and removing personal property; a self-storage facility is not a warehouse/storage facility.

Sexually oriented business means any limited impact sexually oriented business or any high impact sexually oriented business.

- (1) **Limited impact sexually-oriented business** means a business where sexually-oriented materials are sold, bartered, distributed, leased, furnished, or otherwise provided, and which meets the following restrictions:
 - a. All sexually oriented materials must be provided for use or entertainment off the business premises only.
 - b. All sexually oriented materials must be provided from a separate area to which persons under the age of 18 years are prohibited access.
 - c. The separate area may not exceed a maximum of 20% of the retail floor area of the establishment, or 300 square feet, whichever is less.
 - d. No person outside the separate area shall be able to perceive or observe any sexually oriented materials at any time, including when someone is entering or exiting the separate area, shopping, or purchasing sexually oriented materials.
 - e. A sign must be displayed on the entrance to the separate area, which shall read: "No person under the age of 18 years is allowed in this area." The sign letter shall be a minimum of two inches high; and
 - f. The entry into the separate area shall be visible to an employee of the business at all times.
- (2) **High impact sexually oriented business** means any business with materials or entertainment which are principally related to sexual stimulation or gratification other than a limited impact sexually oriented business. Examples of a high impact sexually oriented business include the following:
 - a. A business where sexually oriented materials are sold, bartered, distributed, leased, furnished, exhibited, or otherwise provided for use or entertainment on the business premises.
 - b. A business where specified sexual activities (as defined herein) are explicitly verbally described or shown.
 - c. A business where specified anatomical areas (as defined herein) are explicitly verbally described or shown.

- d. A business providing sexually oriented materials for off-site use or entertainment, which has a separate area but does not meet the size or other restrictions to qualify as a limited impact sexually oriented business; and
 - e. A business providing sexually oriented materials for off-site use or entertainment, where the sexually oriented materials are dispersed within the business rather than isolated in a separate area.
- (3) **Definitions.** For the purpose of this subsection, the following definitions shall apply:
- a. **Sexually oriented materials** means visual, printed, or aural materials, and other objects or devices, which:
 - 1. Contain, depict, or describe specified sexual activities or specified anatomical areas; and
 - 2. Are marketed for use in conjunction with, or are primarily used only with or during, the specified sexual activities described in provision (3)c.1.-5. of this section, or as part of the binding, fettering, or other physical restraint described in provision (3)c.6. below.
 - b. **Specified anatomical areas** means:
 - 1. Less than completely and opaquely covered human genitals, pubic area, buttock, anus, or female breast below a point immediately above the top of the areola; and
 - 2. Human male genitals in a state of sexual arousal, whether or not completely and opaquely covered.
 - c. **Specified sexual activities** means:
 - 1. Actual or simulated sexual intercourse of any kind involving two humans, or one human and an animal or object.
 - 2. Actual or simulated masturbation.
 - 3. Actual or simulated sadism or masochism.
 - 4. Actual or simulated sexual stimulation of any kind.
 - 5. Situations involving a person who is nude, clad in undergarments, or in a revealing costume, and who is engaged in activities involving binding, fettering, or other physical restraint of that or another person; and
 - 6. Sexually oriented touching of an animal by a human.
- (4) **Sexually oriented businesses.** Sexually oriented businesses exclude the following:
- a. Any material with significant literary content or social commentary.
 - b. A business where sexually oriented materials are sold, bartered, distributed, leased, furnished, or otherwise provided for off-site use or entertainment, if: the material harmful to minors on each item is blocked from view by an opaque cover as required under state statutes section 617.293, and each item is behind the counter and accessible only by an employee of the business.
 - c. Displays of sexually oriented materials may occur up to six times per year without rendering a business a high impact sexually oriented business, if the

displays are limited to an area which has been leased to a person or business for their exclusive occupancy for a private party, and the only people in attendance have received advance invitation from that person or company.

- d. Any person or organization exempted under state statutes section 617.295.
- e. Any activity regulated under state statutes section 617.251.
- f. Any business may display works of art showing specified anatomical areas, so long as no sexually oriented materials are for sale, and the business does not have a liquor license.
- g. Movies rated G, PG, PG-13, or R.

Shopping center, community means a cluster of commercial uses planned, owned, and managed as a unit that has common vehicular site access and parking facilities. A community shopping center generally contains one or more anchor stores along with other stores, personal services, and restaurants that draw customers from a city- or regional-market area. Community shopping centers may include more than one building and more than one contiguous property and owner if approved under a single conditional use permit or planned unit development. A community shopping center may include vendor markets.

Shopping center, neighborhood means a smaller cluster of commercial uses planned, owned, and managed as a unit that has common vehicular site access and parking facilities as well as a pedestrian-friendly physical design. A neighborhood shopping center generally contains stores, personal services, and restaurants that serve the day-to-day needs of customers in the adjacent neighborhoods and may include a grocery store. Neighborhood shopping centers may include more than one building and more than one contiguous property and owner if approved under a single conditional use permit or planned unit development.

Showroom means the display only of samples of merchandise and equipment where a sales agreement with a consumer is conducted and delivery of purchased merchandise is made from a warehouse that is not accessible to the consumer. Merchandise or equipment which is displayed is typically large bulky items and includes, but is not limited to, furniture, appliances, plumbing fixtures, lighting, and carpeting.

Studio means a facility where the practice or study of the visual and audio arts or health and physical fitness occurs. This use may include painting, sculpturing, photography, recording, radio and television studios. This use also includes dance studios and studios for martial arts and group fitness classes. This use does not include large industrial photography or printing processes.

Vendor market means an area, open, partially enclosed, or indoor, at which vendors gather or where an operator leases spaces/stalls for the sales of items including personal property, foods products, or plants and flowers.

Sec. 36-480. Recreation uses.

The following are typical of the recreation uses referred to in this chapter.

Commercial entertainment (outdoor) means outdoor facilities operated as a business and which are open to the public for a fee that shall include, but are not limited to, golf courses, outdoor swimming pools, amusement parks, and other similar businesses. Such facility may also provide a snack bar, restaurant, retail sales of related items, and other support facilities.

Country club means a golf course and associated clubhouse which may contain locker and shower rooms, dining and bar facilities, meeting rooms and other spaces for large social functions. Country clubs are typically open only to members.

Golf course means a facility for playing golf outdoors which consists of golf holes, clubhouse facilities which may contain lockers, shower rooms and incidental sale of golf related items, and off-street parking facilities.

Parks/open space means passive recreation including hiking trails, natural areas, wildlife areas, arboretums, open grass areas and tot lots. This includes accessory buildings that are related to the park and open space use. It also includes various services and programs conducted by the city.

Parks/recreation means areas for active outdoor recreation activities such as baseball diamonds, tennis courts, basketball courts, playfields, playgrounds, outdoor swimming pools, fitness courses and driving ranges. This includes accessory buildings that are related to the park and recreation use. It also includes various services and programs conducted by the city.

Sec. 36-481. Industrial uses.

The following are typical of the industrial uses referred to in this chapter.

Anaerobic digester means an enclosed system in which controlled anaerobic digestion occurs, converting organic material into end-products such as biogas, fertilizer, water, or other solids. Characteristics may include truck traffic, odor or noises.

Cannabis operation means a facility where cannabis is grown, processed or manufactured into various products such as edibles, concentrates, wax, oils, and tinctures.

Composting operation means the collection, storage, processing, disposal, and distribution of vegetation. Recycling of nonorganic materials is excluded.

Hemp processor means a facility that converts raw hemp into a product for commercial purposes. Hemp plants or hemp plant parts are refined from their natural or original state after harvest by refinement such as, but not limited to, decortication, devitalization, extraction, crushing, or packaging.

Manufacturing/processing means a facility for the production of a physical commodity or changing the form of a raw ingredient. It may include administrative offices, warehousing, and limited distribution and sale of a commodity. Concrete plants, junkyards, slaughterhouses, rendering plants, salvage yards, and auto reduction plants are excluded.

- (1) **Manufacturing/processing, light** means any operation which assembles, improves, treats, processes, compounds and/or packages goods or materials in a manner which does not create a noticeable amount of noise, dust, odor, smoke, glare or vibration outside of the building in which the activity takes place. This use may include small offices, warehousing or distribution. This use does not include outdoor storage or overnight outdoor storage of commercial vehicles. This use includes lower-potency hemp edible manufacturers.

Microbrewery means a facility that produces not more than 3,500 barrels of malt liquor in a calendar year as regulated by state statutes, as may be amended, and may or may not include a brewer taproom.

Microdistillery means a distillery producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year.

Outdoor storage means the receiving, keeping and/or shipping of goods and materials outside of an enclosed building where outdoor activity includes only the unloading, loading, and keeping of materials. This use may include storage yards for fleet vehicles, contractors, equipment, lumber, landscaping materials, construction materials and shipping materials. Storage of unlicensed or inoperable vehicles or other materials typically associated with a junkyard, salvage yard or auto reduction plant are excluded.

Printing facility means a facility in which retail-oriented graphic and photographic reproductive services are conducted. This does not include industrial operations where printing is of a commercial nature.

Printing facility, industrial means a commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

Recycling operation means a facility located within an enclosed building for the collection, sorting, temporary storage, and shipment of recoverable resources including, but not limited to, newspapers, cardboard, glassware, metal cans and plastic.

Warehouse/storage means a facility for receiving, holding, shipping and occasional packaging of commodities. With the exception of loading and unloading of commodities, and parking and storage of trailers, all functions shall be within an enclosed building. Characteristics may include high truck traffic generation and low parking demand. This use may include, but is not limited to, conventional warehouse facilities, mini warehouse, and joint warehouse and storage facilities.

Sec. 36-482. Transportation and utility uses.

Communication tower means a free-standing structure the primary purpose of which is to support one or more antennae and includes accessory uses directly related to the tower, such as utility buildings. Communication tower includes wireless support structure.

Freight terminal means short term storage and transshipment of materials and the outdoor storage of trucks and related equipment. Characteristics include high volumes of large truck traffic.

Parking ramp means a structure built for the storage of licensed, operable motor vehicles for periods of less than 24 hours. Characteristics may include noise, exhaust fume odor, heavy traffic and large structure mass and footprint.

Public service structure means facilities which include water towers, utility and public service-related distribution facilities, and wastewater and storm drainage structures, but exclude utility substations.

Transit station means on-site loading, unloading and transferring of passengers on, off or between public transportation ground vehicles. Parking lots and parking ramps frequently are located in conjunction with the station.

Utility substation means a structure of electrical components to transform high voltage electricity into lesser voltages to make it suitable for distribution to end users. The use

consists of a large structure and numerous power lines which are difficult to screen and are classified as land use intensity 10. This use has minimal outdoor activity and traffic generation.

Wireless telecommunication facility. Equipment used to provide wireless telecommunication or data services, including all antennas, radios, support devices, equipment including ground equipment, associated cables, and attachments.

