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154.001 INTENT AND PURPOSE

This Chapter divides the City into zoning districts, establishes minimum requirements to achieve its intent and purpose, and establishes regulations which control the location, construction, reconstruction, alteration, and use of structures and land. The intent and purpose of this Chapter is to:

A. Promote and protect the public health, safety, morals, and general welfare of the City;

B. Promote land uses and development patterns that are consistent with the implementation of goals, policies, and plans established in the City’s Comprehensive Plan and officially adopted plans and overlays;

C. Preserve the overall quality of life for residents and visitors;

D. Promote the most appropriate phased and orderly growth and development of land for residential, commercial, industrial, recreational, and public areas;

E. Provide adequate light, air, open space, and convenience of access to property;

F. Prevent or limit congestion in the public right-of-way;

G. Promote pedestrian, bicycle, and transit use as well as provide for off-street parking and loading areas;

H. Foster a strong and balanced tax base for the economic vitality of the City;

I. Protect, stabilize, and enhance the value of land, buildings, and structures throughout the City;

J. Establish a comprehensive system of sign controls governing the display, design, construction, installation, and maintenance of signs and to promote the orderly and effective display of outdoor advertising;

K. Protect and preserve the natural environment and resources of the City including environmentally sensitive areas, wetlands, and shorelands;

L. Protect against fire, natural hazards, flooding, contamination, and other dangers;
M. Encourage the protection, conservation, restoration, and enhancement of historic resources in the City;

N. Encourage energy conservation through the use of renewable and alternative energy systems;

O. Enhance the aesthetic desirability of the City through the design and appearance of buildings, compatible land uses, and design and development standards in relation to surrounding properties;

P. Require developments to have adequate provisions for City water, City public sanitary sewer, and other public services;

Q. Encourage reinvestment in the City’s established residential neighborhoods while protecting their character and creating a sense of place;

R. Maintain a variety and range of housing and commercial building options to satisfy the City’s social and economic goals;

S. Define the powers and duties of the administrative officers and bodies, as provided hereinafter; and

T. Provide effective administration and enforcement of this Chapter.
(A) Title.

This Chapter shall be known and may be cited and referred to as the “North St. Paul Zoning Ordinance;” when referred to herein, it shall be known as “this Chapter.”

(B) Application.

1. Interpretation. The provisions of this Chapter shall be held to be the minimum requirements for the promotion and protection of the public health, safety, morals, and general welfare.

2. Scope. When any condition imposed by any provision of this Chapter is either more restrictive or less restrictive than similar conditions imposed by any provision of any other applicable law, City Code provision, statute, resolution or regulation of any kind, the more restrictive condition which imposes higher standards or requirements shall prevail. This Chapter is not intended to repeal any easements, restrictions, or covenants relating to the use of land or imposed on lands within the community by private declaration or agreement.

3. Conformity. Except as specifically provided for herein, no structure or land shall be used for, nor shall any structure be constructed, converted, enlarged, reconstructed, or altered in any manner for any purpose which is not in conformity with the provisions of this Chapter. Any existing building or structure and any existing use of properties not in conformity with the regulations may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming properties or uses.

(C) Rules.

1. For the purpose of this Chapter, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word “building” shall include the word “structure” the word “lot” shall include the word “plot” and the word “shall” is mandatory and not discretionary.

2. All measured distances shall be to the nearest tenth of a foot.

3. Whenever a word or term defined hereinafter appears in the text of this Chapter, its meaning shall be as set forth in such definition.

4. A use which is not allowed or authorized by this Chapter is prohibited.
(D) Zoning Coordination.

Any zoning district classification change to land adjacent to or across a public right-of-way from an adjoining county or community shall be referred to that county/community’s governing unit for review and comment prior to final action by the City Council. A period of at least ten (10) days shall be provided for receipt of comments; such comments shall be considered as advisory only.

(E) Zoning and the Comprehensive Plan.

The North St. Paul Comprehensive Plan establishes the goals, objectives and strategies that serve as a basis for this zoning code. All regulations or amendments adopted pursuant to this ordinance shall be generally consistent with the Comprehensive Plan as adopted and revised or updated. The Comprehensive Plan will be modified and updated from time to time based on the requirements of state statutes and the rules of the Metropolitan Council. A plan amendment may be initiated by The City Council, the Planning Commission or upon application of a property owner. The process for application, review, and amendment shall be consistent with state law and with policy adopted by the City.

(F) Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this Chapter, are hereby repealed to the extent necessary to give this Chapter full force and effect.

(G) Validity.

Should any section or provision of this Chapter be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the Chapter as a whole or any other section.

1504.003 DEFINITIONS

The following terms, as used in this Chapter, shall have the meanings stated. All measured distances expressed in feet shall be to the nearest tenth of a foot. In the event of conflicting provisions in this Chapter, the more restrictive shall apply. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUT/ABUTTING. Contiguous; having a common boundary, wall, or property line.
ACCESS. The place, means, or way by which pedestrians or vehicles have ingress or egress to a property or parking area.

ACCESSORY, STRUCTURE. See ‘BUILDING OR STRUCTURE, ACCESSORY’.

ACCESSORY USE. See ‘USE, ACCESSORY’.

ADAPTIVE REUSE. Rehabilitation or renovation of existing building(s) or structures for any use(s) other than the present use(s).

ADDITION. A part added to a building either by constructing so as to form one architectural whole or by joining, as by a passage, so that each is a necessary adjunct of the other or so that they constitute the same building.

ADULT DAY CARE. A program operating less than twenty four (24) hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services that are directed at maintaining or improving the participants’ capabilities for self-care.

ADULT USES. Any of the activities and businesses described below constitute Adult Uses which are subject to the regulations of this chapter.

ADULT BOOK AND MEDIA STORE. An establishment having a substantial portion of its stock in trade or stock on display (fifteen percent (15%) or more) consisting of books, magazines, films, videotapes, or other media of which are characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”

ADULT THEATER. An enclosed building with a capacity for seating fifty (50) or more persons used regularly and routinely for presenting live entertainment or motion pictures, including but not limited to films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

ADULT MINI THEATER,
1. An enclosed building with a capacity for seating less than fifty (50) persons used for presenting motion pictures, including but not limited to films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”
2. Any business or building which presents motion pictures, including films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” for viewing on the premises, including but not limited to private booths, peep booths, viewing by means of coin operated or other mechanical devices and the viewing of excerpts of motion pictures offered for sale or rent.

ADULT STORES. An enclosed building where more than thirty percent (30%) of the floor area devoted to display and sales of merchandise consist of materials, paraphernalia, and games which are intended to be used in conjunction with or that describe “specified sexual activities” or “specified anatomical areas.”

SPECIFIED SEXUAL ACTIVITIES means any of the following:
1. Human genitals in the state of sexual stimulation or arousal;
2. Acts or explicit representations of acts or actual or simulated human masturbation, sexual intercourse or sodomy, bestiality, oral copulation, or flagellation;
3. Fondling or erotic touching of human genitals, pubic region, buttock, or female breast;
4. Excretory functions as part of, or in connection with, any activities set forth above.

SPECIFIED ANATOMICAL AREAS are any of the following:
1. Human genitals, pubic region or pubic hair; buttock and female breast below a point immediately above the top of the areola, which are less than completely and opaquely covered; and;
2. Human male genitals in a discernible turgid state, even if opaquely covered.

NUDE MODEL STUDIO. Any place where a person who appears in a state of nudity or displays specified anatomical area is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration.

SEXUAL ENCOUNTER CENTER. A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
ADULT ARCADE. Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

ADULT CABARET. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
1. Persons who appear seminude or in a state of nudity; or
2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
3. Films, motion pictures, videocassettes, slides, compact disks, computer software, digital recordings, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT CONVERSATION/RAP PARLOR. A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

ADULT MASSAGE PARLOR. A massage parlor which excludes minors by reason of age, or which provides, for any form of consideration, the rubbing, stroking, kneading, tapping, or rolling of the body, if the service provided by the massage parlor is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

ADULT MOTEL. A hotel, motel, or similar commercial establishment in which at least one of the following occurs:
1. Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours or an hourly basis; or
3. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours or an hourly basis.

**ADULT SAUNA.** A sauna which excludes minors by reason of age, or which provides, for any form of consideration, a steam bath or heated bathing room used for the purpose of bathing, relaxing, or reducing utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

**ESCORT AGENCY.** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

**AFFORDABLE HOUSING.** Housing for which the occupant(s) is/are paying no more than thirty percent (30%) of his or her income for gross housing costs, including utilities.

**ALLEY.** See STREET—ALLEY.

**ALTERATION.** Any construction or renovation to an existing structure other than repair or addition that requires a permit. Also, a change in a mechanical system that involves an extension, addition, or change to the arrangement, type, or purpose of the original installation that requires a permit.

**ALTERNATIVE ENERGY SYSTEMS –**

**ACCESSORY.** A system designed as a secondary use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption.

**ALTERNATIVE ENERGY SYSTEM.** A source of energy such as geothermal, wind, or solar alternative to more traditionally fossil fuels or combustible energy producers.

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEM.** A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building, including but not limited to, photovoltaic or hot water solar systems contained within roofing materials, windows, skylights, and awnings.
**CLOSED LOOP GROUND SOURCE GEOTHERMAL SYSTEM.** A system that circulates a heat transfer fluid, through pipes or coils buried beneath the land surface or anchored to the bottom in a body of water whereby the temperature of the surrounding earth or water is transferred to the structure at the ground surface.

**GEOTHERMAL SYSTEM.** A system that uses the relatively constant temperature of the stored energy of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include open or closed loops of pipe, coils or plates; a fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system. Also called a Ground Source Heat Pump System.

**HEAT TRANSFER FLUID.** A non-toxic and food grade fluid such as potable water, aqueous solutions of propylene glycol not to exceed twenty percent (20%) by weight, or aqueous solutions of potassium acetate not to exceed twenty percent (20%) by weight.

**HORIZONTAL AXIS WIND TURBINE.** A wind turbine design in which the rotor shaft is parallel to the ground and the blades are perpendicular to the ground.

**HORIZONTAL GEOTHERMAL SYSTEM.** A closed loop ground source heat pump system where the loops or coils are installed horizontally in a trench or series of trenches no more than twenty (20) feet below the land surface.

**HUB.** The center of a wind generator rotor which holds the blades in place and attaches to the shaft.

**HUB HEIGHT.** The distance measured from natural grade to the center of the turbine hub.

**HYDRONIC HEATING SYSTEM.** A combustible energy system (not an alternative energy under this section) which uses water to move heat from where it is produced, typically via a wood fired furnace located exterior to the building being heated. Heat is distributed via water piped in an enclosed pipe system to and released into a space by a heat emitter. Also called an Outdoor Wood Boiler.

**MONOPOLE TOWER.** A tower constructed of tapered tubes that fit together symmetrically, are stacked one section on top of another, and bolted to a concrete foundation without support cables.
OPEN LOOP GEOTHERMAL SYSTEM. A system that uses ground water as a heat transfer fluid by drawing ground water from a well whereby the temperature of the surrounding earth or water is transferred to a heat pump and then discharging the water over land, directly into a water body or into an injection well.

PASSIVE SOLAR ENERGY SYSTEM. A system that captures solar light or heat for use without transforming it first to another form of energy or transferring that energy via a heat exchanger.

PHOTOVOLTAIC SYSTEM. A solar energy system that converts solar energy directly into electricity.

SMALL WIND TURBINE. A wind turbine of 100 kW generating capacity or less.

SOLAR ENERGY SYSTEM. A device or structural design feature, with a substantial purpose to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

TOTAL HEIGHT, WIND TURBINE. The highest point above natural grade reached by a rotor tip or any other part of a wind turbine.

TOWER. A vertical structure that supports an alternative energy system.

UTILITY WIND TURBINE. A wind turbine of more than 100 kW nameplate generating capacity.

VERTICAL AXIS WIND TURBINE. A type of wind turbine where the main rotor shaft runs vertically.

VERTICAL GEOTHERMAL SYSTEM. A closed loop ground source heat pump system where the loops or coils are installed vertically in one or more borings below the land surface.

WIND ENERGY SYSTEM. An electrical generating facility that consists of a wind turbine, feeder line(s), associated controls and may include a tower.

WIND TURBINE. Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.
ANIMAL BOARDING FACILITY. Any lot or premises on which dogs, cats, and/or other household pets are kept, boarded, or raised for sale or adoption. Also known as ‘Animal Day Care’, ‘Animal Kennel’, or ‘Animal Shelter.’

ANIMAL OR VETERINARY HOSPITAL OR CLINIC. An establishment for the routine examination, medical or surgical treatment, and care of domestic animals generally with overnight boarding facilities for animals in care.

APARTMENT HOUSE. Any building, or portion thereof, which is designated, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the building and shall include buildings containing three (3) or more flats or apartments.

APPLICANT. Any person who wishes to obtain a building permit, zoning, or subdivision approval or a permit to allow land-distributing activities. Applicant also means that person’s agents, employees, and other acting under this person’s direction.

ARCade. A continuous, covered passageway parallel and open to a street, private or public open space or building and typically accessible and open to the public.

ASSESSED VALUE. The value of real property as established by the county assessor.

ASSISTED LIVING FACILITY AND/OR MEMORY CARE FACILITY. A facility registered with the Minnesota Department of Health (DOH) where individualized home care aide services or home management services are provided to residents either by the management or by providers under contract with the management.

ATTIC. The unfinished space between the ceiling joists of the top story and the roof rafters.

AUTOMOBILE SERVICE STATION. Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries, or minor automobile accessories. Services offered may include the installation of tires, batteries and minor accessories, minor automobile repairs, and greasing or washing of individual automobiles.

AWNING. An architectural projection that provides weather protection, identity, or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached (see FIGURE 1).
**Figure 1: AWNING**

**BALCONY.** A platform area projecting from the exterior of a building, enclosed by a railing, accessible from above grade, and not attached to the ground.

**BASE FLOOD ELEVATION.** The elevation of the regional flood. The term “base flood elevation” is used in the flood insurance survey.

**BASEMENT.** Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

**BED AND BREAKFAST ESTABLISHMENT.** A commercial facility usually with a private residence therein, providing housing and feeding of transients.

**BERM.** A mound of earth with elevation generally above the surrounding area.

**BLOCK.** A tract of land bounded by streets or by a combination of streets, shorelines, waterways or boundary lines of the corporate limits of the City.

**BLOCK, FRONT.** The distance between intersections along one side of a street (see FIGURE 2).
BOARD OF APPEALS AND ADJUSTMENT. A board established by the City to hear and decide appeals regarding zoning and having powers set forth in M.S § 462.357 and M.S § 462.359. The Planning Commission shall serve as the Board of Appeals and Adjustment.

BOARDING HOUSE. A Lodging House wherein meals are served to tenants.

BREWERY, MICRO-BREWERY, MICRO-DISTILLERY, MICRO-WINERY, OR TAP ROOM. A small scaled on or off-sale liquor business, located in a building where the primary use is for restaurant, retail, or tasting room and which specializes in producing limited quantities of wine, beer, or other alcoholic beverages.

BROWNFIELD. With certain legal exclusions and additions, the term "brownfield site" means real property for which the expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

BUFFER. The use of land such as topography (difference in elevation), space, fences or landscape plantings, to screen or partially screen a use of property from another use or property, and thus reduce undesirable effects such as sight, light, noise, dust, and other nuisances (see FIGURE 3).
BUILD-TO-LINE. A line to which the front wall of a building is to be constructed. The build-to-line runs parallel to the front lot line and is established to create an even building façade line along a street (see FIGURE 4).

Figure 4: BUILD-TO-LINE

BUILDABLE AREA. The space remaining on a parcel after the minimum setback, drainage provisions, ponding, compensatory storage, soils, open space and other site constraint requirements and building restriction lines of this Chapter have been met.

BUILDING OR STRUCTURE. Any structure for the shelter, housing support, or enclosure for persons, animals, or property of any kind which is permanently affixed to the ground. When a building is separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.
BUILDING OR STRUCTURE, ACCESSORY. A subordinate structure or building located on the same lot with and of nature incidental to the principle structure or building (see FIGURE 5).

Figure 5: BUILDING OR STRUCTURE, ACCESSORY

BUILDING OR STRUCTURE, CONFORMING. Designates a structure which satisfies all applicable requirements of this Chapter as amended.

BUILDING OR STRUCTURE, DETACHED. A building that is not connected to another building.

BUILDING OR STRUCTURE, NON-CONFORMING. See NON-CONFORMING—BUILDING OR STRUCTURE.

BUILDING OR STRUCTURE, PRINCIPAL. A building in which a principal use is located.

BUILDING CODE. Minnesota Rules, Chapter 1305, Minnesota Building Code.

BUILDING COVERAGE. The amount of land covered by building area, usually measured in terms of lot percentage.

BUILDING FAÇADE. Any side of a building facing a public way or space and finished accordingly.

BUILDING FACE. That portion of the exterior wall of a structure which shall lie in a vertical plane. One face shall be terminated by an exterior angle of at least 210 degrees formed by two (2) exterior walls, each being at
least eighteen (18) feet in length or a curved portion of such exterior wall which shall have a central angle of thirty (30) degrees or more.

**BUILDING FRONTAGE.** The facade of a building most nearly parallel to an abutting public right-of-way which affords principal access.

**BUILDING HEIGHT.** The vertical distance from the average grade of a building line to the cornice of a flat roof, the deck of a mansard roof, the uppermost point on a round or other arch-type roof, or the mean distance of the highest gable on a pitched or hip roof.

**BUILDING LINE.** The line established by law, beyond which a building shall not extend, except as specifically provided by law (see **FIGURE 6**).

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**Figure 6: BUILDING LINE**

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**BUILDING LINE, SHORELAND.** A line measured across the width of a lot where the main structure is placed in accordance with setback provisions from the ordinary high-water mark.

**BUILDING OFFICIAL.** The municipal building code administrative authority certified under M.S. § 16B.65, subdivisions 2 and 3.

**BUILDING PERMIT.** A permit required from the responsible governmental agency before any site work, construction, or alteration to any structures can be started.
BUILDING PLAN. A dimensioned plan drawn to scale which includes the general use and layout of each floor of a building including projections such as canopies, stacks, chimneys, and exterior equipment, if any.

BUILDING SERVICE EQUIPMENT. Refers to the plumbing, mechanical, electrical, and elevator equipment including piping, wiring, fixtures, and other accessories that provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use and occupancy.

BUILT ENVIRONMENT. The sum of the parts of a community’s physical surroundings formed and shaped by human activity, including buildings, structures, landscaping, earth mounds, roads, signs, trails, and utilities.

BUSINESS. The activity of making, buying, or selling goods or providing services.

CALIPER. A tree trunk diameter measured four and one-half (4½) feet from the ground on trees more than twelve (12) inches in diameter. On trees more than four (4) inches and up to twelve (12) inches in diameter, caliper is measure twelve (12) inches from the ground. On trees four (4) inches or less in diameter, caliper is measured six (6) inches from the ground.

CANOPY. Any structure, movable or stationary, which is attached to, supported by, and projected from the entrance of a building designed and intended for protection from the elements or as a decorative embellishment (see FIGURE 7).
**CARPORT.** An automobile shelter enclosed on not more than two sides. A carport is not a garage (see *FIGURE 8*).

**Figure 8: CARPORT**

![](image)

**CHANGE OF USE.** Any alteration in the primary use of a lot for zoning purposes.

**CHAPTER.** When used without clarification means a chapter of the North St. Paul Zoning Code.

**CHILD.** A person who has not reached age eighteen (18).

**CITY.** The City of North St. Paul, Minnesota.

**CITY COUNCIL.** The City Council of North St. Paul, Minnesota.

**CELLAR.** A portion of a building located partially or wholly underground and having less than three and one-half feet (3.5') of its floor to ceiling height above grade. A cellar is not counted as a story for the purpose of height and setback regulations.

**CEMETERY.** Any non-publicly owned parcel of land designed, intended to be used, or used for the burial of deceased persons or animals. For purposes of this code, a burial lot and columbarium shall be included in the definition of cemetery.

**CERTIFICATE OF OCCUPANCY.** Official certification that a premises conforms to provisions of this title and other applicable ordinances and may be used or occupied. A certificate of occupancy is granted upon completion of new construction or completion of alterations or additions to existing structures.
CLINIC. A building designed and used for medical, osteopathic, dental or surgical diagnosis, or treatment of patients under the care of doctors and/or nurses with no overnight boarding.

CLUB OR LODGE. An establishment in which a limited group of people are organized to pursue common social or fraternal goals, interests, or activities and usually characterized by certain membership restrictions, payment of fees or dues, regular meetings, and a constitution or bylaws.

COMMON OPEN SPACE. An area of land, water, or combination thereof planned for active or passive recreation which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit. Common Open Space does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required yards. The area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc. may be included as common open space.

COMMUNICATION STRUCTURE. A structure that is intended to support equipment used to transmit or receive telecommunications signals. Examples of such towers include monopoles and lattice steel structures.

COMMUNITY GARDEN. Any parcel of land utilizing either individual or shared lots on private or public land. The land may produce fruit, vegetables, and/or ornamentals.

COMPENSATOR STORAGE. Excavated volume of material below the floodplain elevation required to offset floodplain fill.

COMPOST FACILITY. A structure or premises designed, intended to be used, or used for the processing, creation, and open air storage of compost for subsequent sale or distribution. Compost means the mixture of decaying organic ingredients and conditioners for use as fertilizer. A location containing pre-packaged compost or open air compost for use exclusively on the same parcel shall not be considered a compost facility.

COMPREHENSIVE PLAN. A compilation of policy statements, goals, standards, maps, and action programs for guiding the future development of private and public property. The term includes a plan designating types of uses for the entire municipality as well as a specialized plan showing specific areas or specific types of land uses such as residential, commercial, industrial, public or semipublic uses, or any combination of such uses. A land use plan may also include the proposed densities for development.

CONDITIONAL USE. See USE, CONDITIONAL.
CONSTRUCTION ACTIVITY. Disturbance to the land resulting in a change in topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography resulting in accelerated storm water runoff leading to soil erosion and movement of sediment into receiving waters or the city municipal separate storm sewer system. Construction activity includes a land disturbance activity greater than or equal to 10,000 square feet.

CONTROL MEASURE. A practice or combination of practices to control erosion and attendant pollution.

CONVENIENCE STORE. A store which sells any one or a combination of the following: groceries, pharmaceuticals, bakery goods, dairy products, hardware, and variety store items.

CONVENTIONAL ENERGY SYSTEM. Any energy system including supply elements, furnaces, burners, tanks, boilers, related controls, and energy-distribution components which uses any source of energy other than solar or windmills. These sources include but are not limited to gas, oil, coal, and nuclear materials.

COORDINATE. Real estate owned by an association, each of whose members is entitled to a proprietary lease in a unit located on the real estate by virtue of the member's ownership interest in the association.

COUNTY. Ramsey County, Minnesota.

COURT. An open, uncovered space bounded on three (3) or more sides by exterior building walls or other enclosing devices.

CURB LEVEL. The grade elevation established by the City of the curb in front of the center of a building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent.

DAY CARE CENTER. A facility which provides one of the following services: care of a child outside the child’s own home for gain or otherwise, on a regular basis for any part of a twenty four (24) hour day; or care for adults offering a program less than twenty four (24) hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services.

DAY NURSERY. A use, licensed by the state where care is provided for pay for three or more children under kindergarten age for periods of more than three (3) but less than twenty four (24) hours per day.

DECIBEL (dBA). The usual unit for measuring the relative loudness of sound.
DECK. A structure which is either freestanding or attached to a principal or accessory structure, constructed at grade or above grade, intended or designed for use as outdoor living space and unenclosed by solid or non-solid walls or a roof (see FIGURE 9).

Figure 9: DECK

![Deck Diagram]

DENSITY. A unit of measurement of the number of dwelling units per acre of land derived by dividing the total number of dwelling units within the particular project, development, or subdivision by the total number of acres contained in such development or subdivision excluding all dedicated public streets therein.

DEPTH OF REAR YARD. The mean horizontal distance between the rear line of the building and the nearest right-of-way line of an alley, where an alley exists otherwise a rear lot line (see FIGURE 10).

Figure 10: DEPTH OF REAR YARD

![Depth of Rear Yard Diagram]
DESIGN REVIEW COMMISSION. An advisory committee established by the City Council to review design guidelines and standards to determine if such plans are consistent with design manuals and provisions of this Chapter.

DESIGN AND PERFORMANCE STANDARDS. Standards and controls that establish the maximum size of structures and the buildable area within which structures may be located including height, floor area ratio, gross floor area, lot coverage, and yard requirements but excluding residential density regulation.

DETENTION BASIN. A facility designed to temporarily store runoff from rainfall or snow melt, releasing the stored water at a controlled rate until the basin is empty. The outlet or control structure is located at the bottom of the facility so that the basin is dry after the runoff event.

DETENTION FACILITY. A permanent natural or man-made structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.

DEVELOPER. A person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

DEVELOPMENT. The construction of any public improvement project, infrastructure, structure, street, or road or the subdivision of land.

DISABILITY/HANDICAP. With respect to an individual person, a verifiable physical or mental impairment that substantially limits one or more of such person's major life activities and is expected to be long continued and of indefinite duration.

DISTRICT. A section or zone of the City for which the regulation governing the land and building uses, lot area, height of structures and similar provisions are the same under the provisions of this Chapter.

DORMER. A projection built out from a sloping roof, usually housing a vertical window or ventilating louver.

DRIVE/DRIVEWAY. A permanent, durable surface designed to provide vehicular access from a street to a lot or to provide vehicular access
between different parts of a lot or parking area. A drive that is internal to a parking area is not the same as an aisle.

**DRIVE-IN OR SELF-SERVICE BUSINESS.** A facility which accommodates automobiles and from which the occupants of the automobiles may make purchases or transact business, including the stacking spaces in which automobiles wait.

**DRY CLEANING ESTABLISHMENT.** A use involving the cleaning or dyeing of fabrics with the use of mechanical appliances.

**DWELLING.** A building or one or more portions thereof occupied or intended to be occupied exclusively for residence purposes, but not including rooms in motels, hotels, nursing homes, boarding houses, nor trailers, tents, cabins, trailer coaches, or houseboats.

**DWELLING, ATTACHED.** A dwelling unit which is joined to another dwelling or building at one or more sides by a party wall or walls.

**DWELLING, MULTIPLE FAMILY.** A residence structure designed for or occupied by three (3) or more families, either wholly attached or partially detached, with separate housekeeping and cooking facilities for each (see FIGURE 11).

**Figure 11: DWELLING, MULTIPLE FAMILY**

**DWELLING, SINGLE FAMILY.** A residence structure that is free-standing (detached) and designed for or occupied by one family only (see FIGURE 12).
DWELLING, TOWNHOUSE. A residence structure that is a single-family dwelling unit constructed in a group of two or more similar single-family dwelling units, with no other unit above it or below it, each unit extending from the foundation to the roof, each unit having a private entrance, and designed for not more than one family.

DWELLING, TWO FAMILY. A residence structure, commonly referred to as a duplex, designed for or occupied by not more than two (2) families, with separate housekeeping and cooking facilities for each (see FIGURE 13).

Figure 12: DWELLING, SINGLE FAMILY

Figure 13: DWELLING, TWO FAMILY

DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooling and sanitation.

DWELLING UNIT, ACCESSORY (ADU). Also known as a “granny flat,” “mother-in-law apartment” or “carriage house”. Is a self-contained living unit that can be located within the walls of an existing or newly
constructed home, or that can be an addition to an existing home. It can also be a freestanding structure on the same lot as the main house.

EASEMENT. A grant by the owner of land to the general public or to others for a specific use of the land.

ELECTRONIC AMUSEMENT DEVICE OR GAME. A mechanical or electronic amusement device or machine which upon the insertion of a coin, token or slug, operates or may be operated or used for a game, contest, or amusement of any description and which contains no payoff in money, coins, checks, or merchandise other than a free game(s) at the same machine. Said item includes pinball machines; miniature pool tables; bowling machines; shuffle-boards; electric rifle or gun games; miniature mechanical or electrical games patterned after baseball, football, basketball, hockey, soccer or similar games; electric work and test games; and electric video games of sports, words, or aptitude used solely for amusement and not as gambling devices. This term does not include jukeboxes, food vending machines, or children’s amusement devices.

ENERGY DISSIPATION. Methods employed at pipe outlets or along pipe alignments to prevent erosion including, but not limited to concrete aprons, riprap, collars, splashguards, and gabions.

ENGINEER. The City Engineer of the City of North St. Paul.

EQUAL DEGREE OF ENCR OACHMENT. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

EROSION. Any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.

EROSION CONTROL. Methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

ESSENTIAL SERVICES. Overhead or underground electric, gas, steam, or water distribution systems and structures for collection, communication, supply, or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety, or general welfare including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fiber alarm boxes, police call boxes, and accessories in connection therewith but not including buildings.

EXCAVATION. The mechanical removal of earth material.
EXTERIOR STORAGE. The storage, including open storage, of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

FAMILY. One or more persons related by blood, adoption, or marriage including foster children and household servants, living and cooking together as a single housekeeping unit; a number of persons, but not exceeding three, living together as a single housekeeping unit though not related by blood, adoption or marriage; or a number of persons, including no more than two adults, living together as a single housekeeping unit where the minor household members are the natural, adoptive, or foster children of one of the household members.

FAMILY DAY CARE. See DAY NURSERY.

FARM FENCE. A fence as defined by M.S. § 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.

FEEDER LINE. Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid. In the case of interconnection with the high voltage transmission systems, the point of interconnection shall be the substation serving the wind energy conversion system.

FENCE. Any partition, structure, wall, or gate erected as a divider, marker, barrier, or enclosure and located along the boundary, within the required yard, or elsewhere on the property. Fence height shall be measured from the normal grade adjacent to the fence line.

FENESTRATION. Skylights, roof windows, vertical windows (whether fixed or moveable), opaque doors, glazed doors, glass block, and combination opaque/glazed doors.

FILL. A deposit of earth material placed by artificial means.

FINISHED LIVABLE FLOOR AREA. The floor area of all rooms which can be used for living, eating, sleeping, and recreation including bathrooms, closets and stairways serving such rooms. Measurements can be made from the exterior wall line and interior walls of qualifying rooms may be included. Finished means the area has electrical, lighting, ventilation, heating, and surfacing composed of finished materials.
FLOOD. A general or temporary condition of partial or complete inundation of normally dry land areas.

FLOOD FREQUENCY. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

FLOOD FRINGE. That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Ramsey County, Minnesota (all jurisdictions).

FLOOD PLAIN. The beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.

FLOOD PRONE AREA. Any land susceptible to being inundated by water from any source (see FLOOD).

FLOODPROOFING. A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

FLOODWAY. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

FLOOR AREA. The total square footage of each floor of a building measured from the exterior faces of the exterior walls.

FLOOR AREA RATIO (FAR). The numerical value obtained by dividing the total square footage of a building or buildings by the total lot or parcel area of the site (see FIGURE 14).
**FLOOR PLAN.** A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.

**FOOD AND BEVERAGE ESTABLISHMENT.** A building, structure, enclosure, or any part of a building, structure, or enclosure used as, maintained as, advertised as, or held out to be an operation that prepares, serves, or otherwise provides food, beverages, or both for human consumption.

**FUNERAL HOME.** A funeral home is defined as a business which provides a wide variety of funeral services as defined by M.S. § 149A.02, Subd. 23. A funeral home may have a maximum of one (1) crematory retort under the following conditions:
1. The retort is located within the same structure as the funeral home;
2. The crematory retort complies with all state and federal statutes, regulations and requirements;
3. The crematory retort is used only for bodies for which the funeral home has prepared such body for cremation.

**GABLE.** The triangular upper portion of an end wall under a peaked roof.

**GARAGE, PRIVATE.** A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers, or one truck of a rated capacity not in excess
of one and one-half (1 ½) tons under the control of and used by the occupants of the principal building on the site.

GRADE, FINISHED. The finished ground level adjoining the building at all exterior walls.

GRADE (ADJACENT GROUND ELEVATION). The lowest point of elevation of the finished ground, paving, or sidewalk surface between the building and the property line or between the building and a line five (5) feet from the building when the property line is more than five (5) feet from the building.

GRADE, NATURAL. The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall or other earthwork feature. Natural grade is determined by reference to a survey or other information as determined by the zoning administrator.

GRADE, PLANE. A reference plane representing the average of a finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

GREENHOUSE. A structure that is constructed primarily of glass, glass-like or translucent material which is devoted to the protection or cultivation of food or ornamental crops.

GROSS FLOOR AREA (GFA). Total gross floor area including exterior building walls of all floors of a building or structure. Also referred to as 'gross square feet,' or GSF.

GROSS LEASABLE AREA (GLA). The portion of GFA that is available for leasing to a tenant.

GROUND FLOOR/FIRST FLOOR. The lowest floor of a building having its floor to ceiling height at or above the grade.

GROUND FLOOR AREA. The lot area covered by a building or buildings measured from the exterior faces of exterior walls but excluding decks and terraces and detached garages which do not exceed twelve (12) feet in height.

GROUND FLOOR-AREA RATIO. The numerical value obtained through dividing the gross ground floor area of a building by the net area of the lot or parcel of land on which such building is located.
GROUNDCOVER. Grass or other spreading plant material used to define and cover the ground surface, less than twelve (12) inches tall.

GROUP FAMILY DAY CARE. Day care for no more than fourteen (14) children at any one time.

HEIGHT. The vertical distance of a structure measured from the average elevation of the finished grade lying fifteen (15) feet from the structure to: the highest point of the roof or parapet, for flat roofs; or, the mid-point between the eaves and the ridge, for sloped roofs.

HISTORIC STRUCTURE (as defined in the Code of Federal Regulations 59.1) are:
1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district;
3. Individually listed on a the State Historic Preservation Offices state inventory of historic places;
4. Individually listed on a local inventory of historic places of The City of North St. Paul under a program overseen by the City Heritage Preservation Commission.

HOLDING POND. An area designed or accepted by the City Engineer and approved by the City to retain water to control the flow of storm water.

HOME OCCUPATION. An occupation, profession, activity, or use conducted for financial gain or profits in a dwelling that is clearly secondary to the residential use of the dwelling.

HOSPICE. A facility providing a caring environment for supplying the physical and emotional needs of the terminally ill.

HOSPITAL. An establishment where patients are admitted for medical, surgical, or psychiatric treatment for outpatient and/or inpatient, overnight accommodation.

HOT TUB. A tub or small pool, usually made of wood or fiberglass, in which heated water is maintained for recreational or therapeutic activities including but not limited to Jacuzzis, whirlpools, and spas.

HOTEL. An establishment containing rooming units providing temporary lodging accommodations to the general public, with rooms having access to the outside through an interior hallway connected to the main lobby of the building, and which may provide additional services such as
restaurants, meeting rooms, entertainment, and recreational facilities. A hotel shall not include any use which could be defined as a motel.

**HYDRIC SOILS.** Soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

**HYDROPHYTIC VEGETATION.** Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

**IMPERVIOUS SURFACE.** A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

**INfiltrATION AREA.** A stormwater retention method for the purpose of reducing the volume of stormwater runoff by transmitting a flow of water into the ground through the earth's surface.

**INFRASTRUCTURE.** The system of public works for a county, state, or municipality including, but not limited to, structures, roads, bridges, culverts, sidewalks; stormwater management facilities, conveyance systems and pipes; pump stations, sanitary sewers and interceptors, hydraulic structures, permanent erosion control and stream bank protection measures, water lines, gas lines, electrical lines and associated facilities, and phone lines and supporting facilities.

**INOPERABLE MOTOR VEHICLE.** A vehicle which has not been moved for three months, or does not have current license plates on it, or which cannot be safely driven without repair.

**INTENSIVE VEGETATION CLEARING.** The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

**INTERIM USE.** A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permits it.

**L10.** The sound level, expressed in dBA, which is exceeded ten percent (10%) of the time for a one (1) hour survey, as measured by test procedures approved by the Director of the Minnesota Pollution Control Agency.
L50. The sound level, expressed in dBA, which is exceeded fifty percent (50%) of the time for a one (1) hour survey, as measured by test procedures approved by the Director of the Minnesota Pollution Control Agency.

LAND DISTURBING OR DEVELOPMENT ACTIVITIES. Any change of the land surface including removing vegetative cover, excavating, filling, grading, stockpiling soil, and the construction of any structure that may cause or contribute to erosion or the movement of sediment into water bodies. The use of land for new and continuing agricultural activities shall not constitute a land disturbing activity under this Chapter.

LANDLOCKED BASIN. A basin that does not have a natural outlet at or below the existing flood elevation as determined using the Simplified Hydrologic Yield Method or other acceptable hydrologic analysis method identified in the Comprehensive Surface Water Management Plan, adopted August of 2006, as amended.

LANDSCAPE PLAN. A component of a development and/or site plan on which required information is shown in order for authorized review bodies to make an informed decision to approve or deny the submission.

LANDSCAPING. An expanse of scenery including lawns, plants, trees, and other natural materials such as rock, stone, wood chips and decorative features including fountains, sculptures, walks, and water features

LAUNDROMAT. A facility where patrons wash or dry clothing or other fabrics in machines operated by the patron and/or a business that provides washing, drying and ironing for hire by an employee of the facility. Does not include dry cleaning of clothing or other fabrics onsite.

LEAST SUSCEPTIBLE WETLAND TYPE. A wetland characterized as a gravel pit, cultivated hydric soil, dredged material or fill, or material disposal site.

LOADING SPACE. That portion of a lot or plot designed to serve the purpose of loading or unloading all types of vehicles.

LODGING HOUSE. Any dwelling other than a hotel or motel where lodgings are provided for compensation for one or more persons, not to exceed eight, pursuant to previous arrangements for definite periods of time.

LOT. A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law.

LOT AREA. The area of a horizontal plane bounded by front, rear, and side lot lines excluding any public ways.
LOT AREA PER UNIT. The number obtained by dividing the lot area by the number of dwelling units on or proposed for the property.

