

REQUEST FOR CITY COUNCIL ACTION

DATE: 12/06/2010

ITEM NO: 13.a

Department Approval



City Manager Approval



Item Description: **ZONING MAP AND TEXT AMENDMENTS;** Request by the Planning Division of the City of Roseville to discuss the adoption of a new OFFICIAL ZONING MAP, effectively rezoning all properties within the City to be consistent with the Roseville 2030 Comprehensive Plan - Land Use Map and adoption of new regulations for Title 10, Zoning Ordinance, pertaining to INTRODUCTION (1001), ADMINISTRATION AND ENFORCEMENT (1002), ESTABLISHMENT OF DISTRICTS, BOUNDARIES, AND DISTRICT REGULATIONS (1003), RESIDENTIAL DISTRICTS (1004), COMMERCIAL AND MIXED USE DISTRICTS (1005), EMPLOYMENT DISTRICTS (1006), INSTITUTIONAL DISTRICTS (1007), PARK AND RECREATION DISTRICTS (1008), PROCEDURES (1009), PROPERTY PERFORMANCE STANDARDS (1011), AND PARKING AND LOADING AREAS (1019) **PROJ0017**.

1.0 PROGRESS REVIEW

1.1 For the past year the Planning Division with the assistance of The Cuningham Group (City's consultant of the zoning ordinance update project) has been working on modifications to the Official Zoning Map and the regulating text known as the Zoning Ordinance. In February a community open house was held as an introduction to review and discuss why the zoning ordinance was being updated, to review the tentative schedule, and to discuss draft districts as well as some draft regulation concepts. In March, a second community open house was held that focused on the new zoning district names, introduction and modifications to the residential districts, and the introduction of the Commercial and Mixed Use Districts.

1.2 In May, as a component of establishing the new Official Zoning Map, the Planning Division determined that a number of parcels in Roseville were inappropriately or incorrectly guided in the Comprehensive Plan and on its Land Use Map. The Division initially sought the City Council's direction for correcting these anomalies and then began the required process to amend 86 properties and their Comprehensive Plan – Land Use Map designations and Zoning classifications.

1.1 Throughout the months of May through November, the Planning Division brought forward the 11 chapters identified above at regular and special meetings of the Planning Commission. These meetings and subsequent public hearings, have allowed the Planning Division an opportunity to discuss in detail the changes from the old code to new code and to discuss the specifics of these changes. The meetings/public hearings have also been beneficial in obtaining citizen comments regarding specific aspects of the proposed

code and allowed/afforded the Planning Division an opportunity to discuss these comments/concerns in more detail and to make appropriate/applicable changes.

2.0 GENERAL - NEW VERSUS OLD CODE

2.1 Beginning with Imagine Roseville 2025 and continuing through Roseville’s 2030 Comprehensive Plan, the City has established a number of vision statements, policies, and goals that will take a new kind of zoning ordinance to achieve. The philosophy has been to create a code that is more focused on the physical form of uses and their relationships with the surrounding area. This emphasis will promote innovative practices, support more flexible standards, and streamline current processes with performance standards (to replace processes such as certain conditional uses, variances, and planned unit developments).

2.2 Zoning districts have been created with names that are similar to their counterpart land use categories found in the Comprehensive Plan.

2.3 Simple sketches and photos will be used throughout the document to illustrate specific requirements, and the formatting and general organization will be a big improvement over the current document.

3.0 OFFICIAL ZONING MAP

3.1 One of the main points of the zoning code update process is the requirement under Minnesota State Statutes that our Comprehensive Plan – Land Use Map and Official Zoning Map be consistent with one another. This process, as identified in Section 1.2, included 86 separate parcels and changes to the future Comprehensive Plan – Land Use Map. These properties are now appropriately identified on future Comprehensive Plan – Land Use Map and the Official Zoning Map. The remaining properties also have been appropriately identified to their corresponding Land Use Designation counterparts.

4.0 RESIDENTIAL DISTRICT DIFFERENCES

4.1 All of the residential districts take their names directly from their land use designations. However, there are two low density residential zoning districts (LDR-1 and LDR-2) in order to address the density range of 1.5 to 8 units per acre allowed under the Low Density Residential land use category, and the Planning Division established a second High Density Residential District (HDR-2) that has no density limitation and instead relies on meeting other site and height limitations to determine the density.

4.2 Specific residential districts regulation modifications include:

- a. Reduced minimum lot size in order to achieve 93% lot size compliance. Reduced size is equal to a minimum width of 75 feet and a minimum area of 9,500 sq. ft.
- b. Accessory structure number and overall size have been refined. The proposal limits LDR-1 and LDR-2 districts to a maximum of two “accessory structures” and a maximum total allowance of 1,008 sq. ft. The definition of accessory structure will include a garden shed to eliminate confusion over type and number.
- c. Proposed design standards for single-family residences to limit the amount of space garage doors may occupy on the street frontage; this has the effect of reducing the

visual prominence of garages on residences and enhancing the pedestrian environment.

- d. The proposal establishes specific design standards for multiple family dwellings that promote architecturally interesting buildings.
- e. Modification of certain dimensional standards such as reduction in certain setback areas; establishing height in feet, not number of stories; clarifying improvement area versus impervious coverage area (the impervious surface coverage area of 30% and 25% (shoreland lots) does not change. What is proposed to change is the process to allow improvements that create impervious coverage above 30%, requiring storm water mitigation approved by the City through a permit).

5.0 COMMERCIAL/MIXED-USE DISTRICTS DIFFERENCES

5.1 Commercial district designations also take their names from the Comprehensive Land Use designation counterparts, which eliminates a number of existing zoning district designations as well as creates a few new district designations.

5.2 Specific commercial/mixed-use districts regulation modifications include:

- a. Design standards to minimize impacts, especially for larger buildings (e.g. building placement, articulation of long facades, pedestrian orientation, four-sided design, and parking lot standards).
- b. Simplification of use table, including the elimination of certain inappropriate, outdated, or confusing uses, as well as a generalizing of retail and service uses.
- c. Clarification and update of dimensional standards regarding height, and building coverage versus impervious coverage.
- d. Mixed Use District (initially encompassing the Twin Lakes Redevelopment Area) includes both general and specific design/performance standards, and requires a regulating map that addresses the type and general placement of structures at specific locations.