- (1) **Micro wireless facility** means a small wireless facility that is no larger than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11 inches.
- (2) **Small wireless facility.** A wireless facility that meets both of the following qualifications:
 - a. Each antenna is located inside an enclosure of no more than six cubic feet in volume, or in the case of an antenna that has exposed elements, the antenna and all its exposed elements could fit within an enclosure of no more than six cubic feet; and
 - b. All other wireless equipment associated with the small wireless facility, excluding electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfers switches, cutoff switches, cable, conduit, vertical cable runs for connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment, is in aggregate no more than 28 cubic feet in volume; or
 1. A micro wireless facility
- (3) **Wireless facility.** Equipment at a fixed location that enables the provision of wireless services between user and equipment and a wireless service network, including: (1) equipment associated with wireless service; (2) a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and (3) a small wireless facility. Wireless facility does not include: (1) wireless support structures, (2) wireline backhaul facilities, or (3) coaxial or fiber-optic cables between utility poles or wireless support structures, or that are not otherwise immediately adjacent to or directly associated with a specific antenna.
- (4) **Wireless service.** Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi whether at a fixed location or by means of a mobile device that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including a cable service under United States Code, title 47, section 522 clause (6).
- (5) **Wireless support structure.** A new or existing structure designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

Sec. 36-483. Accessory uses.

The following are typical of the accessory uses referred to in this chapter.

Accessory dwelling unit means a dwelling unit complying with the state building code, which is located within a principal single-unit dwelling or in an accessory building to a single-unit dwelling. The types of accessory dwelling units include the following:

- (1) An attached accessory dwelling unit is located within a principal dwelling.
- (2) A detached accessory dwelling unit is located as a freestanding building on the same lot as the principal dwelling.

Bar means a facility where the primary use is the sale of alcoholic beverages for consumption on the premises.

Communication antenna means any free-standing structure or device attached to a building, pole, tower, utility structure, or similar structure used for the purpose of collecting or transmitting electromagnetic waves through the air, including but not limited to small wireless facilities, wireless facilities, wireless telecommunication facilities, directional antennas, such as panels, microwaves dishes, and satellite dishes, and omni-directional antennas, such as whip antennas, except for building-mounted antennas for private use on the premises where it is located, such as amateur radio antennas, and antennas receiving television or radio signals.

Community garden means a piece of land gardenized or cultivated by a group of people individually or collectively.

Family day care means a facility that provides care, protection, and supervision of children in a private residence for periods of less than 24 hours for a fee. The size of the outdoor play area, the maximum number of children who may be served, and the number and qualifications of required outside teachers or helpers are set forth in state law which may be amended from time to time. This use may be licensed by other agencies.

Gardening and other horticultural uses means the use of land for the growing or production of fruits, vegetables or flowers for personal use.

Helistop means a facility for the landing and taking off of helicopters used for transportation purposes but with no facilities for the service of helicopters.

Home occupation means an occupation, profession, or activity conducted in a dwelling unit, which is clearly an incidental and subordinate use to the residential use and which

does not alter the exterior of the property or affect the residential character of the neighborhood.

In-vehicle sale or service means sales or service to persons in vehicles. It may include drive-in, drive-up, drive-through facilities, and car washes. It does not include motor fuel stations, curbside pick-up or automated tell machines (ATMs).

Mikvah pool means a ceremonial pool that is constructed to meet certain traditional requirements to serve primarily Jewish women.

Off-street parking area means private off-street parking spaces that are not accessible to the public.

Outdoor seating and service of food and beverages means a specific area for dining which is accessory to a principal restaurant or food service establishment use.

Parks service facility means public service facilities in open space or small structures operated by the parks department, that host recreation activities including grilling areas. It also includes various service and programs conducted by the city.

Public transit stop/shelter means a small, roofed structure located near a street and designed primarily for the protection and convenience of public transit passengers.

Solar energy system. A device or structural design feature intended to provide for collection, storage, and distribution of solar energy for heating or cooling, electricity generating, or water heating.

- (1) **Solar energy system - building-integrated** means a solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to active photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights, and awnings, or passive systems that are designed to capture direct solar heat.
- (2) **Solar energy system - building-mounted** means a solar energy system affixed to a principal or accessory building.
- (3) **Solar energy system – freestanding** means a solar energy system with a supporting framework that is placed on or anchored in the ground and that is independent of any building or other structure. Garages, carports, or similar structures that incorporate building-integrated or building-mounted solar energy systems shall not be classified as freestanding solar energy systems and shall instead be subject to regulations governing accessory structures.

- (4) **Solar collector surface** means any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.
- (5) **Solar energy** is radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Student housing means specialized residential accommodations designed for students, typically in close proximity to the school.

Wind energy conversion system (WECS) means all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, tower, electrical components, foundation, transformer, and electrical cabling from the tower to building or substation(s) and their support facilities.

- (1) **Wind energy conversion system, building mounted** means a wind energy conversion system that is attached to a building for structural support.
- (2) **Wind energy conversion system height** means the distance measured from the lowest exterior grade at the base of the WECS to the highest point of any component of a WECS.
- (3) **Wind energy conversion system tower** means a support structure to which the nacelle and rotor are attached.

Sec. 36-484. Temporary uses.

The following are typical of the temporary uses referred to in this chapter.

Agricultural commodities sales means the temporary display and sale of Christmas trees and other greens which are associated with Christmas, flowers and produce.

Building construction structure means a structure used by a contractor or leasing agent as an office or for storage purposes for a construction project for which a building permit has been secured and is in effect. This use includes construction trailers, sales and leasing.

Carnival and festivals mean carnivals, festivals, community art fairs, and other activities that include uses such as entertainment, amusement rides, and/or the sale of food and merchandise. This use shall not include sales or promotional events offered by businesses with the intent of selling product or services identical or similar to those typically sold or conducted on the lot.

Garage sale means the temporary sale of home-crafted items and used household goods by the owner, resident and/or neighbors of a property. Garage sales include estate, rummage, basement, yard, porch or similar sales conducted at a residentially zoned and/or used property.

Mobile use means a commercial activity conducted as a temporary use within a vehicle.

Mobile use, food means a vehicle or cart used to sell food and/or beverages to the consumer. It may or may not involve preparation of the food or beverage inside the vehicle.

Mobile use, medical means a vehicle used for the following: blood mobiles, immunization, medical evaluation, imaging, diagnostic or testing procedure. Mobile use, medical also includes pet care when limited to immunizations and exams. Mobile use, medical does not include massage or any type of treatment or surgery.

On-site equipment storage means any structure or outdoor storage area designed for the on-site storage of construction equipment and materials for an active construction project.

Outdoor sales, temporary, means the display and sale of merchandise other than agricultural commodities outside of an enclosed building where it is offered in conjunction with an established use that legally sells the same or similar merchandise within a building on the same site.

Pollution abatement equipment means equipment and structures that are erected or installed on a property for the purpose of eliminating or abating ground or water pollution.

Temporary structure means a building other than a construction structure used for a period not exceeding six months.

DIVISION 2. GENERAL DEFINITIONS.

Sec. 36-485. General definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandonment means to cease or discontinue a use or activity for any reason but excluding temporary interruptions to the use during periods of building or remodeling where a valid building permit has been issued or during periods of routine seasonal closure.

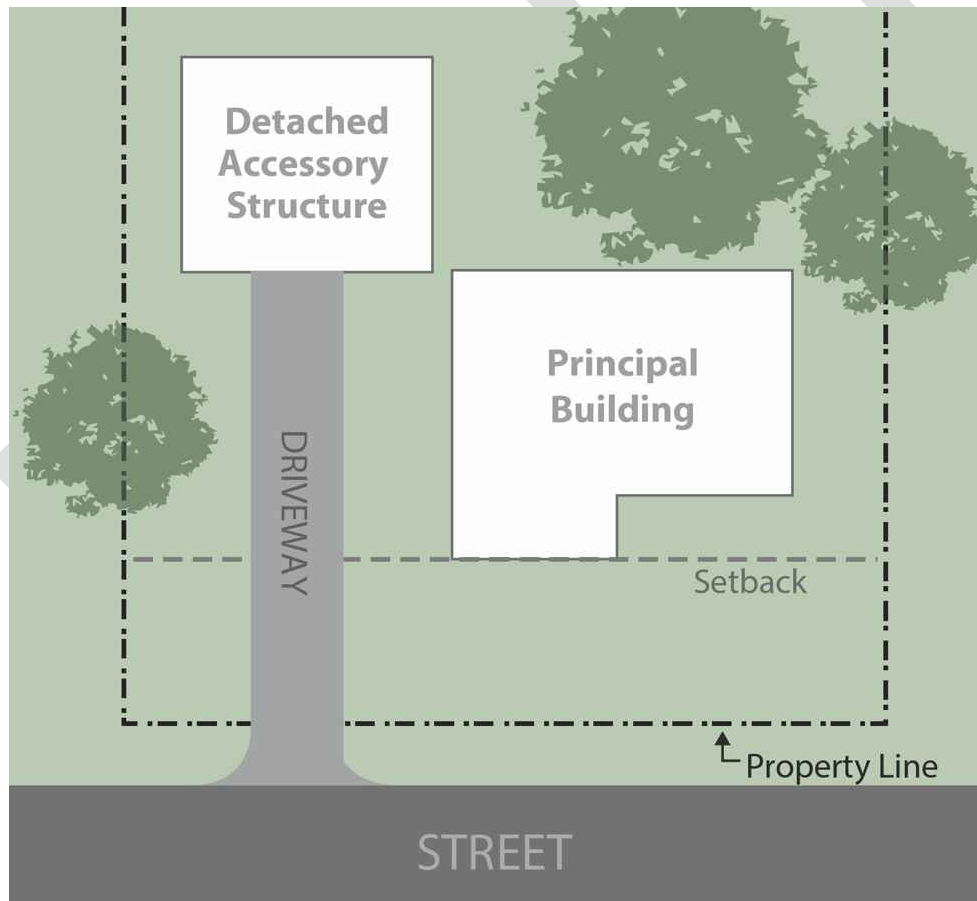
Abutting means having a common border or boundary with or being separated from such a common border by an alley. This term is used interchangeably with adjacent and adjoining.

Access aisle and aisle mean the traveled way by which vehicles enter and depart parking spaces.

Accessory use means a use subordinate to the principal use on the same land and customarily incidental thereto.

Accessory building means a detached building subordinate to the principal building, the use of which is incidental to that of the principal building or to the use of the premises. Examples include, but are not limited to, detached garages, storage sheds and gazebos.

Figure 36-485(a). Detached accessory structure.



Accessory structure means a structure subordinate to the principal building, the use of which is incidental to that of the principal building or to the principal use of the premises. Examples include, but are not limited to, decks, fencing, cisterns or rainwater

collection systems, grills or ovens, play equipment, and landscape features such as a pergola.

Adjacent means having a common border or boundary with or being separated from such a common border by an alley. This term is used interchangeably with abutting and adjoining.