LOT, CONFORMING. A lot or parcel legally existing on the effective date of this Ordinance which meets the minimum lot width and lot area requirements of this Ordinance.

LOT, CORNER. A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees (see FIGURE 15).

Figure 15: LOT, CORNER

LOT COVERAGE. The amount of impervious surface on a lot.

LOT, DEPTH. The distance from the front line to the rear lot line. In the case of a lot of irregular shape, the mean depth shall be the lot depth.

LOT, DOUBLE FRONTAGE/LOT, THROUGH. A lot other than a corner lot which has a property line abutting on one street and an opposite property line abutting on another nonintersecting street (see FIGURE 15).
LOT, FLAG. Any lot having less frontage on a public way than is typical for the block in which the lot is proposed and is configured such that a narrow access corridor extends from the point of frontage to a larger portion of the lot (the rear lot).

LOT FRONTAGE. The length of the property line of any one premises along an abutting public right-of-way.

LOT, INTERIOR. Any lot other than a Corner, Through, or Flag Lot (see FIGURE 15).

LOT LINE. A line of record bounding a lot that divides one lot from another lot, or from a public or private street or alley, or any other public space.

LOT LINE, FRONT. The boundary of a lot which abuts an existing or dedicated public street. In the case of a corner lot, the front lot line shall be the shortest dimension on a public street; if the dimensions of a corner lot are equal, the front line shall be designated by the owner.

LOT LINE, REAR. That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front or rear lot line.

LOT LINE, ZERO. The reduction to zero of a side yard setback requirement permitting the placement of a structure near or adjacent to the side yard lot line; however, no portion of the structure or accessory appurtenance shall project over the lot line.

LOT, NONCONFORMING. See NONCONFORMING – LOT.

LOT OF RECORD. A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this Chapter, or approved by the City as a lot subsequent to such date, and which is occupied by or intended for occupancy by one principal use, together with any accessory buildings or the open spaces as required by this chapter and having its principal frontage on a street, or a proposed street approved by the Council.

LOT, REVERSED CORNER. A corner lot, the rear of which abuts the side of another lot.

LOT WIDTH. The maximum horizontal distance between the side lot line of a lot measured within the first thirty (30) feet of lot depth.
LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor.

LUMINANCE. The physical measure of brightness or light emanating from an object with respect to its size. The unit of measurement for luminance is nits, which is the total amount of light emitted from a sign divided by the surface area of the sign (candela per square meter).

MAJOR WATERSHED. One of the eighty seven (87) major watershed units delineated by the map titled State of Minnesota Watershed Boundaries, 1979 produced by the Minnesota Department of Natural Resources as included in the Wetland Conservation Act Rules 8420.0549.

MANUFACTURED HOME. A structure not affixed to or part of real estate, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it. The term manufactured home does not include the term recreational vehicle.

MANUFACTURED HOME PARK. One (1) or more contiguous parcels of land under a single management which have been designed and developed in such a manner as to provide individual manufactured home sites for two (2) or more manufactured homes and includes any building, structures, tent, vehicle, or enclosure used or intended for use as part of the equipment of the manufactured home park as defined in M.S. § 327.

MANUFACTURED HOME SITE. An area of land within a manufactured home park that is designed and developed in such a manner as to provide a location for one (1) manufactured home.

MANUFACTURED HOME STAND. That portion of a manufactured home site that is designed, constructed, and improved in such a manner as to provide a base upon which a manufactured home shall rest, and which also serves as a base upon which blocks or other materials are placed to assist in leveling the floor of the manufactured home and provide a temporary type of foundation.

MARQUEE. A permanent roofed structure attached to and supported by the building and projects over property.
MEMBRANE STRUCTURE. A structure lacking a permanent foundation usually consisting of an aluminum, steel, or plastic frame which is covered with aluminum, steel, plastic, fabric, canvas, or similar materials and is used to provide storage of vehicles, boats, recreational vehicles, or other personal property. The term shall also apply to structures commonly known as carports, hoop houses, and tent garages and can be fully or partially covered but shall not apply to boat lifts and canopies which are placed in public water.

MINI-WAREHOUSE. A building or group of buildings in a controlled-access, screened, and secured compound that contains individual compartmentalized and controlled-access storage spaces of varying sizes which are leased or rented for storage purposes on an individual basis.

MINNESOTA POLLUTION CONTROL AGENCY (MPCA). The State organization responsible for the NPDES/SDS permitting system.

MODERATELY SUSCEPTIBLE WETLAND TYPE. A wetland characterized as shrub-carr, alder thicket; fresh wet meadow not dominated by reed canary grass; or shallow or deep marsh not dominated by reed canary grass, cattail, giant reed, or purple loosestrife.

MODULAR BUILDING, INDUSTRIALIZED. A building of closed construction made or assembled in manufacturing facilities off the building site, for installation or assembly and installation on the building site, and is constructed so that concealed parts or processes of manufacture cannot be inspected at the site, without disassembly, damage, or destruction. This does not include manufactured home or prefabricated home, which are each defined separately.

MOTEL. A building containing rooming units designed primarily for providing sleeping accommodations for transient lodgers, with rooms having a separate entrance providing direct access to the outside and with automobile parking located adjacent to or near sleeping rooms.

MUNICIPAL PARKING FACILITY. A commercial parking facility owned and operated by the City, and designed to accommodate the off street parking of motor vehicles as a capital improvement. Such parking may be located in a structured parking facility, a surface lot, or a combination thereof.

MUNICIPAL SEPARATE STORM SEWER SYSTEM. As defined in City Code § 56.01.

NATURAL ENVIRONMENT LAKE. Generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial...
constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.

**NET FLOOR AREA (NFA).** Total floor area, excluding exterior building walls.

**NOISE.** Any activity which creates or produces sound, regardless of frequency, exceeding the ambient noise levels at the property line of any property (or if a condominium or apartment house, within any adjoining apartment) above the ambient noise levels as designated by the NAC noise table at the time and place and for the duration then mentioned.

**NON-CONFORMING--**

**LOT.** A lot or parcel legally existing on the effective date of this Chapter which does not meet the minimum lot width or lot area requirements of this Chapter or on the effective date of a new land use regulation.

**SIGN.** A sign which lawfully existed at the adoption of this Chapter but does not conform to its requirements.

**STRUCTURE.** A structure legally existing on the effective date of this Chapter, or subsequent revisions, which does not comply with the most current regulations herein governing the zoning district in which such structure is located.

**USE.** A use of land, buildings, or structures legally existing on the effective date of this Chapter or a new land use regulation, which does not comply with the regulations herein governing the zoning district in which such use is located. Any use which has been allowed as a conditional use shall not be considered non-conforming.

**NON-POINT SOURCE.** Nutrient and pollution sources not discharged from a single point such as runoff from agricultural fields, feedlots, or urban streets.

**NORMAL WATER LEVEL (NWL).** For a reservoir with a fixed overflow, the NWL is the lowest crest level of that overflow. For a reservoir whose outflow is controlled wholly or partly by movable gates, siphons, or other means, it is the maximum level to which water may rise under normal operating conditions, exclusive of any provision for flood storage. For a closed depression wetland, it is the maximum level to which the water may rise under normal precipitation conditions exclusive of any provision for flood storage.
NURP. The Nationwide Urban Runoff Program developed by the Environmental Protection Agency to study stormwater runoff from urban development.

NURSING HOME. A licensed facility or part of a licensed facility which provides nursing care to five (5) or more persons. This does not include a facility or part of a facility which is a hospital, a hospital with approved swing beds as defined in M.S. § 144.562, clinic, doctor’s office, diagnostic or treatment center, or a residential program licensed pursuant to M.S. § 245A.01 - M.S. § 245A.16, or M.S. § 252.28 and M.S. § 144A.01 Subd. 5.

NURSERY SCHOOL. See DAY NURSERY.

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water.

OCCUPIED SPACE. The total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane, excluding permitted projections as allowed by this code.

OFF-GRID. An electrical system that cannot be, or is not permitted to be, connected to the utility’s electric system or to any building or structure that is connected.

OFFICIAL ZONING MAP. A map adopted in accordance with M.S. § 462.359 and is the Official Zoning Map for the City.

ONE HUNDRED YEAR FLOODPLAIN. Lands inundated by the Regional Flood.

OPEN SPACE. Land preserved apart from development. An open area, including passive and active recreation, unimproved land, pedestrian plazas, parks, nature areas, playgrounds and trails, but not including holding ponds.

ORDINANCE. This Zoning Ordinance, adopted as Chapter 154 of the City Code, and as subsequently amended.

ORDINARY HIGH-WATER LEVEL (OHWL). The boundary of public waters and wetlands and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural
vegetation changes from predominantly aquatic to predominantly terrestrial.

**OUTDOOR SALES AND DISPLAY.** Land devoted to the display of goods, products, or merchandise for sale, rent, lease, or trade where such goods are not enclosed within a building. This can also include the selling of goods or products outside.

**OUTDOOR SALES EVENT.** A seasonal or occasional sale held on the sidewalk or other location outside a building.

**OUTDOOR SEATING.** A commercial seating area for business patrons.

**OUTDOOR STORAGE.** Permanent storage of goods, materials, equipment, or fleet or service vehicles outside of an enclosed building.

**OUTLOT.** A tract of land identified by a capital letter and is land that is not part of a block.

**OVERLAY DISTRICT.** A zoning district that encompasses one or more primary zoning districts or portions thereof and that imposes additional requirements or relaxes one or more standards required by the primary zoning district.

**OWNER.** Any individual, firm, association, partnership, corporation, trust, or any other legal entity having proprietary interest in the land.

**PARAPET.** A low protective wall along the edge of a roof, bridge, or balcony.

**PARCEL.** A designated lot, tract, or area of land established by plat, subdivision or as otherwise permitted by law.

**PARKS AND RECREATION COMMISSION.** The Parks and Recreation Commission of the City, except when otherwise designated.

**PARK, PUBLIC.** A park operated by the City of North St. Paul, including all park buildings.

**PARKING—**

**ACCESSIBLE PARKING SPACE.** Parking spaces accessible for persons with disabilities.

**ACCESSORY PARKING.** Automobile parking as a subordinate use and of a nature incidental to but supportive of the principal use, building or structure. Accessory parking is characterized as a free
service for employees and/or customers of the principal use, building or structure.

**PARKING LOT.** Any off-street area that is one-level, surfaced, open-to-the-air, and used for parking vehicles.

**PARKING SPACE.** A suitably surfaced and permanently maintained area, either within or outside a building, of sufficient size to store one standard automobile exclusive of any driveway or other circulation area, accessible from a street, alley, or maneuvering area.

**PARKING STRUCTURE.** Any structure, including multi-level parking, designed and used for temporary location of vehicles and is commonly called a parking garage or parking ramp.

**PROOF OF PARKING.** An area of a lot other than that area secured for yards, usable open space, or landscaping which is allocated for parking but is not paved or striped.

**PATIO.** A covered or uncovered, surfaced outdoor living area located at grade, adjacent to, and accessible from a dwelling.

**PARTY WALL.** A wall which divides two adjoining structures and in which each of the occupants of the structures has rights of enjoinment.

**PEDESTRIAN ORIENTED DEVELOPMENT.** Developments that are designed to provide a safe, comfortable environment for pedestrians. Important elements include sidewalks that are separated and buffered from vehicular traffic with limited interruption from driveways; the provision of street trees and appropriate street furniture; and buildings that visually address the street with visible entranceways and windows and, in the case of commercial buildings, may include awnings or canopies that protect pedestrians from the weather.

**PERFORMANCE STANDARD.** Regulatory language stating the minimum requirement or the maximum allowable limit on the effects or characteristics of a use or structure.

**PERFORMANCE-BASED DESIGN.** An engineering approach to design elements of a building based on agreed upon performance goals and objectives, engineering analysis, and quantitative assessment of alternatives against the design goals and objectives, using accepted engineering tools, methodologies, and performance criteria.

**PERGOLA.** A building-like structure with columns supporting an elevated trellis over which vines or plants may grow.
PERSON. Any individual, firm, trustee, receiver, assignee, partnership, unincorporated society or association, Limited Liability Company, corporation or any other type of business or association including respective successors or assigns.

PERVIOUS PAVEMENT OR PAVERS. Pavement or pavers that are designed and maintained to allow precipitation to infiltrate into the ground, in order to reduce the volume and velocity of stormwater runoff. Pervious pavement materials include pervious interlocking concrete paving blocks, concrete grid pavers, perforated brick pavers, and similar materials determined by the City Engineer to qualify.

PHASED DEVELOPMENT. Two (2) or more development projects undertaken or to be undertaken by the same developer or proposer that the City determines will have effects on the same geographic area and that are or will be undertaken over a limited period of time.

PHYSICALLY HANDICAPPED. Means having sight disabilities, hearing disabilities, disabilities of incoordination, disabilities of aging, or other disabilities that significantly reduce mobility, flexibility, coordination, or perceptiveness.

PLANNED UNIT DEVELOPMENT (PUD). A large area of land under unified control that is planned and developed as a whole through a single development operation or programmed series of development phases in accord with the master plan for the purpose of encouraging design flexibility, mix of land uses, housing types, density, sustainability, and creativity in land planning. The development may include streets, sidewalks, utilities, buildings, open space and other site features and improvements.

PLANNING COMMISSION. The Planning Commission of the City of North St. Paul established by the City Council to perform planning pursuant to M.S. § 462.354.

PLANTING AREA. An unpaved pervious area intended or used for the placement of a tree or other required landscaping elements.

PLAT. The drawing or map of a subdivision prepared for filing of record pursuant to M.S. § 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to M.S. § 462.358 and M.S. § 505.

PORCH. A covered entrance to a building consisting of a platform area, with open or enclosed sides, projecting from the wall of a building (see FIGURE 16).
PORTABLE STORAGE UNIT. A non-permanent, non-habitable, self-contained structure designed for temporary placement on and subsequent removal from a parcel for the purpose of facilitating off-site storage.

POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in bacteriological and chemical quality to the requirements of the public health authority having jurisdiction.

PRACTICAL DIFFICULTIES. Used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

PRE-CUT HOME. A non-mobile housing unit in which the lumber components for the walls, floors and ceilings, roof, and structured member are pre-cut at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.

PREFABRICATED HOME. A single-family or multi-family dwelling unit constructed of walls, floors, ceilings, and other building components that have been separately constructed off of the building site and are then transported to the building site for assembly and installation.

PREMISES. Land together with the buildings and structures thereon.

PRODUCTION OR PROCESSING. The assembly, disassembly, fabrication, manufacture, cleaning, servicing, packaging, sorting or other handling of goods or materials, either as an intermediate input for further production or processing or for final sale, use, or consumption.
PROPERTY LINE. The legal boundaries of a parcel of property.

PUBLIC HEALTH AND GENERAL WELFARE. As defined in M.S. § 103D.011, Subd. 23 and 24.

PUBLIC IMPROVEMENT. Any drainage ditch, roadway, parkway, street, sanitary sewer, storm sewer, water system, sidewalk, pedestrian way, tree, lawn, off-street parking area, street lights, lot improvement, or other facility for which the City may ultimately assume ownership, responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is or may be established.

PUBLIC LAND. Land owned or operated by a municipality, school district, county, state or other governmental unit.

PUBLIC NOTICE. A ten (10) days printed notice of the time, place, and purpose of a hearing or proceeding.

PUBLIC OPEN SPACE. Open space owned by the City, county, state, school district, or other special district.

PUBLIC WATERS. Waters of the state as defined in M.S. § 103G.005, Subd. 15.

PUBLIC WAY. An alley, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, lane, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other way in which a public entity has a proprietary right, or which is dedicated whether or not it has been improved.

REACH. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

RECEIVING WATERS. All lakes, ponds, streams marshes, reservoirs, springs, or wetlands that are not part of the city's municipal separate storm sewer system.

RECREATION –

RECREATION, ACTIVE. Refers to a structured individual or team activity that requires the use of special facilities, courses, fields, or equipment. Examples of active recreation include baseball, soccer, tennis, skateboarding, and hockey.
RECREATION, PASSIVE. Refers to recreational activities that do not require prepared facilities like sports fields or pavilions. Passive recreational activities place minimal stress on a site’s resources and as a result, they can provide ecosystem service benefits and are highly compatible with natural resource protection. Examples of passive recreation include hiking, picnicking, swimming, walking, or observing and photographing nature.

RECREATION, PUBLIC. All uses that are commonly provided at parks, playgrounds, community centers, and other such sites owned and operated by a unit of government for the purpose of providing recreation to the public.

RECREATIONAL DEVELOPMENT LAKES. Generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally-oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.

RECREATIONAL VEHICLE. A vehicular type portable structure without permanent foundation which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

REGIONAL FLOOD. A flood which can be expected to occur on an average frequency in the magnitude of the one percent (1%) change or 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in a flood insurance study.

REGISTERED LAND SURVEY. A survey map of registered land designed to simplify a complicated metes and bounds description by designating the same as a tract or tracts of a registered land survey number.

REGULATORY FLOOD PROTECTION ELEVATION (RFPE). An elevation not less than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

RELIGIOUS INSTITUTIONS. A facility where people regularly assemble for religious worship and any incidental religious education, which is maintained and controlled by a religious body organized to sustain public worship. This term does not include an elementary or secondary school, a
specialty or personal instruction school, or a college. This term is also known as a place of worship.

REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

REPEITITIVE LOSS. Flood related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty five percent (25%) of the market value of the structure before the damage occurred.

RESTAURANT. An establishment that involves the preparation of food and drink, served to and consumed by patrons primarily within the building.

RETENTION. The prevention of direct discharge of stormwater runoff into receiving water or conveyance networks; examples include systems that discharge through percolation, exfiltration, infiltration, and evaporation processes that generally have residence times of less than three (3) days.

RETENTION FACILITY. A permanent natural or manmade structure that provides for the storage of stormwater runoff by means of a permanent pool of water.

REZONING. The process whereby the zoning classification or specific regulations applicable to a property are changed from one district to another, also referred to as "Zoning Map Amendment."

RIGHT-OF-WAY. Land acquired by reservation or dedication intended for public use and to be occupied by a street, trail, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer or other similar uses. Right-of-way includes any Public Ways.

RWMWD. Ramsey-Washington Metro Watershed District.

ROOF (TYPES). The top covering of a building constructed to shield the area beneath from the weather.

ARCH. A curved symmetrical structure supporting the weight of a roof above.

FLAT. A roof slope with a two (2) foot rise over a twelve (12) foot run or less.

GABLED. A roof that slopes from both sides of a ridge.

GAMBREL. A double pitched roof.
**HIPPED.** A roof with slopes on all four (4) sides, continuous from peak to eaves.

**MANSARD.** A steep, dual pitched hipped roof allowing a tall attic space; frequently used to add an upper story.

**ROOF PITCH.** The final exterior slope of a building roof typically but not exclusively expressed as a ratio of the distance, in inches, of vertical rise to the distance, in inches, of horizontal run, such as 3:12, 9:12, 12:12.

**ROOF LINE.** The highest point of the coping of a flat roof, the lower edge of the eave of a pitched roof, or the uppermost height of a facade or parapet in the case of an extended facade or parapet.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes.

**RUNOFF.** Rainfall, snowmelt, or irrigation water flowing over the ground surface.

**SALVAGE YARD.** Any place where any person who is a junk dealer or salvage dealer buys, exchanges, collects, receives, stores, accumulates, sells or otherwise transfers junk or salvaged material.

**SCHOOLS, ELEMENTARY OR SECONDARY.** Public or private schools which provide an educational program for one or more grades between kindergarten and grade 12 and which are commonly known as elementary schools, grade schools, middle schools, junior high schools, or high schools.

**SCREENING.** The use of plant materials, fences, or earthen berms to partially conceal the separate land use from the surrounding land use.

**SECTION (ELEVATION).** A view of a building seen from one side, a flat representation of one façade. This is the most common view used to describe the external appearance of a building.

**SEDIMENT.** Solid mineral or organic material, that in suspension is being transported or has been moved from its original site by air, water, gravity, or ice and has been deposited at another location.

**SEDIMENTATION.** The process or action of depositing sediment that is determined to have been caused by erosion.
SENIOR HOUSING. A residential housing development, excluding nursing homes and exclusive of any unit occupied by a caretaker, consisting of units meeting the following requirements:
1. The units are designed for occupancy by individuals over fifty-five (55) years of age or by a couple with one or both members over fifty-five (55) years of age;
2. The property owner shall record a covenant to run with the land executed in a form approved by the City which restricts the use of the property to occupancy by senior citizens;
3. Developments which do not consist of townhouses shall provide a lounge or other inside community rooms equal in aggregate size to a minimum of fifteen (15) square feet for each dwelling unit.

SENIOR HOUSING WITH SERVICES. Nursing home, assisted living, and memory care for individuals fifty-five (55) and older, as defined by M.S. § 144(D) and 144(G), as they may be amended from time to time.

SETBACK. The distance between a building and the property line nearest thereto (see FIGURE 17).

**Figure 17: SETBACK FRONT, REAR & SIDE**

**FRONT.** The minimum distance by which any building or structure must be separated from the front lot line.

**REAR.** The minimum distance by which any building or structure must be separated from the rear lot line.
SHORELAND. The minimum horizontal distance between a structure and the ordinary high water mark.

SIDE. The minimum distance by which any building or structure must be separated from the side lot line.

SEWAGE. Any water-carried domestic waste, exclusive of footing drainage and stormwater runoff, of any residence, industry, agricultural or commercial establishment whether treated or untreated, including the liquid wastes produced by bathing, laundry, or culinary operations, and from toilets and floor drains.

SEWAGE, RAW. Sewage which has not been subjected to any treatment process.

SHOPPING CENTER. A group of commercial establishments built on a site which is planned and developed as an operating unit and typically sharing common space and services such as parking, maintenance, and advertising.

SHORE IMPACT ZONE. All land between the ordinary high or water’s edge and a line parallel to it at a setback of fifty percent (50%) of the structure setback, as detailed below.

<table>
<thead>
<tr>
<th>Shore Impact Zone</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Silver Lake</td>
<td>37.5'</td>
</tr>
<tr>
<td>Casey Lake</td>
<td>75'</td>
</tr>
</tbody>
</table>

SHORELAND. Land located within 1,000 feet from the normal high water level of a lake, pond, or flowage and land within 300 feet of a river or stream.

SHORELAND ALTERATION. Grading or filling of shoreland areas or any alteration of the natural topography where the slope of the land is toward a public water or a watercourse leading to a public water.

SHORELAND DISTRICT. Land located within a floodplain, within 1,000 feet of the OHW of a public water or public waters wetland, or within 300 feet of a stream or river.

SHRUB. A low, usually several stemmed, woody plant.
SIGN. Any written message, name, identification, description, display, illustration, pictorial presentation, number, decoration, flag, banner, or other device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign shall be considered as a structure or a part of a structure for the purpose of applying yard and height regulations.

SIGN (TYPES) (see FIGURE 18)

Figure 18: SIGNS (TYPES)
ADDRESS. A sign consisting of identification numbers only, either in written or numerical form.

ANIMATED. A sign with a progression of frames which give the illusion of motion, moving objects, moving patterns, or bands of lights and shapes or that gives the visual impression of movement.

AUXILIARY. A sign that has a purpose secondary to the use of the lot on which it is located, such as "telephone," "drive-through," "cash machine," "air," "entrance," "exit," parking restrictions, security warnings or similar directives.

AWNING. A sign attached to, affixed to, or painted on an awning.

BACKLIGHTING. An illuminated sign where the light source which illuminates the wall behind individual sign letters is hidden from view. The sign letters are opaque and appear as a silhouette against the lighted surface.

BEACON LIGHT. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BENCH. A sign attached to a bench located on the street and designed for seating while waiting at a bus stop.

BILLBOARD. An off-premises sign which consists of one or more sign faces primarily intended by the sign owner to be available for sale, lease or rental for the purpose of promoting any business or other activity which is not situated on the same property as the billboard or of promoting any product or service which is not primarily available on the same property as the billboard; and incidentally used for the display of public service messages.

BUILDING MARKER. Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

CANOPY. A sign attached to, affixed to, or painted on a canopy.
CHANGEABLE SIGNS –

**MANUALLY ACTIVATED.** Signs that’s alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.

**ELECTRONICALLY ACTIVATED.** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electronically illuminated or mechanically driven changeable segments. Includes the following two types:

**COMPUTER-CONTROLLED VARIABLE MESSAGE ELECTRONIC SIGNS.** Signs whose informational content can be changed or altered by means of computer-driven electronic impulses.

**FIXED-MESSAGE ELECTRONIC SIGNS.** Signs whose basic informational content has been preprogrammed to include only certain types of information projection such as time, temperature, predictable traffic conditions, or other content subject to prior programming.

**COMMERCIAL MESSAGE.** Any sign wording, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.

**DIRECT LIGHTING.** An illuminated sign where the source of light is visible.

**DIRECTIONAL.** A sign which contains the name and address of a site, directional arrows, and possibly the distance to the location of that site.

**FLAG.** Any fabric or flexible material attached to or designed to be flown from a flagpole or other similar structure.

**FLASHING.** Any illuminated sign which emits an intermittent or flashing light, or creates the illusion of intermittent or flashing light by means of animation which is not a Changeable Sign.

**FREESTANDING.** A sign on a frame, pole, or other support structure not attached to any building.
ILLUMINATED. Any sign which has characters, letters, figures, designs, or outlines which are either internally or externally illuminated by an artificial light source.

IDENTIFICATION. A sign containing principally the name of the individual or establishment occupying the premises and which also may include the street address, telephone number, or other information identifying the use.

NAME PLATE. Any sign which states the name, address, or both of the business or occupant of the lot where the sign is placed.

NONCONFORMING SIGN. See NON-CONFORMING—SIGN.

MARQUEE. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE ATTACHMENT. Any sign attached to or made a part of a marquee in any manner.

MONUMENT. A sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

MURAL. A work of graphic art painted on a building wall, which contains no commercial advertising or logos, and which does not serve to advertise or promote any business, product, activity, service, interest, or entertainment.

OFF-PREMISE. Any sign that advertises an establishment, merchandise, service, or entertainments which is not sold produced, manufactured, or furnished at the property on which said sign is located.

ON-PREMISE. A sign whose message is related to the premises or the activity and use occurring on the premises on which the sign is located.

PORTABLE. A sign that is movable and not permanently attached to a structure or the ground. Portable signs include sandwich board signs, portable reader boards on wheels that display changeable letters, trailer signs, gas-filled balloons, and similar signs.

PROJECTING. A sign attached to and projecting out from a building face or wall, generally at right angles to the building.
include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.

**PUBLIC.** Any sign defined as a traffic control sign in the Highway Traffic Regulation Act, identification sign installed in a public park by a public authority or other identification, regulatory, or warning sign approved by the City for installation on public land.

**RESIDENTIAL.** Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of the zoning ordinance.

**ROTATING.** A sign, or portion of a sign, which in any physical part or in total turns about on an axis, rotates, revolves, or is otherwise in motion including without limitation a multi-vision sign.

**ROOF.** A sign erected on a roof, or signs that project above the highest point of the roofline, parapet, or fascia of the building.

**TEMPORARY.** A sign installed for a limited time and not constructed or intended for long-term use.

- **BALLOON.** A sign consisting of a bag or similar device made of lightweight material supported by helium, hot, or pressurized air which is greater than eighteen (18) inches in diameter.

- **BANNER.** A sign made of fabric or other similar nonrigid material with no enclosing framework or electrical components that is supported or anchored on two (2) or more edges or at all four (4) corners.

- **CONSTRUCTION.** A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.

- **PENNANT.** Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series and designed to move in the wind. A pennant for purposes of this ordinance is considered part of temporary signage.

- **POLITICAL.** A sign which advertises or promotes a candidate for public office, a political party, or an issue to be considered in a public election.
REAL ESTATE. A sign which advertises the development, sale, lease, or rental of land or buildings.

STRINGER. A sign that is made of commercial or decorative pennants, flags, or streamers which are attached to a string, rope or cable.

WALL. A sign mounted flat against a wall or painted on the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall.

WINDOW. A sign posted, painted, placed, or affixed to the interior or exterior of a window. Signs that face a window exposed to public view and located within twelve (12) inches of the window are considered a window sign.

SIGN (ELEMENTS) –

FACE. That portion of a sign upon which the message, advertisement or similar display is presented as distinguished from the structural members.

HEIGHT. The distance measured perpendicularly from the highest point of the sign structure to the grade level of the ground directly below that point, or the grade level of the center line of the nearest adjacent roadbed, whichever grade level is higher.

STRUCTURE. A structure including the supports, uprights, bracing, and framework which supports or is capable of supporting a sign.

SITE. A lot or group of adjacent lots intended, designated, or approved to function as an integrated unit, that is proposed for development in accord with the provisions of this Chapter and is in a single ownership or has multiple owners, all of whom execute a joint application for development.

SITE PLAN. A plan for the development of a tract of land drawn to scale, including but not limited to identifying the proposed uses; the location and dimensions of all proposed structures; public and private streets and roadways on or abutting such tract, parking areas, or ground covers; total acreage of the tract, legal description, number of dwelling units (if any) and number of bedrooms for each; the gross floor area, the floor area and ground floor area of all buildings and structures; and the graphic scale to which the plan is drawn.
SLOPE. The degree of deviation of a surface from the horizontal; usually expressed in percent or degrees.

SOLAR TYPES –

SOLAR ACCESS. A view of the sun, from any point on the collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.

SOLAR SYSTEM, ACTIVE. A solar energy system that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

SOLAR COLLECTOR. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

SOLAR COLLECTOR SURFACE. Any part of a solar collector that absorbs solar energy for use in the collector’s energy transformation process. Collector surface does not include frames, supports, and mounting hardware.

SOLAR DAYLIGHTING. A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY DEVICE. A system or series of mechanisms designed primarily to provide heating, provide cooling, produce electrical power, produce mechanical power, provide solar daylighting, or provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive solar systems shall clearly be designed as a solar energy device such as a trombe wall and not merely a part of a normal structure such as a window.

SOLAR HEAT EXCHANGER. A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.
SOLAR HOT WATER SYSTEM. A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

SOLAR MOUNTING DEVICES. Devices that allow the mounting of a solar collector onto a roof surface or the ground.

SOLAR STORAGE UNIT. A component of a solar energy device that is used to store solar generated electricity or heat for later use.

SOLAR SYSTEM, GRID-INTERTIE. A photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

SOLAR SYSTEM, OFF-GRID. A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

SPECIAL FLOOD HAZARD AREA. A term used for flood insurance purposes synonymous with One Hundred Year Floodplain.

SPECIAL INFILL HOUSING. Quality housing which may be suitable in development or redevelopment of parcels.

STANDARD. A preferred or desired level of quantity, quality, or value.

STATE LICENSED RESIDENTIAL FACILITY. A state-licensed and mandatory residential facility occupied by persons in need of specialized treatment or protection and resident staff who live together as a single housekeeping unit, usually for a limited period of time.

STORAGE SHEDS. A structure non-permanent in nature further defined as a structure which can be dismantled quickly with a minimum amount of effort without the use of machinery.

STOREFRONT. The ground level frontage of a building in which there is located a single business directly behind the frontage. A building may have more than one storefront. The length of the storefront is measured from the outside edge of the exterior walls of the building, or if there are multiple storefronts located in a single building, from the centerline of the wall that separates the business from another business, public area, or other area not occupied by the subject business.

STORMWATER –
BEST MANAGEMENT PRACTICES (BMPS). Erosion and sediment control and water quality management practices that are effective and practical means of controlling, preventing and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies. Individual BMPs applicable to this subchapter are described in the current version of the following documents:

- Minnesota Storm Water Manual, 2005. Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, MN 55155-4194; and


STORMWATER DETENTION POND. Natural or created pond area that provides temporary storage of excess stormwater for the purpose of attenuating the peak rate of runoff by controlling the rate of pond discharge. Ponding areas that drain completely between storm events are dry detention ponds. Ponding areas that provide temporary storage in combination with a permanent wet pool are wet detention ponds.

STORMWATER MANAGEMENT PLAN. A plan for the permanent management and control of runoff prepared and implemented in accordance with the standards set forth in SEC. 154.330 of the City Code.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP). A plan or document containing the requirements of § 154.258 for stormwater discharge that when implemented will decrease soil erosion on a parcel of land and off-site sediment damages.

STORMWATER QUALITY POND. A created ponding area per W. W. Walker (1987) criteria that provides a permanent pool for the purpose of sediment and pollutant removal to reduce water quality impacts from urban development.

STORMWATER RETENTION POND. A natural or created ponding area that provides permanent storage of excess stormwater for the purpose of attenuating the peak volume of runoff, from which the only release of flow is by infiltration or evaporation.
**STORMWATER RUNOFF.** Water deposited by rain or other precipitation.

**STORY.** That portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between the floor and the ceiling above it.

**STORY, HALF.** That portion of a building under a gable, hip or gambrel roof for which the wall plates on at least two (2) opposite exterior walls are not more than two (2) feet above floor of such story.

**STREET (TYPES) —**

**ALLEY.** A thoroughfare through the middle of a block giving access to the rear of lots or buildings.

**ARTERIAL.** A street whose principal function is to provide for through traffic and which is designed to carry large volumes of traffic.

**CUL-DE-SAC.** A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**CUL-DE-SAC, TEMPORARY.** A temporary turn around whose purpose is to allow the safe and convenient reversal of traffic, until such time that the street is extended.

**EYEBROW.** A local street with a partial paved circle, usually for the purpose of providing additional frontage to lots.

**FRONTAGE.** A public or private street intended for the collection of traffic that would otherwise directly access minor or major collectors or arterial roadways whose function is the provide access to streets of higher classification.

**HIGHWAY.** Any public way designated as a highway by an appropriate local, state or federal agency.

**LOCAL COLLECTOR.** A roadway whose primary function is to provide access to and from major collectors and local streets.

**LOCAL STREET.** A roadway with traffic volumes generally less than 2,500 vehicle trips per day containing one lane of traffic in each direction whose primary function is to provide access to and from property.
**MAJOR COLLECTOR.** A roadway that links residential and commercial uses with a balance between mobility and access and whose function is to provide traffic circulation within the City and access to and from minor and major arterials.

**MINOR ARTERIAL.** An interregional road containing one (1) or two (2) lanes in each direction with limited access and controlled intersections at other arterials and collector streets. Minor arterials convey traffic between towns, boroughs, or other urban centers. Efficient movement is the primary function of a minor arterial road.

**PEDESTRIAN WAY.** A public or private right-of-way across a block or within a block to provide access to be used by pedestrians and others.

**PRINCIPAL ARTERIAL.** A limited access interregional arterial route containing two (2) or more lanes in each direction. They are designated exclusively for unrestricted movement, have no private access, and intersect only with selected arterial highways or major streets by means of interchanges engineered for free-flowing movement.

**PRIVATE STREET.** A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public and which is owned, maintained, and repaired by one (1) or more private parties.

**TRAIL.** A path with a surface used for travel.

**STREET (ELEMENTS) –**

**SIDEWALK.** The portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

**STREET, RIGHT-OF-WAY.** An area owned and maintained by government jurisdiction for public street use.

**STREET FURNITURE.** Manmade objects, other than buildings, which are part of the streetscape. Examples include but are not limited to benches, litter containers, planting containers, sculptures, and bus shelters.

**STREET PAVEMENT.** The wearing or exposed asphaltic or cementitious surface materials and underlying aggregate base materials of the roadway used by vehicular traffic.
STREET WIDTH. The shortest distance between the edges of the traveled roadway if there is no curb, or between the faces of the curb with a minimum of twenty-four (24) feet, subject to the City Engineer’s discretion.

STREETSCAPE. The aesthetic appearance and nature of a street in a neighborhood created by elements such as architecture, graphics, and landscaping.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

STRUCTURE. See BUILDING OR STRUCTURE.

SUBDIVISION. A described tract of land which is to be or has been divided into two (2) or more lots or parcels, any of which resultant parcels is less than ten (10) acres in area, for the purpose of transfer of ownership or building development or, if a new street is involved, any division of a parcel or land. The term includes resubdivision and, where appropriate to the context, relates either to the process of subdividing or to the land subdivided.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure where the cost of restoring the structure to its previous condition before becoming damaged would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Within any consecutive 365 day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. However, the term does not include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as an historic structure. For the purpose of this ordinance, historic structure shall be as defined in 44 CFR Part 59.1.

SUBSTATIONS. Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 KV for
interconnection with high voltage transmission lines located outside of the road right of way.

**SURFACE WATER.** All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether nature or artificial, public or private.

**SURFACED.** A road, driveway, approach, or parking lot which consists of bituminous material, concrete or other similar material.

**SWIMMING POOL.** Any basin or tank, above ground level or below ground level, containing an artificial body of water sufficiently deep for swimming.

**TERRACE.** A level plane or surfaced patio, directly adjacent to the principal building on the surface of the land or on the roof of a building.

**TOXIC AND HAZARDOUS WASTE.** Waste materials including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner which conserves the environment and protects the public health and safety.

**TRAFFIC SIGHT DISTANCE.** A triangular area on a corner lot of intersecting streets which limits the placement of vegetation and other material which can obstruct the view to oncoming traffic. The vertical area to be protected is from two and one-half (2 ½) feet above the grade of the street to seven (7) feet above the grade of the street.

**TRANSIENT MERCHANT.** A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty building for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering, goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one (1) location for more than ninety (90) consecutive days. The location of transient merchants shall be regulated by the zoning regulations.