6.0 EMPLOYMENT DISTRICTS DIFFERENCES

6.1 Employment district designations also take their names from the Comprehensive Land Use designation counterparts such as industrial, business park, and office, however we have combined the business park and office designations into one zoning district.

6.2 Specific employment districts regulation modifications include:

- a. Combining the three existing industrial districts, I-1, I-2, and I-2A, into a single district. Note: the “clean: high-tech industrial uses formally in the I-1 and I-2 zones have been placed in the office/business park zone. All remaining industrial uses (predominantly zoned I-2) have been placed in the single industrial district.
- b. Design standards to minimize impacts, especially for larger buildings (e.g. building placement, articulation of long facades, pedestrian orientation, four-sided design, and parking lot standards).
- c. Simplification of use table, including the elimination of certain inappropriate, outdated, or confusing uses, as well as a generalizing of industrial/office uses.

- d. Clarification and update of dimensional standards regarding height, and building coverage versus impervious coverage.
- e. Performance standards for all districts will be contained in a separate section of the code, which standards are currently under development.

7.0 INSTITUTIONAL DISTRICT DIFFERENCES

7.1 The 2030 Comprehensive Plan that Roseville adopted in May 2009 established a number of new land use designations, one of them being Institutional. This designation was created to guide civic, school, library, church, cemetery, and other similar governmental uses.

7.2 Since there was never a previous Institutional District there is no old versus new comparison. However, it is worth noting that many schools, churches and a number of civic uses are currently zoned Single Family Residential. The single family district was created around the single family home and not large scale developments such as a high school complete with stadium, track and numerous accessory facilities.

7.3 The main purpose of the Institutional District is to establish standards and regulations that better align with the uses the Planning Division have identified as institutional, and affording them similar improvement/development opportunities as other similar uses (office for instance), without the need for variances.

7.4 Institutional uses such as churches or places of worship will be allowed in Commercial Districts as well.

8.0 PARK AND RECREATION DIFFERENCES

8.1 While some districts changed or were newly created, the Park and Open Space land use designation remained the same. This particular land use designation covers all Roseville parks, our two golf courses, two Ramsey County parks, and a number of designated open space areas.

8.2 However, from a zoning code perspective, the main difference from the existing to proposed is that the current code does not specifically address standards and regulations governing any of the existing permitted or conditional uses. This lack of clarity has created challenges for the Planning Division and this clarity is something the new code needs to properly and appropriately address.

8.3 The Planning Division reviewed the current standards of the Draft Residential and Institutional Districts to identify those standards and regulations that it felt were necessary for the Park and Recreation District to be consistent with other uses and districts.

8.4 To ensure that public uses are being treated similar or consistent with their private counterparts, or that there is no special treatment of one versus the other, the Park and Recreation district includes design standards for façade articulation, types of building materials, building length, screening of rooftop mechanical and refuse and buffer strips. These requirements are consistent with other districts, most notably Institutional which regulates governmental buildings and site improvements.

8.5 The proposal also includes a use table that in some respects is very general. This is likened to the Commercial Districts and the allowance of retail in the use table. The Park

145 and Recreation District includes Park Uses as a permitted use in the table and offers
146 further clarification in the sidebar. Park Uses include, but are not limited to those uses
147 we traditionally see and/or use or better come to rely upon in our parks, including paths
148 and trails, beaches, picnic shelters sports courts, sports fields and playground equipment.
149 Those uses that are identified as conditional, if part of the Parks Master Plan, will not be
150 required to go through the conditional use process.

151 **9.0 STAFF COMMENTS/RECOMMENDATIONS**

152 9.1 The Roseville Planning Commission will be conducting the public hearing regarding the
153 Official Zoning Map and the 11 chapters as noted above on Wednesday December 1,
154 2010. The outcome of this meeting and hearing will be provided in the Request for City
155 Council Action for December 13, 2010.

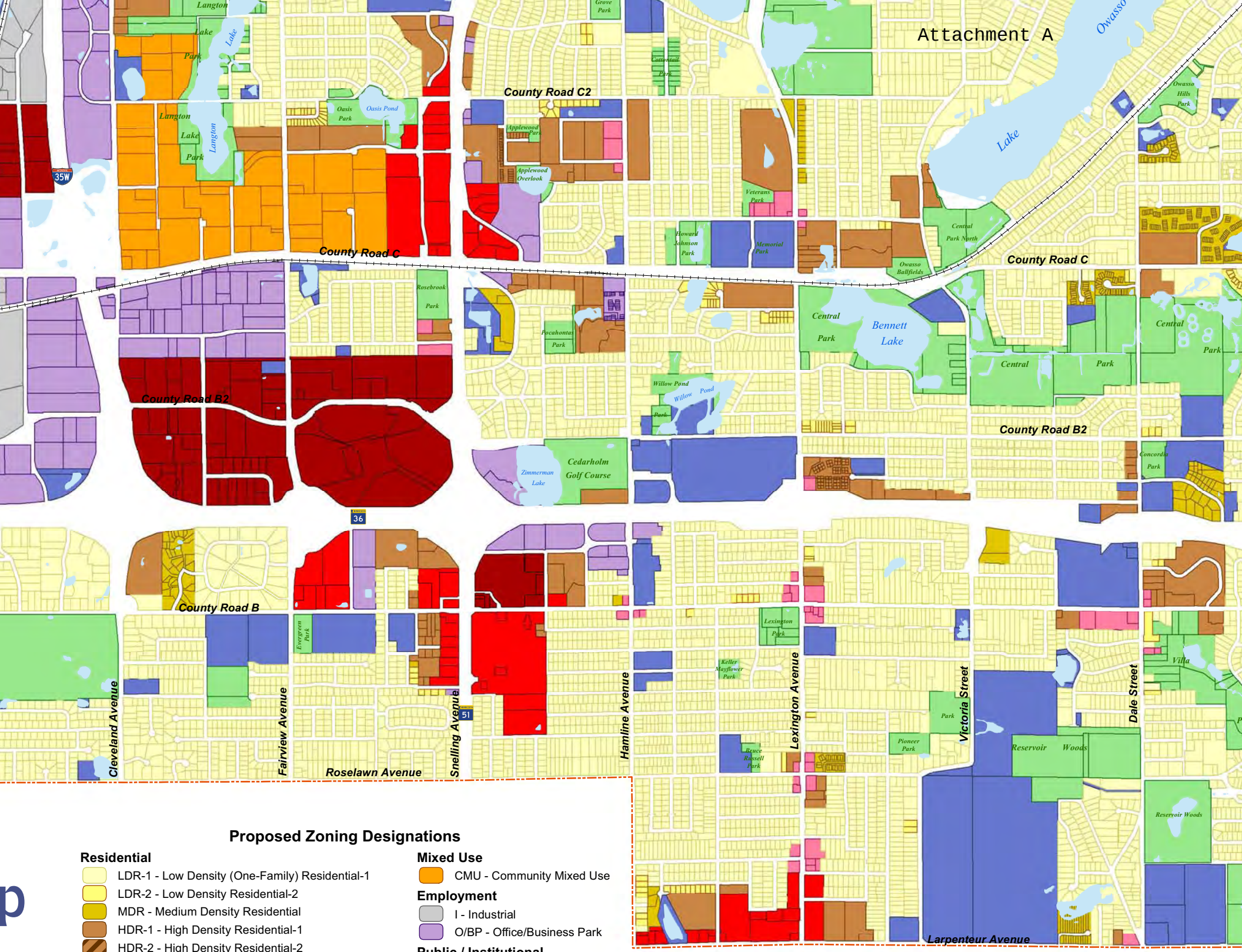
156 9.2 The Roseville Planning Division suggests a discussion regarding any issues or concerns
157 that require clarification prior to the Map and/or 11 chapters of the Zoning Ordinance
158 being adopted.