Adjoining means having a common border or boundary with or being separated from such a common border by an alley. This term is used interchangeably with abutting and adjacent.

Alley means a public right of way, with a width not exceeding 24 feet nor less than 12 feet which affords a secondary means of access to property abutting the alley.

Alteration means any change, addition, or modification in construction or occupancy of an existing structure or modification to the surface of the ground.

Awning means a structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted against the building.

Basement means that portion of the building having more than half the ground floor-to-ceiling height below the average grade of the adjoining ground.

Berm means a land alteration where fill is added to the surface of the ground in order to create an earthen mound or hill generally used in conjunction with walls, fences or plant materials to screen one parcel of land from another or from a street.

Figure 36-485(b). Berm.



Block front means the distance between intersections along one side of a street.

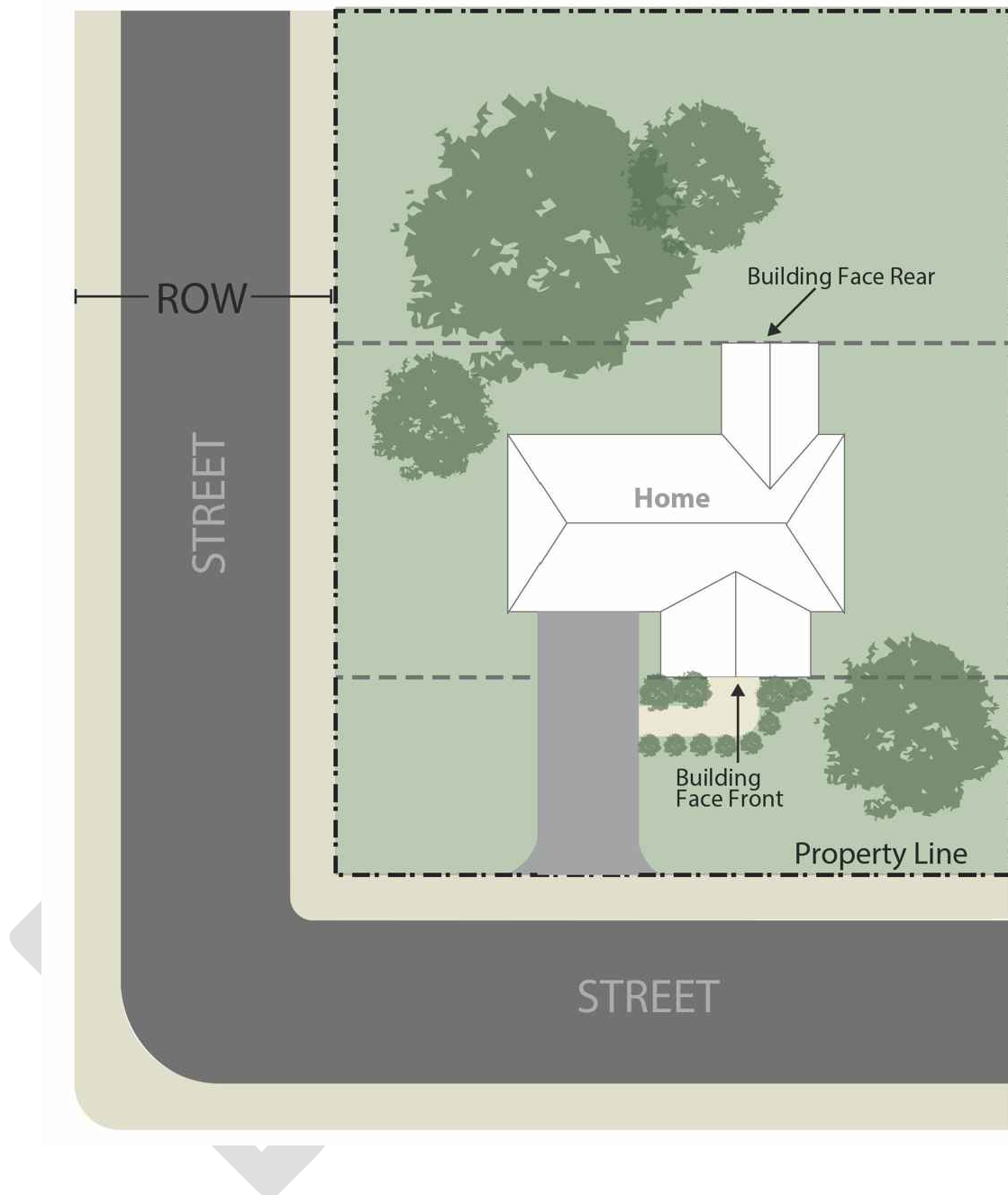
Boarder or roomer means a person who occupies a bedroom or room as a lodging unit within a dwelling unit or roominghouse for a fixed time, usually through a lease arrangement with the property owner.

Boulevard means that portion of a street right of way between the curblineline and property line.

Building means any structure having a roof which may provide shelter or enclosure of persons, animals or personal property.

Building face means that portion of the exterior wall of a structure which shall lie in a vertical plane. One face shall be terminated by an exterior angle of at least 210 degrees formed by two exterior walls each being at least 18 feet in length or a curved portion of such exterior wall which shall have a central angle of 30 degrees or more.

Figure 36-485(c). Building faces.



Building face, front, means the elevation of a principal building that is oriented toward the front lot line of an interior lot. On a corner lot, the front building face may be oriented toward the front lot line or a side lot line adjacent to a street. The front face of the principal building contains an entry to the building and that entrance is more architecturally prominent when viewed from public streets. Said entrance does not include an overhead garage door. When it is ambiguous, the zoning administrator determines which is the front face of the building.

Building face, rear, means the elevation of a principal building that is opposite the front face of the same principal building.

Caliper inch means a unit of measurement describing the diameter of a tree measured one foot above the finished grade level.

Cannabis edible means any product that is intended to be eaten or consumed as a beverage by humans; contains a cannabinoid in combination with food ingredients; is not a drug; and is a type of product approved for sale by the state of Minnesota, or is substantially similar to a product approved by the state of Minnesota including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods. This does not include lower-potency hemp edibles.

Cannabis product means cannabis concentrate, a product infused with cannabinoids including but not limited to tetrahydrocannabinol extracted or derived from cannabis plants or cannabis flower, or any other product that contains cannabis concentrate. It includes all adult-use cannabis products, including but not limited to cannabis edibles and medical cannabinoid products. It does not include cannabis flower, artificially derived cannabinoid, lower-potency hemp edibles, hemp-derived consumer products, or hemp-derived topical products.

Canopy means a structure, other than an awning, made of cloth, metal, or other material affixed to a building that is often built to serve the same purpose as an awning but cannot be raised or retracted against a building. In addition, a canopy can also be defined as a structure which is free standing, or nearly free standing, and designed to provide shelter.

Canopy tree means a deciduous tree planted primarily for its high crown of foliage or overhead canopy.

Carport means a space for the housing or storage of motor vehicles and enclosed on not more than two sides.

Channel means the natural or artificial depression of perceptible extent along Minnehaha Creek with a definite bed and bank to confine and conduct flowing water, either continuously or periodically.

Cisterns and rainwater collection systems means a container or series of containers for the collection and reuse of rainwater. A cistern may be exempted from inclusion in the Site Impervious Area calculation.

City means the City of St. Louis Park, a municipal corporation, along with its duly authorized boards, commissions and representatives.

Commercial vehicle means a motor vehicle that meets the following requirements:

- (1) The vehicle is a dump truck, a step van, a tow truck, a semi-tractor or trailer, a tank truck, a tractor, a bus, a cargo truck, a construction vehicle or equipment, an earth-moving vehicle or equipment, a van or pickup with a manufacturer's nominal rated carrying capacity of more than one ton, or any other vehicle which is used in connection with commercial activities.
- (2) Commercial equipment has been added to the vehicle such as winches or snowplows.
- (3) Commercial racks have been added to the vehicle for the purpose of holding equipment or materials.
- (4) The vehicle is a pickup with a nonstandard pickup box; or
- (5) The vehicle is a trailer loaded with another commercial vehicle or commercial equipment.

Commuter bicycle facility means bike lockers or bike storage room(s), on-site showers, and a bicycle repair station.

Conditional use means a specific type of structure or land use which is permitted by this chapter only after an in-depth review procedure set forth in section 36-452 and with appropriate conditions or restrictions as provided in this chapter and upon finding that:

- (1) Certain conditions as detailed in this chapter exist; and
- (2) The structure and land use conform to the comprehensive plan and are compatible with the existing neighborhood.

Condominium means an estate of real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building. A condominium may include, in addition, a separate interest in other portions of such real property, such as garage space or in the case of cluster development, a townhouse or cluster development lot.

Courtyard means an outdoor area enclosed by a building facade on at least three sides and open to the sky.

Curb level means the grade elevation, as established by the city, at the curb in front of the center of the building. Where no curb level has been established, the director of public works shall determine a curb level or its equivalent for the purpose of this chapter.

Customer floor area means that part of the gross floor area of a commercial establishment used by and accessible to the public, except public restrooms.

Deciduous means a plant with foliage that is shed annually.

Density means the number of dwelling units per acre of net lot area.

Designed Outdoor Recreational Area (DORA) means designed outdoor space intended for passive or active recreation accessible and suited to the needs of residents and/or employees. The area shall be functional and aesthetic, designed with clear edges, relate to the principal building or buildings, include sidewalk connections, seating, landscaping, and other amenities. The area should be compatible with or enlarge upon existing pedestrian links and public parks or open space and may include swimming pools, tot lots, courtyards, plazas, picnic areas, and trails within natural areas. Outdoor recreational areas shall not include driveways, parking areas, steep slopes, or ponds designed solely for stormwater retention.

Development means all structures, land uses, and other modifications of the existing landscape above and below ground or water, on a single parcel, or on more than one parcel if covered by a single planned unit development or conditional use permit.

Diameter at standard height (dsh) means the diameter of a tree measured at a height of 4 1/2 feet from the ground level.

District. See the definition, "Use district."

Dog kennel means any premises where four or more dogs, over four months of age, are owned, boarded, bred, or offered for sale.

Door hood means a rigid, roof-like structure affording shelter attached to the exterior walls of a building or structure in an approved manner and erected only over an entrance to a building or structure.

Drip line means a vertical line extending from the outermost branches of a tree to the ground.

Driveway means an improved access which connects an off-street parking space to the public right of way.

Dwelling means a building, or one or more parts of a building occupied or intended to be occupied exclusively for residence purposes, but not including rooms in motels, hotels, nursing homes, boardinghouses, trailers, tents, cabins or trailer coaches.

Dwelling unit means one or more rooms physically arranged to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Easement means the grant of one or more of the property rights by the owner to, or for the use by, the public, public utility, corporation, or another person or entity.

Effective date of the ordinance from which this chapter is derived means XXXX, the effective date of Ordinance No. 26-XXXX.

Electric vehicle.