**TRANSMISSION LINE.** Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

**TRELLIS.** A framework over which vines and plants may grow that is not a pergola. A freestanding trellis or a trellis attached to and supported by a building extending out from the building more than five (5) feet shall be considered a fence.
USABLE OPEN SPACE. A required area on a lot which is graded, developed, landscaped and equipped, intended and maintained for active and/or passive recreation, available and accessible to and usable by all persons. Such area and improvements include ground areas, terraces, balconies, decks, rooftops, outdoor swimming pools, outdoor seating areas, patio area, game area, landscaped and grassy areas, gardens, sculpture gardens, recreational facilities, pedestrian paths and trails or similar outdoor fixtures or features, and water. Public parks or plazas within 300 feet of the site may be used to meet this requirement.

USE. The purpose or activity for which the land or building thereon is intended, designated or arranged or for which it is occupied, utilized, or maintained.

USE, ACCESSORY. A use subordinate to the principal use on a lot and used for purposes customarily incidental to those of the principle use.

USE, CONDITIONAL. A use that may be allowed in a particular zoning district and compatible with the district’s character only if controlled through additional standards and discretionary review that ensures the appropriateness of a particular use at a particular location in the district.

USE, INTERIM. A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

USE, CONFORMING. Designates a use which satisfies all applicable requirements of this Chapter as amended.

USE, NON-CONFORMING. See NON-CONFORMING—USE.

USE, PERMITTED. A use which conforms with the requirements, regulations, and performance standards of the particular zoning district in which it is located, in addition to other regulations of this chapter.

USE, PRINCIPAL. The main use of land or structures as distinguished from a subordinate or accessory use.

USE, SEXUALLY ORIENTED. See ADULT USE.

USE CATEGORY. A class of similar uses grouped together for purposes of delineating the uses permitted in a zone.
UTILITIES, MUNICIPAL. City facilities such as electrical, sanitary sewer, water and storm sewer designed and constructed to City and State Board of Health standards owned and operated by the City for the public use.

VACATION. The act of relinquishing a recorded dedication or easement as in a street right-of-way, utility easement, etc.

VARIANCE. A modification or variation from the literal provisions of the Chapter where it is determined that their strict enforcement would cause practical difficulties to a specific piece of property. A variance shall not be granted allowing a use prohibited in the district in which the structure, use and lot are located.

VBWD. Valley Branch Watershed District.

WALL, RETAINING. A wall not laterally supported at the top, which resists lateral soil load and other imposed loads.

WATER BASIN. An enclosed natural depression with definable banks capable of containing water that may be partly filled with public waters.

WATER BODY. All surface waters, water basins, watercourse, and wetlands as defined in this Code.

WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY. A small, above ground building or other improvement except stairways, fences, docks, and retaining walls which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

WATERCOURSE. Any natural or improved stream, river, creek, ditch, channel, culvert, drain, gully, swale, or wash in which waters flow continuously or intermittently in a definite direction.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

WATERSHED. The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.
WELLHEAD PROTECTION PLAN. A document that provides for the protection of a public water supply, submitted to the Minnesota Department of Health, is implemented by the public water supplier, and complies with: A) the wellhead protection elements specified in the 1986 amendments to the Federal Safe Drinking Water Act, United States Code, Title 42, Chapter 6A, Subchapter XII, Part C, Section 300h-7 (1986 and as subsequently amended); and B) Minnesota Rules parts 4720.5200 to 4720.5290.

WETLAND. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Any wetland as defined in M.S. § 103G.005, Subd. 19.


WHOLESALE ESTABLISHMENT. A business establishment engaged primarily in selling to retailers for resale.

WIND ENERGY—

BLADE. The extensions from the hub of a wind energy conversion system which are designed to catch the wind and turn the motor to generate electricity.

HEIGHT, TOTAL SYSTEM. The height above grade of the Small Wind Energy System, including the generating unit and the highest vertical extension of any blades or rotors.

ROTOR. The wind energy conversion system blades and the hub to which they are attached.

ROTOR DIAMETER. The diameter of the circle described by the moving rotor blades.

SHADOW/FLICKER. The shadows cast from wind energy conversion system which generally occurs in close proximity to the wind energy conversion system, although this will vary depending on the time of year, latitude, and turbine height. Flicker effects can occur when the sun shines through the rotor blades at certain times of day and results in the temporary blocking of the sun’s rays with each pass of a rotor blade.
**SMALL WIND ENERGY SYSTEM, BUILDING-MOUNTED.** A Small Wind Energy System which requires support by a building and does not connect directly to the ground. A building mounted system is not a minor projection, as defined in Section 29.402.

**SMALL WIND ENERGY SYSTEM, COLLOCATED.** A Small Wind Energy System that is mounted on a tower or pole structure which serves another primary purpose, such as a parking lot light or flagpole.

**SMALL WIND ENERGY CONVERSION SYSTEM, HORIZONTAL AXIS.** A Small Wind Energy System that has blades which rotate through a horizontal plane.

**SMALL WIND ENERGY CONVERSION SYSTEM, VERTICAL AXIS.** A Small Wind Energy System that has blades which rotate through a vertical plane.

**WIND ENERGY CONVERSION SYSTEM (WECS).** An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to power lines, transformers, substations and metrological towers which operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.

**WIND ENERGY CONVERSION SYSTEM, COMMERCIAL.** A wind energy conversion system greater than 40 kW in total name plate generating capacity and designed or operated to provide energy principally to consumers located off the premises and does not meet the requirements established for a non-commercial wind energy conversion system.

**WIND ENERGY CONVERSION SYSTEM, NON-COMMERCIAL.** A wind energy conversion system consisting of a wind turbine and associated control or conversion electronics used primarily to reduce on-site consumption of utility power. A non-commercial wind energy conversion system shall not exceed a rated capacity of 40 kW in total name plate generating capacity.

**WIND ENERGY CONVERSION SYSTEM, FREESTANDING.** A wind energy conversion system other than roof-mounted.

**WIND ENERGY SYSTEM (WES).** An aggregation of parts including the foundation, base, tower, generator, rotor, blades, and supports in such configuration as necessary to convert the power of wind into electrical energy primarily for on-site use (e.g., wind charger, windmill or wind turbine).
WIND ENERGY SYSTEM, INTERCONNECTED. A Wind Energy System which produces electric power and is capable of connecting with the utility’s electric system or is otherwise capable of distributing surplus electricity to the public or other properties outside the control of the wind energy system’s owner, even if the system is temporarily or automatically disconnected by a switch or other mechanical device.

WIND ENERGY SYSTEM, NON-ELECTRIC. A Wind Energy System which converts the power of the wind into a mechanical energy, which is not electrical, and may otherwise be of a decorative, ornamental, or historical nature.

WIND TURBINE. A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

WIND TURBINE GENERATOR. The component of a WES that transforms mechanical energy from the wind into electrical energy.

YARD. A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted by this Chapter. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

YARD, CORNER SIDE. A yard located immediately adjacent to and extending along the corner side lot line between the front yard and the rear lot line.

YARD, FRONT. That portion of the yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to the depth required in the setback regulations for the zoning district in which such lot is located.

YARD, INTERIOR SIDE. A yard located immediately adjacent to and extending along another zoning lot or an alley between the front yard and the rear lot line.

YARD, LANDSCAPED. A front, side, or rear yard that is required to be landscaped as specified in this zoning ordinance.

YARD, REAR. That portion of the yard on the same lot with the principal building located between the rear line of the principal
building and the rear lot line and extending the full width of the lot (see Figure 10).

**YARD, SIDE.** That portion of the yard extending along the side lot line between the front yard and the rear yard to the depth or width required by the setback requirements of the zoning district in which such lot is located.

**ZONING.** A map-based system for guiding land-use development by dividing a City into land-use zones. An associated zoning code specifies the types of acceptable land uses, setbacks, lot sizes, and other restrictions for each zoning classification and affects what an individual may legally do to develop and use parcels therein. It is the method by which jurisdictions control the manner in which areas develop.

**ZONING ADMINISTRATOR.** The duly appointed person charged with enforcement of this Chapter.

**ZONING DISTRICT.** A mapped area or areas as defined by this Chapter within which the regulations and requirements governing the use of property are uniform.

**ZONING ORDINANCE.** See ORDINANCE.

**ZERO LOT LINE.** See LOT LINE, ZERO.
154.004 ADMINISTRATION

(A) Enforcing Officer.

The office of the Zoning Administrator is established, for which the City Council may appoint such employee or employees of the City as it may deem proper. It shall be the duty of the Zoning Administrator to enforce this Chapter and shall:

1. Maintain permanent and current records of this Chapter including but not limited to maps, amendments, variances and conditional uses;
2. Institute in the name of the City any appropriate action or proceeding against a violator; and
3. Serve as an ex-officio non-voting member of the Planning Commission.

(B) Advisory Bodies.

The Planning Commission, Design and Historical Review Commission, Parks and Recreation Commission, and Board of Appeals and Adjustments as established and empowered in Chapter 32 of this City Code, shall serve as advisory bodies to review and provide recommendations, as called forth in this Section.

(C) Requirements for all Zoning Applications.

1. Eligible Applicant. Unless otherwise specified any person, firm, corporation, organization, or unit of government that has an interest in the subject property or application. The property owner must be an Applicant or Co-Applicant to all Zoning Applications. Eligible Applicants may apply for any Zoning Application, as outlined in this section.

2. Procedure.
   i.) All Zoning Applications subject to the requirements of M.S. § 15.99 shall be reviewed by the City according to the process required therein.
   ii.) All Zoning Applications outlined in this Section shall follow procedures necessary, as indicated on TABLE 1.
<table>
<thead>
<tr>
<th>Procedure</th>
<th>Text Amendment</th>
<th>Map Amendment</th>
<th>Comprehensive Plan Amendment</th>
<th>Conditional Use Permit</th>
<th>Interim Use Permit</th>
<th>Variance</th>
<th>Site Plan Review</th>
<th>Design Review</th>
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<td>Applicant Notified of Action</td>
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</table>
iii.) Pre-Application Meeting. Before an application is filed, the applicant is strongly encouraged to attend a pre-application meeting with the Community Development Department. The purpose of the pre-application meeting is to generally discuss the procedures and requirements for an application.

iv.) Application Submittal. The applicant shall complete the appropriate Zoning Application and pay associated fee, as provided by the Zoning Administrator. The applicant shall pay all costs incurred by the City for legal services, engineering services, and services of other persons or entities employed by the City for, or in any way involved in, the review of an application. The applicant shall submit an escrow to the City as established by City Council at the time of application. Under no condition shall the fee be refunded or waived for failure of the City to approve the application.

v.) Completeness Review. These procedures apply to any application unless a different procedure is established for the application elsewhere in this Chapter.

vi.) No application is complete unless all of the required information is included and all application fees have been paid.

vii.) The Zoning Administrator may establish a schedule for filing an application that requires action by a Board, Commission, or City Council. Completed applications shall be filed according to any posted schedule of the Zoning Administrator.

viii.) Public Notice. The notice shall include the time, place, and purpose of the hearing. The type of notice required for certain applications is established below:

1) Legal Newspaper. Notice of said hearing shall be published in the official newspaper at least ten (10) days prior to the hearing.

2) Property Owners. The City Clerk shall notify all property owners within the affected zone and within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.

ix.) Additional Commission Review. If necessary, additional City Commission(s) shall hold a meeting to review the proposal. The Commission(s) shall make a report to the City Council recommending approval, denial, or approval with conditions. See SEC. 154.004 (A).

x.) Planning Commission. A public hearing shall be held by the Planning Commission who shall make its report to the City Council following the hearing recommending approval, denial, or approval with conditions.

xi.) City Council Action. The City Council shall take action on the application referral by the Planning Commission, M.S. § 462.357.

xii.) Notification. Following City Council action, the applicant shall be notified of the action taken.
xiii.) Reapplication. No application shall be resubmitted for a period of one year from the date of an order of denial unless the new application has been modified to eliminate the objections to the requested basis for denial or a change in circumstances warrants it.

3. Submittal Requirements. Submittal requirements for all Zoning Applications are listed in TABLE 2.
<table>
<thead>
<tr>
<th>Submittal Requirements</th>
<th>Text Amendment</th>
<th>Map Amendment</th>
<th>Comprehensive Plan Amendment</th>
<th>Conditional Use Permit</th>
<th>Interim Use Permit</th>
<th>Variance</th>
<th>Site Plan Review</th>
<th>Design Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completed City Application</td>
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<tr>
<td>(2) 24” x 36” copies, two (2) 11” x 17” copies, and electronic files of the submittals completed and signed by a registered architect, civil engineer, landscape architect or other licensed design professional as approved by the City</td>
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<td>A current Certificate of Survey prepared and signed by a Minnesota licensed land surveyor, depicting the following:</td>
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<td>Dimensions of lot and north point</td>
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<td>Dimensions of front, rear and side yards</td>
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<tr>
<td>Indicate Buildable Area</td>
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<tr>
<td>Dimensions of proposed driveway(s)</td>
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<tr>
<td>Location of all existing buildings on the lot</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Submittal Requirements</td>
<td>Text Amendment</td>
<td>Map Amendment</td>
<td>Comprehensive Plan Amendment</td>
<td>Conditional Use Permit</td>
<td>Interim Use Permit</td>
<td>Variance</td>
<td>Site Plan Review</td>
<td>Design Review</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Location of the proposed building(s) or construction</td>
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<td>x</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Location of stakes established by the surveyor along each side lot line</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
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<tr>
<td>Location of all recorded and platted easements</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Two-foot contours and spot elevations</td>
<td>x</td>
<td></td>
<td></td>
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<tr>
<td>All encroachments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
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<tr>
<td>Proposed drainage patterns</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>x</td>
<td></td>
</tr>
<tr>
<td>Ponds, lakes, rivers or other water features bordering on or running through the subject property</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Locate and depict all “Significant Tree(s)” to be removed on the property</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>
A Site Plan utilizing a copy of the current certificate of survey as a base for the subject property, depicting the following:

<table>
<thead>
<tr>
<th>Feature</th>
<th>0</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name and address of developer/owner</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Name and address of architect/designer</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Date of plan preparation</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Dates and descriptions of all revisions</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Name of project or development</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Proposed front, rear and side yard setbacks</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Location, setback, and dimensions of all proposed buildings and structures</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Location of all adjacent buildings located within 100 feet of the exterior boundaries of the property in question</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Location, number, and dimensions of proposed parking and loading spaces</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Sidewalks, trails, and walkways</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Location of recreation and service areas</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Location of rooftop equipment and proposed screening</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Provisions of storage and disposal of waste, garbage and recyclables, including details for screening exterior trash/recycling enclosures</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Location of any outdoor storage</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Location, size, and type of water and sewer system mains, fire hydrants and proposed service connections</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>A Parking and Circulation plan including location, width and setbacks of proposed curb cuts and driveways, dimensions and number of spaces, vehicular service points of ingress and egress and proposed vehicular circulation</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>A Grading/Storm Water Management Plan</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Sanitary Sewer and Water Plan with estimated use per day</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Soil type and soil limitations for the intended use indicating the soil conservation practice to be used to overcome said limitations</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>
A Landscaping Plan including:
- Plant list including name, size and root condition (i.e. container or ball & burlap).
- Site amenities, including bike racks, benches, trash receptacles, etc.
- Storage areas including trash and loading.
- Lighting (landscape, pedestrian or parking area).
- Irrigation.
- Hard surface materials.
- Labeling of mulching, edging and curbing.
- Areas of seeding and sodding.
- Areas to remain undisturbed and limits of land disturbance.
- Plants shall be depicted at their size at sixty percent (60%) of growth.
- Existing trees eight (8) inches or more in diameter.
- Existing and proposed utilities.
- Site grading plan, including stormwater management or irrigation systems, if applicable.

A Lighting Plan illustrating the location of all proposed lighting units, light generated from the site and details of all proposed fixtures

<table>
<thead>
<tr>
<th>Architectural Detail Drawings including:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elevations and Sections</td>
</tr>
<tr>
<td>Color drawings or renderings</td>
</tr>
<tr>
<td>Sample building materials of all principal and accessory buildings</td>
</tr>
<tr>
<td>Type and color of materials used on all exterior surfaces</td>
</tr>
<tr>
<td>Required Submittal</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Perspectives showing the new development or infill building in context of other buildings existing on or near the site</td>
</tr>
<tr>
<td>Typical floor plan and room plan drawn to scale with a summary of square footage for each use or activity</td>
</tr>
<tr>
<td>A Sign Plan including the type, location, and size of all proposed signage</td>
</tr>
<tr>
<td>Vicinity map showing the property in relation to nearby highways or major street intersections</td>
</tr>
<tr>
<td>Type of business or activity and proposed number of employees</td>
</tr>
<tr>
<td>Proof of ownership of Property</td>
</tr>
<tr>
<td>Other submittals as required by specific zoning district</td>
</tr>
<tr>
<td>Any additional data requested by the City</td>
</tr>
</tbody>
</table>
(D) Zoning Text and Map Amendments.

1. Purpose. Zoning Text and Map amendments are procedures that amend the written provisions of the ordinances contained within this Chapter and the zoning district boundaries. Amendments shall not be made indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the City as reflected in the Comprehensive Plan, policies, plans or changes in conditions within the City. The amendments are defined as:
   i.) Text Amendment. Amendments to the text of this Chapter.
   ii.) Map Amendment. An amendment to the zoning map that changes the district classification of an area or property.

2. Standards. The City may grant a Zoning Text or Map amendment if the proposed amendment is compliant with the following findings:
   i.) The proposed amendment is consistent with the general purposes and intent of the Comprehensive Plan;
   ii.) The proposed amendment will not adversely affect the health, safety, or general welfare of the City;
   iii.) The proposed amendment is compatible with present and future land uses in the surrounding area and reasonably related to the overall needs of the City;
   iv.) The proposed amendment is compatible with adjacent properties;
   v.) The proposed amendment can be adequately supported by public urban services including the water supply, transportation system and capacity, police and fire protection, utilities, and sanitary waste disposal and stormwater disposal systems; and
   vi.) If applicable, the proposed amendment is consistent with officially adopted City plans and overlays.

(E) Variances.

1. Purpose. A variance to the Zoning Code may be granted to allow a modification or variation from the literal provisions of the Chapter where it is determined that their strict enforcement would cause practical difficulties to a specific piece of property.

2. Standards. The City may grant a variance if the proposed request is compliant with the following findings:
   i.) The variance is in harmony and consistent with the general purposes and intent of the Comprehensive Plan and this Chapter;
   ii.) The variance will not adversely affect the health, safety, or general welfare of the City;
   iii.) The variance is necessary due to special conditions applying to the structures or land in question that are particular to the property and
do not apply generally to other land or structures in the district or vicinity in which the land in located;

iv.) The variance requested is the minimum variance necessary to alleviate the practical difficulty;
v.) Practical Difficulties are caused from the strict application of the Zoning Code as outlined below:
(1) The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Code;
(2) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
(3) The variance, if granted, will not alter the essential character of the locality.
(4) Economic considerations alone do not constitute practical difficulties.
(5) The variance is consistent with officially adopted City plans and overlays.

3. Use Variance. The Board of Appeals and Adjustment may not permit as a Variance any use that is not allowed under the Zoning Code for property in the zone where the affected person’s land is located.

4. Variances may be granted for solar energy access, earth-sheltered construction, and temporary use of a one family dwelling as a two-family dwelling.

5. Conditions. In permitting a Variance, the City Council may impose, in addition to the requirements set forth in this Chapter, conditions considered necessary to protect the public health, safety, and general welfare and which are directly related to and bear a rough proportionality to the impact created by the Variance.

6. Denial. A Variance may be denied by the City Council, such motion and action shall constitute a finding and determination that the conditions required for approval do not exist. Procedure as outlined in M.S. § 15.99 shall be followed.

7. Modification of Variance. Any change which is not specifically permitted by the issued Variance shall require an amendment. A request for an amendment shall be administered in the same manner and all procedures shall apply as if a new Variance were being requested.

8. Expiration.
i.) A Variance approved by the City shall expire one (1) year after it has been issued unless:
   (1) The City Council has set some other time limitation.
(2) It has been made use of by the applicant or property owner within the one (1) year timeframe.

(F) Conditional Use Permits.

1. Purpose. A Conditional Use Permit may be issued for a use that may be allowed in a particular zoning district and compatible with the district’s character only if controlled through additional standards and discretionary review that ensures the appropriateness of a particular use at a particular location in the district. Certain uses may have beneficial effects and serve important public interests. These uses are subject to the Conditional Use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public urban services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The Conditional Use review provides an opportunity to allow the use when there are minimal impacts, but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

2. Standards. The City Council may grant a Conditional Use Permit after considering the recommendation of the Planning Commission and if the use at the proposed location is compliant with the following findings:
   i.) The use is consistent with the general purposes and intent of the Comprehensive Plan;
   ii.) The use will not adversely affect the health, safety, or general welfare of the City;
   iii.) The use is compatible with present and future land uses in the surrounding area and reasonably related to the overall needs of the City;
   iv.) The use or appearance of the use is compatible with adjacent properties;
   v.) The use can be adequately supported by public urban services including the water supply, transportation system and capacity, police and fire protection, utilities, and sanitary waste and stormwater disposal systems;
   vi.) The use will not create an excessive burden on existing parks, schools, and other public facilities which serve or are proposed to serve the area;
   vii.) The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned land;
   viii.) The use is in harmony with the general purposes and intent of this Chapter and the zoning district in which the applicant intends to locate the proposed use;
ix.) The use will not create an intrusion of excessive noise, glare, or general unsightliness; and
x.) If applicable, the proposed use is consistent with officially adopted City plans and overlays.

3. Conditions. In permitting a new Conditional Use, the City Council may impose in addition to the requirements set forth in the Chapter conditions considered necessary or appropriate to protect the public health, safety, and general welfare of the City.

4. Modification of Conditional Use Permit. Any change which involves structural alteration, enlargement, or intensification of the use or any similar change not specifically permitted by the issued permit shall require an amendment to the Conditional Use Permit. A request for an amendment shall be administered in the same manner and all procedures shall apply as if a new permit were being requested.

5. Review. The Zoning Administrator shall maintain a record for all Conditional Use Permits issued including information on the use, location, conditions imposed (if any) by the City, time limits, review dates and such other information as may be appropriate. The Zoning Administrator shall review each Conditional Use Permit to determine if the development is in conformance compliance with the terms of such permit and any conditions designated on an annual basis.

6. Duration. A Conditional Use Permit shall remain in effect as long as the conditions agreed upon are observed, but nothing in this section prohibits the City from enacting or amending official controls to change the status of conditional uses.

7. Automatic Conditional Use Status. Over time, the zoning regulations applicable to a specific site may change. This may be a result of changes to the content of the zoning regulations for a specific zone or from a change to the zoning map, including annexation and rezonings. After one of these changes, if an existing use was allowed by right or was a nonconforming use, and is now listed as a conditional use, the use is considered an approved conditional use and may continue to operate. Any changes to the use are subject to the Conditional Use Permit process and the appropriate approval criteria.

8. Violation. In the event the applicant violates any of the conditions set forth in the permit, the Council shall have the authority to revoke said permit.
(G) Interim Use Permit.

1. Purpose. The purpose and intent of allowing interim uses is:
   i.) To allow a use for a limited period of time that reasonably utilizes
       the property in the manner not permitted in the applicable zoning
       district;
   ii.) To allow a use that is presently acceptable, but not permitted
       within the zoning district and, with anticipated development, may
       not be acceptable in the future.
   iii.) To allow for a use that is not otherwise identified as a permitted,
       accessory, or conditional use, but may be appropriate in a
       particular district, is closely related to another permitted or
       conditional use, and/or the Zoning Administrator determines the
       use to be appropriate.

2. Standards. The City Council may grant an Interim Use Permit if the use
   at the proposed location is compliant with the following:
   i.) The use is consistent with the general purposes and intent of the
       Comprehensive Plan;
   ii.) The use will not adversely affect the health, safety, or general
       welfare of the City;
   iii.) The use is compatible with present and future land uses in the
       surrounding area and reasonably related to the overall needs of
       the City;
   iv.) The use or appearance of the use is compatible with adjacent
       properties;
   v.) The use can be adequately supported by public urban services
       including the water supply, transportation system and capacity,
       police and fire protection, utilities, and sanitary waste and
       stormwater disposal systems;
   vi.) The use will not create an excessive burden on existing parks,
       schools, and other public facilities which serve or are proposed to
       serve the area;
   vii.) The use will be sufficiently compatible or separated by distance or
       screening from adjacent residentially zoned land;
   viii.) The use is in harmony with the general purposes and intent of this
       Chapter and the zoning district in which the applicant intends to
       locate the proposed use;
   ix.) The use will not create an intrusion of excessive noise, glare, or
       general unsightliness;
   x.) Will not impose, by agreement, additional costs on the public;
   xi.) Will terminate upon a tangible date or event specified in the
       resolution approving said Interim Use Permit; and
   xii.) If applicable, the proposed use is consistent with officially adopted
       City plans and overlays.
3. Conditions. In permitting an Interim Use Permit, the City Council may impose in addition to the requirements set forth in the Chapter conditions considered necessary or appropriate to protect the public health, safety, morals and general welfare of the City and are deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and interim structures upon the expiration of the Interim Use Permit.

4. Modification of an Interim Use Permit. Any change which involves structural alteration, enlargement, or intensification of use or any similar change not specifically permitted by the issued permit shall require an amendment to the Interim Use Permit. A request for an amendment shall be administered in the same manner and all procedures shall apply as if a new permit were being requested.

5. Expiration. An Interim Use Permit shall expire consistent with conditions in statute.

(H) Site Plan Review.

1. Purpose. A procedure required for any expansion of 1,000 square feet or more or any new commercial, industrial, institutional, and multifamily development projects and to provide regulations pertaining to the enforcement of site design standards. The Site Plan review process is intended to allow applicants to work in cooperation with the Commissions and City Council to arrive at a design which protects the integrity of each unique zoning district and is harmonious with the desired character of the City while maintaining and improving the City's tax base, preserving and enhancing the built environment, promoting the orderly and safe flow of traffic, ensuring compatibility with adjacent developments, proper orderly development, and compliance with this Chapter.

2. Standards. The City may grant a Site Plan approval if the proposal is compliant with the following:
   i.) The proposal is consistent with the general purposes and intent of the Comprehensive Plan;
   ii.) The proposal will not adversely affect the health, safety, or general welfare of the City;
   iii.) The proposal is compatible with present and future land uses in the surrounding area and reasonably related to the overall needs of the City;
   iv.) The proposal or appearance of the proposal is compatible with adjacent properties;
   v.) The proposal can be adequately supported by public urban services including the water supply, transportation system and
capacity, police and fire protection, utilities, and sanitary waste and stormwater disposal systems;

vi.) The proposal will not create an excessive burden on existing parks, schools, and other public facilities which serve or are proposed to serve the area;

vii.) The proposal will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned land;

viii.) The proposal is in harmony with the general purposes and intent of this Chapter and the zoning district in which the applicant intends to locate the proposal; and

ix.) If applicable, the proposal is consistent with officially adopted City plans and overlays.

3. Minor Modifications. In the case of minor modifications of the Site Plan, the Zoning Administrator may give approval if the decision does not modify the overall theme of the development, affect public safety, or result in the reduction of any minimum standard as provided in the Zoning Code. Nothing contained herein shall be construed to allow the Zoning Administrator to vary the provisions of any statute, ordinance, City policy, or previous directives of the City Council. The Zoning Administrator shall have the discretion to refer any minor modification requests to the Planning Commission and City Council for their review and approval. Minor modifications may include, but are not limited to, the following:

i.) Lighting location and fixture type;

ii.) Location, height, and style of fences and walls;

iii.) Location of trash enclosures;

iv.) Location and size of building signs and monument signs;

v.) Location and construction of on-site sidewalks, except on City right-of-way;

vi.) Location, type, and size of plantings, provided the modification would have the same effective cover and screening;

vii.) Location and construction of accessory buildings of less than 1,000 square feet;

viii.) Minor relocation or addition of driveways or parking spaces.

4. Site Plan Amendment. Any modification deemed not to be minor shall be required to complete a Site Plan amendment. A Site Plan amendment is subject to all conditions and approvals required for a new Site Plan review.

5. Expiration. Unless otherwise specified, the approved Site Plan shall become null and void within one (1) year of the date of approval unless the property owner or applicant received a building permit and commenced construction of improvements on-site. Extension requests shall be submitted in writing at least thirty (30) days prior to expiration.
of the site plan and shall state facts showing a good faith effort to complete work permitted under the original approval.

6. Financial Guarantee. The City may require a performance bond or escrow in an amount equal to 100 percent of the estimated cost to complete the public or private site and landscape plan improvements, exclusive of structures, to be filed with the City.

(I) Design Review.

1. Purpose. The Design Review process is intended to ensure the implementation and vision of the Comprehensive Plan, Architectural Control and Building Materials section of this Chapter and the Downtown Design Manual for properties located in the MU-1 Downtown Mixed Use District. Design Review is intended to assist in offering solutions which are flexible, allowing applicants to work in cooperation with the Design and Historical Review Commission to arrive at a design which protects the integrity of the MU-1 Downtown Mixed Use District and is harmonious with the desired character of the Downtown. A Design Review approval shall be required as a condition to issuance of a building permit for new building construction, projects in which the building design or materials of more than twenty five percent (25%) of any single exterior building wall or roof surface is altered, projects which alter the height of an existing building by more than two feet up or down, or projects which alter the lot coverage of an existing building by more than ten percent (10%).

2. Standards. The City may grant a Design Review approval if the proposal is compliant with the following:
   i.) The proposal is consistent with the general purposes and intent of the Comprehensive Plan;
   ii.) The proposal will not adversely affect the health, safety, or general welfare of the City;
   iii.) The proposal or appearance of the proposal is compatible with adjacent properties;
   iv.) The proposal is in harmony with the general purposes and intent of this Chapter and the zoning district in which the applicant intends to locate the proposal; and
   v.) If applicable, the proposal is consistent with officially adopted City plans and overlays.

3. Minor Modifications. In the case of minor modifications of the Design Review, the Zoning Administrator may give approval if the decision does not modify the overall theme of the development, affect public safety, or result in the reduction of any minimum standard as provided in the Zoning Code. Nothing contained herein shall be construed to allow the Zoning Administrator to vary the provisions of any statute, ordinance, City policy, or previous directives of the City Council. The
Zoning Administrator shall have the discretion to refer any minor modification requests to the Design Review Commission and City Council for their review and approval. Minor modifications may include, but are not limited to, the following:

i.) Minor exterior alterations to existing building, but which do not require separate zoning permits.

ii.) Maintenance of existing buildings requiring a building permit and replacement of materials consistent with the Downtown Design Manual.

4. Design Review Amendment. Any modification deemed not to be minor shall be required to complete a Design Review amendment. A Design Review amendment is subject to all conditions and approvals required for a new Design Review.

5. Expiration. Unless otherwise specified, the approved design review shall become null and void within one (1) year of the date of approval unless the property owner or applicant received a building permit and commenced construction of improvements on-site. Extension requests shall be submitted in writing at least thirty (30) days prior to expiration of the site plan and shall state facts showing a good faith effort to complete work permitted under the original approval.

6. Financial Guarantee. The City may require a performance bond or escrow in an amount equal to 100 percent of the estimated cost to complete the site and landscape plan improvements, exclusive of structures, to be filed with the City.

154.005 ZONING DISTRICTS AND PROVISIONS

The zoning districts are designed to assist in carrying out the intent and purpose of the Comprehensive Plan which is to protect the public health, safety, convenience, and general welfare.
ZONING DISTRICTS. FOR THE PURPOSE OF THIS CHAPTER, THE CITY IS DIVIDED INTO THE FOLLOWING DISTRICTS:

<table>
<thead>
<tr>
<th>District Abbreviation</th>
<th>District Name</th>
<th>Primary District Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Districts</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-1</td>
<td>Single Family Residential</td>
<td>Low Density Residential</td>
</tr>
<tr>
<td>R-2</td>
<td>Mixed Residential</td>
<td>Medium Density Residential</td>
</tr>
<tr>
<td>R-3</td>
<td>Multiple Family Residential</td>
<td>High Density Residential</td>
</tr>
<tr>
<td><strong>Mixed-Use Districts</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MU-1</td>
<td>Downtown Mixed-Use</td>
<td>Small-scale mixed-use</td>
</tr>
<tr>
<td>MU-2</td>
<td>Transitional Mixed-Use</td>
<td>Medium-scale mixed-use</td>
</tr>
<tr>
<td>MU-3</td>
<td>Corridor Mixed-Use</td>
<td>Higher intensity mixed-use and smaller-scale industrial</td>
</tr>
<tr>
<td><strong>Overlay Districts</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D-1</td>
<td>Downtown District Overlay</td>
<td>Dense residential on edges, compressed downtown core</td>
</tr>
<tr>
<td>S-1</td>
<td>Shoreland Overlay</td>
<td>Protect the quality of surface waters</td>
</tr>
<tr>
<td><strong>Special Districts</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LID</td>
<td>Low-Impact Development</td>
<td>Conservations, open space, sustainability</td>
</tr>
<tr>
<td>PUD</td>
<td>Planned Unit Development</td>
<td>Integrated, coordinated development</td>
</tr>
<tr>
<td><strong>Floodplain Districts</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F-1</td>
<td>Floodway District</td>
<td>Provides additional floodplain regulations</td>
</tr>
<tr>
<td>F-2</td>
<td>Flood Fringe District</td>
<td>Provides additional floodplain regulations</td>
</tr>
<tr>
<td>F-3</td>
<td>General Floodplain District</td>
<td>Provides additional floodplain regulations</td>
</tr>
<tr>
<td>F-4</td>
<td>Flood Storage District</td>
<td>Provides additional floodplain regulations</td>
</tr>
</tbody>
</table>
(A) Zoning Map.

The location and boundaries of the districts within the City are set forth on the official zoning map, titled “North St. Paul Official Zoning Map.” The map and all notations, references and data shown are incorporated by reference into this Chapter. It shall be the responsibility of the Zoning Administrator to maintain said map, and amendments shall be recorded on said map within thirty (30) days after official publication of amendments. The Official Zoning Map shall be kept on file in the City Hall.

(B) District Boundaries.

1. District boundary lines as indicated on the Zoning Map follow lot lines, the center line of streets or alleys, projected center lines of streets or alleys, center of water courses, or corporate limit lines. If district boundary lines do not follow any of the above described lines, the district boundary lines are established as drawn on the Zoning Map. Where a district boundary line divides a lot of record in two (2) or more districts, any portion of such lot within fifty (50) feet on either side of such a dividing district boundary line may be used for any use of either use district; provided however, if any portion such lot shall extend beyond the fifty (50) foot limitation, the district line as shown shall prevail.

2. Appeals from the Zoning Administrator’s determination and questions concerning the exact district boundary lines shall be heard by the Planning Commission and a recommendation made to the City Council.

3. Whenever any street, alley, or other public way is vacated by official action of the City, the Zoning District abutting the center line of said alley or public way shall not be affected by such proceeding.

154.006 RESIDENTIAL ZONES

(A) Purpose.

Residential districts are established to create vibrant neighborhoods that provide for a range of housing types, promote quality housing design and rehabilitation, and a superior living environment. These districts are also intended to:

1. Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building
placement, architectural materials, height, proportions, garage and driveway placement, landscaping, and similar design features.

2. Maintain and improve the viability of existing housing of all types, promote reinvestment in existing neighborhoods, and protect property values.

3. Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation, parking placement, and screening.

4. Facilitate preservation, development, or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor, or special area plans.

5. Foster community through attractive streets and public spaces that create opportunities for encounters and gatherings.

(B) Submittal of Plans.

In order to review proposals for compliance to this Chapter, the following plans must be submitted to the City: site plan, landscape plan, building plan, and for certain uses a site analysis plan.

(C) Use, Lot and Design Requirements. (see FIGURE 19)
1. Permitted, Conditional and Interim Uses.

2. See TABLE 3 for a list of allowed uses within the residential districts. Other uses may be allowed by the Community Development Department if they are determined to be of similar scale and impact.
TABLE 3. RESIDENTIAL USE DISTRICTS

<table>
<thead>
<tr>
<th>Retail Sales and Services</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>Supplemental Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mortuary, Funeral Home</td>
<td>P</td>
<td></td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Seasonal Business</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>P</td>
</tr>
<tr>
<td><strong>Commercial Recreation, Entertainment and Lodging</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor Recreation</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Golf Course</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td><strong>Residential - Family Living</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured Housing (Home Parks)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Modular Building</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Multiple Family Dwelling</td>
<td></td>
<td>C</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Planned Unit Development</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Infill Housing</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Townhouse Dwelling</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Two Family Dwelling</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Residential - Group Living</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assisted Living and/or Memory Care Facility</td>
<td>C</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Lodging House</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Housing with Services</td>
<td>C</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>State Licensed Residential Facility (serving six or fewer persons)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>State Licensed Residential Facility (serving from 7-16 persons)</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Civic and Institutional</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cemetery</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Day Care Center, Day Nursery</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Institutions</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Municipal Administrative Building, Fire Station or other Public Safety or Service Facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Schools, Public and Private</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Public Park or Playground and Open Space</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Utility Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Essential Service Structure, including but not limited to buildings such as Telephone Exchange Substations, Booster or Pressure Regulating Stations, Wells and Pumping Stations and Elevated Tanks</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td><strong>Agricultural Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Garden</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td>P</td>
</tr>
</tbody>
</table>

Permitted, conditional, and interim uses in the residential districts.

“P” means permitted in the districts where designated.

“C” means allowed as conditional uses in the districts where designated, in compliance with the applicable standards.

“I” means allowed as interim uses in the districts where designated, in compliance with the applicable standards.

“X” means there are specific requirements in Section 154.010 (D) associated with a use.
3. Accessory Uses and Structures. See TABLE 3 for a list of allowed accessory uses and structures within the residential districts.