159 9.3 The 11 chapters in draft form that has been provided is current at the time of printing.
160 However, the Planning Division continues to review these 11 chapters and anticipated
161 some corrections prior to the final adoption. The submitted draft also does not include
162 any suggested modification of the Planning Commission that would be included in their
163 recommendation of Wednesday, December 1, 2010. Staff will inform the Council on
164 Monday, December 6 of any such changes or modifications, as well as additional
165 corrections the Planning Staff anticipated prior to the final adoption on December 13,
166 2010.

167 **10.0 SUGGESTED CITY COUNCIL ACTION**

168 Direct the Planning Division accordingly on the adoption of a new official Zoning Map
169 and 11 new chapters for Title 10 Zoning Ordinance.

170 **Prepared by: Thomas Paschke, City Planner**
Attachments: A: Official Zoning Map
B. Chapters 1001 – 1009, 1011
and 1019.



1001. Introduction

1001.01 Short Title

This Title shall be known, cited, and referred to as the ROSEVILLE ZONING CODE/ORDINANCE except as referred to herein, where it shall be known as “this Title.”

1001.02 Authority

This Title is enacted pursuant to the authority granted by the Municipal Planning Act, MN Stat 462.351 to 462.365, inclusive.

1001.03 Intent and Purpose

This Title shall divide the City into districts and establish regulations in regard to land and the buildings thereon. These regulations are established to:

- A. Protect and to promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the community and its people through the establishment of minimum regulations governing land development and use;
- B. Promote orderly development and redevelopment;
- C. Assist in the implementation of the Comprehensive Plan;
- D. Foster a harmonious, workable relationship among land uses;
- E. Promote the stability of existing land uses that conform with the Comprehensive Plan and to protect them from inharmonious influences and harmful intrusions;
- F. Insure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial for the City as a whole;
- G. Prevent excessive population densities and over-crowding of structures on the land;
- H. Promote healthful movement of people, goods, and services;
- I. Foster the provision of adequate off-street parking and off-street truck loading facilities;
- J. Facilitate the appropriate location of community facilities and institutions;
- K. Provide human and physical resources of sufficient quantity and quality to sustain needed public services and facilities;
- L. Protect and enhance real property values;

- M. Safeguard and enhance the appearance of the City, including natural amenities of open spaces, hills, woods, lakes, and ponds;
- N. Prescribe penalties for violation of such regulations; and
- O. Define powers and duties of the City staff, the City Council, the Planning Commission, the Board of Adjustment and Appeals, the Variance Board, the Development Review Committee, the Administrative Deviation Committee, and the Master Sign Plan Committee in relation to the Zoning Code.

1001.04 Relationship to the Comprehensive Plan

It is the policy of this City that the enforcement, amendment, and administration of this Code be accomplished with due consideration of the recommendations and policies contained in the Comprehensive Plan as developed and amended from time to time by the Planning Commission and City Council. The City Council recognizes the Comprehensive Plan as the policy for regulation of land use and development in accordance with the policies and purpose herein set forth.

1001.05 Uses Not Provided For Within Zoning Districts

Whenever a use is not specifically permitted in any zoning district and is determined by the Community Development Department to not be consistent with a permitted and/or conditional use chart, the use shall be considered prohibited. In such case, the City Council or the Planning Commission, on its own initiative or upon request, may direct the Community Development Department to conduct a study to determine if the use is acceptable and, if so, what zoning district would be most appropriate as well as what conditions and standards should be imposed relating to development of the use. The City Council, Planning Commission, or property owner, upon receipt of the Community Development Department's study, may, if appropriate, initiate an amendment to the Zoning Code/Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

1001.06 Jurisdiction and Authority

- A. This chapter is enacted under the authority granted to the City in State statutes.
- B. This chapter governs the use of all land and structures in the city unless such regulation is specifically preempted by State or Federal statutes or regulations.

1001.07 Application and Implementation

The provisions of this Title shall be the minimum requirements for the promotion of the public health, safety, morals, and general welfare. It is not the intention of this Title to interfere with, abrogate, or annul any covenant or agreement between parties. Where this Title imposes greater restrictions than any other applicable statute, ordinance, rule, or regulation, this Title shall control when and to the extent allowed by State or Federal law. Where any other applicable statute, ordinance, rule, or regulation imposes greater restrictions than this Title, such other statute, ordinance, rule, or regulation shall control. The section, subsection, and paragraph headings are for reference only, and shall not be used to interpret, enlarge, or detract from the provisions of this Title.