- (1) **Accessible electric vehicle charging station** means an electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.
- (2) **Battery charging station** means an electrical component, assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
- (3) **Battery electric vehicle** means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero tailpipe emissions or pollution when stationary or operating.
- (4) **Charging levels** means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and DC are the most common charging levels, and include the following specifications:
 - (a) Level 1 is considered slow charging with 120v outlets.
 - (b) Level 2 is considered medium charging with 240v outlets, charging head and cord hard-wired to the circuit.
 - (c) DC is considered fast or rapid charging. Voltage is greater than 240.
- (5) **Electric vehicle** means a vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off-grid source, that is stored on board for motive purposes. "Electric vehicle" includes:
 - (a) Battery electric vehicle.
 - (b) Plug-in hybrid electric vehicle.
- (6) **Electric vehicle charging stations (EVCS)** means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

- (7) **Electric vehicle charging station – private restricted use** means an electric vehicle charging station that is:
- (a) Privately owned and restricted access (e.g., single-unit dwelling, executive parking, designated employee parking, assigned parking at multiunit residential buildings); or
 - (b) Publicly owned and restricted (e.g., fleet parking with no access to the general public).
- (8) **Electric vehicle charging station – public use** means an electric vehicle charging station that is:
- (a) Publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking); or
 - (b) Privately owned and available to visitors of the use (e.g., shopping center parking).
- (9) **Electric vehicle supply equipment (EVSE)** means any equipment or electrical component used in charging electric vehicles at a specific location. EVSE does not include equipment located on the electric vehicles themselves.
- (10) **Electric vehicle infrastructure** means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.
- (11) **Electric vehicle parking space** means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.
- (12) **'Electrical capacity'** shall mean, at minimum:
- (a) Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger.
 - (b) Conduit from an electric panel to future EVCS location(s).
- (13) **Plug-in hybrid electric vehicle** means an electric vehicle that:
- (a) Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor.
 - (b) Charges its battery primarily by connecting to the grid or other off-board electrical source.
 - (c) May additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and
 - (d) Has the ability to travel powered by electricity.

Enclosed pedestrian walkway means an enclosed link between two buildings on the same or separate lots designed solely for the purpose of transporting pedestrians.

Equal degree of encroachment means a method of determining the location of encroachment lines so that the hydraulic capacity of floodplain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to floodplain encroachments.

Essential services include, but are not limited to, underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, fire alarm boxes, police call boxes, traffic signals, hydrants, or other equipment and accessories in conjunction therewith, bridges, roads, and railroads.

Evergreen means a plant with foliage that persists and remains green year-round.

Excavation means the removal of soil, rock, minerals, debris, or organic substances other than vegetation from a parcel of land.

Expansion means an increase in the floor area or volume of an existing building.

Facade means the exterior wall of a building exposed to public view.

Family means one of the following:

- (1) Any group of people living together as a single housekeeping unit, all of whom are related by blood, marriage, or adoption plus children who are under foster care.
- (2) Up to four people not so related, living together as a single housekeeping unit.
- (3) Any group of people living together as a single housekeeping unit, if no more than two adult members function as the heads of the household group and the remaining members are dependent upon them for care and direction due to age, physical disability, a mental incompetency or for other reasons.
- (4) Any individual, who is the owner, living and maintaining a common household and using a common cooking and kitchen facility.

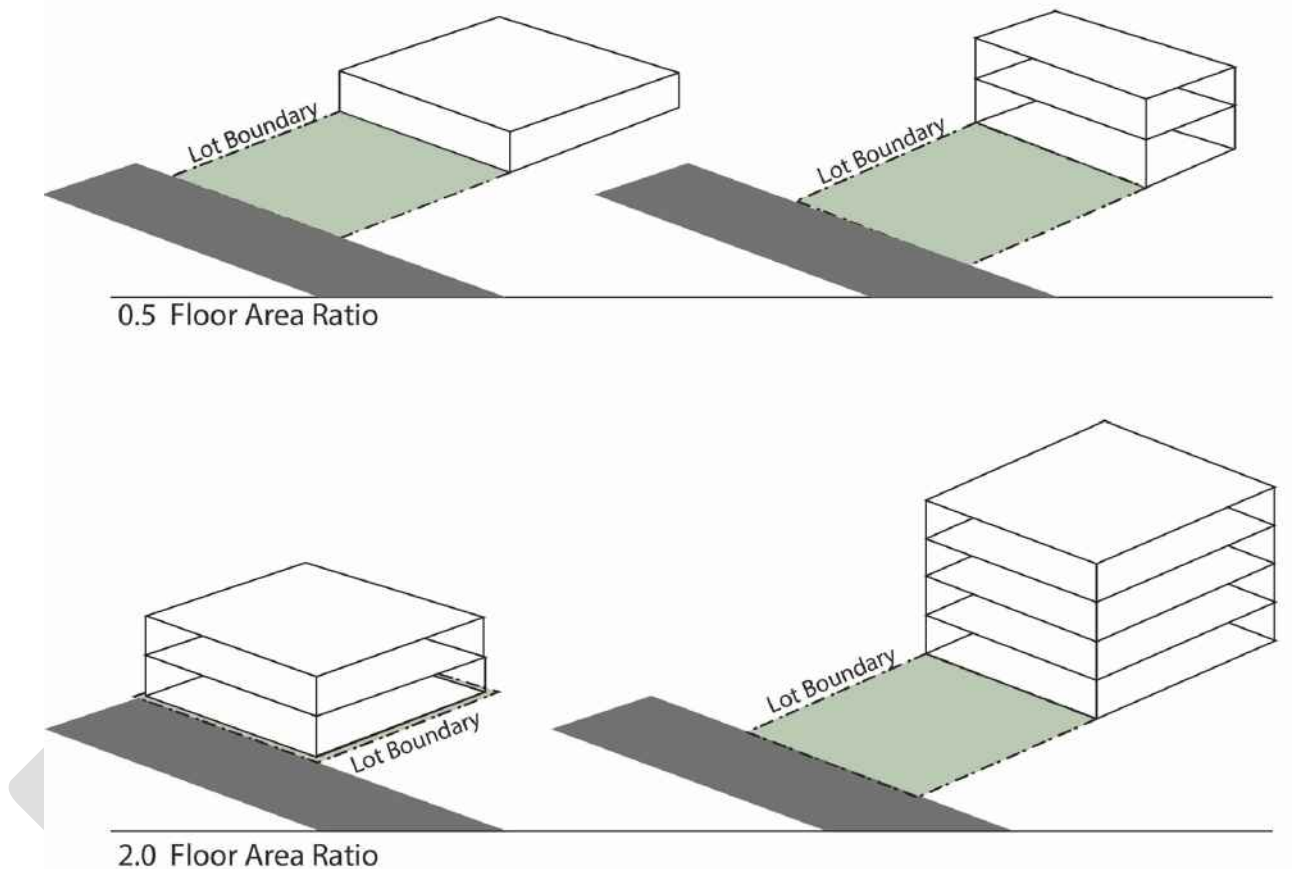
Fence means any artificially constructed barrier of any material or combination of materials erected to enclose, divide, or screen areas of land.

Filling means the placement of sand, gravel, earth, or other materials of any composition on a parcel of land. Also see the definition, "Land reclamation."

Floor area means the sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements, attics, penthouses, and attached accessory buildings. Measurements shall be made from the inside of exterior walls and to the center of interior walls. For the purposes of determining off-street parking requirements, inside off-street parking or loading space is excluded from floor area.

Floor area ratio (FAR) means the numerical value obtained by dividing the total floor area of buildings excluding the basement by the lot area on which such buildings are located.

Figure 36-485(d). Floor area ratio (FAR).



Food waste means all food, including meat, poultry, seafood, dairy, bread, fruits and vegetables, cheese, eggshells, rice, beans, pasta, coffee grounds and filters, tea bags, bones and other plate scrapings, and garden food waste (e.g., tomatoes, pumpkins).

Foster family home means a family home where children out of their own homes are cared for 24 hours a day for a period of 30 days or more.

Garage, private, means a detached accessory building or portion of the principal building, including a carport, which is situated on the same lot as the principal building used primarily for storing motor vehicles with no facilities for mechanical service or repair of a commercial nature.

Grade means the average elevation of the finished ground level at the midpoint of all walls of a building, or in the case of signs, the average elevation of the finished ground level at the base of a sign. This definition includes the terms finished grade and mean ground level.

Grading means excavating, filling or other changes in the earth's natural topography, including stockpiling of earth or land.

Ground cover means plants, other than turf grass, normally reaching an average maximum height of not more than 18 inches at maturity.

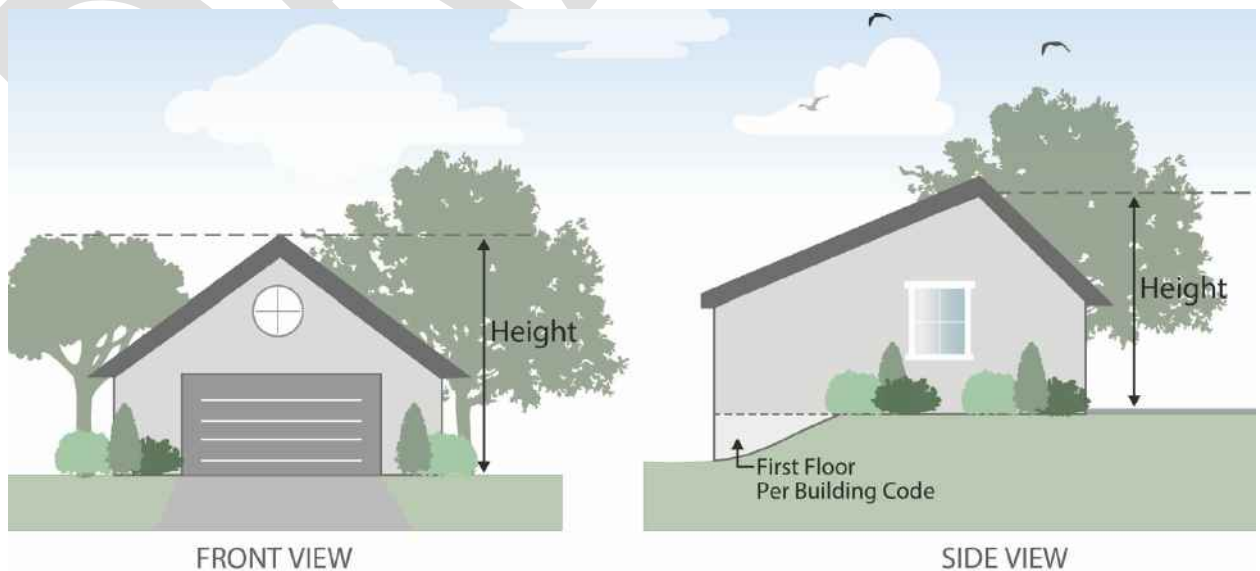
Ground floor area means the lot area covered by a principal building measured from the exterior faces of exterior walls but excluding decks and terraces.