4. Lot Requirements. See TABLE 4 for a list of lot requirements within the residential districts.

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width</th>
<th>Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>R-1 Single Family Residential District</strong></td>
<td><strong>7,920 sq. ft. per dwelling unit</strong>&lt;br&gt;Institutions: 10,000 sq. ft.&lt;br&gt;Manufactured Houses (Home Parks): 5,000 sq. ft. per dwelling unit</td>
<td>60 ft.</td>
<td>Internal Lot: 6 ft.&lt;br&gt;Corner Lot: 15 ft.&lt;br&gt;Senior Housing: Internal Lot: 15 ft.&lt;br&gt;Corner Lot: 15 ft.</td>
</tr>
<tr>
<td><strong>R-2 Mixed Residential District</strong></td>
<td><strong>5,967 sq. ft. per dwelling unit</strong>&lt;br&gt;Institutions: 10,000 sq. ft.&lt;br&gt;Manufactured Houses (Home Parks): 5,000 sq. ft. per dwelling unit</td>
<td>60 ft.</td>
<td>Internal Lot: 6 ft.&lt;br&gt;Corner Lot: 15 ft.&lt;br&gt;Senior Housing: Internal Lot: 15 ft.&lt;br&gt;Corner Lot: 15 ft.</td>
</tr>
<tr>
<td><strong>R-3 Multiple Family Residential District</strong></td>
<td><strong>1,980 sq. ft. per dwelling unit</strong>&lt;br&gt;Required total lot area shall not be less than the minimum lot area per dwelling unit multiplied by the number of units.&lt;br&gt;Senior Housing: 1,800 sq. ft. per dwelling unit Institutions: 10,000 sq. ft.&lt;br&gt;Manufactured Houses (Home Parks): 5,000 sq. ft. per dwelling unit</td>
<td>80 ft.</td>
<td>Internal Lot: 15 ft.&lt;br&gt;Corner Lot: 15 ft.</td>
</tr>
</tbody>
</table>

5. Design Requirements. See TABLE 5 for a list of design requirements within the residential districts.
<table>
<thead>
<tr>
<th>District</th>
<th>Maximum Height</th>
<th>Lot Coverage</th>
<th>Density</th>
<th>Minimum Livable Floor Space</th>
<th>Limit of Surfacing in Front Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1 Single Family Residential District</td>
<td>Two (2) stories or 35 ft. in height, except flag poles, monuments and chimneys, church spires, belfries or domes which do not contain usable spaces, and radio and TV reception towers may extend to a maximum height of 45 ft. above the ground, City Water towers may extend to a height of 140 ft. Senior Housing: Three (3) stories or 35 ft. in height. Accessory Building: 15 ft. except for Accessory Dwelling Unit, then 20 ft.</td>
<td>40%</td>
<td>Low (3 - 5.5 units/acre)</td>
<td>Single Family: One Story: 900 sq. ft. Two Story: 1,200 sq. ft.</td>
<td>40%</td>
</tr>
<tr>
<td>R-2 Mixed Residential District</td>
<td></td>
<td>Medium (5.6 - 7.3 units/acre)</td>
<td>Single Family: One Story: 900 sq. ft. Two Story: 1,200 sq. ft.</td>
<td>40%</td>
<td></td>
</tr>
<tr>
<td>R-3 Multiple Family Residential District</td>
<td>Three (3) stories or 35 ft. in height, except flag poles, monuments and chimneys, church spires, belfries or domes which do not contain usable spaces, and radio and TV reception towers may extend to a maximum height of 45 ft. above the ground, City Water towers may extend to a height of 140 ft. Separate height restrictions exist for accessory buildings.</td>
<td>50%</td>
<td>High (7.4 - 22 units/acre)</td>
<td>Multiple Family: Efficiency Unit: 400 sq. ft. One Bedroom: 550 sq. ft. Two Bedroom: 700 sq. ft. Three Bedroom: 850 sq. ft. Four Bedroom: 1000 sq. ft. Two Family: 900 sq. ft.</td>
<td>40%</td>
</tr>
</tbody>
</table>
(D) Single Family Residential District (R-1).

Purpose.

This district is established to allow, preserve and protect areas of lower-density residential and development consistent with the Comprehensive Plan.

(E) Mixed Residential District (R-2).

Purpose.

This district is established to maintain or increase compatibility of the essential characteristics of varying residential housing types and development consistent with the Comprehensive Plan.

(F) Multiple Family Residential District (R-3).

Purpose.

This district is established to stabilize, protect, and encourage the essential characteristics of higher density residential and development consistent with the Comprehensive Plan.

154.007 MIXED-USE DISTRICTS.

(A) Purpose.

Mixed-use districts are established to create a vibrant urban environment that brings compatible land uses, public amenities, and utilities together at various scales. These districts provide a range of district types from the downtown core district to the corridor highway district while fostering high-quality building and site design; enhanced pedestrian, bicycle, transit and automobile circulation; and a sense of community. These districts are also intended to:

1. Encourage a diversification of uses including residential, commercial, and civic uses, in order to enhance the vitality and appeal of these areas.

2. Facilitate preservation, development, or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor, or special area plans.
3. Encourage the development of mixed-use buildings including vertical and horizontal configurations while maintaining and improving the quality of the natural landscape.

4. Encourage appropriate transitions between lower and higher density uses within the district.

5. Encourage a pedestrian-friendly environment, bicycle and transit use as a means of accessing and moving through the district and surrounding areas.

(B) Submittal of Plans.

In order to review proposals for compliance to this Chapter, the following plans must be submitted to the City: site plan, landscape plan, building plan and, for certain uses a site analysis plan.

(C) Use, Lot and Design Requirements.

1. Permitted, Conditional and Interim Uses. See TABLE 6 for a complete list of allowed uses within the mixed-use districts. Other uses may be allowed by the Community Development Department if they are determined to be of similar scale and impact.

<p>| TABLE 6: MIXED USE DISTRICTS (PERMITTED, CONDITIONAL &amp; INTERIM USES) |
|---------------------------------------------------|---------|---------|---------|-----------------------------------------------------------------|
| Offices                                           | MU-1    | MU-2    | MU-3    | Supplemental Regulations                                        |
| Artist, Photographer Studio, etc.                 | P       | P       | P       |                                                                  |
| Insurance Office, Real Estate Office, Sales Office| P       | P       | P       |                                                                  |
| Office                                            | P       | P       | P       | X                                                               |
| Medical Facilities                                | MU-1    | MU-2    | MU-3    | Supplemental Regulations                                        |
| Clinic - Health                                   | P       | P       | P       |                                                                  |
| Hospital                                          |         |         | P       | X                                                               |
| Medical Laboratory                                | P       |         | P       |                                                                  |
| Physical, Occupational or Massage Therapy         | P       | P       | P       |                                                                  |
| Animal or Veterinary Hospital or Clinic           |         |         | P       |                                                                  |
| Retail Sales and Services                         | MU-1    | MU-2    | MU-3    | Supplemental Regulations                                        |
| Animal: Boarding Facility, Kennel, Shelter, Day Care|       |         |         | C                                                               |</p>
<table>
<thead>
<tr>
<th>Offices</th>
<th>MU-1</th>
<th>MU-2</th>
<th>MU-3</th>
<th>Supplemental Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Grooming</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Auction Rooms</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Bank, Financial Institutions</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Business Sales and Services</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Contractor’s Business with Showroom or Workshop</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Drive-In or Self-Service Business</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Dry Cleaning, Commercial Laundry</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Farmer’s Market</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Furniture and Household Goods Sales</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Garden Center</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Greenhouse, Nursery</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Retail Sales and Service Uses</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Grocery Store and Produce Store</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Laundromat, Self-Service</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Liquor Store</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Mortuary, Funeral Home</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Package Delivery Service</td>
<td></td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Payday Loan Business</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Photocopying</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Post Office</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Seasonal Business</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td>Secondhand Goods Sales</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Small Appliance Repair</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Sporting Goods Store, Bait Shop</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Tobacco Sampling</td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Food and Beverages</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Catering</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Coffee Shop, Tea House</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Restaurant-Tavern</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Brewery, Micro-Brewery, Micro-Distillery, Micro-Winery</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Offices</td>
<td>MU-1</td>
<td>MU-2</td>
<td>MU-3</td>
<td>Supplemental Regulations</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Tap Room</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Commercial Recreation, Entertainment and Lodging</strong></td>
<td>MU-1</td>
<td>MU-2</td>
<td>MU-3</td>
<td>Supplemental Regulations</td>
</tr>
<tr>
<td>Bed and Breakfast Establishment</td>
<td>P</td>
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<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Health/Sports Club</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Hotel, Inn</td>
<td>C</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indoor Recreation</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Lodge, Private Club, Reception Hall</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Outdoor Recreation</td>
<td>P</td>
<td>C</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Golf Course</td>
<td>C</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Adult Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theater, Assembly Hall, Concert Hall</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Automobile Service</strong></td>
<td>MU-1</td>
<td>MU-2</td>
<td>MU-3</td>
<td>Supplemental Regulations</td>
</tr>
<tr>
<td>Automobile Body Shop or Automobile Repair Station</td>
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<tr>
<td>Automobile Sales and Rental</td>
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<tr>
<td>Automobile Service Station/Convenience Store</td>
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<tr>
<td>Car Wash</td>
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<tr>
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<td>P</td>
<td>C</td>
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<tr>
<td>Parking Facility, Public</td>
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<tr>
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<td>Artisan Workshop</td>
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<td>Laboratory, Research and Development</td>
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<tr>
<td>Limited Production and Processing</td>
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<td>P</td>
<td>X</td>
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<tr>
<td>Printing and Publishing</td>
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### Supplemental Regulations

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<td>P</td>
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<td>Warehousing as Primary Use of Space</td>
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<td>Wholesale Establishment</td>
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<tr>
<td><strong>Other Uses</strong></td>
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<td>Uses determined by the Community Development Department to be of similar scale, impact and character.</td>
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<td>P</td>
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<td><strong>Residential - Family Living</strong></td>
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<td>Multiple Family Dwelling</td>
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<td>Planned Unit Development</td>
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<td>Townhouse Dwelling</td>
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<td>Live/Work Unit</td>
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<tr>
<td>Residential Unit over Nonresidential Use</td>
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<tr>
<td><strong>Residential - Group Living</strong></td>
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<tr>
<td>Assisted Living and/or Memory Care Facility</td>
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<tr>
<td>Lodging House</td>
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<td>C</td>
<td>C</td>
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<td>Senior Housing</td>
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<td>C</td>
<td>C</td>
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<tr>
<td>Senior Housing with Services</td>
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<td>C</td>
<td>C</td>
<td>X</td>
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<tr>
<td>State Licensed Residential Facility (serving six or fewer persons)</td>
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<td>C</td>
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<tr>
<td>State Licensed Residential Facility (serving from 7-16 persons)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
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<tr>
<td><strong>Civic and Institutional</strong></td>
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<td>MU-3</td>
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</tr>
<tr>
<td>Day Care Center, Day Nursery</td>
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<td>C</td>
<td>C</td>
<td>X</td>
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<tr>
<td>Institutions</td>
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<td>Municipal Administrative Building, Fire Station or other Public Safety or Service Facilities</td>
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<td>Schools, Public and Private</td>
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<td></td>
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<td>MU-2</td>
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<tr>
<td><strong>Offices</strong></td>
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<td></td>
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</tr>
<tr>
<td>Public Park or Playground and Open Space</td>
<td></td>
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<tr>
<td><strong>Utility Uses</strong></td>
<td>MU-1</td>
<td>MU-2</td>
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</tr>
<tr>
<td>Essential Service Structure, including but not limited to buildings such as Telephone Exchange Substations, Booster or Pressure Regulating Stations, Wells and Pumping Stations and Elevated Tanks</td>
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<td>P</td>
<td>P</td>
<td>X</td>
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<tr>
<td><strong>Agricultural Uses</strong></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Community Garden</td>
<td>I</td>
<td>I</td>
<td>I</td>
<td></td>
</tr>
<tr>
<td><strong>Accessory Uses and Structures</strong></td>
<td>MU-1</td>
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<tr>
<td>Accessory Buildings and Structures</td>
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<tr>
<td>Ground Source Heat Pump Systems</td>
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<tr>
<td>Solar Energy Systems</td>
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<td>Temporary Outdoor Events</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
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<tr>
<td>Temporary Outdoor Events (greater than 45 days)</td>
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<td>C</td>
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<td>Vending Machines</td>
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<td>Wind Energy Systems</td>
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<td>Wind Energy Systems (excess height)</td>
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<tr>
<td>Day Care Facility (serving 12 or fewer persons)</td>
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<tr>
<td>Day Care Facility (serving from 13 through 16 persons)</td>
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<td>P</td>
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<tr>
<td>Group Family Day Care serving 14 or fewer children</td>
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<td>Home Occupation</td>
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<td>Rain Garden</td>
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<td>Bulk Storage (liquid)</td>
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<tr>
<td>Communication Structures</td>
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<tr>
<td>Outdoor Seating</td>
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<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Outdoor Display</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
</tbody>
</table>
2. Accessory Uses and Structures. See TABLE 6 for a complete list of allowed accessory uses and structures within the mixed-use districts.

3. Lot Requirements. See TABLE 7 for a complete list of lot requirements within the mixed-use districts. Before any building permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to the requirements. The applicant or owner shall supply data necessary to demonstrate such conformance.

### TABLE 7: MIXED USE DISTRICT LOT REQUIREMENTS

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Size</th>
<th>Lot Width</th>
<th>Front Yard Setback</th>
<th>Side Yard Setback</th>
<th>Rear Yard Setback</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>MU-1 Downtown Mixed-Use District</td>
<td>0 sq. ft.</td>
<td>20 ft.</td>
<td>0 ft.</td>
<td>0 ft.</td>
<td>0 ft.</td>
<td>Three (3) stories or 35 ft. New mixed use buildings with residential units above nonresidential, office or service uses may be up to four (4) stories or 50 ft.</td>
</tr>
<tr>
<td>MU-2 Transitional Mixed-Use District</td>
<td>15,000 sq. ft.</td>
<td>65 ft.</td>
<td>30 ft.</td>
<td>Interior Lot: 15 ft. Corner Lot: 30 ft.</td>
<td>30 ft.</td>
<td>Three (3) stories or 35 ft.</td>
</tr>
<tr>
<td>MU-3 Corridor Mixed-Use District</td>
<td>35,000 sq. ft.</td>
<td>120 ft.</td>
<td>25 ft.</td>
<td>0 ft.</td>
<td>0 ft.</td>
<td>Five (5) stories or 55 ft.</td>
</tr>
</tbody>
</table>

(D) Downtown Mixed-Use District (MU-1).

1. Purpose.
   This district is established to sustain and enhance the viability of the Downtown in terms of preserving its small-town and pedestrian-friendly atmosphere while encouraging development and redevelopment consistent with the Comprehensive Plan to create a destination. The district is also intended to:
i.) Preserve and enhance the historical character of the Downtown where appropriate with historic renovations and adaptive reuse of structures.

ii.) Encourage creating a sense of place within the Downtown through aesthetics including architectural diversity, façade designs, parking configurations, pedestrian-scale amenities, streetscape enhancements, landscaping, and the public realm.

iii.) Encourage vertical mixed-use development in which the lower floors generally have more public uses, with private uses on the upper levels.


Buildings within the MU-1 District shall give due regard to the standards within the Downtown Design Manual.

(E) Transitional Mixed-Use District (MU-2).

1. Purpose

This district is established to sustain and enhance the viability of commercial nodes that serve the needs of residents in adjacent neighborhoods while encouraging development and redevelopment consistent with the Comprehensive Plan. The district is also intended to:

i.) Encourage appropriate transitions to surrounding land uses through aesthetics including architectural pedestrian-scale design, parking configuration, streetscape enhancements, landscaping, and screening.

(F) Corridor Mixed-use District (MU-3).

1. Purpose.

This district is established to encourage the development or redevelopment of mixed-use centers that combine new or existing retail development with a variety of housing, offices, studios, live-work space, civic building, employment activities, research, limited industrial and other complementary uses which combine to create a lively environment consistent with the Comprehensive Plan. The district is also intended to:

i.) Encourage the integration of complementary and related uses in an aesthetically attractive and functional environment.

ii.) Encourage building and site design that advances the City’s sustainability goals.

iii.) Promote desirable economic development activities.
154.008 OVERLAY DISTRICTS.

(A) General Provisions for Overlay Districts.

General Statement of Purpose. The requirements of the overlay districts shall apply to all zoning lots located in such districts in addition to all requirements in this code that apply to the primary zoning district classification of those zoning lots. In the event of a conflict between the provisions of any overlay district and the underlying primary zoning district, the provisions of the overlay district shall apply, except where otherwise specified.

(B) Downtown Overlay District (D-1).

1. Purpose.
   This district is established to:
   i.) Preserve cultural aspects of the historic commercial district.
   ii.) Encourage the physical development of the City as intended by the Comprehensive Plan and Downtown Design manual/plans.
   iii.) Encourage the harmonious development and appearance of structures and property within the district.
   iv.) Maintain and improve property values of the district and throughout the City.

2. Lot Requirements.
   In addition to the Lot Requirement standards, the following shall also apply:
   i.) Front & Side Yard Setback.
      (1) Infill buildings must meet a build to line which shall be built flush to the sidewalk and flush to adjacent buildings.
      (2) No side setbacks are allowed unless next to a public pedestrian way or residential district where setback is required.
   ii.) Rear Yard Height Transition to Residential Districts
      When rear yards in this district directly abut any residential district the following rear setbacks are required:
      (1) Where no alley is present, a setback of fifteen (15) feet is required.
      (2) Where there is an alley present, a setback of ten (10) feet from the alley is required.
   iii.) Building Height.
      (1) Maximum building height is four (4) stories or fifty (50) feet, whichever is less.
      (2) Minimum length of building may not be less than twenty-two (22) feet along the front façade.
      (3) No building may be greater than twenty-four (24) feet higher than an adjacent building.
3. Building Orientation (see **FIGURE 20**).

**FIGURE 20: ENTRANCE ORIENTATION**

![Entrance Orientation Diagram](image)

i.) Buildings on 7th Avenue shall have primary entrance onto 7th Avenue with design elements as indicated in the adopted Downtown Design Manual indicating entrance location.

ii.) For businesses which occupy the “back” half of a building on 7th Avenue, the primary entrance may be on the rear access to the building.

iii.) For businesses on corner lots, they encouraged to provide dual access points as indicated in the adopted Downtown Design Manual.

iv.) Public rear entrances are allowed if they meet the requirements of the adopted Downtown Design Manual.

(C) Planned Unit Development District (PUD).

1. Purpose.
   This district is established to:
   i.) Provide for development as an integrated, coordinated unit as opposed to the traditional parcel-by-parcel approach to development.
ii.) Introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities.

iii.) Planned Unit Developments (PUD’s) are to be characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities, and a harmonious selection and efficient distribution of uses.

iv.) Provide flexibility and joint planning between the City and developer to protect other features such as existing development, planned streets, vegetation, slopes, wetlands, lakes, or streams.

2. Objectives.

   It is intended to encourage the efficient use of land and resources to promote greater efficiency in public utility services and encourage innovation in the planning and building of all types of development. Public benefits to be derived as a result of the PUD include, but are not limited to:

   i.) Permit and promote greater flexibility to allow more creativity and imaginative design. To promote more efficient uses of the land while preserving existing landscape amenities and allowing harmonious development consistent with the Comprehensive Plan. Preserve the health, safety and general welfare of the community.

   ii.) Ensure concentration of open space into more usable areas and the preservation of the natural resources of the site including wetlands, woodlands, steep slopes, and scenic areas.

   iii.) Facilitate the economical provision of streets and public utilities.

   iv.) Encourage the preservation and enhancement of historic and natural resources while creating a positive environment with special development features.

   v.) Allow more than one principal building on a lot.

   vi.) Allow for a mixture of residential units in an integrated and well-planned area and provide for a variety of housing types consistent with the City’s housing goals.

   vii.) Promote energy conservation through the use of more efficient building designs, sites, and clustering of land uses and buildings.

   viii.) Provide for mixed commercial and residential uses, where appropriate.

3. Types of Permitted Planned Unit Developments.

   The underlying zoning district shall be consistent with the Comprehensive Plan. PUD overlay districts may be one of the following:

   i.) Planned Residential District (PRD)

   ii.) Planned Commercial District (PCD)

   iii.) Planned Industrial District (PID)

   iv.) Planned Mixed-Use District (PMD)
4. General Requirements and Standards.

i.) Ownership. An application for PUD approval must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approval of the final plat shall be binding on all owners. In absence of an ownership application, the project developer may submit the written consent of all property owners within the proposed PUD with the development application. The financial commitments incurred through any portion of the development shall be the responsibility of the owner.

ii.) Consistency with Comprehensive Plan. The proposed PUD shall be consistent with the Comprehensive Plan.

iii.) Permitted Uses. All permitted, conditional, and interim uses contained in the underlying zoning district shall be treated as permitted, conditional, and interim uses in the PUD overlay district.

iv.) Density. Increased density shall be permitted to encourage the preservation of natural topography and geological features. The City may, but shall not be required to, provide concessions in setbacks, density, or lot size to protect waterways or water bodies, steep slopes or other areas which would normally not be developable. The City will consider allowing an increase in the allowable density upon proof by the applicant that some of the following features are being provided as part of the proposed development:

1. Preservation of natural site features, wetlands, lowlands, wooded areas, and the like protected by the Minnesota Department of Natural Resources or by the City and/or Ramsey County ordinances.
2. Creation of conservation easements due to steep slopes, wooded areas and/or environmentally sensitive areas as identified in the Comprehensive Plan.
3. Creation of park/public areas for active and passive park uses beyond required standards or other public purposes such as schools, public buildings, greenways, and the like which meet the intent of the Park and Recreation goals of the Comprehensive Plan and are consistent with the public dedication requirements for the proposed development.
4. Installation of public improvements designed to serve areas beyond the project boundary.
5. The City may consider increased density for housing projects which provide affordable housing options consistent with the Comprehensive Plan.

v.) Minimum Lot Size. The minimum lot size requirements of other Sections of this ordinance do not apply to a PUD except that the minimum lot size requirements of the underlying zone shall serve as
a guideline to determine the maximum dwelling unit density of a total development. The maximum dwelling unit density shall be determined by the area remaining after appropriate space for street right-of-ways and any other public dedications have been determined and subtracted from the total PUD area. If the property involved in the PUD includes land in more than one (1) zoning district, the number of dwelling units or the square footage of commercial, residential or industrial uses in the PUD shall be proportional to the amount that would be allowed separately on the parcels located in each of the underlying zoning districts.

vi.) Relationship of PUD Site to Adjacent Areas. The design of a PUD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed as to minimize undesirable impact of the PUD on adjacent properties and to conversely minimize undesirable impact of adjacent land use and development characteristics on the PUD.

vii.) Utility Requirements. Utilities, including telephone and electrical systems, installed within a PUD shall be placed underground. Utility appurtenances which can be effectively screened may be exempt from this requirement if the City finds that such exemption will be consistent with the objective of this Section and the character of the proposed PUD.

viii.) Parking. Off-street parking and loading space shall be provided in each PUD in the same ratios for types of buildings and uses as required in the underlying zoning district.

ix.) Street Width. Requirements outlined in the subdivision ordinance for street widths may be relaxed depending on the number of off-street parking locations and the anticipated density in the planned unit development. The Planning Commission, City Engineer, and City’s Emergency Services (Fire, Ambulance and Police) shall review each planned unit development to determine street width requirements.

x.) Landscaping. In any PUD, the developer shall prepare and submit a landscaping plan as a part of the Final Plan, which shall include a detailed planting list with sizes and species indicated to be approved by the City Council. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures, and the overall scheme of the PUD plan.

xi.) Public Services. The proposed project shall be served by the City water and sewer system and fire hydrants shall be installed at such locations as required by the City Engineer or the Fire Chief to provide fire protection.

xii.) Building Height. Height limitations shall be the same as imposed in the respective zoning districts.

xiii.) Development Agreement. Prior to the issuance of a building permit as part of the PUD the permit applicant, builder, or
developer shall execute and deliver to the City Council a Development Agreement for the PUD.

xiv.) Open Space. Common open space shall be either held in common ownership by all owners in the PUD or dedicated for public use with approval of the City Council. Whenever possible, common open space shall be linked to the open space areas of adjoining developments. Common open space shall be of such size, shape, character, and locations as to be useable for its proposed purpose.

5. Operating and Maintenance Requirements for PUD Common Open Space and Service Facilities.

i.) Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard.

ii.) Common open space and service facilities within a PUD shall be placed under the ownership of one (1) or more of the following or may include a method deemed most appropriate by the City Council.

(1) Landlord control, where only use by tenants is anticipated.  
(2) Property owners association, provided all of the following conditions are met:

a. Prior to the use, occupancy, sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions, or an equivalent document as specified in M.S. § 515.00, as may be amended from time to time, shall be filed with the Zoning Administrator prior to the filings of the declaration of documents or floor plans with the Ramsey County’s Recorder’s Office.

b. The declaration of covenants, conditions, and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject the properties to the terms of the declaration.

c. The declaration of covenants, conditions, and restrictions shall provide that an owner’s association or corporation may be formed, and if such an association or corporation is formed property owners must be members of the association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the
individual owner through establishing effective private control.

d. Among other things, the declaration shall provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City, or fails to pay taxes or assessments on properties as they become due, and in the event the City incurs any expenses not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its pro rata share of the expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which such assessment is made.

e. Membership in the association must be mandatory for each owner and any successive buyer and the association must be responsible for liability insurance, taxes, and the maintenance of the open space facilities to be deeded to it. This requirement may be waived by the City Council for existing units which are being incorporated into a PUD.

f. The open space restrictions must be permanent and not for a given period of years.

g. Property owners must pay their pro rata share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with state law and the association must be able to adjust the assessment to meet changing needs.

h. The by-laws and rules of the association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final PUD plan. If a final PUD plan is filed in one (1) phase with staged final plats, the bylaws, rules of the association, and all covenants and restrictions may be filed with the final plat.

i. Staging of common open space. The construction and provision of all of the common open space and public improvements and recreational facilities that are shown on the final development plan for a PUD must proceed at the same rate as the construction of dwelling units or other private facilities.

6. PUD Process.

i.) Pre-Application Meeting. Upon filing of an application for a PUD, the applicant of the proposed PUD shall arrange for and attend an informational meeting with City Staff. At such conference, the applicant shall be prepared to generally describe their proposal for a PUD. The primary purpose of the meeting shall be to provide the applicant with an opportunity to gather information and obtain
guidance as to the general suitability of the conformity to the provisions of this Code before incurring substantial expense in the preparation of detailed plans, surveys, and other data.

ii.) Preliminary PUD Plan Process:

1. The Developer/Owner shall submit an application for subdivision or Preliminary PUD Plan at least thirty (30) days prior to the Planning Commission meeting.

2. The Zoning Administrator shall review the preliminary application and distribute to appropriate staff and consultants for review. The Zoning Administrator shall post notice of a public hearing and forward all comments along with the application to the Planning Commission.

3. The Planning Commission shall conduct a public hearing, following published notice and mailed notice to property owners within 350 feet of the proposed PUD. Notice shall occur not less than ten (10) or more than thirty (30) days prior to the hearing. Failure of a property owner to receive notice shall not invalidate the process. The Planning Commission shall review the Preliminary PUD plan and submit a written report and recommendation to the City Council. If the Planning Commission fails to make a report within thirty (30) days after receipt of the application, the City Council may proceed without the report. Such report shall contain the findings and recommendations of the Planning Commission with respect to the conformity of the Preliminary PUD plan to the approved general concept plan, with respect to the merit or lack of merit of any departure of the Preliminary PUD plan from substantial conformity with the general concept plan, and with respect to the compliance of the Preliminary PUD plan with the provisions of this Code and all other applicable Federal, State, and local Codes and ordinances.

4. Within sixty (60) days of the receipt of a complete application, the City Council will take action to grant approval, grant conditional approval, or deny approval of the plan.

5. Upon City Council approval, the City Attorney shall draft a PUD Development Agreement which stipulates the specific terms and conditions established and approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor, City Manager, and the applicant.

6. Where the Preliminary PUD plan is denied approval, City Council action shall be by resolution setting forth the reasons for its actions. A certified copy of the document evidencing said City Council action shall be delivered to the applicant. The applicant will have sixty (60) days to submit a revised preliminary PUD plan to the Planning Commission. After the sixty (60) day period, a revised general concept plan must be submitted to
the Planning Commission unless otherwise arranged with the Zoning Administrator.

(7) If subsequent submittals of the Preliminary PUD plan are denied approval two (2) times within one (1) year of the original submission date, the applicant will be required to submit a revised general concept plan.

(8) Limitation on Preliminary PUD Plan approval. Unless a final plan covering the area designated in the first stage of the Preliminary PUD plan has been filed within six (6) months from the date the City Council grants Preliminary PUD plan approval, or in any case where the applicant fails to file final plans and to proceed with development in accordance with the provisions of this Section and/or an approved Preliminary PUD plan, the approval shall expire. The City Council may, at its discretion, extend for not more than one (1) additional period of six (6) months the filing deadline for any final plan when, for good cause, such extension is necessary. In any case where the preliminary PUD plan approval expires, the City Council shall forthwith adopt a resolution repealing the general concept plan approval and the Preliminary PUD plan approval for that portion of the PUD that has not received final plan approval, and re-establish the zoning and other ordinance provisions that would otherwise be applicable.

(9) Review and evaluation criteria. The evaluation of the proposed Preliminary PUD plan shall include, but not be limited to, the following criteria:

a. Adequate property control is provided to protect the individual owner’s rights and property values and the public responsibility for maintenance and upkeep.

b. The interior circulation plan plus access from and onto public rights-of-way does not create congestion or dangers and is adequate for the safety of the project resident and the general public.

c. A sufficient amount of usable open space is provided.

d. The arrangement of buildings, structures, and accessory uses does not unreasonably disturb the privacy or property values of the surrounding residential uses.

e. The architectural design of the project is visually compatible with the surrounding area. Architectural style or type of buildings shall not solely be a basis for denial or approval of the Preliminary PUD plan. However, the overall appearance and compatibility of individual buildings to other site elements of surrounding development will be given primary consideration in the review stages of the Planning Commission and City Council.
f. The drainage and utility system plans are submitted to the City Engineer and shall be subject to approval of the City Engineer.
g. The development schedule insures a logical development of the site which will protect the public interest and conserve land.
h. Proposed unit and accessory use requirements are in compliance with the district provisions in which the development is planned.

iii.) Final PUD Plan Process. The final plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other City ordinances as the land use regulation applicable to the PUD.

(1) Submission of the final plan. Upon approval of the Preliminary PUD Plan, the applicant shall file with the Zoning Administrator a final plan consisting of the information and submissions required by the final plan stage, for the entire PUD or for one (1) or more stages. The final plan is intended only to add detail to, and to put in final form, the information contained in the general concept plan and the Preliminary PUD Plan which shall conform to the Preliminary PUD plan in all respects. A final plan of a portion of the proposed development may be submitted simultaneously with the overall preliminary plan for purposes of expediting the review process.

(2) Review and approval of final plan. The Zoning Administrator shall forward comments of staff and consultants to the Planning Commission, who shall prepare a recommendation for the City Council. No public hearing shall be required for approval of the final plan. The City Council may approve the PUD final plan with a majority vote.

(3) Recording of final plat and PUD Agreement. Within thirty (30) days of the Zoning Administrator’s notice of approval, the applicant shall record the final plat and PUD Agreement, or such portions thereof as are appropriate, with the Office of the Ramsey County Recorder.

(4) Building and other permits. No building permit shall be granted on land for which a plan for a PUD is in the process of review or which does not conform to the approved final plan. Upon receiving notice from the Zoning Administrator that the approved final plat and agreement has been recorded and upon appropriate application of the applicant, building and other permits may be issued to the applicant if the following conditions are met:
a. Public open space, if applicable, has been deeded to the City and officially recorded.
b. A development agreement has been approved and executed by all parties.

c. The homeowner’s association (if applicable) by-laws, covenants and deed restrictions have been approved by the City Attorney and officially recorded.

d. The construction plans for proposed structures have been approved by the Building Official.

e. All detailed site plans have been approved by the Zoning Administrator.

(5) Limitation of final plan approval. Within one (1) year after the approval of a final plan for PUD, or such shorter time as may be established by the appropriate development schedule, construction shall commence in accordance with such approved plan. Unless an extension has been granted as hereinafter provided, failure to commence construction within such period shall automatically renders void the PUD permit and all approvals of the PUD plan. The area encompassed within the PUD shall thereafter be subject to those provisions of the zoning ordinances and other ordinances applicable in the district in which it is located. In such case, the City Council shall forthwith adopt a resolution repealing the PUD permit and PUD approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable.

7. PUD Data Requirements.
   i.) Pre-Application Concept Plan. Prior to the initiation of a zoning change application, owners of property in the PUD district are invited to prepare development sketch plans for review by the City. Items to be supplied by the applicant for the pre-application meeting include:
   (1) Overall maximum PUD density range.
   (2) Proposed general development and use.
   (3) General location of major streets, pedestrian walkways adjacent to the tract, and scale and tract boundaries and north point.
   (4) General location and extent of public and/or common open space, areas to be preserved, and significant topographical and physical features.
   (5) Sketch illustrating the general location of residential and non-residential land uses with approximate intensities of development and any zoning change requested.
   (6) Staging and timetable of development.
   (7) Other special criteria for development.
   (8) Such sketch plans submitted shall be for informal discussion between the developer and the City. Submission of sketch plan shall not constitute formal filing of an application.
(9) As far as may be practicable on the basis of a sketch plan, the City will informally advise the owner as promptly as possible of the extent to which the proposed plan conforms to the design standards of this Section and discuss possible plan modifications necessary to secure conformance. The sketch may be reviewed, where applicable, by the Planning Commission and the Council.

(10) The proposed use(s) must be consistent with the Comprehensive Plan.

(11) All proposals shall include a PUD Plan for the site.

ii.) Preliminary PUD Plan. An application for approval of a Preliminary PUD plan shall be filed with the Zoning Administrator by the owner(s) of title of property for which the PUD is proposed. A filing fee, as established from time to time by City Council Ordinance, shall accompany the Preliminary PUD Application. The application and accompanying statements shall be submitted and shall include:

(1) A vicinity map at a scale approved by the Zoning Administrator showing property lines, streets, easements, existing zoning, graphic scale, north point, date of preparation, and such other items as the Planning Commission may require to show the relationship of the proposed PUD to the Comprehensive Plan of the City to existing schools and other community facilities and services and to the surrounding area.

(2) Abstractor’s certified copy property certificate providing names and addresses of property owners within 350 feet of the outer boundaries of the property (one (1) copy).

(3) The legal description of the property and lot size.

(4) Boundary survey prepared by a registered surveyor, including the property and 200 feet beyond, which illustrates:
   a. Existing property lines and dimensions.
   b. Ownership of all parcels.
   c. Platting and easements.
   d. Street and railroad right-of-ways.
   e. Buildings.
   f. Utility lines and facilities.
   g. Public park and open space.
   h. Private land use, subdivisions, and private property.

(5) Natural features map(s) illustrating:
   a. Contour lines at no more than two (2) foot intervals.
   b. Steep slopes of eighteen percent (18%) or more.
   c. Hydraulic information including drainage patterns, delineated wetlands and land subject to periodic flooding, floodplain, and watercourses.
   d. Soil and subsoil conditions.
   e. Vegetation including classification of tree cover by species.
(6) A preliminary plan of the entire area in such detail as to show the land uses being requested, the densities being proposed, the proposed lots and blocks and the off-street parking system or preliminary plat, if applicable.

(7) A written statement with supporting documentation explaining in detail the specifics of the development plan as it relates to the type of dwelling units proposed and the resulting population, the extent and nature of non-residential development, and the resulting traffic generated and parking demands created.

(8) The proposed schedule and/or phasing for the development of the site.

(9) The location, shape, size, and character of public or private/common open space which is suitable for the PUD, in accordance with the City Code Ch. 153 requirements for park and open space dedication.

(10) The location and size of all utilities including telephone, electricity, gas, cable, water, sanitary sewer and storm sewer.

(11) Landscape Plan including a detailed planting list.

(12) Size and location of all street right-of-ways and proposed paved widths, and vehicular and pedestrian circulation, in conformance with the City Code Ch. 153.

(13) A statement setting forth the reasons why, in the opinion of the applicant, the PUD will be in the public interest and consistent with the objectives specified for PUD's.

(14) Financial capacity of the developer/owner and fiscal resources available including a FDIC insured letter of credit for 110% of the estimated cost of public improvements associated with the development.

(15) Market area of the project and demand trends within the area.

(16) Other materials as requested by the Planning Commission or City Council.

iii.) Final Plan Data Requirements. A final application and its supporting documentation shall give the same information as is required of plats under City Code Ch. 153 in addition to such other information as required by this ordinance and by the Planning Commission as a condition for approval of the preliminary plan. In addition, the application shall be accompanied by such other documentation, such as:

(1) The location, size, use and arrangement including height in stories and feet, and total square feet of ground area coverage and floor area for proposed building, and any existing buildings which will remain.

(2) The location, dimensions and number of all driveways, entrances, curb cuts, parking stalls, loading spaces, access alleys, and all other circulation elements including bicycle,
pedestrian walkways, and the total site coverage of all circulation elements.

(3) Approximate area and potential floor area devoted to commercial or office uses.

(4) Approximate area and potential floor are devoted to industrial uses.

(5) Schedule of construction. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season (time period between road restrictions), a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage, and the overall chronology of development to be followed from stage to stage.

(6) Care and maintenance of open spaces or service facilities. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities shall be submitted. If it is proposed that such open space be owned, operated and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted during the Preliminary PUD Plan stage.

(7) Where applicable, a preliminary and final plat prepared by a land surveyor, duly registered in the state, in accordance with M.S. § 505.00 and City Code Ch. 153, as may be amended from time to time, which shall contain a notarized certification by such surveyor that the plat represents a survey made by the surveyor and that the monuments shown herein exist as located and all dimensions are correct, along with a notarized certification by the owner or owners of the adoption of the plat and the dedication of streets and other public areas as required.