- A. **Minimum Requirements:** The provisions of this chapter are the minimum requirements for the promotion of the public health, safety, morals and general welfare.
- B. **Essential Services:** Essential services shall be permitted as authorized and regulated by State and/or Federal law and ordinances of the City. Such essential services are exempt from the application of this chapter, except as regulated by the City's Floodplain Ordinance.
- C. **Measurement:** All measured distance expressed in feet shall be to the nearest tenth of a foot. The measurement of distances when required by this chapter shall be done in a straight line in the plane located at a point one foot above the highest point in the surface of the ground along the path of measurement, from the closest exterior wall (extended vertically if a cantilever) of a building containing the use to the property line of the adjacent street, district, or lot, or other boundary line. If the use is not within a building, the measurement shall be the shortest distance from the location of the use to the property line of the adjacent street, district, or lot, or other boundary line.

1001.08 Rules of Construction

In construing this Title, the following rules of construction shall govern:

- A. The use of the phrase "used for" shall include the phrases "designed for," "intended for," "improved for," "maintained for," "offered for," and "occupied for."
- B. Words and phrases shall be construed according to rules of grammar and according to their common and accepted usage; but technical words and phrases and such others as have acquired a special meaning, or are defined in this Chapter, shall be construed according to such special meaning or their definition.
- C. References in this Chapter to this Title or to another Code provision, whether or not be a specific number, shall mean this Section, and the referred to Code provision, as then amended.

- D. The words “shall,” “must,” and “will” are mandatory and not discretionary.
- E. The word “may” is permissive.
- F. If there is any ambiguity between the text of this ordinance and any caption or illustration, the text shall control.

1001.09 Sidebars

The Code uses sidebars such as diagrams, charts, pictures, graphs, and commentary. The sidebar is for illustrative purposes to aide in interpreting the Code. It is provided for the convenience of the user of the Code and shall have no legal effect. Should there be a conflict between the Code language and the sidebar, the Code shall control.

1001.10 Severability of Parts of City Code

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses, and phrases of the City Code are severable, and if any phrase, clause, sentence, paragraph, or section of the Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of the Code, since the same would have been enacted by the Council without the incorporation in the Code of any such unconstitutional phrases, clauses, sentences, paragraphs, or sections.

1001.11 Definitions

The definitions in the Section shall be observed, unless it shall be otherwise expressly provided, or unless such definition should be inconsistent with the manifest of the provision, or unless the context clearly requires otherwise.

A

Abandonment: To cease or discontinue a use or activity for any reason, but excluding temporary interruptions to the use during periods of building or remodeling where a valid building permit has been issued or during periods of routine seasonal closure.

Abutting: Having a common border or boundary. This term is used interchangeably with adjacent and adjoining.

Access Aisle and Aisle: The traveled way by which vehicles enter and depart parking spaces.

Addition: Any walled and/or roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load-bearing wall or foundation.

Adjacent: Having a common border or boundary. This term is used

interchangeably with abutting and adjoining.

Adjoining: Having a common border or boundary. This term is used interchangeably with abutting and adjacent.

Airport or heliport: Any premises that is used, or intended for use, for the landing and takeoff of aircraft and any appurtenant areas used or intended for use for port buildings or other port structures or rights of way.

Alley: A public or private right of way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

Alteration: Any change, addition, or modification in construction or occupancy of an existing structure or modification to the surface of the ground.

Animal boarding facility: Any lot or premises on which dogs, cats, and other household pets are kept, boarded, or raised for sale or adoption.

Animal day care: See animal boarding facility.

Animal hospital: An establishment for the routine examination, medical, or surgical treatment and care of domestic animals, generally with overnight boarding facilities for animals in care but without kenneling of animals.

Animal grooming facility: An establishment where domestic animals are bathed, clipped, or combed, including boarding for not more than 48 hours incidental to the grooming services.

Animal shelter: See animal boarding facility.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Assembly hall: See theater.

Art gallery: A building used for the display or sale of works of art or craftsmanship, including but not limited to drawing, vocal or instrumental music, painting, photography, sculpture and writing, with no goods produced on the premises.

Artisan workshop: A use primarily involving the limited on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment that does not exceed 2 horsepower each or a single kiln not exceeding 8 cubic feet in volume and the incidental direct sale to consumers. Typical production includes: custom furniture, ceramic studios, glass blowing, candle making, custom jewelry, stained and leaded glass, woodworking, custom textile manufacturing and crafts production.

Assisted living: Housing complexes primarily for the elderly or chronically ill in which assistance with daily activities, congregate dining, and limited health care may be provided.

Athletic field: An outdoor facility developed as a baseball diamond,

softball diamond, soccer field, football field, lacrosse field, or other surface for conducting outdoor recreational activities.

Awning: See canopy.

B

Basement: That portion of a building which is included between the surface of a floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it and the floor of which is wholly or partly below ground level.

Bed and breakfast establishment: A private residence that rents rooms as temporary lodging and which is the principal residence of the operator.

Berm: A land alteration where fill is added to the surface of the ground in order to create a earthen mound or hill generally used in conjunction with walls, fences, or plant material to screen one parcel of land from another or from a street.

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways. A block may be located in part beyond the boundary lines of the corporate limits of the City.

Brewpub: An establishment which manufactures up to 5,000 barrels of fermented malt beverages per year on premises for either consumption on premises, or off premises in hand-capped or sealed containers in quantities up to one-half barrel or 15-1/2 gallons sold directly to the consumer. May include food sales.

Bingo hall: A principal or accessory use of a structure or property to operate a bingo hall licensed under chapter 304 of this code and Minnesota statutes section 349.164.

Boarder: See roomer.

Body shop: See motor vehicle repair.

Boulevard: That portion of a street right-of-way between the curblane and property line.

Building: A structure with a permanent location on the land, having a roof that may provide shelter, support, protection or enclosure of persons, animals or property of any kind.

Building, accessory: A subordinate building or structure, the use of which is clearly incidental to that of the main building, that is located on the same lot as the principal building, and is subordinate to the principal building in height and floor area.

Building, attached: A building joined to another building or structure by a shared wall.

Building, completely enclosed: A building separated on all sides from the adjacent open space, or from other buildings or structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Building, conforming: Any building or structure which: A. Complies with all the regulations of this ordinance governing the bulk of the

zoning district in which such building or structure is located; or B. Is designed or intended for a conforming use.