Ground floor transparency means the measurement of the percentage of a facade that has highly transparent, low reflectance windows at the pedestrian level, measured between 2' and 8' above grade.

Hedge means a landscape barrier consisting of a continuous, dense planting of shrubs.

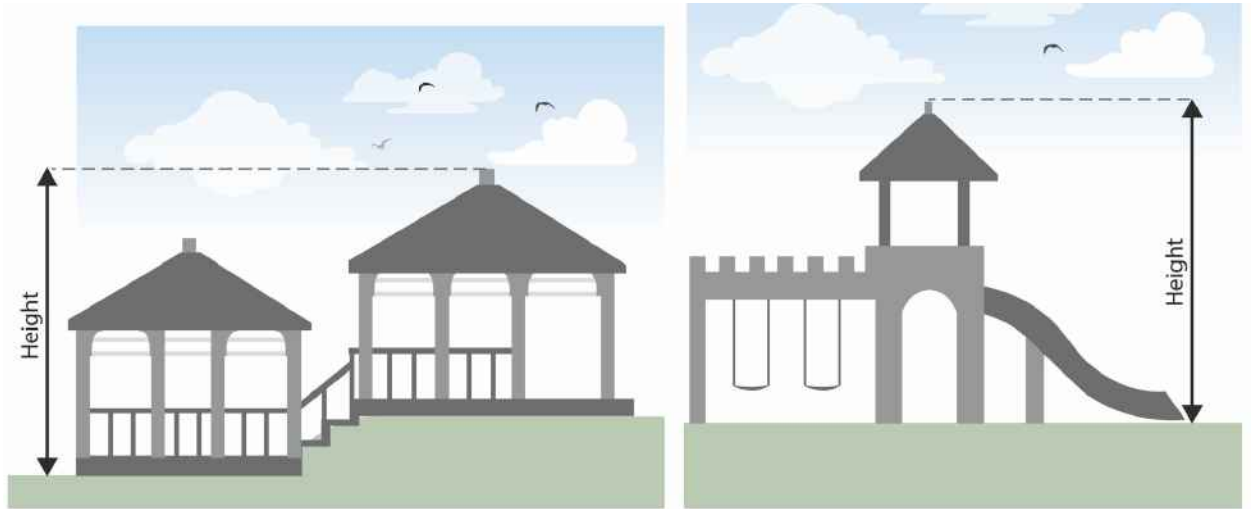
Height, accessory building means a distance to be measured from the first story elevation, as defined by building code, to the highest point of the structure.

Figure 36-485(e). Height, accessory building.



Height, accessory structure. A distance to be measured from the lowest exterior grade at the base of the structure to the highest point of the structure.

Figure 36-485(f). Height, accessory structure.



Height, communication towers and antennas means the height of a communication tower or antenna which is not attached to a building shall be determined by measuring the vertical distance from the point of contact with the ground of the communication tower or antenna to the highest point of the communication tower, or antenna, including, in the case of a communication tower, all antennas and other attachments.

Height, principal building means the distance to be measured from either the mean curb level along the front lot line, or from the finished grade level for all that portion of the structure facing the front lot line, whichever is higher, to the top of the parapet of a flat roof; to the deck line of a mansard roof; to a point on the roof directly above the highest wall of a shed roof; to the upper most point on a round or other arch type roof; or to the mean distance of the highest gable on a pitched or hip roof.

Figure 36-485(g). Height, principal building.



Hemp-derived consumer product means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and either contains or consists of hemp plant parts, or contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients. It does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

Heritage tree means any healthy tree, with the exception of Salix (willow), Siberian elm, and black locust that is at least 30 diameter inches at standard height for deciduous trees and at least 25 diameter inches at standard height for coniferous trees. Aspen, box elder, cottonwood, or silver maple are considered heritage trees if they are at least 30 inches in diameter at standard height.

Household. See the definition, “Family.”

Impervious surface means a surface that has been built on, compacted or covered with a layer of material so that it is resistant to infiltration by water. It includes buildings, decks and surfaces such as compacted sand, lime rock, or clay, as well as most conventionally surfaced driveways, streets, roofs, sidewalks, parking lots, and other similar structures. Swimming pools shall not be considered impervious.

Impervious surface coverage means the amount of the net lot area that can be occupied or encumbered by an impervious surface.

Intensity classification means a measure of the magnitude and impact of a land use on the environment and neighboring land uses. Variables include, but are not limited to, the levels of traffic that are generated, degree of lot coverage, building height, impervious surface, and density of development.

Intoxicating liquor license (on-sale) means an on-sale liquor license issued by the city council which permits the sale and consumption on the licensed premises of all types of legal liquor including spirits, wine, and malt liquor.

Irrigation system means a permanent, artificial watering system designed to transport and distribute water to plants.

Land reclamation means the reclaiming of land by depositing fill material to elevate the grade. See the definition, "Filling."

Level of service means the traffic capacity of an intersection or roadway based upon criteria established by the Institute of Traffic Engineers, as amended periodically.

Lot means a parcel of land created by an existing subdivision or described on a deed which has been recorded in the office of the register of deeds or registrar of titles of the county, and which is occupied or used or intended for occupancy or use and has common ownership in its entirety.

Lot, buildable, means a lot which meets the minimum lot width and area requirements of the use district in which it is located, and which has frontage on a right of way for street or alley purposes. If the lot was subdivided as part of a cluster housing development, access to a public street may be by private street.

Lot, corner, means a lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at a point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

Lot, interior, means a lot other than a corner lot.

Lot, substandard means a lot or parcel of land that does not meet the definition of a buildable lot or does not meet the provisions of section 36-45.

Lot, through means a lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot.

Lot area means the area of a lot in a horizontal plane bounded by the lot lines.

Lot area, net, means the total lot area excluding area or easement encumbered by a wetland, public waters, public parks and trails, public open space, rights-of-way, and other areas identified or protected by local ordinances such as steep slopes, floodplains, and bluffs.

Lot depth means the mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot line means the property line bounding a lot except that where any portion of a lot extends into the public right of way, street easement, or proposed public right of way, the line of such public right of way or street easement shall be the lot line for applying this chapter.

- (1) **Lot line, front** means that boundary of a lot which abuts a street. In the case of a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed in the office of the division of inspections. If a parcel has multiple sides on more than two street frontages, the front lot line shall be determined by the zoning administrator.
- (2) **Lot line, rear** means a lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. For a lot bounded by only three lot lines, the rear lot line shall be a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- (3) **Lot line, side** means a lot line which intersects with a front lot line.

Lot of record means any lot which is one parcel of a plat heretofore or hereafter duly approved and filed, or one unit of an auditor's subdivision or a registered land survey or a parcel of land not so platted, subdivided or registered, for which a deed, auditor's subdivision or registered land survey has been recorded in the office of the register of deeds or registrar of titles for the county prior to the effective date of the ordinance from which this chapter is derived.

Lot width means the horizontal distance between the side lot lines measured at the required front yard line.

Lower-potency hemp edible means any product that is intended to be eaten or consumed as a beverage by humans; contains hemp concentrate or an artificially derived cannabinoid, in combination with food ingredients; is not a drug; is a type of product approved for sale by the office or is substantially similar to a product approved by the office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods; and meets other criteria outlined in state statutes.

Manufactured home means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under state law.

Micro storefront means a commercial or industrial space a maximum of 1,500 square feet in size only for a small local business.

Mining means the extraction and removal of sand, gravel, or other earthen material from a parcel of land for purposes other than excavating for the construction of a structure or grading a site

Mobile food vehicle means a vehicle or cart used to prepare and serve food and/or beverages.

Motor vehicle means every vehicle which is self-propelled. This does not include lawn mowers or snow blowers.

Mulch means nonliving organic, synthetic, and rock materials customarily used in landscape design to retard erosion and retain moisture.

Mural means any work of art that is professionally applied to the exterior of a building or structure with the permission of the property owner and approved by city issued permit.

Non-passenger vehicle means a commercial or recreational vehicle or trailer.

Nonconformity means any use, lot, or structure which was legally constructed or established prior to the effective date of the ordinance from which this chapter is derived, or subsequent amendment to it, which would not be permitted by or is not in full compliance with the provisions of this chapter.

Nonconforming lot means a lot of record which does not conform to the width, lot area, or other dimensional requirements of the district in which it is located.

Nonconforming structure is any structure which was legally constructed prior to the effective date of the ordinance from which this chapter is derived, or subsequent amendment to it, which would not be permitted by or is not in full compliance with the provisions of this chapter.

Nonconforming use means any use which was legally established prior to the effective date of the ordinance from which this chapter is derived, or subsequent amendment to it, which would not be permitted by or is not in full compliance with the provisions of this chapter.

Occupied space means an interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.

Ordinance from which this chapter is derived means Ordinance No. XX-XXXX adopted August 3, 2026, and effective August 28, 2026.

Organic material means food waste, yard waste and items such as, but not limited to: non-recyclable paper products, and other compostable items such as full vacuum cleaner bags, dryer lint, tissues and cotton balls, floral trimmings and house plants, and compostable plastics (certified compostable plastic utensils, cups and containers).

Ornamental tree means any tree planted primarily for its ornamental value or for screening purposes and tends to be smaller at maturity than canopy trees.

Parcel. See the definition, "Lot."

Parking lot means surfaced and improved ground surface areas used for the parking of licensed and operable motor vehicles for periods of less than 24 hours.

Outdoor lighting:

- (1) **Cutoff or shielded** means an outdoor light fixture constructed or shielded in such a manner that no more than 2.5% of its light occurs above the horizontal plane of the fixture, and no more than 10% of its light occurs above 80 degrees.
- (2) **Direct light** means light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or other diffuser lens, of a luminaire.
- (3) **Footcandle** is the basic unit of illuminance or the amount of light falling on a surface. One footcandle is approximately equal to the illuminance produced by a light source of one candle in intensity, measured on a surface at a distance of one foot above grade. Footcandles can be measured both horizontally and vertically by a footcandle or light meter.

