

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

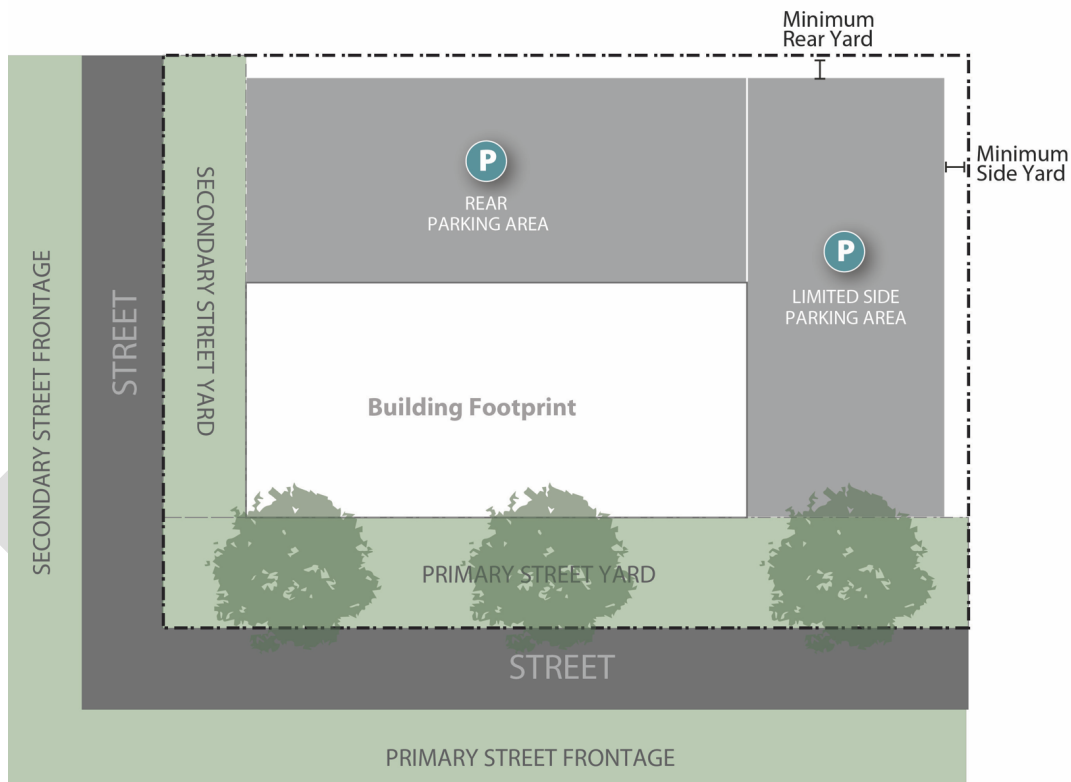
Stall Angle (degrees)	Stall Type	Curb Length (feet)	Vehicle Projection (feet)	Aisle Width (feet)	Total Width (feet)
45	Standard	12.0	18.5	13.0*	50.0
	Compact	11.5	17.0		
60	Standard	10.0	20.0	15.0*	55.0
	Compact	9.5	18.0		
75	Standard	9.0	20.5	18.0*	59.0
	Compact	8.5	17.5		
90***	Standard	8.5	18.0	24.0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

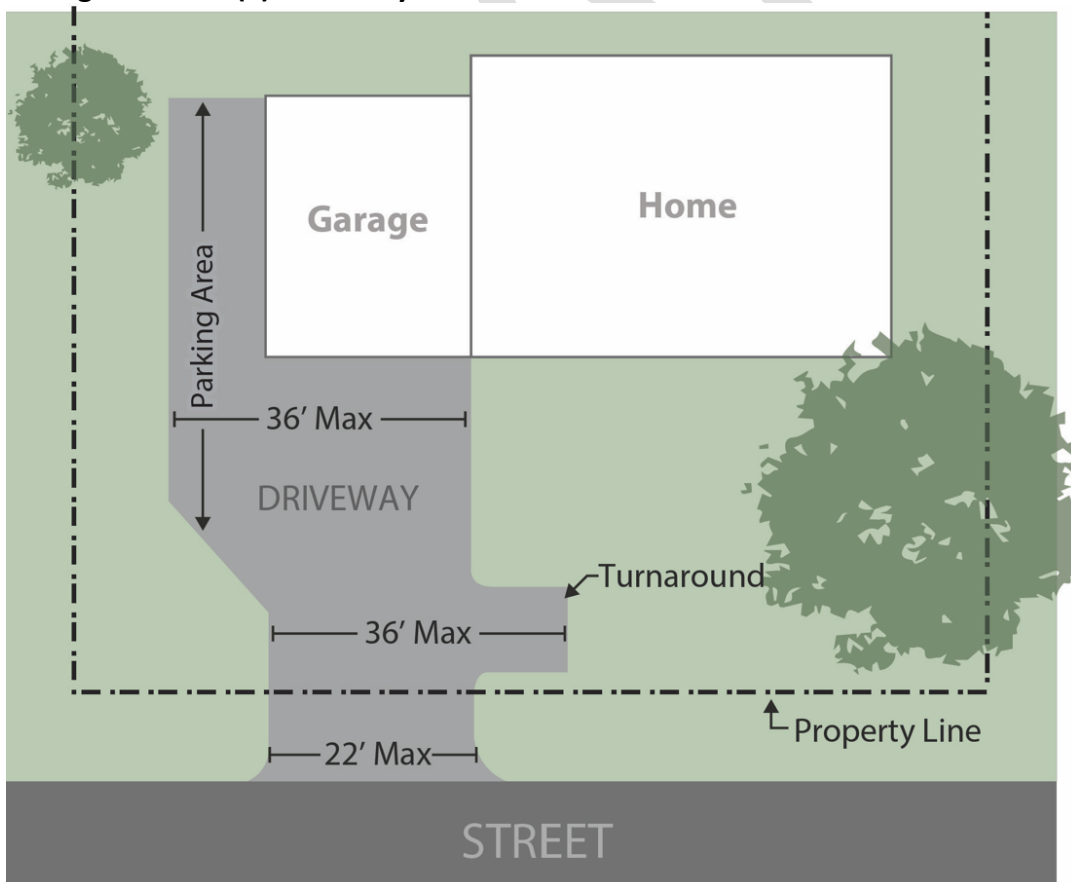
- (2) Except as provided in subsections (a)(3) and (a)(9) of this section, no motor vehicle, recreational vehicle, commercial vehicle, or trailer shall be permitted to stand or park in the N districts which exceeds any of the following:
 - a. Nine feet in height, measured from the ground to the highest 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.