(8) Detailed utility and infrastructure construction plans, grading plan, and drainage plan approved by the City Engineer.

(9) A statement summarizing all changes which have been made to any document, plan data, or information previously submitted together with revised copies of any such document, plan or data.

(10) Such other and further information as the Zoning Administrator, City Engineer, Planning Commission or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.
Title opinion provided by the developer showing good and marketable title in the names of the owners of the property. This opinion, together with an updated abstract, should be submitted to the City Attorney for review.

The Planning Commission may, by a written order, excuse any applicant from submitting any specific item of information required herein which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

8. Amendments and Administration.
   i.) Generally. Amendments may be made in the approved final plan when they have shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the City.
   ii.) Minor changes in location, siting, design, and height of buildings and structures may be authorized by the Zoning Administrator if requested, if they are caused by unforeseen circumstances and if they are consistent with the intent and purpose of the final plan and do not increase the size of any building or structure any more than ten percent (10%) than originally proposed in the Preliminary PUD Plan.
   iii.) All other changes, including but not limited to use, rearrangement of lots, blocks, and open space must be authorized by the Planning Commission and City Council under procedures outlined in the Preliminary PUD Plan, following a public hearing, with amendments to the recorded copy of the final plan following Council approval.
   iv.) Annual review. The Zoning Administrator shall review each PUD at least once each year and shall make a report through the Planning Commission to the City Council on the status of the development in each PUD Overlay District. If development is not progressing reasonably well according to the schedule, the owner shall be required to submit a statement to the Zoning Administrator setting forth the reasons for the lack of progress. If the City Council finds that the development has not occurred according to the establishing development schedule or is not otherwise reasonable in the view of the City Council, the City Council may revoke the PUD Overlay District in any event.

(D) Shoreland Overlay District (S-1).

1. Purpose.
   i.) The unregulated use of shorelands in the City affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety, and
welfare to provide for the wise use and development of shorelands of public waters.

ii.) Statutory Authorization. These shoreland regulations are adopted pursuant to the authorization and policies contained in M.S. § 103F, Minnesota Regulations, parts 6120.2500 through 6120.3900, and the planning and zoning enabling legislation in M.S. § 462.

iii.) Jurisdiction. The provisions of this Code shall apply to shorelands of the public water bodies as classified in Section 154.008(D)(2)(ii) of this Code. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this Code.

iv.) Compliance. The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the grading and filling of any shoreland area; and the cutting of shoreland vegetation shall be in full compliance with the terms of this Code and other applicable regulations.

v.) District Application. The shoreland overlay district shall be superimposed (overlaid) upon all the zoning districts as identified in Chapter 154 of City Code as existing or amended by the text and map of this Code. The regulations and requirements imposed by the shoreland overlay district shall be in addition to those established by the base zoning district, which jointly apply. Under joint application of the districts, the more restrictive requirements shall apply.

vi.) Exemption. A structure or use which was lawful before adoption of this Chapter, but which is not in conformity with the provisions of the shoreland overlay district, may be continued subject to Section 154.305-312 of this Code.

2. Protected Waters and Classification.

i.) District Boundaries. The boundaries of the shoreland overlay district within the City shall consist of all lands as described within the definition of shoreland in Section 154.003 of this Code.

ii.) Waters Classifications. The following waters have been given classifications and are regulated as such under state law.

<table>
<thead>
<tr>
<th>ID</th>
<th>Name</th>
<th>DNR classification</th>
<th>OHWL</th>
<th>Watershed District</th>
</tr>
</thead>
<tbody>
<tr>
<td>62000500</td>
<td>Casey Lake</td>
<td>Natural Environment</td>
<td>926.3 ft</td>
<td>RWMWD</td>
</tr>
<tr>
<td>62000100</td>
<td>Silver Lake</td>
<td>Recreational Development</td>
<td>989.57 ft</td>
<td>VBWD</td>
</tr>
</tbody>
</table>
3. Administration and Permits.
   i.) Permits Required.
      (1) When a building, zoning or conditional use permit is required for any activity regulated herein, no additional shoreland alteration permit shall be required. However, the standards for the activity as contained herein shall be applied to the issuance of that permit.
      (2) A shoreland alteration permit shall be required for all construction and development activity regulated within this Chapter including for:
         a. The placement or construction of structures located closer to the OHWL than the setbacks indicated in Section 154.008 (D)(4)(iv)(2) unless a building permit is required and issued.
         b. All grading, filling, and excavation activity as regulated within Section 154.008 (D)(8).
         c. The construction of stairways, lifts, landings, and retaining walls located within the shore impact zone unless a building permit is required and issued.
      (3) Activity regulated under Section 154.008 (D)(7) and other activities specifically exempted within this Chapter shall not require a shoreland alteration permit.
   ii.) DNR Notification Procedures.
      (1) Notification shall be provided to the DNR Area Hydrologist at least ten (10) days prior to a public hearing to consider variances, conditional use permits or plats within the shoreland area or amendments to the shoreland standards.
      (2) Notification shall occur ten (10) days after a final decision on all variances, conditional use permits or plats.
   iii.) Watershed Management Notification & Permits.
      Additional requirements of the Valley Branch Watershed District (VBWD) for Silver Lake and Ramsey-Washington Metro Watershed District (RWMWD) for Casey Lake apply to some projects.

   i.) Lot area and width standards shall be regulated per the underlying zoning district of the property.
   ii.) Use of the property shall be governed by the underlying zoning district provisions.
   iii.) Height of structures and other facilities on lots shall be regulated per the underlying zoning district of the property except for facilities specified herein.
   iv.) Setback Requirements.
      (1) Where structures exist on the adjoining lots, structure setbacks may be altered allowing them closer to the water’s edge without a variance to conform to the adjoining setbacks from the ordinary high water level. The setback distance shall be determined by the average setback of structures on the two (2)
immediately adjoining lots and shall be allowed only provided the proposed structure is not located in a shore impact zone.

(2) Along with the setback requirements in the underlying zoning district, the following setback requirements from the Ordinary High Water Level (OHWL) shall apply.

<table>
<thead>
<tr>
<th>Name</th>
<th>One Water Oriented Accessory Structure per lot</th>
<th>Principal Structures &amp; All Additional Accessory Buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Casey Lake</td>
<td>10 feet</td>
<td>150 feet</td>
</tr>
<tr>
<td>Silver Lake</td>
<td>10 feet</td>
<td>75 feet</td>
</tr>
</tbody>
</table>

(3) The following types of structures are exempt from OHWL setbacks indicated above, but are required to follow the standards contained in 154.008 Section (D) items 5-11 which follow:
   a. Stairways, stairway landings, and pedestrian lifts.
   b. Watercraft landing lift facilities and docks.
   c. Decks.
   d. Public park, beach, and marina facilities and other public improvements.

5. Accessory & Water Oriented Structure Performance Standards.
   i.) Any structure which does not meet the principal structure setback must meet the following standards:
       (1) All structures must be located so as to minimize the impact upon existing vegetation, and whenever reasonable in the most visually inconspicuous portions of lots, as viewed from the surface of the public waterbody assuming summer, leaf-on conditions.
       (2) The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails. Detached decks must not exceed eight (8) feet above grade at any point.
       (3) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.
       (4) Maximum size of structure is:
           a. Casey Lake 250 square feet.
           b. Silver Lake 400 square feet and twenty (20) feet wide.
       (5) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

   ii.) The following standards shall apply to attached or detached decks:
(1) The deck encroachment toward the OHWL does not exceed fifteen percent (15%) of the existing setback of the principal structure from the OHWL or does not encroach closer than thirty (30) feet, whichever is more restrictive.

(2) The deck is constructed primarily of wood and is not enclosed, roofed, or screened and does not result in the creation of an impervious surface.

   
i.) Whenever reasonable stairways, stairway landings, and pedestrian lifts shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public waterbody assuming summer, leaf-on conditions.

   ii.) Construction and Design.
   
   (1) Stairways and pedestrian lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments.

   (2) Landings for stairways and pedestrian lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties and public open-space recreational properties.

   (3) Canopies or roofs are not allowed on stairways, stairway landings, or pedestrian lifts.

   (4) Stairways, stairway landings, and pedestrian lifts may be either constructed above the ground on posts or pilings or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.

7. Shoreland Vegetation Alterations.
   
i.) Intensive vegetation clearing within the shore impact zones and on steep slopes is not allowed.

   ii.) In shore impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water oriented accessory structures or facilities provided that:

   (1) The screening of structures, vehicles, or other facilities as viewed from the water assuming summer, leaf-on conditions is not substantially reduced.

   (2) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards and the removal of plants deemed noxious under state or local Noxious Weed Law.
iii.) Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation, or both.

iv.) For Silver Lake, additional vegetation standards are required per the VBWDR.
   (1) A minimum thirty five (35) foot wide buffer strip measured perpendicular to the OHWL extending thirty five (35) feet inland is required. A mowed access and shoreline is allowed, but must not exceed thirty percent (30%) of the landowner’s shoreline width or thirty (30) feet, whichever is less. For shorelines less than twenty (20) feet wide, a six (6) foot wide access path is allowed.

   i.) Grading, filling, and excavations necessary for the construction of structures and driveways under validly issued permits for these facilities do not require the issuance of a separate shoreland alteration permit. However, considerations and conditions stated as follows in Section 154.008 (D)(8)(ii) and (iii) must be adhered to during the issuance of building permits, grading permits, conditional use permits, variances, and subdivision approvals within the shoreland area.

   ii.) Notwithstanding Section 154.008 (D)(8)(i) (above) the movement of more than ten (10) cubic yards of material within shore impact zones and the movement of more than fifty (50) cubic yards of material outside of shore impact zones will require a shoreland alteration permit.

   iii.) Alteration Standards & Requirements.
   (1) No person may fill, drain, excavate or otherwise alter the hydrology of a wetland without first obtaining a permit from the Watershed District.
   (2) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
   (3) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage and a permanent vegetation cover must be established as soon as possible.
   (4) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
   (5) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service.
   (6) Fill or excavated material must not be placed in a manner that creates an unstable slope.
(7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must create finished slopes of less than 3:1 slope.

(8) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under M.S. §103G.245.

(9) Alterations of topography must only be allowed if they are accessory to permitted or special uses and do not adversely affect adjacent or nearby properties.

(10) Placement of natural rock rip rap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the rip rap is within ten (10) feet of the ordinary high water level, and the height of the rip rap above the ordinary high water level does not exceed three (3) feet.

   i.) Public and private roads, driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. They must be designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

   ii.) Roads, driveways, and parking areas must not be placed within shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.

10. Stormwater Management.
   i.) When possible, existing natural drainage-ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

   ii.) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

   iii.) When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
iv.) New constructed stormwater outfall to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

v.) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff velocities, erosion potential, and volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

vi.) Additional stormwater management requirements may be required by the RWMWD and VBWD.

vii.) Impervious surface coverage shall be limited to amounts allowed in underlying zoning district standards.

Publicly owned sewer systems must be used for all properties in the shoreland overlay district.

(E) Floodplain.

1. Purpose.
   i.) Purpose. This ordinance regulates development in the flood hazard areas of North St. Paul. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

   ii.) National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 - 78, as amended, so as to maintain the community’s eligibility in the National Flood Insurance Program.

   iii.) This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

   i.) Statutory Authorization. The legislature of the State of Minnesota has, in M.S. § 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of North St. Paul, Minnesota, does ordain as follows:
ii.) General Provisions.

(1) How to Use This Ordinance. This ordinance adopts the floodplain maps applicable to North St. Paul and includes three (3) floodplain districts: Floodway, Floodway Fringe, and General Floodplain.
   a. Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Section 154.008 (E)(iii) or (iv) will apply, depending on the location of a property.
   b. Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 154.008 (E)(iii) apply unless the floodway boundary is determined, according to the process outlined in Section 154.008 (E)(v). Once the floodway boundary is determined, the Flood Fringe District standards in Section 154.008 (E)(iv) may apply outside the floodway.

(2) Lands to Which Ordinance Applies. This ordinance applies to all lands within the jurisdiction of the City shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.
   a. The Floodway, Flood Fringe, and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.

(3) Incorporation of Maps by Reference. The following maps together are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The material includes the Flood Insurance Study for Ramsey County, Minnesota, and Incorporated Areas, dated June 4, 2010 and the Flood Insurance Rate Map panels enumerated below, dated June 4, 2010, all prepared by the Federal Emergency Management Agency. These materials are on file in the office of the City Manager and the Zoning Administrator.
   a. 27123C0044G
   b. 27123C0065G
   c. 27123C0110G
   d. 27123C0130G

(4) Regulatory Flood Protection Elevation (RFPE). The regulatory flood protection elevation is an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
(5) Interpretation. The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.
   a. Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
   b. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

(6) Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

(7) Warning and Disclaimer of Liability. This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

(9) Annexations. The Flood Insurance Rate Map panels adopted by reference into Section 154.008(E)(2)(ii)(3) above may include floodplain areas that lie outside of the corporate boundaries of the City at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

iii.) Establishment of Zoning Districts.
   (1) Districts:
   a. Floodway District. The Floodway District includes those areas designated as floodway on the Flood Insurance Rate Map adopted in Section 154.008(E)(2)(ii)(3).
   b. Flood Fringe District. The Flood Fringe District includes those areas designated as floodway fringe on the Flood Insurance
c. General Floodplain District. The General Floodplain District includes those areas designated as Zone A and Zone AE, without a floodway on the Flood Insurance Rate Map adopted in Section 154.008(E)(2)(ii)(3).

(2) Compliance. Within the floodplain districts established in this ordinance, the use of any land; the use, size, type and location of structures on lots; the installation and maintenance of transportation, utility, water supply and waste treatment facilities; and the subdivision of land must comply with the terms of this ordinance and other applicable regulations. All uses not listed as permitted uses or conditional uses in Section 154.008(E)(iv)(Floodway), (v)(Flood Fringe) and (vi) (General Floodplain), respectively, are prohibited. In addition, a caution is provided here that:

a. New and replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this ordinance and specifically Section 154.008(E)(ix).

b. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this ordinance and specifically Section 154.008(E)(xi).

c. As-built elevations for elevated or floodproofed structures must be certified by ground surveys and flood-proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this ordinance and specifically as stated in Section 154.008(E)(x) of this ordinance.

iv.) Floodway District (FW).

(1) Permitted Uses. The following uses, subject to the standards set forth in Section 154.008(F)(5)(b), are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

a. Pasture land, outdoor plant nurseries, horticulture, forestry, sod farming, and wild crop harvesting.

b. Industrial-commercial loading areas, parking areas, and airport landing strips.

c. Open space uses including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.

d. Residential lawns, gardens, parking areas, and play areas.
e. Railroads, streets, bridges, utility transmission lines, and pipelines provided that the Department of Natural Resources’ Area Hydrologist is notified at least ten (10) days prior to issuance of any permit.

(2) Standards for Floodway Permitted Uses.
   a. The use must have a low flood damage potential.
   b. With the exception of the uses listed in Section 154.008 (F)(5)(a)(v), the use must not obstruct flood flows or increase flood elevations and must not involve structures, fill, obstructions, excavations or storage of materials or equipment.
   c. Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence or the regional (one percent (1%) chance) flood.

(3) Conditional Uses. The following uses may be allowed as conditional uses following the standards and procedures set forth in this ordinance and further subject to standards if otherwise allowed in the underlying zoning district or any applicable overlay district.
   a. Structures accessory to the uses listed in Section 154.008 (F)(5)(a) above and the uses listed in (b-g) below.
   b. Extraction and storage of sand, gravel, and other materials.
   c. Marinas, boat rentals, docks, piers, wharves, and water control structures.
   d. Storage yards for equipment, machinery, or materials.
   e. Placement of fill or construction of fences that obstruct flood flows. Farm fences are permitted uses.
   f. Road ready recreational vehicles meeting the exception standards in Section 154.008 (F)(10)(c).
   g. Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the ten (10) year frequency flood event.

(4) Standards for Floodway Conditional Uses.
   a. All Uses. A conditional use must not cause any increase in the stage of the one percent (1%) chance or regional flood or cause an increase in flood damages in the reach or reaches affected.
   b. Storage of Materials and Equipment.
      i. The storage or processing of materials that are in time of flooding flammable, explosive, or potential injurious to human, animal, or plant life is prohibited.
   c. Fill.
i. Fill, dredge spoil and other similar materials deposited or stored in the flood plain must be protected from erosion by vegetative cover, mulching, riprap, or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.

ii. Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the one percent (1%) chance or regional flood may only be allowed if the City Council has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

d. Accessory Structures.

i. Accessory structures must not be designed for human habitation.

ii. If permitted, accessory structures must be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

1. Whenever possible, structures must be constructed with the longitudinal axis parallel to the direction of flood flow; and

2. So far as practicable, structures must be placed approximately on the same flood flow lines as those of adjoining structures.

iii. Accessory structures must be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the State Building Code. All floodproofed accessory structures must meet the following additional standards:

1. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and designed to equalize hydrostatic flood forces on exterior walls; and

2. Any mechanical and utility equipment in the structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed.

iv. As an alternative, an accessory structure may be internally/wet floodproofed to the FP-3 or FP-4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. A detached garage may only be used for parking of vehicles and limited storage. All structures must meet the following standards:

1. To allow for the equalization of hydrostatic pressure, there must be a minimum of two (2) automatic openings in the outside walls of the structure, with a
total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding; and

2. There must be openings on at least two (2) sides of the structure and the bottom of all openings must be no higher than one (1) foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

v. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of M.S. § 103G.245.

vi. A levee, dike or floodwall constructed in the floodway must not cause an increase to the one percent (1%) chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

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

v.) Flood Fringe District (FF).

(1) Permitted Uses. Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Section 154.008(E)(c)(2), which follows.

(2) Standards for Flood Fringe Permitted Uses.

a. All structures, including accessory structures, must be elevated on fill so that the lowest floor as defined is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one (1) foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least fifteen (15) feet beyond the outside limits of the structure.

i. As an alternative to elevation on fill, an accessory structure that constitutes a minimal investment and that does not exceed 576 square feet in size may be internally floodproofed in accordance with Section 154.008(E)(5)(d)(iii)(D).

b. The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 154.008(E)(2)(v)(2) of this ordinance, or if allowed as a conditional use under Section 154.008(E)(2)(v)(3) below.
c. The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.
d. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
e. Fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
f. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation or must have a flood warning/emergency evacuation plan acceptable to the City Council.
g. Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (one percent (1%) chance) flood.
h. Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.
i. Flood fringe developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
j. Manufactured homes and recreational vehicles must meet the standards of 154.009(F) Section 10 of this ordinance.

(3) Conditional Uses. The following uses and activities may be allowed as conditional uses if allowed in the underlying zoning district(s) or any applicable overlay district following the procedures in Section 154.008(F)(11)(d), Conditional Uses of this ordinance. Conditional uses must meet the standards in Section 154.008(F)(6)(b)(iv) through (b)(x) and Section 154.008(F)(5)(d).
a. Any structure that is not elevated on fill or floodproofed in accordance with of Section 154.008(E)(6)(b)(i) of this ordinance.
b. Storage of any material or equipment below the regulatory flood protection elevation.
c. The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in
accordance with Section 154.008(E)(2)(v)(2)(b) of this ordinance.

(4) Standards for Flood Fringe Conditional Uses.
   a. The standards listed in Sections 154.008(E)(2)(v)(2)(d) through (j) apply to all conditional uses.
   b. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck-under garages. The base or floor of an enclosed area is considered above-grade and not a structure's basement or lowest floor if: the enclosed area is above-grade on at least one (1) side of the structure; it is designed to internally flood and constructed with flood resistant materials; and it is used solely for parking of vehicles, building access, or storage. These alternative elevation methods are subject to the following additional standards:
      i. Design and Certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code. Specifically that all electrical, heating, ventilation, plumbing, and air conditioning equipment including ductwork and other service facilities are placed at or above the regulatory flood protection elevation or are designed to prevent flood water from entering or accumulating within these components during times of flooding.
      ii. Specific Standards for Above-grade, Enclosed Areas. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood. The design plans must stipulate:
         1. A minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There must be a minimum of two (2) openings on at least two (2) sides of the structure and the bottom of all openings must be a maximum of one (1) foot above grade. The automatic openings must have a net area of at least one square inch for every square foot of enclosed area subject to flooding, unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic
entry and exit of floodwaters without any form of human intervention; and

2. That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and will be used solely for building access, parking of vehicles, or storage.

c. Basements are subject to the following:
   i. Residential basement construction is not allowed below the regulatory flood protection elevation.
   ii. Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Section 154.008(E)(2)(v)(4) of this ordinance, which follows.

d. All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP-1 or FP-2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures wet floodproofed to the FP-3 or FP-4 classification are not permitted.

e. The placement of more than 1,000 cubic yards of fill or other similar material on a parcel other than for the purpose of elevating a structure to the regulatory flood protection elevation must comply with an approved erosion/sedimentation control plan.
   i. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (one percent (1%) chance) flood event.
   ii. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.
   iii. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

f. Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

vi.) General Floodplain District (GF).
   (1) Permitted Uses.
a. The uses listed in Section 154.008(E)(2)(iv) of this ordinance, Floodway District Permitted Uses, are permitted uses.

b. All other uses are subject to the floodway/flood fringe evaluation criteria specified in in Section 154.008(F)(5)(b) below and in Section 154.008(F)(5) applies if the proposed use is determined to be in the Floodway District in Section 154.009(F)(6) applies if the proposed use is determined to be in the Flood Fringe District.

(2) Procedures for Floodway and Flood Fringe Determinations.

a. Upon receipt of an application for a permit or other approval within the General Floodplain District, the Zoning Administrator must obtain, review, and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.

b. If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information as needed to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in below.

(3) The determination of floodway and flood fringe must include the following components, as applicable:

a. Estimate the peak discharge of the regional (one percent (1%) chance) flood.

b. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

c. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than one-half (0.5) foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.

(4) The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.

(5) Once the Floodway and Flood Fringe District Boundaries have been determined, the Zoning Administrator must process the
permit application consistent with the applicable provisions of Section 154.008(F)(5) and (6).

vii.) Land Development Standards.
(1) General. Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City of North St. Paul.

(2) Subdivisions. No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

a. All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.

b. All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (one percent (1%) chance) flood has been approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.

c. For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

d. In the General Floodplain District, applicants must provide the information required in Section 154.008(F)(7)(b) to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

e. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:
   i. All such proposals are consistent with the need to minimize flood damage within the flood prone area;
   ii. All public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
   iii. Adequate drainage is provided to reduce exposure of flood hazard.

f. Building Sites. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:
i. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

ii. Constructed with materials and utility equipment resistant to flood damage;

iii. Constructed by methods and practices that minimize flood damage; and

iv. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

viii.) Public Utilities, Railroads, Roads, and Bridges.

(1) Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

(2) Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 154.008(E)(2)(iv) and (v). These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

(3) On-site Water Supply and Sewage Treatment Systems. Where public utilities are not provided: on-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and new or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems, discharges from the systems into flood waters, and must not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State’s current statewide standards for on-site sewage treatment systems is considered to be in compliance with this Section.

ix.) Manufactured Homes, Manufactured Home Parks, And Recreational Vehicles.

(1) Manufactured Homes. New manufactured home parks, expansions to existing manufactured home parks, and new or replacement manufactured home units on lots of record are prohibited in the Floodway District. If allowed in the Flood Fringe
District, these uses are subject to the requirements of Section 154.008(E)(2)(v) and the following standards.

(2) Placement of Manufactured Homes: New and replacement manufactured homes in the Flood Fringe District must comply with the following standards:

a. New and replacement manufactured homes must be elevated in compliance with Section 154.008(E)(2)(v) and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include but are not limited to the use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

b. New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 154.008(E)(2)(vii)(2)(c).

(3) Recreational Vehicles. Placement of recreational vehicles in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.

a. Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed as follows:
   i. Individual lots or parcels of record.
   ii. Existing commercial recreational vehicle parks or campgrounds.
   iii. Existing condominium-type associations.

   i. The vehicle must have a current license required for highway use.
   ii. The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
   iii. No permanent structural type additions may be attached to the vehicle.
   iv. The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.
   v. Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Section 154.008(E)(2)(vii)(2).
   vi. An accessory structure must constitute a minimal investment.
c. Recreational vehicles that are exempt in Section 154.008(E)(8)(c)(ii) lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of this ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

d. New commercial recreational vehicle parks or campgrounds, subdivisions or condominium associations, and the expansion of any similar existing use exceeding five (5) units or dwelling sites may be allowed subject to the following:

i. On any new or replacement recreational vehicle site in the Flood Fringe District, the recreational vehicle and its contents must be placed on fill at or above the regulatory flood protection elevation and adequate road access to the site must be provided in accordance with Section 154.008(E)(2)(vii)(2)(b) of this ordinance.

ii. Any new or replacement recreational vehicle site located in the Floodway District or as an alternative to (i) above in the Flood Fringe District, may be allowed as a conditional use in accordance with the following provisions and the provisions of Section 154.008(E)(2)(x)(4) of the ordinance.

1. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people acceptable to the City Council, as specified in Section 154.008(E)(2)(vii)(2)(b). The plan must demonstrate that adequate time and personnel exist to carry out an evacuation, and that the exemption provisions of this ordinance will be met; and

2. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 154.008(E)(2)(viii)(3) of this ordinance.

3. Any fill placed in the floodway to meet the requirements of this section must not increase the flood stage of the regional (one percent (1%) chance) flood.

x.) Administration.
(1) Zoning Administrator. A Zoning Administrator or other official designated by the City Council must administer and enforce this ordinance.

(2) Permit Requirements.
   a. Permit Required. A permit must be obtained from the Zoning Administrator prior to conducting the following activities:
      i. The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.
      ii. The use or change of use of a building, structure, or land.
      iii. The construction of a dam, fence, or on-site septic system. A permit is not required for a farm fence as defined in this ordinance.
      iv. The change or extension of a nonconforming use.
      v. The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
      vi. The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
      vii. Relocation or alteration of a watercourse, unless a public waters work permit has been issued.
      viii. Any other type of development as defined in this ordinance.
   b. Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:
      i. A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
      ii. Location of fill or storage of materials in relation to the stream channel.
      iii. Copies of any required municipal, county, state, or federal permits or approvals.
      iv. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
   c. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land, or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.
   d. Certification. The applicant is required to submit certification by a registered professional engineer, registered architect,
or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.

e. Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

f. Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to M.S. § 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Federal Emergency Management Agency (FEMA).

g. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator must notify FEMA of the changes by submitting a copy of the relevant technical or scientific data.

(3) Variances.

a. Variance Applications. An application for a variance to the provisions of this Section will be processed and reviewed in accordance with applicable M.S. § 154.004(D).

b. Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area or permit standards lower than those required by state law.

c. Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

   i. Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

   ii. Variances may only be issued upon:

      1. A showing of good and sufficient cause.

      2. A determination that failure to grant the variance would result in exceptional practical difficulty to the applicant.

      3. A determination that the granting of a variance will not result in increased flood heights, additional threats
to public safety, extraordinary public expense, create
nuisances, cause fraud on or victimization of the
public, or conflict with existing local laws or
ordinances.

iii. Variances may only be issued upon a determination that
the variance is the minimum necessary to afford relief,
considering the flood hazard.

d. Flood Insurance Notice. The Zoning Administrator must notify
the applicant for a variance that:

i. The issuance of a variance to construct a structure below
the base flood level will result in increased premium rates
for flood insurance up to amounts as high as twenty five
dollars ($25) for $100 of insurance coverage; and

ii. Such construction below the base or regional flood level
increases risks to life and property. Such notification must
be maintained with a record of all variance actions.

e. General Considerations. The community may consider the
following factors in granting variances and imposing
conditions on variances and conditional uses in floodplains:

i. The potential danger to life and property due to
increased flood heights or velocities caused by
encroachments;

ii. The danger that materials may be swept onto other
lands or downstream to the injury of others;

iii. The proposed water supply and sanitation systems, if any,
and the ability of these systems to minimize the potential
for disease, contamination, and unsanitary conditions;

iv. The susceptibility of any proposed use and its contents to
flood damage and the effect of such damage on the
individual owner;

v. The importance of the services to be provided by the
proposed use to the community;

vi. The requirements of the facility for a waterfront location;

vii. The availability of viable alternative locations for the
proposed use that are not subject to flooding;

viii. The compatibility of the proposed use with existing
development and development anticipated in the
foreseeable future;

ix. The relationship of the proposed use to the
Comprehensive Land Use Plan and flood plain
management program for the area;

x. The safety of access to the property in times of flood for
ordinary and emergency vehicles;

xi. The expected heights, velocity, duration, rate of rise and
sediment transport of the flood waters expected at the
site.
f. Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten (10) days’ notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

g. Submittal of Final Decisions to the Department of Natural Resources (DNR). A copy of all decisions granting variances must be forwarded to the DNR within ten (10) days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

h. Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program when requested by FEMA.

(4) Conditional Uses.

a. Administrative Review. An application for a conditional use permit under the provisions of this Section will be processed and reviewed in accordance with Section 154.004(E)(1).

b. Factors Used in Decision-Making. In passing upon conditional use applications, the City Council must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 154.008(E)(8)(e) of this ordinance.

c. Conditions Attached to Conditional Use Permits. The City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
   i. Modification of waste treatment and water supply facilities.
   ii. Limitations on period of use, occupancy, and operation.
   iii. Imposition of operational controls, sureties, and deed restrictions.
   iv. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
   v. Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

d. Submittal of Hearing Notices to the Department of Natural Resources (DNR). The designated body/community official
must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten (10) days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
e. Submittal of Final Decisions to the Department of Natural Resources (DNR). A copy of all decisions granting conditional uses must be forwarded to the DNR within ten (10) days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

xi.) Nonconformities.
Continuance of Nonconformities. A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in 154.003 are subject to the provisions as follows:

1. A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its nonconformity. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

2. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted as follows.

3. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure may not exceed fifty percent (50%) of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds fifty percent (50%) of the market value of the structure, then the structure must meet the standards of Section 154.008(E)(2)(vii) of this ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

4. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one (1) year, any future use of the premises must conform to this ordinance. The Assessor must notify the Zoning Administrator of instances of
nonconformities that have been discontinued for a period of more than one (1) year.

(5) If any nonconformity is substantially damaged, as defined in 154.003, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Section 154.008(E) (5) or (6) will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

(6) If any nonconforming use or structure experiences a repetitive loss, as defined in 154.003, it must not be reconstructed except in conformity with the provisions of this ordinance.

(7) Any substantial improvement to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Section 154.008(E) (2)(iv) or (v) of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

xii.) Penalties and Enforcement.

(1) Violation Constitutes a Misdemeanor. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

(2) Other Lawful Action. Nothing in this ordinance restricts the City of North St. Paul from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

(3) Enforcement. Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section(s) (list relevant sections) of the zoning ordinance/code of the City of North St. Paul. In responding to a suspected Ordinance violation, the Zoning Administrator, and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City of North St. Paul must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

xiii.) Amendments.

(1) Floodplain Designation – Restrictions on Removal. The floodplain designation on the Official Zoning Map must not be removed
from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the DNR if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

(2) Amendments Require DNR Approval. All amendments to this ordinance must be submitted to and approved by the Commissioner of the DNR prior to adoption. The Commissioner must approve the amendment prior to community approval.

(3) Map Revisions Require Ordinance Amendments. The floodplain district regulations must be amended to incorporate any revisions by FEMA to the floodplain maps adopted in Section 154.008(E)(2)(ii)(3).

154.009 NONCONFORMITIES

This subdivision does not prohibit the City of North St. Paul from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses.

(A) Continuation of Legal Non-Conformities.

1. Except as otherwise provided by law, any nonconformity may be continued per the following standards including non-conforming uses (the lawful use or occupation of land or premises), non-conforming structures, and non-conforming lots (as defined in 154.003). Non-conformities may not continue through expansion (except as in Section (C) “MU-3 zone Expansion Exception” which follows) but may be continued through repair, replacement, restoration, maintenance, or improvement, unless:
   i.) The nonconformity or occupancy is discontinued for a period of more than one year; or
   ii.) The nonconforming use is destroyed by fire or other peril to the extent of greater than fifty (50) percent of its estimated market value, as indicated in the records of the county assessor at the time of damage and no building permit has been applied for within 180 days of when the property is damaged. In this case:
       a. A municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body; and
       b. When a nonconforming structure in the shoreland district with less than fifty (50) percent of the required setback from the water is destroyed by fire or other peril to greater than fifty (50) percent of its estimated market value, as indicated in the
records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

(B) Subsequent Use or Occupancy.

Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

(C) MU-3 Zone Expansion Exception.

A building permit may be granted to a nonconforming use in the MU-3 zone if all of the following are met:

1. The expansion of the use involves an expansion of no more than ten percent (10%) of the gross floor area of the building;

2. The modification of the use consists of an expansion amounting to no more than ten percent (10%) of the approved gross floor area;

3. When the expansion of the use is otherwise consistent with all other sections of this Chapter;

4. And, when such expansion of the use eliminates an adverse effect or condition which is inconsistent with the MU-3 District or the approved plan for the area, and/or when such modification is determined to result in an improvement consistent with the objectives of the area and the total use of the site, and/or when such modification would lead to a more rapid implementation of the Comprehensive Plan and MU-3 District objectives while providing good aesthetics and functionality during the interim (time period between the nonconforming use and a conforming use of the property).

In order to reasonably prevent and abate nuisances and to protect the public health, welfare, or safety nothing in this Chapter shall prevent the placing of a structure in safe conditions when said structure is declared unsafe by the building codes and standards of the City.

154.010 GENERAL REGULATIONS

(A) Development Standards.

Development standards are established to encourage a high standard of development by providing assurance that land uses will be compatible. The standards are intended to prevent and eliminate conditions which
depreciate property values, cause blight, or are detrimental to the environment. Before any building permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to the design and performance standards. The applicant or owner shall supply data necessary to demonstrate such conformance. In order to assure compliance, the City may require the owner or operator of any permitted use to have made such investigations and/or tests as may be required to show adherence to the performance standards.

1. Lot Coverage and Building Setback. The maximum lot coverage shall be determined by the design and development standards, including required open space/plaza areas, traffic sight distance, buffering/berming features, and similar requirements of this Chapter.

2. Residential Setback Averaging, Front Setback. Where at least fifty percent (50%) of the front footage of any block is built up with principal structures, the minimum front yard setback for new structures shall be the average setback of the existing principal structures on the block face or the normal setback requirement in the district, whichever is less, but no less than twenty (20) feet.

3. Association and Covenants. A neighborhood association may be required for some developments. Bylaws and covenants shall be provided as required by this Chapter. The association and covenants shall provide for use, upkeep, maintenance, and insurance for the common area and recreational facilities, private streets (including snow plowing, sweeping, resurfacing, and associated lighting), monument sign, and preservation of the open space.

4. Yard Measurements and Regulations. Measurements shall be taken from the nearest point of the building wall to the lot line in question.

5. Non-Encroachments. The following shall not be encroachments on yard setback requirements:
   i.) Cornices, canopies, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, eaves, gutters and the like provided they do not extend more than two (2) feet into a yard, except awnings and canopies. If located within the boundaries of the Downtown Design Manual, are subject to the provisions of the Downtown Design Manual.
   ii.) Bays and bay windows not to exceed an area of more than twenty (20) square feet may extend into a front or rear yard four and one-half (4 ½) feet and into a side yard no more than two (2) feet, provided the encroachment is no closer than four (4) feet from all lot lines.
   iii.) A landing place or uncovered porch may extend into the required front yard or rear yard a distance not exceeding six (6) feet, if the
landing place or porch has its floor no higher than the entrance floor of the building, an open railing may be placed around such place.

iv.) Decks, terraces, steps, stoops, ramps or similar structures which do not extend more than six (6) feet into a yard and which do not extend in elevation above the height of the ground floor level of the principal building, provided the extension is no closer than four (4) feet from all lot lines.

v.) A wall, fence, or hedge may occupy part of the required front, side, or rear yard subject to meeting traffic sight distance requirements.

vi.) In rear yards: balconies, breezeways, detached outdoor recreation shelters, and recreational equipment.

6. Residential Enclosed Pet Area. A fenced-in area “kennel” for a pet shall not be located between a house and an interior side lot line.

7. Outdoor Lighting. All outdoor lighting shall be directed away from adjoining property and from the street unless globe lighting is used. Bare incandescent light bulbs shall not be permitted in view of adjacent property or the public right-of-way, except decorative holiday lights having (7.5) watts or less. No exterior lighting shall exceed (0.4) foot candles at the lot line. Yard lights shall not be closer than five (5) feet from the property line, provided the direct source of light is not visible from the public right-of-way or adjacent residential property.

8. Public Waters. No public water shall be used, filled, partially filled, dredged, altered, graded, or otherwise disturbed without a permit from the City, watershed district, and the state as may be required.

9. Utility Installations. All on site utility installations shall be placed underground.

10. Grading. The moving of soil in an area in excess of (5,000) square feet or an amount in excess of fifty (50) cubic yards requires a grading permit unless such activity is part of an approved building permit.

11. Fences and Walls. Fences, walls, and hedges may be erected, placed, or maintained in any yard along or adjacent to a lot line in accordance with the requirements of this Section. The owner shall be responsible for properly locating all property lines before construction of any fence.

i.) All Zoning Districts.

   (1) Height and Location. Fences and walls not exceeding a height of six and one-half (6 ½) feet may be erected anywhere on a lot, except in the required front yard where the maximum height shall not exceed three and one-half (3 ½) feet.
(2) Fences must be installed so that the more finished side faces the adjacent property. If the fence has posts on one side, the posts shall be placed on the inside side of the fence.

(3) Fences or walls shall comply with the vision clearance triangle requirements of Section 154.010(F)(8)(i).

ii.) Nonresidential or Mixed-Use Districts.