- (4) **Full cutoff or fully shielded** means an outdoor light fixture constructed or shielded in such a manner that no light occurs above the horizontal plane and no more than 10% of its light occurs above 80 degrees.
- (5) **Glare** is the sensation produced directly by a light source or indirectly from reflective surfaces within the visual field that is sufficiently brighter than the level to which the eyes are adapted, which can cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.
- (6) **Illuminance** is the amount of light falling on any point of a surface, typically measured in footcandles (or lux in the metric system).
- (7) **Indirect light** means direct light that has been reflected or scattered off of other surfaces.
- (8) **Lamp** means the component of the luminaire that actually produces the light, more commonly known as a bulb.
- (9) **Light spill** means light that falls beyond the boundaries of the property on which the lighting installation is located and because of quantitative, directional, or spectral content causes annoyance, discomfort, or loss in visual performance and visibility.
- (10) **Lumen** is a unit used to measure the actual amount of light that is produced by a light source. The lumen quantifies the amount of light energy produced by a lamp at the lamp, not by the energy input, which is indicated by the wattage. For example, a 75-watt incandescent lamp can produce 1,000 lumens while a 70-watt high-pressure sodium lamp can produce 6,000 lumens.
- (11) **Luminaire or fixture** means the complete lighting assembly or fixture (including but not limited to the lamps, housing, ballasts, photocells, reflectors, lenses, shields, visors, louvers) but not the support assembly (poles or mounting brackets).
- (12) **Mounting height** means the vertical distance as measured from the ground directly below the centerline of the luminaire to the lowest light-emitting part of the luminaire.
- (13) **Ornamental lighting** means lighting that is installed mainly or entirely for its decorative effect rather than as an aid to visibility.
- (14) **Semi cutoff or partially shielded** means an outdoor light fixture constructed or shielded in such a manner that no more than 5% of its light occurs above the horizontal plane of the fixture, and no more than 20% of its light occurs above 80 degrees.
- (15) **Shielded** means a luminaire from which no direct glare is visible at normal viewing angles by virtue of its being properly located, aimed, oriented, and properly fitted with spill and glare control devices, such as shields, barn doors, baffles, louvers, skirts, inserts, visors and reflectors.

Parking space means an improved paved or gravel area on a lot or area within a building intended for parking of a motor vehicle and which has a means of access to a public street. This term is used interchangeably with parking stall and parking facility.

Passenger vehicle means an automobile, station wagon, van, sports utility vehicle, minivan, pickup truck, or motorcycle designed and primarily intended for on-street operation. Passenger vehicles do not include commercial vehicles, recreational vehicles, racing cars or stock cars.

Pedestrianway means an open and available pathway designed for use by pedestrians; it can be located midblock allowing pedestrian movement from one street to another without traveling along the block's perimeter.

Performance standards mean specified criteria and limitations which are placed on development which are intended to protect the public health, safety, or welfare.

Person means an individual, firm, partnership, corporation, company, association, society, joint stock association, or political subdivision of the state including any trustee, receiver, assignee or other representative thereof.

Pickup truck means any truck with a manufacturer's nominal rated carrying capacity of one ton or less and commonly known as a pickup or pickup truck and which has a standard manufactured pickup box. A pickup whose standard box is covered with a topper if the topper does not exceed one and one-half times the wall height of the standard box is a pickup truck.

Playfield means an outdoor facility developed as a baseball diamond, softball diamond, soccer field, football field, or other surface for conducting outdoor recreational activities.

Practical difficulty means, when used in connection with the granting of a variance, that, the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Previous zoning ordinance means Ordinance No. 730 adopted December 28, 1959, and all subsequent amendments thereto which were in effect on December 30, 1992.

Principal building means a building or group of buildings in which the primary use of a lot is located.

Principal use means the main use and chief purpose of land or structures, as distinguished from secondary or accessory use.

Proof of parking means a method by which an area of a lot other than that area required for yards, landscaping, or any other area required for other purposes by this chapter, which is allocated for parking, but is not paved or striped.

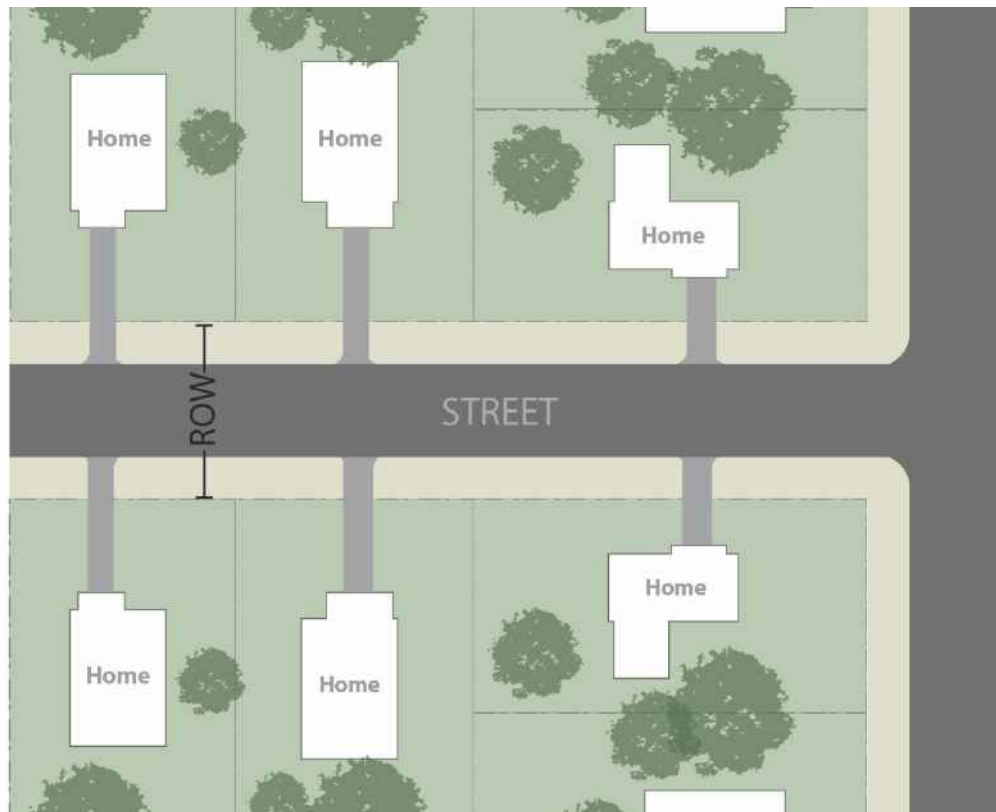
Racing car means a motor vehicle designed or intended for operation on a speedway, racetrack, or other facility used or designed for high-speed contests between two or more vehicles or for timing of speed.

Recreational vehicle means any recreational vehicle further defined below that can be legally operated on a public road according to the Minnesota Department of Motorized Vehicles.

- (1) Travel trailers include those that telescope or fold down, chassis-mounted campers, house cars, motor homes, tent trailers, and slip in campers.
- (2) Motor home is a vehicle, other than a conversion van, that provides temporary living quarters. A vehicle provides temporary living quarters if it is:
 - a. Not used as the residence of the owner or occupant.
 - b. Used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities; and
 - c. Self-propelled or capable of being towed on public roads.
- (3) A nonmotorized trailer intended and generally used for transporting boats.
- (4) Snowmobiles, all-terrain vehicles, boats, and any type of watercraft. Such vehicles which are placed on a utility trailer shall, together with the trailer, be considered a single recreational vehicle.

Right of way means an area or strip of land, either public or private, on which a right-of-passage has been recorded for the use of vehicles, including trains, or pedestrians or both.

Figure 36-485(h). Right of way.



Root zone means the part of the soil that is invaded by a plant's roots.

Screen means a method of reducing the impact of noise and unsightly visual intrusions by placing vertical elements, such as plants, berms, fences, walls, or any appropriate combination thereof between the incompatible land uses.

Service stall means the area within a motor fuel station or auto repair facility of adequate size to service one motor vehicle. A service stall shall have a maximum floor area of 400 square feet. This term is synonymous with service bay.

Shrub means a self-supporting woody perennial plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen, and usually not more than ten feet in height at its maturity.

Significant tree means any healthy tree, with the exception of Salix (willow), Siberian Elm and Black Locust, is considered to be significant under the landscaping section of the zoning ordinance if it is at least five diameter inches for deciduous trees and six diameter inches for conifers. Aspen, B Boxelder, Cottonwood, or Silver Maple are considered significant if they are at least 12 inches in diameter at 4.5 feet from the ground.

Site plan means a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

Small local business means a local, independently owned, non-franchised business. Local means located in the Twin Cities Metro Area.

Special permit.

- (1) **Certificate of zoning compliance** means a certificate issued by the zoning administrator to the owner of a property covered by a continued special permit certifying that the property is in compliance with all provisions of the continued special permit.
- (2) **Continued special permit** means a special permit continued in effect pursuant to provisions of this section.
- (3) **Current zoning ordinance** means Ordinance No. 92-1902 adopted December 7, 1992, which became effective on December 31, 1992.
- (4) **Previous zoning ordinance** means Ordinance No. 730 adopted December 28, 1959, and all subsequent amendments thereto which were in effect on December 30, 1992.
- (5) **Property** means the legally described parcel of land, governed by a special permit, including but not limited to structures, parking lots, landscaping, lighting, signs and all other physical elements on the site and the use, operation and functioning of these elements.
- (6) **Special permit** means a land use approval issued by resolution of the city council under provision of the previous zoning ordinance.

Sport court means a hard or paved surface accompanied by sporting equipment such as nets or goals, which is used primarily for the playing of sports such as tennis or basketball. A patio, porch, pool, or driveway shall not be considered a sport court.

Stand and **standing** mean any halting, even momentarily, of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers or property.

Stock car means a motor vehicle of standard design and construction which is modified, adapted, or altered in any manner to increase its speed or safety, and designed or intended for operation on a speedway, racetrack, or other facility used or designed for high-speed contests between two or more vehicles or for timing of speed.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above; or if there is not a floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a story.

Story, ground (also referred to as ground floor) means the first story of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars.

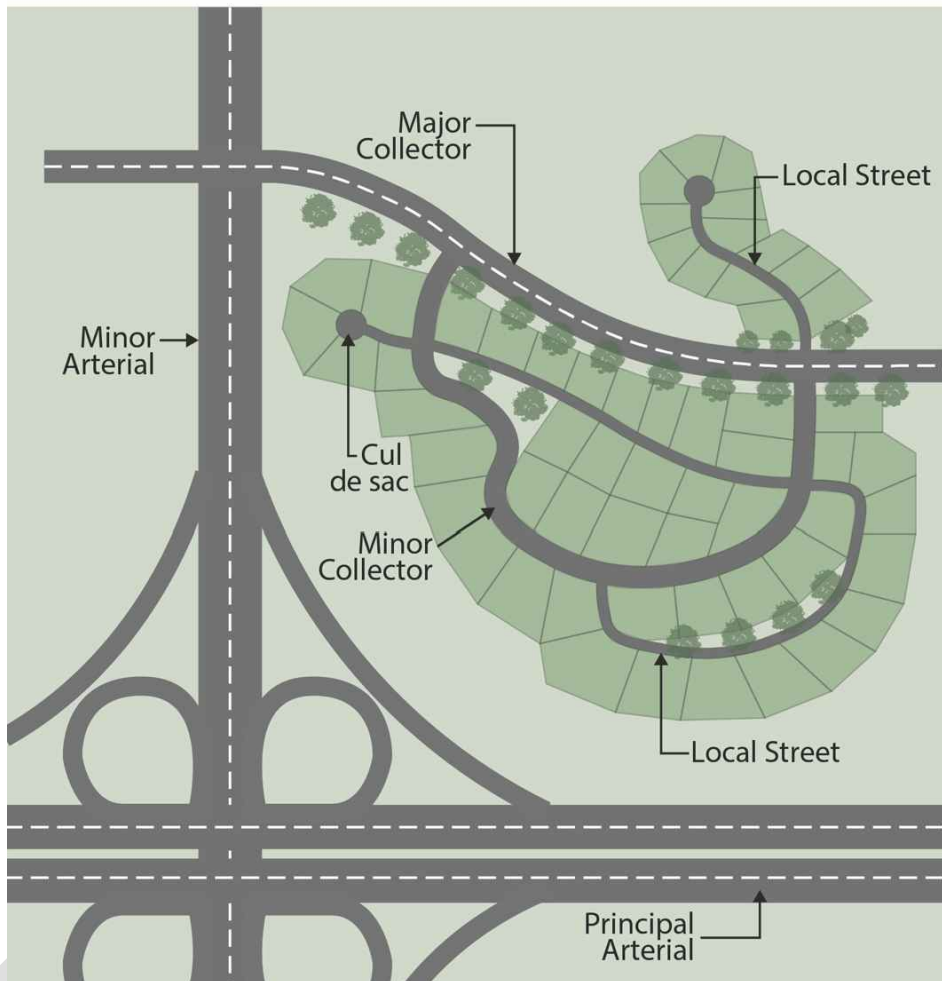
Story, half means a story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.