Building, detached: A building surrounded on all sides by open space on the same lot

Building, mixed-use: A building that houses multiple uses, which may include residential and nonresidential uses.

Building, nonresidential: A building that houses no residential uses, with the exception of a caretaker's dwelling.

Building, principal: A building in which is conducted the principal use of the lot on which it is located.

Building, residential: A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers, and which includes, but is not limited to, the following types multiple-family dwelling, single-family attached dwellings, single-family detached dwellings, and two-family detached dwellings

Building complex: A group of two or more buildings, planned or developed in a joint manner with shared parking facilities, regardless of whether such buildings or uses are located on the same lot or parcel.

Building coverage: The proportion of the lot area expressed as a percent, that is covered by the maximum horizontal cross-section of a building or buildings.

Building height: The vertical dimension measured from the average elevation of the approved grade at the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the midpoint of the ridge of a gable, hip, or gambrel roof. (For purposes of this definition, the average height shall be calculated by using the highest ridge and its attendant eave. The eave point used shall be where the roof line crosses the side wall.) In the case of alterations, additions or replacement of existing buildings, height shall be measured from the natural grade prior to construction.

Building material sales: An establishment that sells or rents building supplies, construction equipment, or home decorating fixtures and accessories. This term does not include a lumberyard or home improvement center.

Bulk: Bulk is the term used to indicate the size and setbacks of buildings or structures and the location of such buildings or structures with respect to one another, and includes size and height of buildings; location of exterior walls at all levels in relation to lot lines, streets or to other buildings; gross floor area of buildings in relation to lot area (floor area ratio; all open spaces allocated to buildings; and amount of lot area provided per dwelling unit or lodging room

C

Caliper inch: A unit of measurement describing the diameter of a tree measured one foot above the finished grade.

Call centers: An establishment principally engaged in the sale of merchandise or services by phone.

Canopy: A roof-like structure projecting from the building over an entrance or window that provides weather protection for the entry or window and may include the immediately adjacent area. Building canopies shall be considered part of the wall area for the purpose of allocation of signage.

Canopy, auxiliary: A roof-like structure projecting over, including but not limited to, gasoline pump islands, drive-through banking, or any canopy with a drive-through lane. An auxiliary canopy provides weather protection for more than the building entrance or windows. Auxiliary canopies may be attached or detached from the principal building. For sign purposes auxiliary canopies shall be considered a separate structure.

Capacity in persons: The maximum number of persons that can avail themselves of the services or goods of an establishment or use at any one time, as determined by the required floor space per person as established in the Building Code.

Car care center: A grouping of automotive service-related uses which have a common architectural theme and shared access and circulation. The center shall consist of three or more of the following: gasoline sales, lubricant sales and installation, car wash, sale of auto parts, installation of parts sold on the premises, minor automotive services such as tune-ups and repair and auto body estimating and repair (including painting) provided there be no exterior storage of damaged or inoperable vehicles or parts.

Car wash: An establishment where washing, drying, polishing, or vacuuming of an automobile or other motor vehicle is done by service personnel, the driver, or by automated machinery.

Cartage establishment: A business engaged in the hauling and moving of goods.

Catering: A business that prepares food and beverages to be delivered off premises for consumption at a social, business, or civic function and may also provide service at the function.

Cemetery: An area used for the burial or entombment of one or more deceased persons, including graveyards, mausoleums, and columbaria.

City: The word “City” shall mean the City of Roseville, Minnesota

Clinic, medical, dental, or optical: A building in which a group of physicians, dentists, or other health care professionals are associated for the purpose of carrying on their professions. The clinic may include an accessory laboratory, but not inpatient care or operating rooms for major surgery.

Club, private: See lodge, private.

Code: The words “The City Code” or “Code,” unless it shall be otherwise expressly provided, shall mean the City Code of Roseville, Minnesota, as hereby adopted.

Coffee shop: An establishment engaged principally in the sale of coffee, tea, and other nonalcoholic beverages for consumption on the premises or for carry out, which may also include the sale of a limited number of food items.

College or post secondary school: An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and not operated for profit, which operates in buildings owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities, and sororities, but not including colleges or trade schools operated for profit.

Co-location: The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.

Columbarium (plural columbaria or columbariums): A place such as a vault for the respectful and usually public storage of cremated human remains within cinerary urns. Columbaria are accessory to places of assembly for worship, cemeteries or mausoleums.

Commercial laundry: See dry cleaning establishments.

Community garden: An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Community residential facility:

Composting: The purposeful biodegradation of organic matter, such as yard and food waste.

Comprehensive Plan: The words “The Comprehensive Plan,” “The Land Use Plan,” or “Comp Plan,” unless it shall be otherwise expressively provided, shall mean the Roseville, Minnesota, 2030 Comprehensive Plan.

Condominium: An estate of real property consisting of an undivided interest in common with other purchasers in a portion of parcel of real property, together with separate interest in space in a building. As condominium may include, in addition, a separate interest in other portions of such real property, such as garage space or in the case of a cluster development, a townhome, or cluster development lot.

Congregate care: See assisted living.

Contractor’s yard: An establishment providing general contracting or building construction services, including outdoor storage of machinery or equipment.

Consignment store: A retail establishment that sells used merchandise, such as clothing, furniture, books, shoes, or household appliances, on consignment or a retail store that sells used merchandise donated to a charitable, tax exempt organization that also sorts, cleans, and marks goods for resale.

Convenience store: An establishment where motor fuel products or other minor accessories are retailed directly to the public on the premises,

in combination with sale of items typically found in a supermarket.

Convent, Monastery, or Similar religious group: A place of residence for members of a religious order who carry on religious, medical, educational or charitable work within related or unrelated institutions.

Copy shop: A business that provides duplicating services using photocopying, blueprint, off set, or electronic means, and may include the collating and binding of **booklets and reports. (printed materials?)**

Council: The word “Council” or the words “City Council” shall mean the City Council of the City of Roseville, Minnesota.

Counseling/Community service organization: An organization that provides social services, including day treatment services.

Courtyard development: A form of a cluster development that designs the residential units around a common courtyard.

Curb level: The level of the established curb in front of any building measured at the center of the building’s front. Where no curb elevation has been established, the City Engineer shall establish the curb elevation.