(1) Fences shall not be allowed, unless absolutely necessary for a functional reason and requires approval of the Zoning Administrator or when otherwise specifically allowed within the Supplemental Regulations. When allowed, only decorative fencing material shall be used such as painted wrought iron or anodized metal fencing.

iii.) Residential Districts.

(1) Materials. Materials shall be compatible with the residential character of this District. Decorative wood and wrought iron fences are preferred. Prohibited materials are: chicken wire, barbed wire, plastic webbing or netting, snow fences, and fences made of makeshift, flimsy materials or other materials which are made from paper, twine, rope, tin, and the like (except when used during construction, for traffic control, or police security).

12. Storage of Trash.

i.) Residential Uses. There shall be no front yard storage of trash or trash containers except in the twenty-four (24) hour period prior to a scheduled pickup in residential districts.

ii.) Nonresidential Uses. Storage of trash in a principal building or in an accessory building shall be allowed.

13. Boats, Trailers, and Recreational Vehicles. There shall be no front yard storage of boats, trailers or recreational vehicles on the grass or landscaped areas required by this Chapter. Boats or recreational vehicles stored on hard surfaced areas required by this Chapter and not required for off-street parking shall not exceed twenty-one (21) feet in length.

14. Noise. The source sound level requirements shall apply at the property or zoning lines. Measurements may be made at any location for evaluation purposes.

i.) The source sound levels as stated below shall be the highest source levels permitted, whether or not such sound source is in the zoning district in question.

(1) Day (7:00 a.m. to 10:00 p.m.) - an L50 of 60 dBA and an L10 of 65 dBA.

(2) Night (10:00 p.m. to 7:00 a.m.) - an L50 of 50 dBA and an L10 of 55 dBA.
ii.) All sound levels originating in any development or property which contains one (1) or more buildings and which is without property lines for each building shall not exceed the source requirements measured at the area of human activity. Or if this is ill-defined, at any point on a line, all of whose points are equidistant from any two (2) buildings.

iii.) Noise sources shall reduce sound levels of noise in proportion to their contribution when the cumulative effect results in a violation and no specific noise source can be identified as a violation.

iv.) Sound levels resulting from travel of motor vehicles on state and county highways and transit vehicles are exempt from these noise source requirements but no other sections of the City code relating to motor vehicles and similar sources.

15. Odors. Odors which are associated with toxic air pollution are regulated by the Minnesota Pollution Control Agency. Other odors are subject to the nuisance provisions of the City’s code.

16. Smoke, Fumes, Gases, Dust, and Other Emissions. Such emissions must meet the regulations of the Minnesota Pollution Control Agency. Limits on the emission of dust must meet state and federal regulations. Avoidable amounts of dust to become airborne is not allowed.

17. Hazards. Every operation shall be carried on with reasonable precautions against fire and explosion hazards.

18. Glare. Glare, whether direct or reflected, such as from floodlights or high temperature processes and as differentiated from general illumination shall not be visible at any property line.

19. Vibration. Vibration shall not be discernible at any property line to the human sense of feeling. Additionally, no one shall produce light glare, noise, odor, or vibration that will in any way have an objectionable effect upon adjacent or nearby residential properties.

20. Inoperable Vehicles or Motor Vehicle Parts. No inoperable motor vehicle or motor vehicle parts shall be kept on any lot or yard for a period longer than one (1) week without a permit from the City Manager.

21. Pedestrian Circulation. Sidewalks or other designated pedestrian ways shall be clearly indicated and provided for the safety of pedestrians within nonresidential and mixed-use districts.

22. Sidewalks and Trails. Complete plans shall be provided for proposed sidewalks and trails to serve parking, recreation, and service areas within developments and to link to the City’s system.
23. Underground Parking. When appropriate, buildings are encouraged to provide for inside, usually underground, parking at a ratio of at least one (1) space per dwelling unit within mixed-use districts.

24. Bicycle Storage. When appropriate, buildings are encouraged to provide for bicycle storage in the building storage room or similar place of at least a ratio of one space (1) per dwelling unit within mixed-use districts.

25. Transit. Developments are to take into account the needs for transit and the transit rider and related pedestrian ways. Development of transit facilities and transit plazas are to be furnished on a cooperative basis with participation from property owners, the City, and Metro Transit. New express transit is proposed on Highway 36 with on-line stop(s) with the possibility of a transit station between/near Margaret Street and McKnight Road.

26. Loading Docks. All loading docks shall be screened from view of adjacent property where abutting property is used or intended to be used for commercial or residential purposes. Access to such loading areas shall be adequate to provide proper maneuverability of the anticipated traffic, and such access shall not conflict with pedestrian circulation patterns and other uses of the property in the area. New loading docks shall be enclosed.

(B) Usable Open Space.

1. Residential.
   i.) Apartment. Each lot shall contain at least 250 square feet for each apartment unit.
   ii.) Multiple Family. Each lot shall contain at least 250 square feet of usable open space shall be provided for each unit.
   iii.) Senior Housing. Each lot shall contain at least 150 square feet of usable open space per resident.
   iv.) Townhouse. Each lot shall contain at least 500 square feet of usable open space for each unit.

2. Nonresidential.
   i.) Day Nurseries and Nursery Schools. Shall provide forty (40) square feet of outside play space per pupil and such space shall be adequately fenced.
   ii.) Office/Commercial/Industrial. Each lot shall contain usable open space/plazas and shall not be less than five percent (5%) of the total lot area.

(C) Density Transfer.
Transferring density may be allowed when the purpose and result provide:

1. Preservation of natural features and site amenities such as wooded areas, slopes, prairie vegetation, and protection of desirable views;

2. Dedication of more than eleven percent (11%) of the land for usable public park or public sites, excluding wetlands;

3. Dedication to the City, or a public trust acceptable to the City, of land designated as park or preservation consistent with the City’s Comprehensive Plan or approved area plans;

4. Such transfer shall be guaranteed through execution of appropriate covenants approved by the City Council, which shall specify the density allowed to be transferred and the conditions under which the transfer is being allowed.

(D) Supplemental Regulations.

Supplemental regulations are established to address the unique characteristics of certain land uses. The standards and conditions listed for land uses in this Chapter are applicable to permitted, conditional, and interim use permits, as specified for each zoning district, unless otherwise noted.

   i.) Size. The total square feet of an accessory building shall not exceed ten percent (10%) of the lot area, and in no case shall it exceed (1,000) square feet of gross floor area. The sum of all square footage for attached garages and detached garages shall not equal or exceed the finished livable floor area of the footprint (ground floor) of the principal structure to which it is an accessory.
   ii.) Height. Accessory buildings shall not exceed the height of the principal building. In no case, shall an accessory building exceed fifteen (15) feet in height. In the case of an accessory dwelling unit, twenty (20) feet shall be the maximum height allowed.
   iii.) Location. A detached garage or other accessory buildings shall be located in the side or rear yard.
   iv.) Setbacks. Detached garages other accessory buildings including storage sheds shall be setback a minimum of three (3) feet from side and rear property lines or up to an easement line, but not on it, whichever is greater; and six (6) feet from the principal structure. An accessory building shall be considered as part of a principal building if it is located less than six (6) feet from the principal building. Vehicles parked in a driveway or other areas are not allowed to extend into or encroach upon the alley or street right-of-
way. An attached garage is considered part of the principal structure and must meet setback requirements for principal structures.

v.) Corner Lot. A detached garage or other accessory buildings shall not be located closer than twenty (20) feet to the side lot line adjacent to the street.

vi.) Number of Structures. No more than one (1) accessory building shall be constructed on a lot, except that one (1) additional storage shed may be allowed.

vii.) Time of Construction. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

viii.) Design. The design shall be consistent with the primary building; exterior materials shall be a product that is similar, but not limited to identical product, in terms of appearance, color, and durability.

ix.) Multi-Family Uses. Common walls for accessory buildings may be required where common walls will eliminate unsightly and hazardous areas.

x.) Storage Shed. The total square feet of a storage shed shall contain a total of 200 square feet or less. The height shall be limited to twelve (12) feet at the peak of a peaked roof or eight (8) feet to the top of a flat roof. Windows will be allowed only on one (1) wall.

2. Accessory Dwelling Unit.
   i.) No more than one (1) accessory dwelling unit may be located on a lot.
   ii.) The lot shall have a minimum area of 5,000 square feet.
   iii.) The lot shall have a minimum width of sixty (60) feet.
   iv.) An attached accessory dwelling unit shall be part of the single-family dwelling on the same lot for the purpose of the bulk requirements of the district. Any secondary dwelling unit connected to the single-family dwelling is considered attached.
   v.) A detached accessory dwelling unit shall be located only above a detached garage of the single-family dwelling on the same lot.
   vi.) A detached accessory dwelling unit shall be setback a minimum of ten (10) feet from side and rear property lines or up to an easement line, but not on it whichever is greater.
   vii.) The height, lot area per dwelling unit, and usable open space requirements for detached accessory dwelling units shall be determined by the Zoning Administrator.
   viii.) The usable open space requirements for a detached accessory dwelling unit shall be fifty percent (50%) of the usable open space requirement in the district.
   ix.) The single-family dwelling on the lot shall be owner-occupied.
   x.) The entryway to the accessory dwelling unit shall be connected to a street frontage with a paved walkway.
11. The accessory dwelling unit shall have a separate entrance from the single-family dwelling.

3. Adult Uses.
   i.) Such establishments shall be licensed.
   ii.) An adult use shall not be allowed within 1,000 feet of another existing adult use.
   iii.) An adult use shall not be located within 500 feet of any Residential District or property in a PUD that is or projected to include residential uses.
   iv.) An adult use shall not be located within 600 feet from the building to an existing school, religious institution, group day care facility, or nursery school.
   v.) An adult use shall not sell or dispense 3.2% malt liquor or intoxicating liquors, nor shall it be located within 400 feet of a building, which contains a business that sells or dispenses 3.2% malt liquor or intoxicating liquors.
   vi.) No adult use establishment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the adult use establishment which is prohibited by any ordinance of the City of North St. Paul, the laws of the State of Minnesota, or the United States of America. Nothing in this Chapter shall be construed to authorize or permit conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale, or distribution of obscene material generally or the exhibition, sale, or distribution of specified material to minors.
   vii.) No adult use shall be conducted in any manner that permits persons on outside property not approved for adult use to perceive or observe any materials depicting, describing, or related to specified sexual activities or specified anatomical areas by any visual or auditory media, including displays, decorations, signs, show windows, sound transmissions, or other means;
   viii.) All adult uses shall prominently display a sign located within two (2) feet of the door-opening device at the entrance of the adult-use establishment or section of the establishment devoted to adult books or materials which states: “This business sells or displays material containing adult themes. Persons under 18 years of age shall not enter.” Said sign shall have letters at least one (1) inch and no more than two (2) inches high;
   ix.) No person under the age of 18 shall be permitted access to material displayed or offered for sale or rent by an adult-use establishment;
   x.) Adult mini-theaters are prohibited.
   xi.) The distance requirement shall be measured along a straight line from the nearest property lines of each use.
4. Animal: Boarding Facility, Kennel, Shelter, Day Care, and Grooming (Commercial).
   i.) Outdoor dog runs or exercise pens shall be located at least 200 feet from a residential use or district.
   ii.) Any outdoor portion of an animal boarding facility, kennel, shelter, daycare, or grooming facility shall be screened from view from adjacent property by a solid fence, hedge, or similar plant material not to exceed (6 ½) feet in height.
   iii.) Facility owners shall submit written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such procedures, which shall be followed for the life of the business, must address the identification and correction of animal behavior that impacts surrounding uses, including excessive barking.

5. Assisted Living Facility and/or Memory Care Facility.
   i.) An appropriate transition area between the use and adjacent property may be required using landscaping, screening, and other site improvements consistent with the character of the neighborhood. The owner shall submit a Management Plan for the facility and a floor plan showing sleeping areas, emergency exits, and bathrooms.

6. Automobile Body Shop or Automobile Repair Station.
   i.) Oils and Grease. Make adequate provision for inside storage of all new and used petroleum products and other products, liquids, or chemicals used in the operation.
   ii.) Inoperable Vehicles. No inoperable vehicle shall be kept on the site longer than forty five (45) days.
   iii.) Vehicle Sales. The site shall not be used to sell vehicles unless a conditional use permit authorizing such use/sales has been granted.
   iv.) Fencing. Fencing may be required along with additional landscaping to screen the view of the use from adjacent properties.

7. Automobile Sales and Rental.
   i.) The use shall not sell or trade exclusively in used merchandise, but shall have on the site at least twenty percent (20%) of its stock in new, unused vehicles.
   ii.) The sales lot and principal building shall be on one (1) contiguous site.
   iii.) A solid fence or wall and hedges or similar plant type of (6 ½) feet in height shall be erected and at least a five (5) foot wide landscaped strip shall be provided along all property lines of the site to be used for the sales lot which abut Residential Districts.
iv.) All paved areas shall be separated from all landscaped areas by concrete box curbs extending at least six (6) inches in height above and below grade.

v.) The outside sales and display area shall not exceed four (4) square feet for every one (1) square foot of the principal building on the site.

8. Automotive Service Station/Convenience Store.
   i.) Lot Size. A service station lot size site shall have a minimum of 35,000 square feet, and the street footage shall be not less than one 100 feet.
   ii.) Setbacks. No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential zoning district.
   iii.) Pump Islands. All pump islands, air dispensers, and other service devices shall be installed at least twelve (12) feet from the required setback yard line and no display, servicing of vehicles, parking, or dispensing of gasoline shall take place within the required yard setback. On sites where pump islands have been constructed at the required yard line, a landscaped area of eight (8) feet will be installed in the required yard.
   iv.) Curbs. A concrete box curb extending not less than six (6) inches above and below grade shall be located along all lot lines abutting a street and along the setback lines, except at approved ingress and egress points and along the outside edge of all driveways.
   v.) Drainage. There shall be adequate drainage of the surface of the parking or paved area to a public storm sewer or to other approved stormwater facilities. Plans for surfacing and drainage of all parking lots for twenty (20) spaces or more or paved areas of 6,000 square feet or more shall be approved by the City.
   vi.) Fence. A fence of acceptable design not over (6 ½) feet in height or under four (4) feet which is at least ninety percent (90%) opaque shall be constructed along the property line when said use abuts property residentially used or in one of the Residential Districts; said fence shall be adequately maintained. Application of this provision shall not require a fence within the required front yard.
   vii.) Entire Site Surfaces. The entire site other than that taken up by structure or landscaping shall be surfaced with a dustless all weather material capable of carrying a load of 2,000 pounds per square foot. Normally a two (2) inch blacktop surfacing on a four (4) inch base or five (5) inches or Portland cement will meet this requirement.
   viii.) Outside Sale or Display. No outside sale or display shall be permitted except gasoline and other goods consumed in the normal operation of a car limited to the following kinds of products: oil, gasoline and oil additives, windshield cleaner, windshield...
wipers, tires, and batteries. No products shall be sold or displayed in any required yard, nor shall the total display area occupy more than 150 square feet in area or be more than five (5) feet in height. No other vehicular parts and non-automobile oriented goods shall be displayed or sold outside, nor shall any automotive service station site be used for the storage and sale or rental of automobiles, trucks, campers, boats, trailers, unlicensed, or partially dismantled vehicles or similar vehicles and products unless a permit under this chapter is approved.

ix.) Canopies. Any canopy and canopy support system shall be constructed using architectural design and materials that are compatible with the principal structure.

x.) Public Address System. No public address system shall be audible from any property located in a Residential District.

xi.) Trash or Junk Materials. No trash or junk materials shall be stored outside unless completely screened from view and stored in a closed metal container; however, such storage shall not take place within the required setback area.

   i.) The drive-in service shall be completely integrated into the principal building, shall not be an appendage to it, and shall use the same quality materials as the principal building.
   ii.) Stacking area for the drive-in shall be subordinate to the primary access for vehicles and pedestrians.

   i.) A maximum of four (4) rooms shall be rented.
   ii.) The establishment shall have a valid permit from the Health Department.
   iii.) The only meal that may be served is breakfast to registered guests.
   iv.) No establishment within a residential district shall be located within 50) feet of any other such establishment, measured along a straight line from the nearest property lines of each use.
   v.) Length of stay shall not exceed twenty-one (21) consecutive days for each registered guest.

   i.) If allowed as an accessory use to a principal use, all existing above ground liquid (oil, gasoline, fertilizer, chemicals, and similar materials) storage tanks or structures having a capacity in excess of 300 gallons shall be inspected by the City. The Council may require diking around said tanks or structures, suitably sealed to hold a leakage capacity equal to 115% of the capacity of the tank or structure. Any existing tank or structure that, in the opinion of the City, constitutes a hazard to the public health or safety shall discontinue operations, and if said conditions or structures hereafter
erected, constructed, or stored shall be inspected by the City in order to assure against fire, explosion, water contamination, and other hazards. Special requirements may be required by the City in the case of storage of mobile tanks containing such liquids.

   i.) Parking. A minimum thirty-five (35) foot wide landscaped yard shall be required and maintained between any public street right-of-way and stacking areas or parking lots (including maneuvering area). A minimum side and rear landscaped yard of fifteen (15) feet shall be maintained between the parking lot and any lot line adjacent to commercial, industrial, or residential use.
   ii.) Screening. Solid screening shall be erected and maintained alongside rear yards. The screening required by this Section shall consist of a solid fence or wall not less than six and one half (6 ½) feet in height and/or such additional or equivalent visual barriers, including plantings, as required and approved by the City. Vacuuming facilities shall not be located along public streets and shall be completely screened from public streets and adjacent property.
   iii.) Curbs. Interior curbs shall be constructed within the property lines to separate driving and parking surfaces from landscaped areas. Interior curbs required by this section shall be a normal box curb extending six (6) inches above and below the grade.
   iv.) Surfacing. The entire site on which the car wash is located other than that area devoted to buildings, structures, and landscaped areas shall be paved, blacktopped, or dustless material and maintained to control dust, drainage, and such paving or blacktopping shall be subject to approval by the City.

   i.) Residential Districts. Satellite dishes, antennae, and similar devices over three (3) feet in width, length, or diameter shall not be allowed in the required front yard nor within twelve (12) feet of the side lot line or rear lot line. Amateur radio support structures (towers) shall not exceed a height above ground level of seventy (70) feet. They shall be mounted on the roof of a dwelling or other building located in the rear yard unless there is not sufficient space to erect them in those locations. They shall be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of the amateur radio service, antennas mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer’s specifications.
   ii.) Mixed-Use Districts.
      (1) Location
a. The site shall be screened from the public by visual/physical barriers: berms, trees and the like so as to be visually unobtrusive.

b. Not located closer than 250 feet from residential structures.

c. The tower on any antenna shall not be located closer than a minimum of one and a half (1.5) times its collapse radius from all property lines of the site on which it is located.

d. No freestanding tower or antenna shall be closer than one and a half (1.5) mile from another free-standing tower or antenna.

(2) Guy wires. Guy wires are prohibited.

(3) Height. The height shall not exceed 100 feet.

(4) Structure. All buildings shall meet architectural control provisions.

(5) Noninterference. The facility and operator of the facility shall not interfere with local television, local radio, or other forms of local communication. A noninterference agreement shall be required as a condition of approval.

(6) Signs. Signs are not allowed on the tower or antenna, except information signs required by the state or federal government.

(7) Lighting. Lighting of the tower or antenna is prohibited except that which is required to meet a Federal Aviation Agency or state requirement.

(8) Design. Towers and antennae may be allowed on buildings if integrated into the design of the building or, if less than twenty (20) feet high, they may be located on a rooftop having parapets or other features which screen a portion of the line of site view of the tower or the antenna. An antenna may be located inside a belfry, cupola, or similar structure. Freestanding towers or antennae must be a monopole design.

(9) Structural Standards. The structural integrity of the facility must be approved by a licensed and qualified structural engineer, and it must meet all structural standards of the Uniform Building Code and standards of all other agencies having review power for the structure.

(10) Cooperative or Joint Use.

a. To reduce clutter and to protect community aesthetics, an applicant must:

   1. Use an existing tower, antenna, or structure that can reasonably serve as a site/facility for the applicant or provide full documentation as to why such other facilities cannot be used.

   2. Allow the requested facility to be a co-location and enter into an agreement with the City allowing such use.

b. For joint use, the facility shall be designed structurally, electrically and in all other respects to accommodate other comparable facilities for at least two (2) other users.
(11) Removal. Co-location agreements shall provide for removal of unused or obsolete facilities no less than six (6) months after being discontinued unless the facility is on City property, in which case the facilities and all its appurtenances shall be removed in accordance with the provisions of the lease.

(12) City Property Facilities. The City may consider allowing its property and structures to be used for communication towers and antennae, but only when:
   a. The use will not result in the increase of risk of denigrating the City’s facility or the service provided at the facility. For example, supply residents and businesses with electricity, water, police and fire protection, park open space and recreation, or other services.
   b. There is sufficient room on an existing structure or on ground to accommodate the facility.
   c. The facility will not be harmful to those working or present in the area.
   d. The use and facilities are compatible with the City’s use and use of adjacent property.
   e. The tower or antenna will not increase the City maintenance, operating, or capital cost nor will it increase the City’s risk of liability.
   f. The tower and antenna will not have an adverse impact on the surrounding property.
   g. The proponent/applicant is willing to enter into a lease agreement with the City which is at least equitable for the City, considering comparable rates, risks, potential expenses, nuisance factors, and other relevant consideration.
   h. The applicant provides the City with liability insurance in an amount specified by the City and a letter of credit or other security deemed appropriate by the City to cover site landscaping and related improvements and removal of the tower and antenna.
   i. Any violation of this Section or the agreement that could endanger the health or safety of the public is cause for the City to take action to remedy the condition.

14. Day Care Center, Day Nursery.
   i.) A fence of acceptable design not over six and one half (6 ½) feet in height may be required to be constructed along the property line when said use abuts property residentially used or in one (1) of the Residential Districts; said fence shall be adequately maintained.

15. Drive-In or Self-Service Business.
i.) Any drive-in or self-service type business serving food or beverages shall provide, in addition to vehicular service areas, in-door food and beverage service seating area.

ii.) The hours of operation shall be a condition for the granting of any drive-in business use.

   i.) Including but not limited to buildings such as Telephone Exchange Substations, Booster or Pressure Regulating Stations, Wells and Pumping Stations and Elevated Tanks.
   ii.) To the extent appropriate and possible the site and building shall meet the standards for a single family detached dwelling.

17. Garden Center or Greenhouse, Nursery.
   i.) In the MU-1 District, there shall be no exterior storage of bulk materials such as dirt, sand, gravel, and building materials.
   ii.) In all other districts, bulk materials shall not be stored within the front yard setback and shall meet standards for outdoor storage and display.

18. Golf Course.
   i.) Club houses and maintenance buildings shall be located a minimum of 300 feet from any Residential District.

   i.) Purpose. Home Occupation standards and procedures are established to permit the conduct of home occupation activities while preserving the character of residential neighborhoods and protecting the health, safety, and welfare of those neighborhoods.
   ii.) Regulations. All occupations conducted in the home shall comply with the provisions of this Section, the provisions of the district in which it is located, and other Sections of this Ordinance.
   iii.) Process. Any home occupation as defined in this Ordinance required to have a state license shall show proof of this license to the City.
   iv.) Permitted Home Occupations. The approval may be issued by the Zoning Administrator based upon proof of compliance with the provisions of this Section.
   v.) Permitted Home Occupation Regulations. Permitted home occupations include, but are not limited to: photo or art studio; dressmaking; barber shops; beauty shops; secretarial services; family day care; foster care; professional offices such as legal, accounting, insurance or computer technician; teaching with musical, dancing and other instructions which consist of no more than two (2) pupils at a time; and similar activities if certain design and performance standards are met. Licensed Tattoo Establishments are not allowed as a home occupation.
The following regulations shall apply:

a. The on-site occupation shall be conducted entirely within the principal structure. No accessory building nor an attached garage shall be used for such home occupation.

b. A non-illuminated nameplate a maximum of two (2) square feet in area may be placed on the front façade of the principal structure.

c. Permitted home occupations shall not create a parking and loading demand in excess of that which can be accommodated in an existing driveway. Such occupation does not generate more than two (2) vehicles at one time.

vi.) General Provisions.

(1) No interior or exterior alterations shall be permitted and no construction features shall be permitted which are not customarily found in a dwelling.

(2) No home occupation shall produce light, glare, noise, odor, dust, or vibration discernable beyond the property line that will in any way have an objectionable effect upon adjacent or nearby property.

(3) No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.

(4) Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.

(5) There shall be no exterior storage of equipment or materials used in the home occupation, except personal automobiles may be parked on the site that are used by the owner or employee of the home occupation.

(6) The floor area devoted to the home occupation, other than day care, shall not exceed twenty-five (25) percent of the total ground area of the principal structure on the lot.

(7) There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling.

vii.) Existing Nonconforming Home Occupations. Existing home occupations lawfully existing on the effective date of this Ordinance may continue as non-conforming uses. However, they shall be required to obtain approval for their continued operation. Any existing home occupation that is discontinued for a period of more than one (1) year shall be brought into conformity with the provisions of this Ordinance prior to re-institution.

viii.) Inspection. The City hereby reserves the right upon issuing any home occupation approval to inspect the premises in which the occupation is being conducted to ensure compliance and the provisions of this Section or any conditions additionally imposed.
ix.) Violations. Any home occupation found to be in violation of this Section shall be served with a notice from the Zoning Administrator. If the violation is not corrected within ten (10) days, the approval for the home occupation shall be revoked. Proof of compliance shall be provided if complaints are received by the City Council.

20. Hospital.
   i.) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

21. Indoor Recreation.
   i.) The facility shall be located at least fifty (50) feet from the boundary of any Residential use or District.

22. Institutions.
   i.) No structure shall be located within fifty (50) feet of an adjacent lot located in a Residential District.
   ii.) No parking lot of six (6) or more spaces shall be located within twenty (20) feet of an adjacent lot located in a Residential District.
   iii.) No access shall be located within thirty (30) feet of a corner.

   i.) Odors, noise, vibration, light, glare, and other potential side effects of manufacturing processes shall not be discernable beyond the property line.

24. Live/Work Unit.
   i.) The work space component shall be located on the first floor or basement of the building with an entrance facing the primary abutting public street.
   ii.) The dwelling unit component shall be located above or behind the work space, and maintain a separate entrance located on the front or side façade and be accessible from the primary abutting public street.
   iii.) The office or business component of the unit shall not exceed fifty percent (50%) of the total gross floor area of the unit.
   iv.) The size and nature of the work space shall be limited so that the building type is governed by residential building codes.
   v.) The business component of the building may include offices, small service establishments, homecrafts which are typically considered accessory to a dwelling unit, or limited retailing associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the district, which do not require a separation from residentially zoned or occupied property, or other protected use. It shall not include a wholesale...
business, manufacturing business, commercial food service requiring a license, or auto service or repair for any vehicles other than those registered to residents of the property.

25. Lodge, Private Club, Reception Hall.
   i.) Service of food and liquor allowed when licensed.

26. Municipal Administrative Building, Fire Station or other Public Safety or Service Facilities.
   i.) To the extent appropriate and possible, the site and building plans shall meet the standards for an office as provided in this Chapter.

27. Multiple Family Dwelling.
   i.) Access. No access shall be located within fifty (50) feet of a public street corner.
   ii.) Drainage. Drainage shall be provided as required consistent with the City and watershed district requirements. Any required NURP ponds shall be integrated into the overall plan and proper easement and maintenance agreements shall be provided.
   iii.) Projecting Air Conditioning and Heating Units. Air conditioning or heating units shall not project through exterior walls or windows unless located behind a balcony and screened from view.
   iv.) Transformers. If located outside, shall be screened from view.
   v.) Utilities. Building utility services and structures such as meters, transformers, refuse containers, including dumpsters, ancillary equipment, and the like shall be either located inside the principal building, inside an accessory building, or where allowed be outside and entirely screened from off-site views. For new buildings, all utilities shall be underground.
   vi.) Compliance. No permit shall be issued allowing construction of a new building, the moving of an existing building into the City, nor shall any existing building be expanded more than 2,000 square feet or significantly structurally altered on the exterior unless it meets the requirements of this Chapter and is approved.

28. Office.
   i.) Landscaping. All areas within twenty-four (24) feet of the building shall be landscaped except for driveways, connecting walks, and plazas. Off-street parking shall be separated by a landscaped strip where it abuts a lot line, except along an alley where a reduction may be allowed.

29. Outdoor Sales and Display.
   i.) Limitation. No open sales lot shall exist unless the same use occupies space in a principal building on the same lot.
ii.) Size. The size of the open sales lot shall not be greater than four (4) times the square footage the use has within the building on the same property.

iii.) Screening. The site of the open sales lot must be adequately screened to minimize impact on adjacent properties.

30. Outdoor Recreation, commercial.
   i.) A minimum of twenty-five (25) feet setback landscaped area shall be provided along the perimeter of the site wherever it abuts a Residential District.
   ii.) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site. Ease of access to the site by vehicles, transit, bicycles, and pedestrians shall be considered.
   iii.) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed.
   iv.) An appropriate transition area between the use and adjacent properties may be required using landscaping, screening, and other site improvements.

31. Outdoor Seating, commercial.
   i.) Primary access to the area shall be from within the establishment.
   ii.) Hours of operation may be restricted and noise and lighting limits imposed.
   iii.) An appropriate transition area between the use and adjacent properties may be required using landscaping, screening, and other site improvements.

32. Outdoor Storage.
   i.) Outdoor storage shall be located outside of the front yard setback and shall not be placed between the principal building and the abutting street.
   ii.) Outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, or public park.
   iii.) Outdoor storage shall be screened from abutting residential uses with a wall, solid fencing, evergreen hedge, or equivalent material. All screening shall be six (6) feet in height. Screening along district boundaries, where present, may provide all or part of the required screening.

33. Portable Storage Units.
   i.) A maximum of two (2) portable storage units, not exceeding a cumulative gross floor area of 250 square feet shall be allowed for up to ninety (90) consecutive days within a calendar year when part of an active building permit.
ii.) When not part of an active building permit, such use is allowed for no more than thirty (30) days per calendar year.

iii.) The portable storage unit(s) may not be located within the front or side yard setbacks unless located in a driveway.

iv.) This use is allowed for temporary storage of household goods in residential areas.

34. Rain Garden.

i.) Purpose. Rain gardens are an effective mechanism for stormwater management. Rain gardens facilitate the infiltration of stormwater into the ground thereby reducing the flow of stormwater into storm drains and maintaining supplies for drinking water, irrigation, and dry-weather flow to streams, wetlands, and ponds. The infiltration process removes pollutants from the stormwater and contributes to the health of the City’s lakes, streams, ponds, and wetlands. A number of benefits are associated with the use of rain gardens, many of which are tied to established community goals involving the promotion of ecological health, public safety, quality of life, and responsible resource management and include:

1. Increased habitat for beneficial insects, butterflies, and birds.
2. Reduced risk of flooding.
3. Provision of aesthetically pleasing landscapes.
4. Alleviation of the burden placed on existing and costly stormwater infrastructure.

ii.) Eligibility.

1. Zoning district. Rain gardens shall be allowed in all zoning districts.

2. Suitability. All parcels may not be suitable for a rain garden due to varying soil composition and parcel elevations within the City.

iii.) Construction, Maintenance and Functionality.

1. Construction. Proper construction is essential to the effectiveness of the rain garden as a mechanism for stormwater management.

2. Maintenance. To ensure the parcel and the City continue to receive the benefits provided by rain gardens, regular maintenance is required. Maintenance is defined as removal of all non-approved vegetation and lack of visible sedimentation.

3. Functionality. A properly constructed, well maintained rain garden is expected to function as intended. Functionality is defined by the absence of standing water in the rain garden within forty-eight (48) hours of a rain event.

iv.) Permit. To ensure the initial construction and ongoing maintenance of the rain garden is performed satisfactorily, a permit shall be required for the operation of rain gardens located in the right-of-way and on private property.

1. Permit Requirements. The rain garden permit application shall consist of the following:
a. Documentation. Correspondence with and funds received from the Watershed District(s) to support the construction of the rain garden shall be documented.

b. Construction Plan. An annotated illustration including the following shall be provided:
   1. Context map. Depiction of the site in proximity to surrounding features.
   2. Right-of-way. If the proposed rain garden is located in the right-of-way, the context map shall illustrate the site relative to the street, sidewalk and curb, and the lot owned by the applicant.
   3. Private property. If the proposed rain garden is located on private property, the context map shall illustrate the site relative to the principal structure on the lot and other impervious surfaces.
   4. The proposed dimensions of the rain garden including length, width, and depth.
   5. The existing slope of the site.
   6. The location of above ground and/or underground public and/or private utilities.

c. Plant Species. A list of all plant species proposed for the rain garden.

d. A permit will not be required if the rain garden is under ten (10) square feet and the applicant has coordinated with the Watershed District.

(2) Maintenance Plan. Documentation of how and by whom the rain garden will be maintained.

(3) Fees. The applicant shall pay all costs incurred by the City for the review of an application. The applicant shall submit an escrow to the City as established by City Council at the time of application. Under no condition shall the fee be refunded or waived for failure of the City to approve the application.


v.) Process.
   (1) Submittals. The applicant shall submit a completed permit application to the City for review.
   (2) Completeness Review. No application is complete unless all of the required information is included and all application fees have been paid. The City may refuse to accept an incomplete application.
   (3) Notification. The City shall notify the applicant of their determination upon review.
      a. Approval. The applicant may commence construction upon receipt of permit approval.
b. Denial. The applicant may be eligible to reapply upon receipt of permit denial.

(4) Compliant. Construction of the rain garden must comply with the approved permit when required.

(5) Construction. The applicant shall notify the City upon completion of construction.

(6) Site Visit. City staff shall perform an inspection of the rain garden upon completion of construction to ensure compliance with the permit.

(7) Violation. In the event the applicant violates any of the agreement or conditions set forth in the permit the City shall have the authority to revoke said permit. In the event of a rain garden nuisance, the City shall have the authority to repair the rain garden at the owner’s expense.

(8) Duration. A Rain Garden Permit shall remain in effect as long as the conditions agreed upon are observed.

(9) Reapplication. If necessary, the applicant may be eligible to resubmit an application.

35. Residential Pools and Spas.

i.) A site plan indicating the following: location, type, and size of the proposed pool, location of fencing, house, garage, and other improvements on the lot; location of structures on all adjacent lots; location of filter unit, pump, and wiring indicating the type of such units; location of back-flush and drainage outlets; grading plan, finished elevations, and final treatment (decking, landscaping, and the like) around the pool or spa; location of existing overhead or underground wiring, utility easements, trees, and similar features; location of any water heating unit.

ii.) Pools and spas shall not be located within ten (10) feet of any side or rear lot nor within six (6) feet of any principal structure or frost footing. Pools shall not be located within any required front yard.

iii.) Pools and spas shall not be located beneath overhead utility lines nor over underground utility lines of any type.

iv.) Pools and spas shall not be located within any private or public utility, walkway, drainage or other easement.

v.) The filter unit, pump, heating unit and any other noise-making mechanical equipment shall be located at least twenty (20) feet from any adjacent or nearby residential structure and not closer than ten (10) feet to any lot line.

vi.) To the extent feasible, back flush water or water from pool or spa drainage shall be directed onto the owner’s property or into approved public drainage ways. Water shall not drain onto adjacent or nearby private land or into sanitary sewer.

vii.) A structure or safety fence at least four (4) feet in height shall completely enclose the pool.
viii.) In the case of in ground pools, the necessary precautions shall be taken during the construction to:
   (1) Avoid damage, hazards or inconvenience to adjacent or nearby property.
   (2) Take proper care in stockpiling excavated material to avoid erosion, dust, or other infringements upon adjacent property.
ix.) All access for construction shall be over the owner’s land, and due care shall be taken to avoid damage to public streets and adjacent private or public property.
x.) All wiring, installation of heating units and pipes, grading, and all other installations and construction shall be subject to inspection.
xi.) Nuisances such as undue noise, spillover lighting on adjacent property, health and safety hazards, damage to nearby vegetation, and the like shall not be permitted.
xii.) Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type. Such water shall be subject to periodic inspection.

36. Retail Sales and Service Uses.
   i.) Landscaping. All areas within twenty-four (24) feet of the building shall be landscaped except for driveways, connecting walks, and plazas. Off-street parking shall be separated by a landscaped strip where it abuts a lot line, except along an alley where a reduction may be allowed.
   ii.) Parking. No off-street parking shall be located within twelve (12) feet of a front, rear, or corner lot line nor within six (6) feet of an interior side lot line.

37. Schools, Public and Private.
   i.) A transition area between the use and adjacent properties may be required, using landscaping, screening, and other site improvements.

38. Senior Housing/Senior Housing with Services.
   i.) Access. No access shall be located within fifty (50) feet of a public street corner.
   ii.) Drainage. Drainage shall be provided as required consistent with the City and watershed district requirements. Any required NURP ponds shall be integrated into the overall plan and proper easement and maintenance agreements shall be provided.
   iii.) Projecting Air Conditioning and Heating Units. Air conditioning or heating units shall not project through exterior walls or windows unless located behind a balcony and screened from view.
   iv.) Transformers. If located outside, shall be screened from view.
   v.) Utilities. Building utility services and structures such as meters, transformers, and refuse containers including dumpsters, ancillary equipment, and the like shall be either located inside the principal
building, inside an accessory building, or where allowed be outside and entirely screened from off-site views. For new buildings, all utilities shall be underground.

vi.) Compliance. No permit shall be issued allowing construction of a new building, the moving of an existing building into the City, nor shall any existing building be expanded more than 2,000 square feet or significantly structurally altered on the exterior unless it meets the requirements of this Chapter and is approved.

vii.) Affordability and Senior Citizen Housing. If a portion or all of the units are proposed as affordable housing or senior citizen housing, as defined in this Chapter, and considerations are made for this by the City in the review and approval process, the developer (proponent for the development) must provide a guarantee through covenants and association documents which guarantee such use to the satisfaction of the City. The City shall be a third party to the covenant, if the City so desires. Such covenants shall be for a minimum of twenty-five (25) years, or the term of the mortgage, whichever is longer.

   i.) A plan shall be submitted showing the proposed location of the solar or wind energy system on the lot, the design of the solar or wind energy system, the location of improvements on adjoining lots, as well as landscaping on the lot and adjoining lots that impacts the location of the solar or wind energy system. Additional materials may be required.
   ii.) The plan shall be approved by the Community Development Department prior to the installation of the energy system. Any conditions or restrictions placed on the energy system shall be limited to those that serve to preserve or protect the public health, safety, or do not significantly increase the cost or decrease the efficiency of the system. Conditions or restrictions that allow for an alternative system of comparable cost and efficiency may also be imposed.