Story, upper (also referred to as upper floor) means the stories located above the ground story of a building.

Street means a public or private thoroughfare which is used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified in the comprehensive plan by the functions they perform. See figure 36-485(i).

- (1) **Local street** are roadways typically having lowest traffic volumes, containing one lane of traffic in each direction whose primary function is to provide access to and from property.
- (2) **Minor collector** are roadways containing one lane of traffic in each direction whose primary function is to provide access to and from neighborhoods and the local street system.
- (3) **Major collector** are roadways containing one or two lanes of traffic in each direction with controlled intersections whose function is to serve long trips within the city and access to and from minor and principal arterials.
- (4) **Minor arterials** are interregional roads containing two lanes in each direction with limited access and controlled intersections at other arterials and collector streets. Minor arterials convey traffic between towns, boroughs, or other urban centers and are used to reduce the number of trips on the regional system. Efficient movement is the primary function of a minor arterial road.
- (5) **Principal arterials** are limited access interregional arterial routes containing two or more lanes in each direction. They are designed exclusively for unrestricted movement, have no private access, and intersect only with selected arterial highways or major streets by means of interchanges engineered for free-flowing movement.

Figure 36-485(i). Street functional classifications.



Street frontage means the building and yard area facing and directly adjacent to a street right of way line.

- (1) **Street frontage, primary** means the street frontage that receives priority over other street frontages, defining a higher level of pedestrian orientation. The primary street frontage is classified in the comprehensive plan as a collector or arterial. If there are two primary streets, or no primary streets, the zoning administrator shall determine the most appropriate street frontage to serve as the primary street frontage. Orientation of other parcels along the street shall be considered.
- (2) **Street frontage, secondary** means a street frontage that is secondary to the primary street frontage, requiring lower lot line coverage and transparency levels,

and permitting more interruptions by driveways. Secondary street frontages are all frontages not identified as a primary street frontage.

Structure means anything constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground, including but without limiting the generality of the foregoing, signs, billboards and fences.

Trailer means any vehicle designed for carrying property on its own structure and for being drawn by a motor vehicle.

Trailer bed means that portion of a trailer that is designed to make contact with and bear the weight of the load to be carried.

Tree means a self-supporting woody perennial plant having one or several self-supporting stems or trunks and numerous branches which normally attains an overall height of at least 15 feet at maturity. Trees may be classified as deciduous or evergreen.

Truck means every motor vehicle designed, used, or maintained primarily for the transportation of property. This definition does not include a pickup truck as defined in this section or a van with a manufacturer's nominal rated carrying capacity of one ton or less.

Understory tree means a self-supporting woody plant or species normally growing to a mature height of between 15 and 30 feet and a mature spread of at least 15 feet. Many understory trees are considered to be ornamental trees.

Use means the purpose or activity for which a premises is designed, arranged or intended for which it is or may be occupied or maintained.

Use district means a mapped area within the city to which a uniform set of regulations applies for the purpose of regulating development.

Variance means a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

Vegetation, native, means any plant species with a geographic distribution indigenous to all or part of the state. Plant species which have been introduced by man are not native vegetation.

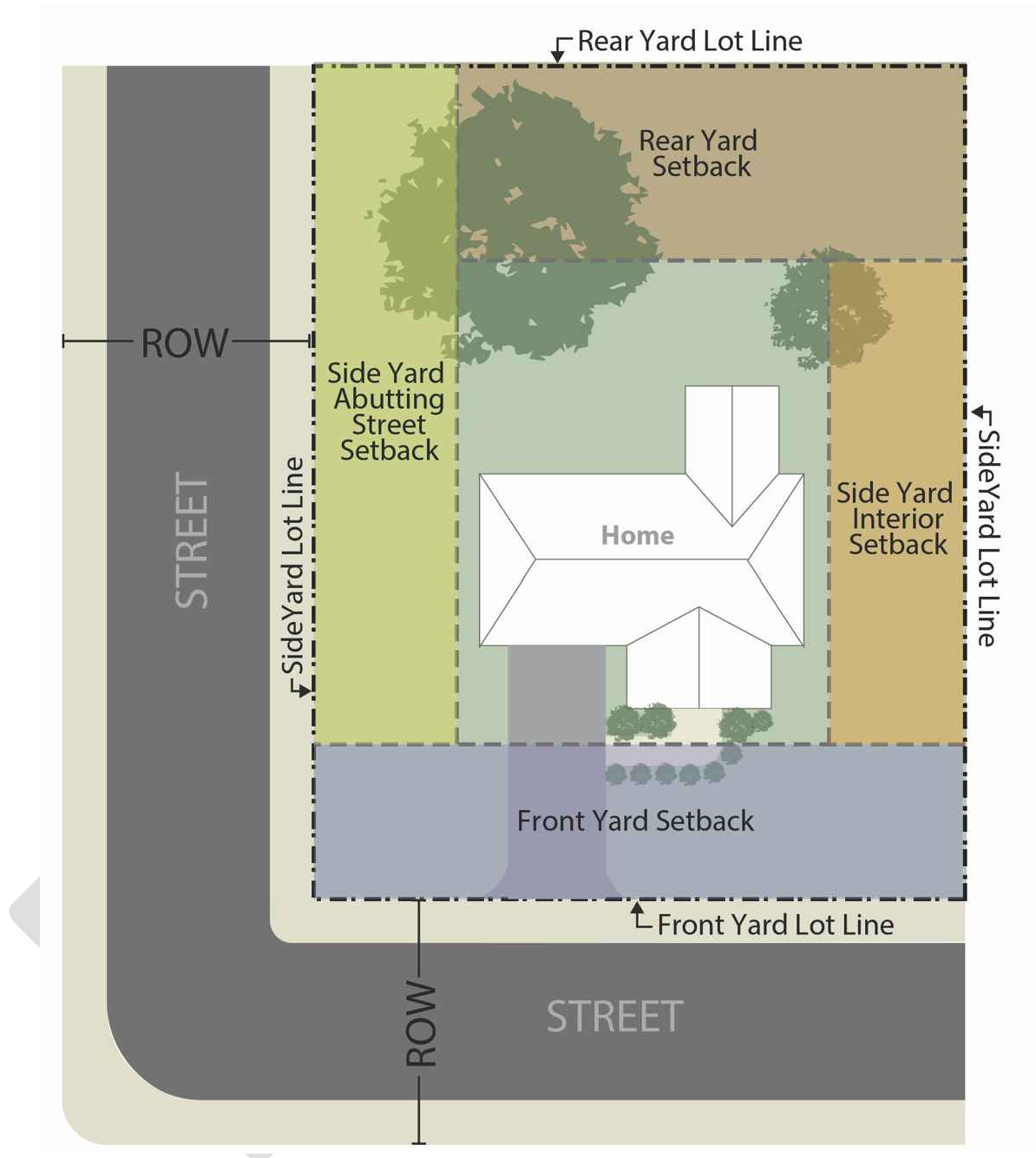
Vehicle means a device for carrying or conveying persons or property which may be self-propelled or may be propelled, drawn, or towed by a self-propelled vehicle.

Visible basement means a half story partially below grade and partially exposed above with required transparency on the street facade.

Wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Yard means a required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky except as expressly permitted in this chapter. For principal buildings, structures, and uses, the yard shall extend along a lot line and at right angles to the lot line to a depth or width specified in the yard regulations for the district in which the lot is located. For accessory buildings, structures, and uses, the yard shall extend from the property line to the principal building, structure, or use.

Figure 36-485(j). Yard.



- (1) **Yard, front**, means an area which extends along the full width of the front lot line between side lot lines and toward the rear lot line a depth as specified in the required yard regulations for the district in which such lot is located.
- (2) **Yard, perimeter** means an area which extends along the full width of an interior side or rear yard having a width as specified in the required yard regulations for the district in which the lot is located. Perimeter yards shall not be applied to lot lines adjacent to an alley or street.

- (3) **Yard, rear,** means an area which extends along the full width of the rear lot line between the side lot lines and toward the front lot line a depth as specified in the required yard regulations for the district in which the lot is located. Where the lot is a corner lot, the rear yard shall be the area between the interior side lot line and the side yard abutting a street extending toward the front yard a depth as specified in the required yard regulations for the district in which the lot is located.
- (4) **Yard, side, abutting a street,** means a yard adjacent to a street which extends along a side lot line between the front yard and rear property line. The required width of the side yard abutting a street is specified in the dimensional standards of the district in which the yard is located.
- (5) **Yard, side interior,** means an area extending along a side lot line between the front yard and rear yard, having a width as specified in the required yard regulations for the district in which the lot is located.

Yard waste means all garden wastes, grass clippings, leaves, weeds, holiday trees, shrub and tree waste and prunings, seasonal greenery, and woodchips that are normally generated from residential properties.

Zoning ordinance means Ordinance No. 26-XXXX and all amendments adopted subsequent to that date and compiled as chapter 36 of this code.

DIVISION 3. FLOODPLAIN DEFINITIONS.

Sec. 36-486. Floodplain definitions.

Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application. If any of the words defined are used elsewhere in this chapter, their meaning shall be those assigned by article X, divisions 1 and 2.

Base flood elevation means the elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.

Basement means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Equal degree of encroachment means a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Flood means a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood frequency means the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood fringe means the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Hennepin County, Minnesota.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood prone area means any land susceptible to being inundated by water from any source (see “Flood”).

Floodplain means the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Flood proofing means a combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway means the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

New construction means structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.

Obstruction means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory floodplain which may impede, retard or change the direction

of the flow of water, either in itself or by catching or collecting debris carried by such water.