Currency exchange business: Any entity, except a bank, trust company, savings bank, savings and loan association, credit union, or industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders, or travelers’ checks for a fee.

D

Day care: As defined in Minnesota rules, day care means the care of a child in a residence outside the child’s own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

Day care, family: As defined in Minnesota rules, means: Day care for no more than 10 children at one time or which nor more than 6 are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.

Day care, group family: As define in Minnesota Rules, group family day care care for no more than 14 children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

Day care center: A facility in which a child care program is operated when the facility in not excluded by Minnesota Statutes and is not required to be licensed under said Minnesota Statutes as a family or group family day care home.

Density: The number of dwelling units permitted per net acre of land

Dependency living arrangement: A living arrangement which permits a person with a physical or mental disability to live in a temporary separate living area within a single-family dwelling unit or permits a relative or paid attendant of a person with such a disability to live in a temporary separate living area within a single-family dwelling unit. Such living area may include a separate bath and separate kitchen facilities which permit a degree of independence. Ingress and egress for such a living area is from within the principal dwelling unit.

Development: Any man-made change to improved or unimproved

real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

Drip line: A vertical line extending from the outermost branches of a tree to the ground.

Dormer: A window set vertically in a structure that projects through a sloping roof or a structure that contains such a window.

Dormitory: A building designed for or used as group living quarters for students of a high school, college, university, or seminary, organized and owned by a high school, college, university, or seminary.

Drainage system: One or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Drive-through: Consisting of a driveway and window, opening, canopy, or other facilities used for serving patrons seated in an automobile including the stacking spaces in which vehicles wait.. Drive-throughs may be associated with principal uses, such as restaurants, banks, or drugstores, or may be free-standing, such as coffee kiosks, ATMs, etc.

Dry cleaning establishment: An establishment that launders or dry cleans fabric, textiles, wearing apparel, or similar articles, including drop-off of articles by customers or cleaning of articles dropped off at other locations.

Dwelling: A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels or other accommodations for the transient public, lodging houses, housing cooperative or other group living arrangements.

Dwelling, multi-family: A building, or portion of a building, designed exclusively for occupancy by 3 or more families living independently of each other in individual dwelling units. (See also "Multi-family Complex).

Dwelling, one-family attached: A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having totally exposed front and rear walls to be used for access, light and ventilation.

Dwelling, one-family detached: A building designed exclusively for and occupied exclusively by one family in one dwelling unit, with yards on all sides.

Dwelling, two-family, twin: A single-family dwelling which is attached on one side to another single-family dwelling with a common side wall, each of which is located on an individual lot

Dwelling, two-family, two-flat: A building containing two dwelling units that are vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.

Dwelling, split two-family: See dwelling, two-family - twin.

Dwelling unit: One or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and a complete kitchen facility, permanently installed, shall always be included with each dwelling unit. No dwelling unit may have more than one kitchen facility except that a single-family detached dwelling may have more than one kitchen facility provided the dwelling is designed, arranged or used as living quarters for one family only. For purposes of this exception, the family shall not include roomers.

Dwelling unit, accessory: A second dwelling unit contained within a single-family dwelling or within a detached building located on the same lot as a single-family dwelling. This definition includes accessory buildings constructed in connection with a private garage or a private garage converted into a dwelling unit.

E

Easement: The grant of one or more of the property rights by the owner to, or for the use by, the public, public utility, corporation, or another person or entity.

Elderly housing: See senior housing.

Electrical substation: An assemblage of equipment through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of consumers.

Emergency electric generator: An electric generator powered by internal combustion engines which are fueled by gaseous fuels, gasoline or distillate fuel oil whose purpose is to provide electricity if normal electrical service is interrupted.

Entrance, main: The building entrance which faces the front lot or is closest to the front lot line and which entrance provides direct access to the principal use.

Equipment building, shelter, or cabinet: A building or cabinet used to house equipment used by telecommunication providers.

Essential services:

Establishment, Business: A place of business carrying on operations which are physically separate and distinct from those of any other place located on the same zoning lot.

Excavation: The removal of soil, rock, minerals, debris, or organic substances other than vegetation from a parcel of land.

F

Facade, front: The wall of building closest to the street that separates interior living spaces from exterior. An open porch without living space above it shall not be considered a front facade. For buildings on corner or through lots, the front facade is usually that facade that fronts the street of higher classification.

Family: Family shall mean one of the following: (a) Any group of people living together as a single housekeeping unit, all of whom are related by blood, marriage, or adoption plus children who are under foster care; (b)

up to four people not so related, living together as a single housekeeping unit; (c) any group of people living together as a single housekeeping unit, if no more than two adult members function as the heads of the household group and the remaining members are dependent upon them for care and direction due to age, physical disability, a mental incompetency, or for other reasons; or (d) any individual, who is the owner, living, and maintaining a common household and using a common cooking and kitchen facility.

Farm stand: An open air stand for the seasonal sale of agricultural produce produced on the same property.

Farmers market: An indoor or outdoor establishment involving sale of farm products, personally prepared food and handcrafted goods. May include concurrent special events, including cooking demonstrations, activities for children, unamplified music, and small-scale theatrical, musical, and educational presentations.

Fence: A structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, or other manufactured material or combination of materials erected to enclose, screen or separate areas.

Fence, ornamental: A fence that is no more than 50% opaque.

Fence, solid: A fence that is at least 90% opaque.

Filling: The placement of sand, gravel, earth, or other materials of any combination on a parcel of land.

Fitness center: See health club.

Floor area (for determining off-street parking requirements): Floor area when prescribed as the basis of measurement for off-street parking spaces and loading berths for any use, shall mean the sum of the gross horizontal areas of the several floors of the buildings devoted to such use, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, with the common areas divided proportionately according to the usage of said buildings.

Frontage: The relationship between the front facade of a building and the abutting street, encompassing the placement of the building and its entrances, and the treatment of front setback areas.

Funeral chapel: A facility where funeral arrangements are made and memorial and/or funeral services for the dead are held. This use does not include embalming or other preparation of dead bodies for final disposition.

Funeral homes: See mortuary.

G

Garage, private: A detached accessory building or portion of the principal building, including a carport, which is used for storing passenger vehicles, trailer of the occupant, or trucks of a rated capacity not in excess of $\frac{3}{4}$ ton.