40. Special Infill Housing.
   i.) The parcel must be within ten percent (10%) of meeting the conventional minimum lot width and lot area of the zoning district.
   ii.) Proposed houses must be of quality design, utilize high quality materials, and are governed by a superior development plan with respect to design, orientation, and location of the house and any accessory garages and building, the location of the driveway, required parking, landscaping, accessory buildings if any, and other factors and features relevant to the site development and adjacent property.
   iii.) Due regard has been given to adjacent property.
41. State Licensed Residential Facility (six (6) or fewer persons).
   i.) The design and development standards for this use are the same as single-family detached dwellings.

42. Temporary Buildings for Storage of Construction Materials and Equipment.
   i.) Buildings must be located on the same zoning lot as the project under construction and shall be removed within thirty (30) days following completion of construction.

43. Temporary Outdoor Events.
   i.) Events include, but are not limited to: Christmas tree sales, pumpkin sales, church, neighborhood or community events, traveling carnivals, and promotional events.
   ii.) No event shall last more than 180 days per calendar year.
   iii.) Any event that lasts for more than forty-five (45) days requires a conditional use permit.

44. Townhouse Dwelling.
   i.) Access. Each townhouse unit shall have direct vehicle access from the garage and driveway to a public road or to an improved private road meeting the requirements of the City.
   ii.) Drainage. Drainage shall be provided as required consistent with the City and watershed district requirements. Any required NURP ponds shall be integrated into the overall plan and proper easement and maintenance agreements shall be provided.
   iii.) Projecting Air Conditioning and Heating Units. Air conditioning or heating units shall not project through exterior walls or windows unless located behind a balcony and screened from view.
   iv.) Transformers. If located outside, shall be screened from view.
   v.) Utilities. Building utility services and structures such as meters, transformers, and refuse containers including dumpsters, ancillary equipment, and the like shall be either located inside the principal building, inside an accessory building, or where allowed be outside and entirely screened from off-site views. For new buildings, all utilities shall be underground.
   vi.) Public Roads. Each townhouse development shall have direct vehicle access to a public road.
   vii.) Guest Parking. Off-street parking areas for guests must be considered for each development. In instances where the length and width of the driveway and the street are not adequate for parking, a separate parking bay or parking lot might be required.
   viii.) Compliance. No permit shall be issued allowing construction of a new building, the moving of an existing building into the City, nor shall any existing building be expanded more than 2,000 square feet or significantly structurally altered on the exterior unless it meets the requirements of this Chapter and is approved.
45. Veterinary Clinic, Animal Hospital.
   i.) All activity shall take place within completely enclosed buildings
       with soundproofing and odor control.

46. Warehousing/Storage.
   i.) Space shall not exceed more than sixty percent (60%) of principal
       building.

47. Wind Energy Systems.
   i.) A plan shall be submitted showing the proposed location of the
       solar or wind energy system on the lot, design of the solar or wind
       energy system, location of improvements on adjoining lots, as well
       as landscaping on the lot and adjoining lots that impacts the
       location of the solar or wind energy system. Additional materials
       may be required.
   ii.) The plan shall be approved by the Community Development
        Department prior to the installation of the energy system. Any
        conditions or restrictions placed on the energy system shall be
        limited to those that serve to preserve or protect the public health,
        safety, or do not significantly increase the cost or decrease the
        efficiency of the system. Conditions or restrictions that allow for an
        alternative system of comparable cost and efficiency may also be
        imposed.

48. Yard Sales.
   i.) A yard sale shall not exceed four (4) days in duration, and no more
       than one sale shall be held in any three (3) month period.

(E) Architectural Requirements.

1. Purpose.
   The purpose of this Section is to protect and preserve property values
   and the City’s tax base, provide for the general welfare of the City,
   and establish reasonable development standards for functional and
   aesthetic aspects of buildings and structures. Buildings shall be
   designed and consist of materials to ensure compatibility and
   architectural quality within their setting and to enhance the
   community appeal and image. All buildings and structures, and
   remodeling of either existing or new buildings, shall take into account
   compatibility related to architectural quality and mass of the structures
   to be constructed. Elements of compatibility include, but are not
   limited to: building form, mass, height, and bulk; fenestration, exterior
   materials and their appearance, color and durability; setbacks;
   landscaping, exterior lighting, and site improvements.

2. Applicability.
i.) Nonresidential and Mixed-Use Development. No permit shall be issued allowing construction of a new building, the moving of an existing building into the City, nor shall any existing building be expanded more than 1,000 square feet or significantly structurally altered on the exterior unless it meets the requirements of this Section and is approved.

ii.) Residential Development. No permit shall be issued allowing construction of a new building, the moving of an existing building into the City, nor shall any existing building be expanded more than 300 square feet or significantly structurally altered on the exterior unless it meets the requirements of this Chapter.

   In all districts, buildings and structures must comply with the following:
   i.) Equipment and Service Area Screening. If an outdoor storage, service, or loading area is visible from adjacent residential uses or an abutting public street or public walkway, it shall be screened by a decorative fence, wall, or screening of plant material at least six (6) feet in height. Fences and walls shall be architecturally compatible with the primary structure.
   
   ii.) Utilities. Building utility services and structures such as meters, transformers, and refuse containers including dumpsters, ancillary equipment, and the like shall be either located inside the principal building, inside an accessory building, or when outside be entirely screened from off-site views. For new buildings, all utilities shall be underground.
   
   iii.) Screening of Rooftop Equipment. All rooftop equipment, with the exception of solar and wind equipment, shall be screened from view from adjacent streets and public rights-of-way. Rooftop equipment shall be screened from view from adjacent buildings to the extent possible.
      (1) The equipment shall be within an enclosure. This structure shall be set back a distance of one and one-half (1 ½) times its height from any primary façade fronting a public street.
         a. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials.
         b. Screening shall be constructed to a height of at least one (1) foot above the height of the equipment.
      (2) Exterior. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.
   
   iv.) Accessory Buildings. If allowed, exterior building finishes and architectural design of accessory building shall be similar to the principal building.
   
   v.) Pedestrian Ways. Buildings shall be designed with proper provision and orientation for a pedestrian system to serve and link development.
vi.) Pedestrian-Oriented Design. Building designs are encouraged to make the street enjoyable, visually interesting, and comfortable. Individual buildings should be integrated with the streetscape to bring activity in the building in direct contact with the people on the street.

vii.) Protection of Views. Buildings shall be designed and oriented so as not to detract from one another or to unduly restrict views to open spaces, plazas and vistas.

4. Architectural Control.
   In all districts, buildings and structures must comply with the following:
   i.) Single Family Dwelling.
       (1) Shall be designed to consist of exterior materials compatible with residential development in the area with due regard to architectural quality and the massing of structures.
   ii.) Two Family Dwelling, Townhouse Dwelling and Modular Housing.
       (1) Shall be designed to consist of exterior materials compatible with residential development in the area with due regard to architectural quality and the massing of structures.
       (2) Number of Units. There shall be no more than five (5) townhouse units attached in any one group or building. For unique designs involving special circumstances, a greater number may be allowed, provided views, windows in at least three (3) directions for each unit, privacy, and line of sight are preserved in the design.
       (3) Modulation, length. The building and units shall be modulated to provide interest.
       (4) Diversity. Townhouse groupings shall provide diversity in terms of size, type, building orientation, and form.
       (5) Equipment. All building equipment shall be hidden from view. Building vents and chimneys shall consist of similar materials to the building roof and the sides of the building.
   iii.) Multiple Family Dwelling.
       (1) Shall be designed to consist of exterior materials compatible with residential development in the area with due regard to architectural quality and the massing of structures, and shall be designed with suitable fenestration.
       (2) Roof type. Roof style shall be gable or hip roof. Flat roofs are discouraged and may not be appropriate.
   iv.) Nonresidential and Mixed-Use Buildings. The following standards are applicable after the effective date of this Chapter to all new buildings and major expansions (fifty percent (50%) or more of the building floor area). These standards shall apply only to the portion of the building or site that is undergoing alteration. Although, all buildings and structures and remodeling of either existing or new buildings shall take into account compatibility related to architectural quality and mass of the structures to be constructed.
(1) Primary building entrances on all new buildings are encouraged to be oriented to the primary abutting public street. The entrance shall have a functional door. Additional secondary entrances may be oriented to a secondary street or parking area. Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features. Barrier-free entrances are required.

(2) Façade Articulation. Consistent with the design of traditional storefront buildings, new buildings of more than forty (40) feet in width shall be divided into smaller increments, through articulation of the façade. This can be achieved through combinations of the following techniques, and others that may meet the intent of this Section.

   a. Façade Modulation. Stepping back or extending forward a portion of the façade.

   b. Vertical divisions using different textures or materials (although materials shall be drawn from a common palette).

   c. Division into storefronts with separate display windows and entrances.

   d. Variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval (see FIGURE 21).
e. Arcades, awnings, and window bays at intervals equal to the articulation interval (see FIGURE 22).

(3) Design of Street-Facing Facades. No blank walls shall be permitted to face the public street, sidewalks, or other public spaces such as plazas. Elements such as windows, doors, columns, changes in material, and similar details shall be used to add visual interest.

(4) Door and/or Window Openings.
   a. For All Buildings.
1. Glass on windows and doors shall be clear or slightly tinted, allowing views into and out of the interior. Spandrel glass may be used on service areas of the building.

2. Displays may be placed within windows. Equipment within buildings shall be placed a minimum of five (5) feet behind windows. To preserve views, within three (3) feet of any window, not more than thirty percent (30%) of the view through the windows shall be blocked by merchandise, displays, shelving, or other obstructions.

3. Window shape, size and patterns shall emphasize the intended organization of the façade and the definition of the building.

(5) Compatibility with Traditional Buildings. New development shall relate to the design of traditional buildings adjacent to the site, where present, in scale and character. This can be achieved by maintaining similar façade divisions, roof lines, rhythm, proportions of openings, building materials, and colors. Historic architectural styles are encouraged, but need not be replicated.

(6) Building Alignment. Buildings shall be aligned with facades parallel with the street to create a well-defined street edge (see FIGURE 4).

(7) Building Articulation. Buildings shall have horizontal and vertical articulation, which may include dormers, cornice detailing, recesses and projections, step-backs of upper stories, changes in roof types and planes, building materials, and window patterns. The base of a building shall relate to the human scale, including doors and windows, texture, projections, awnings, canopies, and similar features.

(8) Ground-Floor Residential Uses. Where present, ground-floor residential uses fronting a public street or walkway may be separated from the street by landscaping, steps, porches, grade changes, and low ornamental fences or walls in order to create a private yard between the sidewalk and the front door.

v.) MU-1 District. In addition to the standards above, the following shall apply to non-residential and mixed use buildings in the MU-1 district.

(1) New construction. Maintain the scale and character of present buildings. New structures shall provide height, massing, setbacks, materials, and rhythm compatibility to surrounding structures, streetscape and signing system.

(2) Infill Buildings.
   a. Proportion. Infill buildings should be in proportion to adjacent and nearby buildings.
   b. Windows. Window and door frames should be wood, appropriately colored or bronze-tone aluminum, or bronze-tone vinyl clad.
c. Roofs. Infill building roofs shall be flat or gently pitched and hidden behind flat parapet walls. Roof edges should be related in size and proportion to adjacent buildings. (Authentic designs which emulate the roof line and/or cupola of the post office will be considered.)
d. Detailing. Infill architecture should reflect some of the detailing of surrounding buildings in window shape, cornice lines and brick work. Building alterations should restore architectural details of cornices, lintels, area arches, chimneys, and iron work of the original building as appropriate and feasible.

(3) Restoration and Rehabilitation. All work should be of a character and quality that maintains the distinguishing features of the building and environment. The removal of architectural features is not permitted.

a. Deteriorated architectural features shall be repaired rather than replaced.
b. Distinctive stylistic features or examples of skilled craftsmanship characteristics are to be preserved. If changes in use of a building are contemplated, changes should be accomplished with minimum alteration to the structure.
c. It is expected that buildings will be restored to their original appearance; however, restoration to an “original” appearance may not always be desirable or possible.

(4) Trademark Building Design. Trademark buildings that will adapt to the area and the requirements of this chapter may be allowed.

(5) Arcades. Arcades adjacent to sidewalks are encouraged to increase the effective width of the narrow sidewalks and provide a sheltered pedestrian path along store display windows. No side setbacks are allowed unless next to a public pedestrian way.

(6) Ground Floor. The overall look at the ground floor should be a “store front” appearance.

(7) Rear Entrances. Rear entrances to buildings should be provided in order to develop double street frontages. The rear entrance should present a welcome appearance. A small sign, awnings, display windows, and planter boxes can be used to improve the appearance of the rear facade and entrance.

(8) Awnings. Awnings add color and shade to a building facade as well as provide an area for signage. Only awnings which complement the building shape and color will be permitted.

(9) Facade Openings. The size and proportion of windows and door openings (fenestration) of an infill building should be similar to those on the adjacent facades.
(10) Storefront Restoration. Storefronts are encouraged to return the facade to its original character as appropriate.

(11) Blank Walls. Blank walls are prohibited to prevent the disruption of existing patterns and to avoid an uninviting street environment. Street facades can be enhanced with detailing, artwork, landscaping, or other visually interesting features.

(12) Lighting. Lighting adds special character to the downtown’s nighttime appearance. It can illuminate building entrances, pedestrian walkways, advertising, or floodlight special buildings.
   a. A coordinated lighting plan shall be submitted for review with building plans. Lighting fixtures shall be concealed or integrated into the overall design of the project. Colored lighting should be added to achieve harmony with downtown street lighting.
   b. All outdoor lighting shall be directed away from adjoining property and from the street unless globe lighting is used.

(13) Exterior Surfaces. The use of decorative surface treatments for walkways, entrances, and patios shall be a design feature of the building.

(14) Building Materials. In all districts, buildings and structures must comply with the following:
   a. Nonresidential Buildings and Mixed-Use Buildings. These buildings shall be constructed of durable, high-quality materials such as brick, stone, textured cast stone, or tinted masonry units. TABLE 9 lists allowable building materials. When applying these requirements, consideration shall be given to the use, amount, placement and relationship of each material as part of a comprehensive palette of building materials. All building facades visible from a public street or public walkway should employ materials and design features similar to or complementary to those of the front façade.

(F) Landscaping and Screening.

1. Purpose.
   The purpose of this Section is to establish requirements that are intended to contribute to the aesthetic environment of the City, enhance livability, and foster economic development by providing an attractive urban setting. This Section is also intended to:
   i.) Protect, restore, preserve, and maintain the natural environment throughout the development process.
   ii.) Enhance the appearance, character, health, safety, and welfare of the community.
   iii.) Provide green spaces that can support the urban citywide tree canopy and wildlife such as birds in the urban environment.
iv.) Increase the compatibility of adjacent uses, minimize adverse impacts of noise, dust, debris, artificial light intrusions, activities, or impacts to adjacent or surrounding uses.

v.) Contribute to the green infrastructure of the City to reduce air pollutants, mitigate the urban heat island effect, and stormwater run-off issues.

2. Applicability.
   i.) Landscaping shall be provided consistent with this Section for all new development including structures, parking lots, or site improvements as well as alterations to existing development. The entire development site must be brought into compliance with this Section unless the value of the alteration is less than fifty percent (50%) of the value of the existing development or structure. If the value is less than fifty percent (50%) of the value of the existing development or structure, then only the affected areas need to be brought up to compliance or approval may be given for the landscape treatment (limited in size and scope to the new area) to be spread over the entire property to avoid an uneven appearance.

   ii.) The following requirement shall be enforced with the exception of when the review authority determines that the amount and/or locations of plantings pose a risk of overcrowding of plant materials.

3. Tree Requirements.
   i.) Number of Trees. Trees must be planted within the property lines and in a location as not to interfere with sight line visibility at maturity. The minimum number of trees of any given site shall be as follows:
      (1) Single and Two Family Uses. A minimum of one (1) tree per parcel.
      (2) Townhouse and Multiple Family Uses. Residential structures containing two (2) or more units shall contain as a minimum: one (1) tree per dwelling unit.
      (3) MU-2 and MU-3 Districts. Whichever is greater: one (1) tree per 1,000 square feet of gross building floor area or one (1) tree per fifty (50) lineal feet of site perimeter.

4. Landscape Coverage.
   All residential district properties are encouraged to have diversified landscaping in addition to the landscaping required in setback areas for free-standing, detached structures. All landscaped areas are encouraged to be developed with live deciduous and coniferous plants, grass, trees, and shrubs which provide a variety of color, texture, height, and forms consistent with the needs of the site and other elements of the plan. The landscaped areas may contain, but
not limited to, some decorative stones, wood, patio blocks, sculptures, and other appropriate ornamental features. Overall composition and location of landscaped areas shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. The following zoning classifications will have the following percentage of the lot landscaped:

i.) R-1 District. All areas, except for buildings, driveways, and approved parking areas shall be landscaped as described above. Landscaping may include retaining the natural landscape where appropriate. At least sixty percent (60%) of the front yard must be landscaped.

ii.) R-2 District. All areas except for buildings, driveways, and approved parking areas shall be landscaped as described above. Landscaping may include retaining the natural landscape where appropriate. At least fifty percent (50%) of the front yard must be landscaped.

iii.) R-3 District. All areas except for buildings, driveways, and approved parking areas shall be landscaped as described above. This includes retaining the natural landscape where appropriate. Screening shall be provided and established to protect and screen potential functional, use, or density incompatibilities including those related to streets, county, state roads, and parking lots.

iv.) MU-1 District. Landscaping treatment shall be provided to enhance architectural features, strengthen vistas, screen utility areas, and enhance streetscape treatments. Where possible, a minimum of two percent (2%) of the site may provide for diversified landscaping that allows infiltration of stormwater. Screening shall be provided and established to protect and screen abutting residential districts.

v.) MU-2 and MU-3 Districts. All areas except for buildings, driveways, and approved parking areas shall be landscaped as described above. Where possible, a minimum of two percent (2%) of the site may provide for diversified landscaping that allows infiltration of stormwater. Screening shall be provided and established to protect and screen abutting residential districts.

5. Required Yards and Setbacks.

i.) All developed uses shall consist of, but not limited to, a landscaped yard including grass, plantings, decorative stones, trees, and shrubs along all streets.

ii.) Except for driveways, the yard shall extend along the entire frontage of the lot and along both streets in the case of a corner lot. Such yard shall have a depth of at least ten (10) feet.

iii.) Required yards and setback areas, except driveways and areas used for accessory structures, shall be graded to final elevations and sodded or seeded and landscaped with grass, plantings, decorative stones, trees, and shrubs.
The purpose of interior parking lot landscaping is to improve the appearance of parking lots, provide shade, and improve stormwater infiltration. The following standards apply to those lots with seven (7) or more spaces:
   i.) A planting island with a minimum of one (1) tree shall be installed for every twelve (12) parking spaces.
   ii.) The primary plant material shall be shade trees with at least one (1) deciduous canopy tree for every 200 square feet of required landscaped area.
   iii.) Islands may be curbed or may be designed as uncurbed bio-retention areas as part of an approved low impact stormwater management design as approved by the City Engineer.

7. Screening.
Screening shall be provided along the side and rear of property boundaries between commercial, mixed-use, or industrial districts and residential districts. Screening shall consist of:
   i.) A solid wall, solid fence, or hedge with year-round foliage six and one-half (6 ½) feet in height, except that within the front yard setback, screening shall not exceed three and one-half (3 ½) feet.
   ii.) Height of the screening shall be measured from natural or approved grade.
   iii.) Berms and retaining walls shall not be used to increase grade relative to screening height.

8. Traffic Visibility.
In order to provide a clear view of intersecting streets to motorists, a triangular area of clear vision formed by the two (2) intersecting streets and driveways and a line connecting said centerlines, shall be kept clear of visual obstruction, as specified below (see FIGURE 23).
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Figure 23: LANDSCAPE SCREENING/TRAFFIC VISIBILITY

i.) Within any vision clearance triangle screening, plantings, walls, fences, or other obstructions are not permitted between a height of thirty (30) inches and ten (10) feet above the curb level, with the exception of fences with a maximum of three (3) feet in height and at least two-thirds (2/3) open to vision.

ii.) Where two (2) streets intersect, the line shall extend a minimum of forty (40) feet from the intersection of the two (2) street property lines.

iii.) At the intersection of a private drive or alley with a street, the line shall extend a minimum of ten (10) feet from the intersection of the street and alley or drive property lines.


i.) No landscape material other than grass or retaining walls shall be placed within a drainage, access, or utility easement. Rock or riprap may be allowed upon review and approval by the Zoning Administrator, provided the proposed material does not interfere with drainage, access, or utilities.

ii.) The City or utility companies may clear any plantings or retaining walls positioned within an easement, access, or utility easement. The City is not liable for any damage to plantings or retaining walls constructed within the City’s easement.
10. Maintenance.
   i.) Responsibility. Maintenance shall be the responsibility of the individual property owner.

11. Tree Preservation.
    Prior to the issuance of building permits for all new and/or expanded uses, a tree preservation plan shall be submitted. A tree preservation plan must be submitted and approved when existing trees are used to meet a landscape or tree standard. The plan and its implementation shall be subject to the review and approval of the City Engineer and Zoning Administrator. The Zoning Administrator may exempt an applicant from the submission of a tree preservation plan upon demonstration that such a plan is not considered relevant to the site in question. Elements of the plan include:
   i.) A written statement that the trees to be preserved are healthy.
   ii.) A site plan that is drawn to scale and shows:
        (1) All trees to be preserved on the site, their species, and diameter.
        (2) The location of water, sewer, and other utility easements.

12. Completion.
    All proposed grading and landscaping shall be completed within ninety (90) days after the certificate of occupancy is issued. If a certificate of occupancy is issued between the months of November and April 15, the ninety (90) day period shall begin to run on April 15.

(G) Low Impact Design.

1. Purpose and Intent.
    Low-Impact Development (LID) is an ecologically friendly approach to site development and stormwater management that aims to mitigate development impacts to land, water, and air. The approach emphasizes the integration of site design and planning techniques that conserve natural systems and hydrologic functions on a site. Using the low impact development approach, stormwater is managed on site and the rate and volume of predevelopment stormwater reaching receiving waters is unchanged. The calculation of predevelopment hydrology is based on native soil and vegetation. Specifically, LID aims to:
   i.) Preserve Open Space and Minimize Land Disturbance;
   ii.) Protect Natural Systems and Processes (drainage ways, vegetation, soils, sensitive areas);
        (1) Reexamine the Use and Sizing of Traditional Site Infrastructure (lots, streets, curbs, gutters, sidewalks) and Customize Site Design to Each Site;
        (2) Incorporate Natural Site Elements (wetlands, stream corridors, mature forests) as Design Elements; and
(3) Decentralize and Micromanage Stormwater at its Source.
(4) LID is the preferred method of addressing stormwater management unless proven infeasible.

2. Development Goals.
The following principles shall be utilized by the City when evaluating development proposals:
   i.) Maximize retention of native forest cover and vegetation and restore disturbed vegetation to intercept, evaporate, and transpire precipitation.
   ii.) Minimize creation of impervious surfaces
   iii.) Preserve permeable, native soil, and enhance disturbed soils to store and infiltrate storm flows.
   iv.) Retain and incorporate topographic site features that slow, store, and infiltrate stormwater.
   v.) Retain and incorporate natural drainage features and patterns.

(H) Aviation Requirements.

1. Purpose.
The Federal Aviation Administration is required to make certain determinations of compliance to the U.S. airworthiness standards before issuing any approvals or certifications.

2. Notifications Required.
An applicant who proposed the construction of any structure with a height equal to or greater than 200 feet above ground level; or the alteration of any structure to a height which is equal to or greater than 200 feet above ground level shall notify the Minnesota Department of Transportation Commissioner and the Federal Aviation Administration Commission of said proposal at least thirty (30) days prior to the City Council’s consideration of said request.

3. Proof of Notification.
The applicant shall submit evidence to the City verifying the Minnesota Department of Transportation and the Federal Aviation Administration have been duly notified of said proposed structure prior to the City Council approval.


1. Purpose.
To provide a sustainable quality of life for the City’s residents; making careful and effective use of available natural, human, and economic resources; and ensuring that resources exist to maintain and enhance the quality of life for future residents. The City finds that it is in the public interest to encourage alternative energy systems that have a positive
impact on energy production and conservation while not having an adverse impact on the community. The purpose of this Section is to:

i.) Accommodate alternative energy sources by removing regulatory barriers and creating a clear regulatory path for approving alternative energy systems.

ii.) Create a livable community where development incorporates sustainable design elements such as resource and energy conservation and use of renewable energy.

iii.) Protect and enhance air quality, limit the effects of climate change, and decrease use of fossil fuels.

iv.) Accommodate alternative energy development in locations where the technology is viable and environmental, economic, and social impacts can be mitigated.

v.) Encourage development by establishing reasonable requirements for performance, safety, design, and aesthetics of alternative energy systems.


i.) Zoning District Allowance. Ground source heat pump systems in accordance with the standards in this Section are allowed as a permitted accessory use in all zoning districts.

ii.) General Standards.

(1) System Requirements.

a. Only closed loop ground source heat pump systems utilizing heat transfer fluids as defined in this Section are permitted. Open loop ground source heat pump systems are not permitted.

b. Ground source heat pump systems in public waters may be permitted as a Conditional Use in all zoning districts in accordance with this Section and subject to the following:

1. Approval from the Minnesota Department of Natural Resources.

2. Written consent of all property owners and/or approval by an association in accordance with its adopted bylaws.

3. Demonstrated compliance with applicable City permit requirements.

c. Ground source heat pump systems in water bodies owned or managed by the City are not permitted.

(2) Setbacks.

a. All components of ground source heat pump systems including pumps, borings and loops shall be set back at least five (5) feet from side, front, and rear lot lines.

b. Above ground equipment associated with ground source heat pump systems shall not be installed in the front yard of any lot or the side yard of a corner lot adjacent to a public right-of-
way and shall meet all required setbacks for the applicable zoning district.

(3) Construction.

a. All access shall be over the owner’s land and due care shall be taken to avoid hazard, inconvenience, or damage to public streets and nearby public or private property.

b. Necessary precautions shall be taken in stockpiling excavated materials to avoid erosion, dust, or other infringements upon adjacent property.

c. All wiring, installation of pipes, grading, and all other installations and construction shall be subject to inspection.

d. Disturbed land shall be restored to its prior condition after completion of construction.

(4) Easements. Ground source heat pump systems shall not encroach on public drainage, utility roadway, or trail easements.

(5) Noise. Ground source heat pump systems shall comply with Minnesota Pollution Control Agency standards outlined in Minnesota Rules Ch. 7030 as amended.

(6) Screening. Ground source heat pumps are considered mechanical equipment and subject to the requirements for the applicable zoning district.

iii.) Certification. Ground source heat pumps shall be certified by Underwriters Laboratories, Inc., and meet the requirements of the State Building Code.

iv.) Abandonment. If a ground source heat pump system remains nonfunctional or inoperative for a continuous period of one (1) year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained in accordance with the following:

(1) The heat pump and any external mechanical equipment shall be removed.

(2) Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured and disposed of in accordance with applicable regulations. The top of the pipe, coil or boring shall be uncovered and grouted.

(3) Lake ground source heat pump systems shall be completely removed from the bottom of the body of water.

v.) Permits. A building permit shall be obtained for any ground source heat pump system prior to installation. Borings for vertical systems are subject to approval by the Minnesota Department of Public Health.

i.) Zoning District Allowance. Small wind turbine systems in accordance with the standards in this Section are allowed as a permitted accessory use in all zoning districts.

ii.) General Standards. The following standards shall be applicable to small wind turbine systems in all zoning districts:

1. Number. No more than one (1) wind energy system is permitted per parcel.

2. Setbacks. The base of the wind turbine tower shall be set back from all property lines a distance equal to the highest possible extension of the system apparatus.

3. Roof Mounting. Roof mounted wind turbines shall be permitted only when a determination is made by the City Building Official that the underlying roof structure will support such system and all applicable building standards are satisfied.

4. Rotor Clearance. No part of a rotor blade shall be located within thirty (30) feet of the ground and within twenty (20) feet of the nearest tree, structure or aboveground utility facility.

5. Noise. Wind energy systems shall comply with Minnesota Pollution Control Agency noise standards outlined in Minnesota Rules Ch. 7030, as amended, at all property lines.

6. Screening. Wind energy systems shall be screened from view to the extent possible without impacting their function.

7. Aesthetics. All portions of the wind energy system shall be a non-reflective, non-obtrusive color, subject to the approval of the Zoning Administrator. Only monopole towers are permitted. The appearance of the turbine, tower and any other related components shall be maintained throughout the life of the wind energy system pursuant to industry standards. Systems shall not be used for displaying any advertising. Systems shall not be illuminated.

8. Feeder Lines. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid.

   a. Standards. Wind energy systems shall meet minimum standards such as International Electrotechnical Commission (IEC) 61400-2 or the American Wind Energy Association's (AWEA) Small Wind Turbine Performance and Safety Standard or other standards as determined by the City Building Official.
   b. Certification. Wind energy systems shall be certified by Underwriters Laboratories, Inc., and the National Renewable Energy Laboratory, the Small Wind Certification Council, or other body as determined by the City. The City reserves the right to deny a building permit for proposed wind energy...
systems deemed to have inadequate certification or testing for operation in a severe winter climate.

c. Maintenance. Wind energy systems shall be maintained. A yearly certificate of inspection and maintenance shall be supplied to the Zoning Administrator. Such inspection shall be from a qualified engineer or other body determined to be acceptable by the Zoning Administrator.

d. Utility Connection. All grid connected systems shall have an agreement with the local utility prior to the issuance of a building permit. A visible external disconnect shall be provided if required by the utility.

(10) Abandonment. If a wind energy system remains nonfunctional or inoperative for a continuous period of one (1) year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including foundations to below natural grade and transmission equipment.

(11) Permits. A building permit shall be obtained for any wind energy system prior to installation.

iii.) Residential District Standards.

(1) Mounting. All wind turbine systems shall be roof mounted. Ground mounted systems are not permitted.

(2) Height. Wind energy systems shall not extend more than six (6) feet above the highest point of the roof.

iv.) Mixed-Use District Standards.

(1) Mounting. Subject to the requirements of this Section, wind energy systems may either be roof mounted or ground mounted.

(2) Height.

a. Wind turbine systems shall conform to the maximum height requirements for communication structures standards of the applicable Mixed-Use zoning district.

b. Wind turbine system heights in excess of the maximum height requirement of the applicable zoning district may be permitted by Conditional Use Permit provided that:

1. The system height, as measured from the base of the tower for ground mounted systems, or base of the building for roof mounted systems, to the highest possible extension of the system apparatus shall not exceed seventy-five (75) feet.

2. The additional system height is required to allow for the improved operation of the wind energy system.

3. The additional wind energy system height results in a net energy gain.
4. The wind energy system does not adversely affect solar access to adjacent properties.
5. The wind energy system complies with all other engineering, building, safety, and fire regulations.
6. The wind energy system is found to not have any adverse impacts on the area including the health, safety, and general welfare of occupants of neighboring properties and users of public rights-of-way.
7. The criteria and applicable standards of this Section are considered and determined to be satisfied.

(3) Ground Mounted Systems.
   a. Ground mounted wind energy systems shall not be installed in the front yard of any lot or in the side yard of a corner lot adjacent to a public right-of-way.
   b. Only monopole towers are permitted.
   c. System height shall be measured from the base of the tower to the highest possible extension of the system apparatus.
   d. Ground located wind energy systems shall not encroach on public drainage, utility roadway, or trail easements.

(4) Blade Length. A maximum blade length of fifteen (15) feet is permitted.

   i.) Zoning District Allowance. Solar energy systems in accordance with the standards in this chapter are allowed as a permitted accessory use in all zoning districts.
   ii.) General Standards.
       (1) Exemption. Passive or building integrated solar energy systems are exempt from the requirements of this Section and shall be regulated as any other building element.
       (2) Height. Roof mounted solar energy systems shall comply with the maximum height requirements in the applicable zoning district. Ground mounted solar energy systems shall not exceed fifteen (15) feet in height.
       (3) Location. In residential zoning districts, ground mounted solar energy systems shall be limited to the rear yard. In nonresidential districts, ground mounted solar energy systems may be permitted in front yards, side yards adjacent to public rights-of-way, and rear yards.
       (4) Setbacks. Ground mounted solar energy systems shall comply with all accessory structure setbacks in the applicable zoning district. Roof mounted systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.
       (5) Roof Mounting. Roof mounted solar collectors may be flush mounted or bracket mounted. Bracket mounted collectors shall
be permitted only when a determination is made by the City Building Official that the underlying roof structure will support apparatus, wind, and snow loads and all applicable building standards are satisfied.

(6) Easements. Solar energy systems shall not encroach on public drainage, utility roadway, or trail easements.

(7) Screening. Solar energy systems shall be screened from view to the extent possible without impacting their function.

(8) Maximum Area. Ground mounted solar energy systems shall be limited in size to the maximum area requirement allowed for accessory structures or no more than twenty-five (25) percent of the rear yard, whichever is less.

(9) Aesthetics. All solar energy systems shall minimize glare toward vehicular traffic and adjacent properties.

(10) Feeder Lines. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid.

iii.) Standards and Certification.

(1) Standards. Solar energy systems shall meet the minimum standards outlined by the International Electrotechnical Commission (IEC); the American Society Of Heating, Refrigerating, And Air-Conditioning Engineers (ASHRAE; ASTM International; British Standards Institution (BSI); International Organization For Standardization (ISO); Underwriter’s Laboratory (UL); the Solar Rating And Certification Corporation (SRCC); or other standards as determined by the City Building Official.

(2) Certification. Solar energy systems shall be certified by Underwriters Laboratories, Inc., and the National Renewable Energy Laboratory, the Solar Rating And Certification Corporation or other body as determined by the Zoning Administrator for conformance to IEC or AWEA standards. The City reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.

(3) Utility Connection. All grid connected systems shall have an agreement with the local utility prior to the issuance of a building permit. A visible external disconnect shall be provided if required by the utility.

iv.) Abandonment.

If a solar energy system remains nonfunctional or inoperative for a continuous period of one (1) year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including transmission equipment.

v.) Permit.
A building permit shall be obtained for any solar energy system prior to installation.

5. Application Criteria for Deviations from Standards. Deviations to the standards in this Section may be permitted as a Conditional Use. In granting a Conditional Use Permit, the City Council shall consider the following additional criteria unique to alternative energy systems:
   i.) That the deviation is required to allow for the improved operation of the alternative energy system.
   ii.) That the alternative energy system has a net energy gain.
   iii.) That the alternative energy system does not adversely affect solar or wind access to adjacent properties.
   iv.) That the alternative energy system complies with all other engineering, building, safety, and fire regulations.
   v.) That the alternative energy system is found to not have any adverse impacts on the area including the health, safety, and general welfare of occupants of neighboring properties and users of public rights-of-way.

(J) Off Street Parking & Loading

1. Purpose.
The purpose of this section is to provide for off-street parking and loading areas and pedestrian facilities that are accessible, attractive, secure, maintained, and meet the needs generated by specific uses. It is further the intent of these regulations to avoid undue congestion on public streets; to protect the level of service and capacity of existing streets; to avoid unnecessary conflicts between pedestrians and vehicles; and to preserve and enhance the City and to protect the public health, safety, and welfare.

The application of off-street parking and loading regulations shall apply to all buildings and uses of land established after the effective date of this subchapter.

3. General Standards.
i.) Minimum Size Regulations. Each space shall contain a minimum area of not less than 180 square feet, exclusive of access drives, a width of not less than nine (9) feet and a depth of not less than twenty (20) feet. Each space shall be adequately served by access drives as determined by the Zoning Administrator. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve. Parking ramps and
underground parking may be allowed to have some reduction in the dimensions stated above.

ii.) Use of Parking and Loading Space. Required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

iii.) Computing Requirements. In computing the number of such parking spaces required, the following rules shall govern:
   (1) Floor area shall mean the gross floor area of the specific use;
   (2) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

iv.) Yards. Off-street parking and loading facilities shall be subject to the front yard, side yard, and rear yard regulations for the use district in which the parking is located. Except in the MU-1, MU-2, and MU-3 Districts, yard setbacks may be reduced if a substantial landscape setback is provided having a width meeting at least the minimum specified.

v.) Buffer Fences and Planting Screens. Off-street parking and loading areas near or adjoining residence districts shall be screened by a buffer fence of adequate design or a planted buffer screen. Plans of such screen or fence shall be submitted for approval as part of the required site plan, and such fence or landscaping shall be installed as part of the initial construction.

vi.) Access.
   (1) Parking and loading space shall have proper access from a public right-of-way as determined by the Zoning Administrator.
   (2) The number and width of access drives shall be so located as to minimize traffic congestion and traffic hazard.

vii.) Combined facilities. Except in the R-1 District, combined or joint parking facilities may be provided for one (1) or more buildings or uses, provided that the total number of spaces shall equal the sum of the requirements for each building or use. Underground parking bonus. If fifty percent (50%) or more of the required parking is provided underground or under the principal structure, 300 square feet shall be added as lot area for each space, so placed, and said lot area shall be used to determine the maximum allowable use of the property. For example, the number of dwelling units or the floor area ratio for an office building, provided the maximum bonus shall not increase the number of units or floor area by more than thirty percent (30%).

viii.) Lighting. Lighting shall meet the requirements specified in the zoning district and for the specific use where stated.

ix.) Required Site Plan. Application for a building permit shall include a site plan drawn to scale and dimensioned showing off-street parking and loading space to be provided in compliance with this section. The site plan shall include an acceptable drainage plan.
   i.) Surfacing. Parking areas, driveways, and parking lots shall be surfaced with an all-weather dustless material consisting of bituminous, brick, concrete pavers or concrete, or an alternative material as approved by the Zoning Administrator.
   ii.) Six (6) or More Spaces. Parking lots containing more than six (6) spaces and access drives, except for landscaped areas, shall provide proper surface drainage as required by the city. The surface shall be capable of carrying a load of 2,000 pounds per square foot. Normally a two (2) inch bituminous surfacing on a four (4) inch base of five (5) inches of Portland cement will meet this requirement. Such parking lots shall be delineated by a concrete box curb extending six (6) inches above and six (6) inches below the surface. The curb shall have cuts for drainage. Parking spaces shall be striped. Parking lots which do not meet these requirements must be improved by consistent with this Section and must meet ordinance requirements regarding location and other provisions of this code.
   iii.) Maintenance. The operator of the principal building or use shall maintain parking, loading areas, and access to drives in a neat and adequate manner.
   iv.) Grades. The grade of a private roadway, driveways, and parking lots shall not exceed ten percent (10%) or a grade acceptable to the City Engineer.