One Hundred Year Floodplain means lands inundated by the “Regional Flood” (see definition).

Reach means a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Regional flood means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

Regulatory Flood Protection Elevation (RFPE) means an elevation not less than two feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Repetitive loss means flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

Special Flood Hazard Area means a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”

Start of construction means includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means

the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in section 36-180(c)(1)a. of this chapter and other similar items.

Substantial damage means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial improvement means within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purposes of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

DIVISION 4. TRAVEL DEMAND MANAGEMENT (TDM) DISTRICT DEFINITIONS.

Sec. 36-487. TDM district definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

General Mills Boulevard/Boone Avenue interchange means the area in which General Mills Boulevard/Boone Avenue crosses I-394 and the eastbound and westbound exit ramps intersect with them and the Boone Avenue intersection with the frontage roads on the south side of I-394.

Gross floor area means the sum of the gross horizontal areas of the floors of a building measured from the exterior faces and exterior walls or from the centerline of party walls

separating two buildings. Basements devoted to storage and space devoted to off-street parking shall not be included.

Level of service A means traffic moves freely. All waiting vehicles clear on every green interval. Low percentage of stops on major movements (average delay per vehicle less than five seconds).

Level of service B means traffic moves fairly freely. All waiting movements can expect a less than 50% probability of stopping (average delay per vehicle less than 15 seconds).

Level of service C means traffic moves smoothly. Some minor movements may not completely clear on every green interval. Vehicles on the major movements can expect a greater than 50% probability of stopping (average delay per vehicle less than 25 seconds).

Level of service D means an acceptable intersection operation for peak period flow. Many intersection movements may not clear on every green interval. Some vehicles on the major movements may still go through the intersection without having to stop (average delay per vehicle less than 40 seconds).

Level of service E means unstable traffic flows. All intersection movements experience failure to clear on their green intervals. No vehicles are able to go through the intersection without stopping (average delay per vehicle less than 60 seconds).

Level of service F means saturation condition. All vehicles must stop and all vehicles will probably require more than one green interval to travel through the intersection (average delay per vehicle more than 60 seconds).

Louisiana Avenue interchange means the area in which Louisiana Avenue crosses I-394 and the westbound and eastbound exit and entrance ramps intersect with it and the Louisiana Avenue intersection with the frontage roads on the north and south sides of I-394. P.M.

Peak hour means the period of time between 4:00 p.m. and 6:00 p.m. on business days of the week.

Reserve capacity means the amount of additional gross floor office area that may be constructed before an intersection reaches a maximum acceptable traffic level of service. The total reserve capacity for the Xenia/Vernon interchange is 2,230,000 square feet of office development which has been allocated 60% or 1,338,000 square feet to the city and 40% or 892,000 square feet to Golden Valley. The total reserve capacity for the Louisiana Avenue interchange is 1,575,000 square feet of office development which has been allocated ten percent or 157,500 square feet to the city and 90% or 1,417,500 square feet

to Golden Valley. The total reserve capacity for the General Mills Boulevard/Boone Avenue interchange is 885,000 square feet of office development which has been allocated 100% to Golden Valley.

Xenia/Vernon interchange means the area in which Xenia and Vernon Avenue cross I-394 and the eastbound and westbound exit and entrance ramps intersect with them and the Xenia/Vernon intersections with the frontage roads on both the north and south sides of I-394.

Zone A means that part of the land lying in Golden Valley and the city within the following described area: Following the south line of Circle Downs easterly from the intersection of Turners Crossroad and Circle Downs to State Highway 100; continue south along the westerly line of State Highway 100 to the northerly line of Parkdale Drive and continuing in a westerly direction across Vernon Avenue to the intersection of Cedar Lake Road to the intersection of Zarthan Avenue; continue along the east of Zarthan Avenue north to the intersection of 16th Street West; continue west along the north line of 16th Street West to the east line of the Minneapolis, Northfield & Southern Railway right of way to the east line of the Minneapolis, Northfield & Southern Railway right of way to the east line of Laurel Avenue; continue east along the southerly line of Laurel Avenue to the intersection of Turners Crossroad and continue south on the westerly line of Turners Crossroad to the intersection of Circle Downs, the point of beginning.

Zone B means that part of the land lying in Golden Valley and the city within the following described area: Following the south line of Laurel Avenue east from the intersection of Winnetka Avenue and Laurel Avenue; continue on the southerly line of Laurel Avenue east to the westerly line of the Minneapolis, Northfield & Southern Railway right of way; continue in a southwesterly direction along the westerly line of the railway right of way (except that portion which crosses U.S. Highway 12) to the intersection of 16th Street West; continue on the northerly line of 16th Street West westerly in a straight line to the east line of Hampshire Avenue; continue on the northerly line of 14th Street West west to the intersection with Pennsylvania Avenue; continue on the easterly line of Pennsylvania Avenue north to the intersection with 13 1/2 Street West; continue on the northerly line of 13 1/2 Street West west to the intersection of Rhode Island Avenue; continue on the easterly line of Rhode Island Avenue north to the intersection with Texas Avenue; continue on the easterly line of Texas Avenue North to its intersection with U.S. Highway 12; continue on the northerly line of U.S. Highway 12 west to the intersection of Winnetka Avenue South; continue on the easterly line of Winnetka Avenue South north to the intersection of Laurel Avenue, the point of beginning.

Zone C means that part of the land lying in Golden Valley and the city within the following described area: Following the south line of Betty Crocker Drive east from the intersection of County Road 18 and Betty Crocker Drive to the intersection with General Mills Boulevard; continue on the west line of General Mills Boulevard south to the northerly line of section

6, township 117, range 21; continue east on the northerly line of section 6, township 117, range 21 to the intersection with Winnetka Avenue South; continue on the centerline of Winnetka Avenue South (except that portion which crosses U.S. Highway 12) extended to the boundary line west to the east line of County Road 18; continue on the east line of County Road 18 north (except that portion which crosses U.S. Highway 12) to the intersection with Betty Crocker Drive, the point of beginning.

DIVISION 5. SIGNAGE DEFINITIONS

Sec. 36-488. Signage definitions.

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Backlighting means an illuminated sign where the light source which illuminates the wall behind individual sign letters is hidden from view. The sign letters are opaque and appear as a silhouette against the lighted surface.

Commercial message means any message which identifies a business or product or promotes the sale of any product or service.

Courtesy bench means any bench licensed by the city and in compliance with chapter 8 of this code.

Noncommercial banner means a piece of fabric attached to a pole or building wall as a decorative display of color to enhance the architecture of a building or a site which does not contain a commercial message.

Direct lighting means an illuminated sign where the source of light is visible.

Height means the distance measured perpendicularly from the highest point of the sign structure to the grade level of the ground directly below that point or the grade level of the centerline of the nearest adjacent roadbed, whichever grade level is higher.

Indirect lighting means an illuminated sign where the sign reflects the light from an external source.

Internal lighting means an illuminated sign having the source of illumination located inside a translucent panel which is not directly visible.

Internal wayfinding means information directed at users of a specific site which facilitates the function, navigation and circulation of the site. This information may be posted on the perimeter or internal to the site.

Noncommercial message means any message not classified as commercial which includes, but is not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Scoreboard means a sign associated with an athletic field that includes information and/or statistics pertinent to an on-site game or activity and includes any sponsor or identification panels.

Sign means any written message, pictorial presentation, number, illustration, decoration, flag, banner, or other device that is used to announce, direct attention to, identify, advertise or otherwise make anything known to the general public. The term "sign" shall not include landscaping, or the architectural embellishment of a building not intended to communicate information. For purposes of maintenance or removal, the term "sign" shall also include frames and support structures.

Sign area means the area in square feet of all faces of the sign panel, including the frame. Each message shall be considered to be a sign. If individual letters are mounted directly on a wall, canopy or awning without a frame, the sign area shall be the area in square feet of the smallest rectangle, which encloses the sign message or logo. The sign area of a freestanding multiple face or volumetric sign shall be determined by totaling the area of all faces. The maximum aggregate or total sign area on a lot shall include the sign area of all signs.

Sign, blade means a wall sign that projects away from the wall at an angle sufficient to provide visibility to at least two sides of the sign.

Sign, canopy/awning means a visual message on an awning or canopy which is constructed according to the requirements of the building code, is an integral part of the building, and is consistent with the architecture and design of the building.

Sign, changing means a sign whose message can be readily changed, by manual means.

Sign, electronic - any characteristic of a sign that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure, or any other component of the sign. This includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, digital ink or any other method or technology that allows the sign face to present a series of images, displays or video.

Sign, flashing means any sign, which emits a blinking or flashing light, or creates the illusion of blinking or flashing light by means of animation.

Sign, freestanding means a sign which is self-supporting, usually by uprights placed on or in the ground.

Sign, illuminated means any sign, which has characters, letters, figures, designs or outlines which are either internally or externally illuminated by an artificial light source.

Sign, off-premises (billboard) means a sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. Off-premises signs do not include multitenant identification signs that advertise tenants on a different property provided such tenants are within the same approved PUD and parking is shared between properties.

Sign, on-premises means a sign that directs attention to the name of the building, premises, or to the name of the building management firm, or to the business, principal product, service, entertainment, or activity conducted, sold or offered upon the premises on which such sign is located or to noncommercial speech. For purposes of on-premises signage, premises shall also include all properties listed in an approved conditional use permit or planned unit development.

Sign, permanent means any sign that is not a temporary sign, real estate sign, political sign, project information sign or pedestrian sign.

Sign, pedestrian means a temporary sign, which is constructed of durable materials and is designed to be readily moved from one location to another (ex. sandwich board sign or any item containing a message). For purposes of this ordinance, any sign mounted to, or conveyed by means of, a vehicle shall not be considered a pedestrian sign.

Sign, public means any sign defined as a traffic control sign in the Highway Traffic Regulation Act state statutes section 169.97 et seq., any sign installed in a public park by a public authority, or any other sign approved by the city council for installation on public land.

Sign, rooftop means a sign attached to any roof or any sign attached to a building in any other manner that allows more than 10% of its area to extend above the wall or parapet wall of the side of the building on which the sign is located.

Sign, rooftop screen means a sign attached to any rooftop screen structure.

Sign, rotating means a sign or a portion of a sign which moves in a rotating, oscillating or similar manner.

Sign, temporary means a sign designed to be displayed for a limited period of time that is not permanently fixed to the land or a structure.

Sign, wall means a sign attached to or erected against an exterior wall surface of a building or structure.

Secs. 36-489 to 36-509 reserved.

Section 2. This ordinance shall take effect no sooner than fifteen days after its passage and publication.

First Reading	
Second Reading	
Publication date	
Effective date	

Reviewed for administration:

Adopted by the city council _____, 2026

By: _____

Kim Keller, city manager

By: _____

Nadia Mohamed, mayor

Attest:

Approved as to form and execution:

Melissa Kennedy, city clerk

Soren M. Mattick, city attorney