Garage sale: A sale of used household and personal items conducted on residential premises, where the property sold consists of items owned by the occupant of the premises at which the sale takes place, or by friends

of such occupant and where the sale is conducted by such occupant or friends, and not by an agent or any other person to whom a commission, fee or salary is paid. Items for sale shall not have been purchased for resale or received on consignment for the purpose of resale. Except during the sales day and one day before and after for setup, items for sale shall be stored within the garage, screened from view with opaque fencing or screening or stored in the residence. No permit is required for a sale which meets the criteria of this Section. A property owner may apply for a garage sale promotion permit in which the applicant requests the City Council to vary or approve additional conditions beyond those stated in this Code.

Garden center: An establishment that includes indoor and outdoor retail sales of plants not grown on the site, lawn furniture and garden supplies.

Gazebo: A detached accessory building which is used for the social or recreational shelter of persons and is not used as living quarters.

Greenhouse: An establishment whose principal activity is the sale of plants grown on the site, which may include outdoor storage, growing or display, and may include sales of lawn furniture and garden supplies.

Grocery store: A retail establishment that offers for sale food products, beverages, household items and may include pharmacy, and prepared food items.

Group home: See community residential facility.

Group residential housing: See community residential facility.

H

Health club : An establishment for the conduct of indoor sports and exercise activities, which may include related locker and shower rooms, offices, and classrooms, and where use is offered on a membership basis.

Home occupation: An office or studio, service business, or limited production of goods within a dwelling unit by a resident of the dwelling, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes.

Hospital: An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

Hotel: See lodging.

I

Impervious surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Inn: See lodging.

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

J

Junkyard: An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles and unlicensed or inoperable motor vehicles and parts thereof. A junkyard includes an automobile wrecking or dismantling yard, but does not include uses established entirely within enclosed buildings.

K

Kennel: See animal boarding facility.

Kitchen facility: A kitchen facility is one which includes kitchen fixtures such as cabinets, sinks, refrigerators and stoves, or articles used or intended to be used for cooking.

L

Laboratory for research, development, and/or testing: Establishments which conduct research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale; or establishments conducting educational or medical research or testing. May include limited accommodations for researchers or research subjects.

Lattice tower: A self-supporting structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.

Landscape edging: A material, typically set flush with the ground, used to differentiate a planting bed from turf, or adjacent planting beds.

Landscape plan: An integrated set of documents that may consist of both drawn and written materials whose purpose is to identify, for a proposed development, the means of compliance with the landscaping, screening and site stabilization standards of the City Code.

Lawn and garden center: A retail establishment where the primary sales are limited to lawn, garden and indoor horticultural products and garden tools, equipment and supplies reasonably related to the care, construction and maintenance of lawns and gardens.

Limited production/processing: Light manufacturing, fabrication, assembly, processing, packaging, research, development, or similar uses which are predominately conducted indoors and which would not be disruptive of, or incompatible with, other office, retail, or service uses that may be in the same building or complex. Limited production/processing generally does not include industrial processing from raw materials.

Live-work unit: A dwelling unit in combination with a shop, office, studio, or other work space within the same unit, where the resident occupant both lives and works.

Loading space: A space accessible from a street, alley or way in a building

or on a lot for the use of trucks while loading and unloading merchandise or materials.

Lodge, private: A nonprofit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building, or space within a building, which is restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting.

Lodging:

Lot: A tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds.

Lot, corner: A lot of which at least 2 adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such 2 sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its point of beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.

Lot, non-conforming pre-existing: Any lot which does not comply with existing code requirements, but which complied with existing regulations at the time the lot was established.

Lot, reversed corner: A corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot, through: A lot having a pair of opposite lot lines along, and access to, 2 more or less parallel public streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot area: The area of a horizontal plane bounded by the front, side and rear lot lines.

Lot coverage: The total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than 5 feet, pervious pavement, and green roofs.

Lot depth: The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries

Lot line, front: The boundary of a lot which abuts an existing, dedicated or officially mapped street. In the case of lot abutting more than one street, the owner may choose any street lot line as the front lot line, with the consent of Zoning Administrator, based on the effects of such choice on development of the lot itself or on adjacent properties.

Lot line, rear: That lot line which is opposite and most distant from the front lot line.

Lot line, side: Any lot line that is not a front lot line or a rear lot line.

Lot width: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required structure setback line.

Lot, zoning: A planned commercial site or a lot or lots that is a single tract of land located within a single block which, at the time of filing for a building permit, is to be used, developed or built upon as a unit. Therefore, a zoning lot or lots may or may not coincide with a lot of record.

M

Manufactured home: A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term “manufactured home” includes a mobile home but does not include a “mobile recreational vehicle.”

Manufacturing, production and processing: Manufacturing, assembly, processing, research, development, or similar uses which may involve raw materials and have the potential to produce objectionable influences on surrounding properties or adverse effects on the environment. Manufacturing, production and processing uses require special measures and careful site selection to ensure compatibility with the surrounding area.

Market garden: An area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, to be sold for profit

Massage therapy: A profession in which the practitioner applies massage techniques, and may apply adjunctive therapies, with the intention of positively affecting the health and well-being of the client. Massage therapy does not include diagnosis, except to the extent of determining whether massage therapy is indicated. Further, “massage” is manual manipulation of the human body, including holding, positioning, causing movement, and applying touch and pressure to the body; “therapy” is action aimed at achieving or increasing health and wellness; “adjunctive therapies” may include (1) application of heat, cold, water, mild abrasives, topical preparations not classified as prescription drugs, (2) the use of mechanical devices and tools which mimic or enhance manual actions and (3) instructed self care and stress management.

Mini/Self-storage facility: A building or group of buildings having the following characteristics: control access and secured areas which contain varying sizes of individually compartmentalized and controlled access stalls or lockers for the dead storage of the customer’s goods or possessions. Access to all storage units shall be oriented into interior courtyards fully enclosed by buildings or walls, except for ingress and egress openings. Exterior finish shall be face brick or equal.

Mobile home: See manufactured home.

Monopole: A monopolar structure, erected on the ground to support wireless communication antennas and connecting appurtenances.