5. Loading Areas.
   i.) Loading and unloading areas for goods, supplies and services shall be sufficient to meet the requirements of each use. At a minimum, one loading dock shall be provided for each nonresidential building having over 20,000 square feet of floor area if the use is retail sales or services. For all other uses, at least one (1) loading dock shall be provided if the building has over 50,000 square feet of floor area.
   ii.) Loading spaces shall be at least thirty-five (35) feet long and ten (10) feet wide, and shall have a height clearance of at least thirteen (13) feet.

6. Proof of Parking Area.
   i.) When the required off-street parking is thirty (30) or more spaces, the owner is only required to pave and stripe eighty percent (80%) of the required parking spaces if the following conditions are met: (1) A parking plan drawn to scale for the property is submitted to the Zoning Administrator and the plan indicates that the site complies with the total parking requirements stated above and with the parking lot design to the standards required by this Section;
(2) The portion of the site which is not paved and is capable of containing the amount of parking equal to the difference between the total amount of required parking and the amount of parking required to be paved (known as the proof of parking area) is suitably landscaped and curbed to meet the requirements of this Section;

(3) The proof of parking area shall be clearly delineated on the parking plan for the site;

(4) The proof of parking area is not used to satisfy any other landscaping or other requirement and is not located in an area occupied by a building;

(5) The property owner is responsible for informing any subsequent owner of the proof of parking area and parking status of the property;

(6) At its sole discretion, the City may require that the proof of parking area be paved and striped in such a way that it meets the requirements to provide the total number of required parking spaces on the site or a percentage between eighty percent (80%) and one hundred (100%) if so determined by the City.

   i.) New Development. Bicycle parking shall be provided for all new commercial, industrial, community service use, and multifamily residential development.
   ii.) Number of Spaces. The number of bicycle parking spaces shall be at least ten percent (10%) of the minimum required vehicle parking for the use. In no case shall less than two (2) spaces be provided.
   iii.) Location of Facilities. Bicycle parking facilities shall be located within fifty (50) feet of the main building entrance in a location that is visible to building occupants of from the main parking lot.
   iv.) The public right-of-way may be utilized for bicycle parking when parking cannot be reasonable accommodated on the site and the location is convenient to the building’s front entrance.
   v.) The minimum amount of required parking for all non-single-family residential uses may be reduced by up to ten percent (10%) for the provision of bicycle parking. A reduction of one (1) vehicle parking space is allowed for every six (6) additional bicycle parking spaces installed. The area of an existing parking space in an off-street parking area may be converted to bicycle parking to utilize this reduction.

   i.) Required parking may be reduced by up to five percent (5%) if at least one (1) off-street parking space is reserved for a vehicle that is part of a car sharing program. The car sharing program shall be sufficiently large enough, as determined by the Zoning
Administrator, to be accessible to persons throughout North St. Paul and its vicinity. The applicant must provide documentation from the car sharing program that the program will utilize the space provided.

(1) Off-Street Parking Standards for Residential Districts.

9. Truck or bus parking in Residential Districts. Off-street parking of commercially licensed trucks, trailers or buses with a gross weight of over six (6) tons shall be prohibited, except for deliveries or unloading. Trucks, trailers, or buses of less than six (6) tons gross weight shall not be stored in the front yard.
   i.) Vehicle Storage. All vehicles personal, recreational, or commercial shall be stored or parked on a driveway surface.
   ii.) Setbacks. New driveways and off-street parking shall be set back a minimum of three (3) feet from side property lines.
   iii.) Location of parking. Required off-street parking spaces shall be provided on the same lot.
   iv.) Driveways, Authorized Parking Areas, and Authorized Garages. Driveways must lead to and abut a vehicle access door having a width of at least eight (8) feet. Driveways must not exceed a twenty-two (22) foot maximum width at the property line.
      (1) Existing driveways which do not lead to an authorized parking area or authorized garage must be removed and landscaped.
      (2) Existing driveways which provide access to an authorized parking area or garage shall be improved/surfaced according to this Section; however, if the driveway leads to an unpaved street or alley, a waiver to the surface requirement will be considered by the City upon receipt of a written request explaining the reason and justification for this request.
      (3) Required number of off-street parking spaces. The minimum number of required off-street parking spaces are located in TABLE 8.

   i.) Shared Parking. Up to fifty percent (50%) of the parking can be provided through a nonexclusive agreement with the owners of property located within 600 feet of the use if the parking demands of the uses do not coincide.
   ii.) MU-1. Location of curb cuts so that no cuts exist closer to an intersection than thirty (30) feet from the point of intersection of the setback lines adjacent to intersecting streets.
   iii.) MU-2. The City may waive some or all off-street parking and loading requirements due to the presence of: small lot size, building coverage, existing municipal parking lots, assessments to properties for off-street parking, on-street parking bays, and similar provisions and the need to have street frontages used for retail sales and service uses and not off-street parking.
iv.) Parking lots should be screened from streets and sidewalks by planters or plantings or both. If planters are used, their material should be compatible with adjacent buildings. Planters should be at least eighteen (18) inches high.

v.) MU-3. Off-street parking may be reduced where it can be demonstrated that such reduction is justified due to joint use of facilities for dissimilar uses, provisions for transit facilities or other factors having impact on parking demand and capacity.

vi.) Parking lots and structures. Such parking shall be screened from view, integrated within the buildings or provided underground, where appropriate.

vii.) Required number of off-street parking spaces. The minimum number of required off-street parking spaces for the following uses shall be as indicated on TABLE 8. Where a specific use is not listed, the Zoning Administrator shall determine the minimum number of required off-street parking spaces by considering functional similarities between uses listed and the use not listed.

(K) Stormwater Management.

1. Purpose.
   The purpose of erosion and sediment control is to control or eliminate soil erosion and sedimentation within the City. It establishes standards and specifications for conservation practices and planning activities which minimize soil erosion and sedimentation.

2. Incorporation by Reference.
   The following are hereby incorporated into this Ordinance by reference:
   i.) The National Pollutant Discharge Elimination System Permit, MN R100001 (NPDES construction stormwater permit) issued by the Minnesota Pollution Control Agency, August 1, 2013, as amended. The NPDES general construction permit is incorporated into this Chapter by reference.
   ii.) The City’s Engineering Design Standards for Stormwater Management. These standards shall serve as the official guide for erosion and sediment control principles, methods, and practices for proposed development activities. The City’s Engineering Design Standards for Stormwater Management are incorporated into this Chapter by reference.
   iii.) The Rules of the Ramsey-Washington Metro Watershed District, as amended, pursuant to the authorization and policies contained in M.S. § 103B, 103 D, and 103G, and Minnesota Rules 8410 and 8420.
   iv.) The Rules of the Valley Branch Watershed District, as amended, pursuant to the authorization and policies contained in M.S. § 103B, 103 D, and 103G, and Minnesota Rules 8410 and 8420.
   i.) No land shall be developed and no use shall be permitted that results in additional water run-off causing flooding or erosion on adjacent properties. Run-off shall be properly channeled into a storm drain, water course, ponding areas, or other public facility.
   ii.) Except as exempted by the term “land disturbance activity” in Section 154.003, any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision thereof proposing land disturbance activity within the City shall apply to the City for the approval of the Storm Water Pollution Prevention Plan (SWPPP). No land shall be disturbed until the SWPPP is approved by the City and conforms to the standards set forth herein.
   iii.) Permits issued under this subchapter apply to land disturbance construction activities greater than or equal to 10,000 square feet and less than one (1) acre (43,560 square feet) and constitute compliance with Minimum Measure #4 of MPCA - General Permit (MN R 040000 et seq.), Authorization to Discharge Storm Water Associated with Municipal Separate Storm Sewer Systems under the NPDES program.
   iv.) Permits for land disturbance construction activities involving one (1) or more acres are issued and enforced by the applicable Districts permit program and/or Minnesota Pollution Control Agency (MPCA) - General Permit (MN R100001 et seq.), Authorization to Discharge Storm Water Associated with Construction Activity under the NPDES permit program.
   v.) Permits issued by the applicable Districts permit program and/or Minnesota Pollution Control Agency - General Permit (MN R100001 et seq.), Authorization to Discharge Storm Water Associated with Construction Activity under the NPDES permit program constitutes compliance with Minimum Measure #4 of MPCA - General Permit (MN R 040000 et seq.), Authorization to Discharge Storm Water Associated with Municipal Separate Storm Sewer Systems under the NPDES program.

4. Flood Control.
   Development and land disturbing activities must meet the following criteria and that of the Ramsey Washington Metro Watershed District or the Valley Branch Watershed District as applicable:
   i.) The lowest building floor elevation of any new building shall be placed at least two (2) feet above the elevation of any known historic high groundwater elevations for the area and at least two (2) feet above the 100-year high surface water elevation in the area.
   ii.) The lowest building opening elevation of any new building shall be at least two (2) feet above the projected 100-year high water elevation for the area.
iii.) An emergency spillway from ponding areas shall be installed a minimum of one (1) foot below the lowest building opening and shall be designed to have a capacity to overflow water at an elevation below the low building opening at a rate not less than three times the 100-year peak discharge rate from the basin or the 100-year inflow rate to the basin, whichever is higher.

5. Storm Water Pollution Prevention Plan (SWPPP).
A developer engaged in a land disturbance activity shall submit a Storm Water Pollution Prevention Plan (SWPPP) that will minimize soil erosion or sediment from damaging adjacent land, bodies of water, watercourses or wetlands to the City for its approval.

i.) Standards. No SWPPP which fails to meet the standards contained in this Section shall be approved by the City Council.

ii.) Every applicant for a building permit, subdivision approval, or permit to allow land disturbing activities greater than or equal to 10,000 square feet and less than one (1) acre (43,560 square feet) shall submit a SWPPP to the City. The SWPPP shall meet the requirements of the NPDES construction stormwater permit and the City’s Engineering Design Standards for Stormwater Management prior to starting construction.

iii.) The SWPPP shall include the following:
(1) Project description. The nature and purpose of the land-disturbing activity and the amount of grading involved.
(2) Phasing of construction. The nature and purpose of the land-disturbing activity and the amount of grading, utilities, and building construction.
(3) Existing site conditions. Existing topography, vegetation, and drainage.
(4) Adjacent areas. Neighboring streams, lakes, residential areas, roads, and the like which might be affected by the land-disturbing activity.
(5) Soils. Soil names, mapping units, irritability.
(6) Critical erosion areas. Areas on the site that have potential for serious erosion problems.
(7) Erosion and sediment control measures. Methods to be used to control erosion and sedimentation on the site, both during and after the construction process.
(8) Permanent stabilization. How the site will be stabilized after construction is completed, including specifications.
(9) Stormwater management. How storm runoff will be managed, including methods to be used if the development will result in increased peak rates of runoff.
(10) Maintenance. Schedule of regular inspections and repair of erosion and sediment control structures.
(11) Calculations. Any that were made for the design of such items as sediment basins, diversion, waterways, and other applicable practices.

(12) Erosion and Sediment Control Plan. The Erosion and Sediment Control Plan shall address the following criteria:
   a. Stabilize all exposed soils and soil stockpiles;
   b. Establish permanent vegetation;
   c. Prevent sediment damage to adjacent properties and other designated areas;
   d. Schedule erosion and sediment control practices;
   e. Use temporary sedimentation basins;
   f. Engineer the construction of steep slopes;
   g. Control the storm water leaving a site;
   h. Stabilize all waterway and outlets;
   i. Protect storm sewers from the entrance of sediment;
   j. Properly manage and dispose of all hazardous and solid wastes;
   k. Take precautions to contain sediment when working in or crossing water bodies;
   l. Restabilize utility construction areas as soon as possible;
   m. Protect paved roads from sediment and mud brought in from access routes;
   n. Dispose of temporary erosion and sediment control measures; and
   o. Maintain all temporary and permanent erosion and sediment control practices.

6. Review.
   The City Engineer shall review the SWPPP within fifteen (15) working days of receiving the plan from the developer. The City shall notify the developer of its decision after receipt of comments from the City Engineer and no more than twenty (20) working days after receiving the plan from the developer.
   i.) Permit required. If the City Engineer determines that the SWPPP meets the requirements of this subchapter, the City shall issue a permit valid for a specified period of time that authorizes the land disturbance activity contingent upon the implementation and completion of the SWPPP.
   ii.) Denial. If the City Engineer determines that the SWPPP does not meet the requirements of this subchapter, the City shall not issue a permit for the land disturbance activity. The SWPPP must be resubmitted for approval before the land disturbance activity begins. All land use and building permits must be suspended until the developer has an approved SWPPP.

7. Easement.
i.) The developer may dedicate an easement to the City for any permanent erosion and sediment control practice(s) that remain after the land disturbance activity is completed.

ii.) The developer shall be responsible for the maintenance of the permanent erosion and sediment control practices for the period of construction activity. The City shall assign the maintenance responsibility for a permanent erosion and sediment control practice(s) after that time.

8. Modification.
An approved SWPPP may be modified upon submission of an application for modification and subsequent approval by the City. In reviewing such application, the City may require additional reports and data.

Upon approval of a SWPPP, the City shall require the developer to escrow a sum of money sufficient to insure the installation, completion and maintenance of the SWPPP and practices.

   i.) In the case of restrictive site conditions or emergency situations, the developer may apply for a variance from this subchapter. The City shall submit the variance request to the appropriate District(s) within ten (10) working days after receipt. When the District’s position on a variance request differs from that of the City, the District’s jurisdiction supersedes the City’s.

   ii.) When road construction crosses municipal boundaries, Ramsey County, or the Minnesota Department of Transportation shall obtain an erosion and sediment control permit from the appropriate District(s) rather than individual cities.

11. Enforcement.
The City delegates to the Ramsey-Washington Metro and Valley Branch Watershed Districts the authority to perform the City duties pertaining to review, permitting and enforcement of this subchapter on properties of one or more acres. All land disturbing activities between 10,000 square feet and less than one (1) acre shall comply with the City’s Engineering Design Standards for Stormwater Management. For sites found to be non-compliant with the City’s Engineering Design Standards for Stormwater Management, the City shall implement the following actions as necessary:

   i.) Notice of Violation. When the City determines that an activity is not being carried out in accordance with the requirements of this ordinance, it shall issue a written notice of violation to the owner or applicant of the project. The Notice of Violation shall contain: (1) The name and address of the owner or applicant;
(2) The address, when available, or a description of the land upon which the violation is occurring;
(3) A statement specifying the nature of the violation;
(4) A description of the remedial measures necessary to bring the development activity into compliance with this ordinance and a time schedule for the completion of such remedial action;
(5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
(6) A statement that the determination of violation may be appealed to the City by filing a written notice of appeal within fifteen (15) days of receiving of the notice of violation.

(2) Stop Work Order. Persons receiving a stop work order will be required to halt all construction activities immediately. This Stop Work Order will be in effect until the City confirms that the Land Disturbance Activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this ordinance.

(3) Civil or Criminal Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this ordinance shall be guilty of a misdemeanor and subject to prosecution. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

(4) Restoration of Lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which may, after notice and opportunity for hearing, be specially assessed against the property and collected along with the ordinary taxes by the county.

12. Violations. Any person, firm or corporation who fails to comply with or violates any of these regulations shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment. All land use and building permits must be suspended until the developer has corrected the violation and amended the SWPPP for the land disturbance activity. Each day that a separate violation exists shall constitute a separate offense.

154.011 SIGNS

(A) Findings.
1. Exterior signs have a substantial impact on the character and quality of the environment.

2. Signs provide an important medium through which individuals may convey a variety of messages.

3. Signs can create traffic hazards, aesthetic concerns, and detriments to property values thereby threatening the public health, safety, and welfare.

(B) Purpose.

1. The City has a governmental interest in establishing a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe and attractive community, and the need for effective communications including business identification. It is the intent of this Section to promote the health, safety, and general welfare of the City while recognizing the need to maintain an attractive and appealing appearance of property in the City. Sign regulations including but not limited to those which control the duration of display, number, height, width, total area, methods of support, placement, materials, illumination, and other features are established. Sign regulations are intended to:

i.) Promote an attractive, harmonious environment that creates a sense of place and prevent conditions, which have undesirable impacts on surrounding properties.

ii.) Ensure regulations that allow zoning districts to function effectively and efficiently.

iii.) Protect property values, public investment and the overall character of the City.

iv.) Promote traffic and pedestrian safety, prevent visual clutter and pollution, and design, construct, and install signs in a manner that does not adversely impact public safety.

v.) Ensure signs are compatible and proportioned to the scale of their surroundings.

vi.) Ensure adequate means of expression as allowed by the first amendment of the U.S. Constitution and other federal, state, and local laws.

vii.) To permit safe, effective, efficient and aesthetic means of communication using signs, recognize the need to maintain an attractive and appealing appearance of property in the city.

viii.) Ensure adequate identification of each business while minimizing the tendency for signs to compete for attention with excessive wording or flashy visual stimulation.

ix.) To ensure expression of a business’ individuality while at the same time ensuring architectural harmony, compatibility, and unity of the streetscape.
(C) General Provisions.

The following regulations shall apply to all signs permitted in all districts:

1. Conformance. All signs except official traffic and street signs shall conform to the provisions of this subchapter and any other ordinance or regulations of the City.

2. Proximity to warning and regulatory signs and signals. No sign shall be located which will:
   i. Interfere with the ability of any driver or pedestrian to see any street or highway sign, traffic sign or signal, or crossroad or crosswalk.
   ii. Will distract drivers or offer any confusion to any street or highway sign, traffic sign, or signal.

3. Sign Setbacks. All signs unless specifically noted otherwise, shall maintain a ten (10) foot setback from all lot lines. The City may require a greater or lesser setback due to public safety reasons, which may include the following conditions: vehicle sight distance, distance from intersection, or designation of adjacent right-of-way.

4. Sign Integration. Signs are to be coordinated in their design, material and locational placement with the building design and architecture in terms of the materials and placement of such sign.

(D) Permitted Signs By Zoning District.

The sign standards listed by district and lot size in TABLE 10 shall apply in determining certain residential and business sign areas allowed.

(E) Downtown Overlay.

1. Purpose.
   i.) Preserve cultural aspects of the historic commercial district.
   ii.) Encourage the physical development of the city as intended by the City’s Comprehensive Plan and Downtown Design manual/plans.
   iii.) Encourage the harmonious development and appearance of structures and property within the district.
   iv.) Maintain and improve property values of the district and throughout the city.

2. Types/Design of Signs Allowed.
   The following types of signs are allowed when meeting the requirements of the Downtown Design Manual:
   i.) Permanently painted window signage no more than twenty percent (20%) of the window area.
ii.) Wall signs.
iii.) Projecting signs.
iv.) Neon light signs more than twenty percent (20%) of the window area or building exterior wall area.
v.) Banners as temporary signs for a period greater than thirty (30) days in one (1) calendar year or two (2) fifteen (15) day periods within one (1) calendar year.
vi.) Three (3) dimensional and flat projecting signs with a maximum space between signage and building face of one (1) foot.
vi.) Rooftop signs used in a parapet as indicated in the Downtown Design Manual.
vi.) Temporary signage up to twenty percent (20%) of the window area or wall surface area.
ix.) A-Frame or Sandwich board sidewalk signs.
x.) Permanent freestanding signs when approved within a design plan for the property.

3. Prohibited Signs.
i.) Flashing lights and bare bulb lights.
ii.) Fiberglass and plastic signs, except A-Frame or Sandwich board sidewalk signs.
iii.) Internally illuminated signs (not including neon or marquee signs) are not allowed.

4. Placement of Signs.
   Signs shall not cover architectural detail on the building, windows, or cornices.

5. Lighting of Signs.
   Source of the light must be directed at the sign and must be shielded (not be visible to pedestrians, motorists, or neighboring residents or businesses).

(F) Comprehensive (Master) Sign Programs. Multi-Tenant Building.

1. The property owner shall be responsible for allocating the allowable sign area among the tenants of multi-tenant buildings. In the event that the owner does not allocate the sign area, the City may do so based on the relative floor area or tenant frontage.

2. Unified shopping center/multiple-tenant buildings. In a unified shopping center or multiple-tenant building, the total surface area of all individual signs on the buildings shall not exceed the maximum square footage requirements outlined in TABLE 11. As a part of this maximum square footage the center or building may erect one (1) freestanding or monument sign, which identifies the name and location of the building and its tenants. For shopping centers or
multiple tenant buildings, one (1) freestanding or monument sign may be permitted per street right-of-way, provided it meets the requirements of maximum surface area and height outlined in TABLE 11.

3. Master Sign Plan. No permit shall be issued for an individual sign requiring a permit in a commercial and/or industrial zoning district where more than one (1) business or industry will be located until a master signage plan has been approved by the City. The master signage plan is intended to control total sign area and sign placement so as to help eliminate incongruities as tenants/occupants change.

4. The owner/agent proposing a commercial or industrial development plan, site plan, and/or planned unit development with more than one (1) individual business or tenant any shall submit a master signage plan containing the following information:
   i.) A scaled site plan showing location of buildings, parking lots, driveways, landscaped areas, and an accurate indication on the site plan of the proposed location of present and future signs of any type, whether requiring a permit or not.
   ii.) Scaled color drawings clearly showing location of sign on building elevation.
   iii.) Computation of the maximum total sign area, maximum area for individual signs, and height of signs.
   iv.) The maximum numbers of signs affixed to a building by each business within the building shall be controlled by the master signage plan.
   v.) Other provisions of the plan may contain such other restrictions as the owner of the development or building may reasonably determine.
   vi.) The plan shall be signed by all owners or their authorized agents in such form as required by the City or as a part of applicable and active restrictive covenants.
   vii.) A master signage plan may be amended by filing administratively a new master signage plan that conforms to all requirements of this Ordinance.
   viii.) After approval of a master signage plan, no sign shall be erected, placed, painted, or maintained except in conformance with approved master signage plan and such plan may be enforced in the same way as provisions of this Ordinance. In case of any conflict between the provisions of such a plan and this Code, the Code shall govern.

(G) Planned Unit Development.

Permanent and temporary signs are regulated according to the standards for the corresponding land use and zoning category as stated
in this Section. A sign plan with differing requirements may be approved by the Zoning Administrator. Factors which will be used in determining if an individual Planned Unit Development sign plan will be considered include the following:

1. The development includes a structure three (3) stories or greater.

2. The development includes multiple structures and/or substantial site area.

3. The development includes mixed uses.

4. A sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this Section to direct high quality signage.

5. The sign plan includes permanent sign covenants which can be enforced by the City.

(H) Exemptions to the Sign Ordinance.

The following types of signs are exempted from all the provisions of this subchapter and do not require a sign permit, except for construction and safety regulations and the following standards:

1. Replacing Copy. The changing of the advertising copy or message on an approved sign which are specifically designed for the use of replaceable copy.

2. Maintenance. Painting, repainting, cleaning and other normal maintenance and repair of a sign structure unless a structural change is made.

3. Signs having an area of six (6) square feet or less, but no more than one (1) per business or more than two (2) per lot, provided the sign area does not exceed the area allowed by this subchapter.

4. Indoor Signs. Signs that are completely within a building and are not visible from the outside of said building.

5. Sculptures, fountains, mosaics, murals, and other works of art that do not incorporate business identification or commercial messages.

6. Signs installed and maintained on bus benches and/or shelters within City right-of-way, pursuant to a franchise authorized by the City Council.
7. Seasonal decorations for display on private property.

8. Non Commercial Signs. Signs of a noncommercial nature and in the public interest, erected by or on the order of a public officer in the performance of public duty such as directional signs, regulatory signs, warning signs, or incidental and informational signs.

9. Traffic Signage within the Public Right-of-Way. Permanent governmental signs for control of traffic and other regulatory/notification purposes as governed under Manual on Uniform Traffic Control Devices (MUTCD) and MN.MUTCD.

10. Non-electric bulletin boards not exceeding twelve (12) square feet in area for each public, charitable, or religious institution, when the same are located on the premises of said institutions.

11. Integral Signs. Names of buildings, dates of erection, monumental citations, commemorate tablets, and the like when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

12. Window Signs. In the MU-1, MU-2, and MU-3 Districts, window signs as defined in this subchapter shall be permitted in a window. The total area of all window signs shall not exceed twenty percent (20%) of the window glass area, to be calculated separately for each side of the building. Neon signs are permitted on the building exterior and in display windows as long as they do not cover more than twenty percent (20%) of the window area or building exterior.

13. Private Traffic Direction. Signs directing traffic movement onto a premise or within a premises, not exceeding eight (8) square feet in area for each sign. Illumination of these signs shall conform to this subchapter, except that standard traffic signal light devices may be used if needed. Horizontal direction signs on and flush with paved areas are exempt from these standards.

14. Yard Signs. Temporary yard signs not exceeding six (6) square feet in area located on the subject property and limited to one (1) such sign for each street frontage of a home, lot, parcel or tract under two (2) acres in area other than those included in this subchapter. Signs shall be removed within seven (7) days.

15. Off-Premise directional signs may be placed on private property or on the right-of-way adjacent to said private property, with the permission of the abutting property owners. The signs shall be displayed in such a manner as to not constitute a traffic hazard or impair or impede
pedestrians, bicycles, or disabled persons. Signs shall not exceed three (3) square feet in area and four (4) in number. The top of such signs shall not exceed three (3) feet in height.

16. Political Signs. Non-commercial signs of any size may be posted in any number from forty-six (46) days before the state primary in a state general election year until ten (10) days following the state general election. In the case of a special election, from thirty (30) days before the special election to seven (7) days after a special election.

17. National, State, County or City Flags. Nothing in this subchapter shall in any way prohibit or limit the display of national, state, county or city flags.

18. Decorative Flags. May be part of a permanent sign plan provided there is a maintenance schedule and it is observed. Each business is allowed up to two (2) per business. They must not interfere with pedestrian or vehicular sight-lines or mobility.

19. Address Signs. A minimum of one (1) address sign shall be required. Such sign shall be of sufficient size to be legible from the nearest street yet shall not exceed two (2) square feet in area.

(1) Prohibited Signs.

The following signs are prohibited in all districts:

1. Advertising signs (billboards).

2. Advertising or business signs on or attached to mobile equipment (but not a portable sign), where signing is a principal use of the equipment on either a temporary or permanent basis.

3. Signs mounted on chimneys, rooftop equipment, towers, flagpoles, cooling towers, elevator penthouses, commercial antennas, communication towers, belfries, church spires, and cupolas.

4. Signs which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.

5. Signs which are pasted or attached to utility poles, trees, fences, other signs or their own poles which are not specifically allowed by this subchapter.
6. Right-of-Way Signs. Signs on or over the municipal, county, or state public right-of-way, unless the City grants permission or as otherwise specified in this Section.

7. Roof Signs, except within the MU-1 District, as specifically stated within this Section. Including signs mounted on a roof surface or projecting above the roof line of a structure if either attached to the structure or cantilevered over the structure.

8. Flashing Signs. Signs with zooming, twinkling, or flashing illumination.

9. Flashing lights and bare bulb lights.

10. Rotating signs, flashing signs, and motion signs, except time and temperature and civic information.

11. Flashing or rotating signs resembling emergency vehicles or equipment of motion.

12. Signs which swing or otherwise noticeably move, or have parts which move, as a result of wind pressure because of the manner of suspension or attachment.

13. Beacon lights or search lights as a sign or for advertising purposes.

14. Internally illuminated signs (not including neon or marquee signs).

15. Monument Signs within the MU-1 District. Monument signs and mobile monument signs except for civic uses.

(J) Temporary Signs.

All temporary signs require a sign permit. The following signs are permitted:

1. Temporary Signs. Temporary signs shall be set back no less than ten (10) feet from the property line up to a sign area of thirty (30) square feet. Such signs shall be allowed no more than twenty-one (21) days prior to the event or function and must be removed within three (3) days after the event or function. Such signs may be illuminated in accordance with the restrictions set forth in this Section. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six (6) feet above ground level.

2. Street Banners. Street banners advertising a public or civic event may be displayed twenty-one (21) days prior to and three (3) days after the event, but may not hang for a period greater than thirty (30) days.
3. Decorative Banners. Decorative banners may be displayed twenty-one (21) days prior to and three (3) days after the event, but may not hang for a period greater than thirty (30) days.

4. Banners, Pennants, Whirling Devices, and Balloons. Banners, pennants, whirling devices, and balloons or any such sign resembling the same are allowed when used as an integral part of the design of the building or when used in conjunction with grand openings (the initial commencement of business) or when allowed by the provisions of this subchapter. In the case of grand openings, banners and pennants shall be allowed for the week (maximum ten (10) days) of said grand opening. In other cases, a permit shall be issued for ten (10) day periods, but limited to three (3) times a year per business. A separate occasion begins no sooner than thirty (30) days after expiration of the previous approval and removal of the previous sign, whichever is longer.

5. A-Frame (Sandwich or Tent Signs). One (1) sign allowed per business, ten (10) square feet per side, four (4) feet in height. Signs shall not be left on the sidewalk overnight and must leave a minimum of six (6) feet of clear walkway on the sidewalk.

6. Painted Window Signs. Signs must not consume more than twenty percent (20%) of the window area. Permanently painted window signage is encouraged if compatible with the architecture of the building as determined by the Zoning Administrator.

(K) Computations.

1. Sign Area Measurement.
   i.) Freestanding Signs. The area within the sign frame shall be used to calculate the square footage.
   ii.) Wall, Window, or other Structural Surface without a Sign Frame. The area without a sign frame shall be determined by drawing a box around the outermost periphery of letters or graphics. The square footage shall be that of the box surrounding the said letters or graphics.
   iii.) Each surface used to display a message shall be measured as a separate sign and shall be calculated in the overall square footage.

2. Sign Height Measurement. The height of a sign shall be measured from the existing grade except for the following: if elevations of the centerline of the nearest frontage street are provided by the sign applicant, this point of elevation may be used rather than existing grade.
3. Sign as a Structure. A sign is a structure or part of a structure for the purpose of applying yard regulations.

4. Setbacks. Within all zoning districts, signs shall be setback a minimum of ten (10) feet from all property lines.

(L) Illumination.

1. The light from any illuminated sign or from any light source, including the interior of a building, shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect on or into a residential structure.

2. No sign shall have blinking, flashing, or fluttering lights or other illuminating devices or reflective fluttering which have a changing light intensity, brightness, or color which are so constructed and operated as to create an appearance or illusion of writing or printing. An exception may be granted by the City for signs providing civic information or public service information such as date, time, temperature, and other weather devices. However, nothing contained in this subchapter shall be construed as preventing the use of lights or decorations related to religious, civic, and patriotic festivities.

3. If the sign is illuminated at night, the source of the light must be directed at the sign and must not be visible to pedestrians, motorists, or neighboring residents or businesses.

4. No exposed reflective type bulbs and no strobe lights, incandescent lamps or zip flasher which exceed seven and a half (7.5) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

5. When necessary to prevent a nuisance, the City shall specify the hours during which illuminated signs may be kept lighted.

(M) Sign Maintenance.

1. Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition and in compliance with all applicable building code requirements.
   i.) Painting. The owner or any sign shall be required to have such a sign properly painted including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust. This shall also apply to murals.
ii.) Area around Signs. The owner, or lessee of any sign or the owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area between the sign and the street and the area within six (6) feet from the ends of the sign, free from refuse.

iii.) Unsafe for Dangerous Signs. Any sign which becomes structurally unsafe or endangers the safety or a building or premises or endangers the public safety shall be considered a public nuisance and shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which the sign is located, within ten (10) days after written notification from the Zoning Administrator.

2. Abandoned Signs. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it identifies is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the City shall remove it in accordance with this subchapter. These removal provisions shall not apply where a succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this subchapter or changes copy on the signs to advertise the type of business being conducted on the premises and provided the signs comply with other provisions of this subchapter. Signs which advertise an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than thirty (30) days from the date of vacancy.

(N) Nonconforming Signs.

1. The Community Development Department shall order the removal of any sign erected or maintained in violation of City ordinances as they existed prior to July 21, 1999, the time of the adoption of the provisions of this Chapter. Removal shall be in accordance with this subsection.

2. Any nonconforming temporary, movable or portable sign existing on July 21, 1999, the time of the adoption of the provisions of this Chapter shall be made to comply with the requirements set forth herein or shall be removed within sixty (60) days after the adoption of this Chapter.

3. Other signs existing at the time of the enactment of this Chapter and not conforming to its provisions, but which did conform to previous laws and ordinances when constructed or placed shall be regarded as nonconforming signs which may be continued if properly repaired and maintained as provided in this Chapter and if in conformance with other ordinances of the City. If said signs are not continued with
conformance of above, they shall be removed in accordance with this Chapter.

4. All nonconforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Chapter.

5. Business signs on the premises of a nonconforming building or use may be continued, but such signs shall not be increased in number, area, height, or illumination. New signs may be erected only upon the complete removal of all other nonconforming signs existing at the time of the adoption of this Chapter.

6. No sign erected before the passage of this Chapter shall be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this Chapter.

**(O)**Permits.

1. Permit Requirements. No sign shall be erected, altered or relocated without a permit issued by the City. Any sign involving electrical components shall be wired by a licensed electrician, and the electrical components used shall bear an Underwriters Laboratories, Inc. seal of inspection.

2. Application. The permit application shall be signed by the applicant. When the applicant is any person other than the owner of the property, it shall also be signed by the owner of the property.

3. In addition to the above application, an agreement must be entered into with the City which would authorize and direct the City to:
   i.) Remove and dispose of, at the owner’s expense, any sign and sign structure on which a permit has been issued but not renewed, by the owner and if not removed by the owner within a thirty (30) day period following the expiration of the permit.
   ii.) Remove, at the expense of the owner, the sign and sign structure where maintenance is required but not furnished after a hearing and a ten (10) day notice to the owner specifying the maintenance required by the City.

4. The issuance of a permit may also be subject to conditions in order to promote a reasonable combination of signs and to promote conformity with the character and use of adjoining property.

5. Fees. All fees shall be set by City Council Fee Schedule.

6. Licenses and Bonds.
i.) No person, firm, or corporation shall engage the business of erecting signs under this subchapter unless licensed to do so by the Council. Such license may be granted by the Council after written application to the city, accompanied by an annual license fee to be determined by Council ordinance. This license may be terminated by the Council at any time for cause. No license shall take effect until the licenses shall file with the City a certificate of insurance, evidencing the holding of public liability insurance in the limits and coverage set by the City.

ii.) Applicants not engaged in the business of erecting signs who choose to construct and erect a sign on their own property shall be exempt from the above provisions for license and certificate of insurance.

7. Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. A permit may be renewed, and no additional fee shall be collected for the renewal.

8. Building Official. The Building Official shall issue all permits for construction, alteration, and erection or signs in accordance with the provisions of this Section and related Chapters and Titles of the City of North St. Paul City Code. In addition where appropriate, all signs shall conform to the National Electric Code and the National Electrical Safety Code.

(P) Enforcement.

1. Inspection. Any sign for which a permit is required shall be inspected periodically by the City for compliance with this subchapter and all other applicable laws.

2. Removal of Signs. The City shall order the removal of any sign erected or maintained in violation of this subchapter. Ten (10) days’ notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which such sign is located to either bring the sign into compliance with the ordinance or effect its removal. Upon failure to remove the sign or to comply with this notice, the City forces shall remove the sign. The City forces shall remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any costs of removal incurred by the City shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of faxes with all costs assessed against the property.
3. Approved Sign Plans. The City may enforce, in the same manner as the requirements of this Section, the terms of a sign plan or sign covenants which it has approved. Any violation of an approved sign plan or sign covenants is a misdemeanor.

(Q) Construction Requirements.

All signs shall be constructed in such a manner and of such material so as to be considered safe and substantial. Nothing in this subchapter shall be interpreted as authorizing the erection or construction of any sign not permitted under this subchapter.

(R) Substitution Clause.

Any sign allowed under this Section may contain, in lieu of any other message or copy, any lawful noncommercial message or copy.

(S) Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this Section or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court or competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Section or its application to any other person or situation.

154.012 VIOLATIONS AND MISDEMEANORS

Any person, firm, or corporation who shall violate any of the provisions of this Chapter, who shall fail to comply with any of the provisions of this Chapter or who shall make any false statement in any document required to be submitted under the provisions thereof shall be guilty of a misdemeanor and shall be punished as provided in M.S. § 462.362. Each day that a violation continues shall constitute a separate offense.