Mortuary: A facility where funeral arrangements are made and/or funeral services for the dead are held and where dead bodies are embalmed or otherwise prepared for final disposition.

Motel: See lodging.

Motor freight terminal: A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate or interstate shipment by motor truck.

Motor fuel sales: A place where gasoline, kerosene, or any other motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles.

Motor vehicle dealer: Any person licensed by the State and engaging in the business of selling, purchasing, and generally dealing in new and used motor vehicles having an established place of business for the sale, trade, and display of new and used motor vehicles and having in such motor vehicle dealer's possession new and used vehicles for the purposes of sale or trade.

Motor vehicle repair: The repair and/or replacement of any part or repair of any part including such items as the engine head or pan, engine transmission or differential, rebuilding or reconditioning of engines, bodywork, framework, welding, painting, upholstering service to passenger vehicles and trucks not exceeding 3/4 ton capacity.

Motor vehicle salvage yard, Scrap yard: A facility where used motor vehicles and vehicle parts are sorted, stored, dismantled, assembled, and distributed, including wholesale and retail sales of such materials. Scrap or salvage materials include, but are not limited to, scrap iron and other metals, rubber tires, plastics, and other material which has been a part of or is intended to be a part of a motor vehicle.

Mulch: A protective covering of materials placed around plants to control weeds and moderate evaporation of moisture or freezing. Examples of mulch include organic mulch such as wood chips, shredded hardwood, and cocoa beans and inorganic mulch such as stones or rocks. Materials creating an impermeable cover shall not be considered mulch.

N

Natural grade: 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.

Net acre:

Nonprofit: A group, often a corporation, organized for purposes other than generating profits; for example, a charitable, educational, religious, or scientific organization, the income of which is exempt from taxation under the Internal Revenue Code. When used with respect to a recreational building or community center, "nonprofit" means a facility owned or operated by a nonprofit corporation or association.

Non-motorized pathways: On-road and off-road pathways which are used for pedestrian, bicycle, and other non-motorized means of transportation, the specifications of which shall be established by the Public Works Director.

Noxious matter: Material which is capable of causing injury or malaise to living organisms or is capable of causing detrimental effect upon the health or the psychological, social, or economic well-being of human

beings.

Nursery school: A public or private facility, licensed by the state, the principal function of which is to provide an educational experience outside of the family home for children of preschool age.

Nursing home: A state-licensed establishment having accommodations for the continuous care of two or more invalid, infirm, aged convalescent patients, or disabled persons that are not related.

O

Occupant: Any person who occupies the whole or any part of a building or land, either alone or with others.

Office: Unless otherwise specified, office means the general use of a building for administrative, executive, professional, research, or similar organizations having only limited contact with the public. Office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, firms providing architectural, computer software consulting, data management, academic instruction, engineering, interior design, graphic design, or legal services.

Office, medical or dental: An establishment principally engaged in providing therapeutic, preventative, corrective, healing and health-building treatment services on an outpatient basis by physicians, dentists and other practitioners. Typical uses include medical, chiropractic and dental offices and clinics.

Office showroom: A facility in which up to 50% of the total floor area is utilized for the conduct of a business that involves the display and sale of goods or merchandise on the premises.

Office warehouse: A facility in which up to 50% of the total floor area is utilized for the conduct of a business that involves the storage and distribution of goods or merchandise from the premises.

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.

Or, And: The word “or” may be read “and,” and the word “and” may be read “or” as the sentence requires.

Ordinary high water mark: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Outdoor display: The display of goods for sale or rental outside of an enclosed building on a permanent or recurring basis.

Outdoor sales events: A seasonal or occasional sale held on the sidewalk or other location outside a building.

Outdoor storage: Permanent storage of goods, materials, equipment or service vehicles outside of an enclosed building. Off -street parking is not

considered “outdoor storage.”

Owner of building or land: Any sole owner, part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety.

P

Parking facility: An area used for parking vehicles and includes parking lots and parking structures.

Parking island: Raised or depressed non-traffic areas in off-street parking lots, the placement of which is intended to improve safety and an orderly flow of traffic in the parking lot. Parking islands in surface parking lots may often contain landscape plantings which also serve to visually break up large expanses of asphalt.

Parking lot: A one-level, surfaced, open-to-the-air area used for parking vehicles.

Parking space: A impermeable surface located in a permanently maintained area, either within or outside of a building, of sufficient size to store one automobile.

Parking structure: A multi-level parking area, wherein one or more levels are supported above the lowest level, and is commonly called a parking garage or parking ramp.

Pawn shop: Any business establishment operated by a Pawnbroker as defined in Chapter 311 of the Roseville City Code, in which pawn transactions take place.

Person: The word “person” shall include a corporation, firm, partnership, association, organization, and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever a violation of any section of the City Code is punishable by a penalty or fine, and whenever the word “person” is used in such section for which a penalty is imposed for such violation, “person” shall include partners or members of partnerships or associations, and as to corporations, shall include the officers, agents, or members thereof who are responsible for any violation of said section.

Personal storage container:

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.

Pet services facility: A business establishment that provides any of the following services or retail activity either individually or in combination, for pets and domesticated animals: sales, veterinary care, animal hospital, short-term daily care, doggie day-care, training classes, boarding, kenneling, and grooming.

Photovoltaic system: An active solar energy system that converts solar energy directly into electricity.

Place of assembly: A facility providing for the assembly of persons for interaction as a primary use, including community centers, and religious institutions. Place(s) of assembly do not include community education or art centers, schools, instructional centers, day care facilities, family day shelters, conservatories, convention centers, libraries, museums, residential dwellings, recreational and entertainment facilities, theaters, or social service distribution facilities which fall under separate definitions in this Code.

Plant nursery: See greenhouse.

Play equipment: Equipment used by residents of a principal building for on-premises games and sports, including but not limited to swings, slides, climbers, teeter-totters, basketball baskets and backboards, badminton nets, and similar equipment, but not including recreational devices normally utilized off the premises, including but not limited to boats, boat trailers, campers, travel trailers, and snowmobiles.

Portable storage units: A portable structure used for temporary storage of household goods in residential areas.

Principal structure: The main structure for that use to which the premises are devoted and principal purposes for which the premises exist.

Principal use: A principal use is the main use of land or buildings as distinguished from a subordinate or accessory use.

Property: The word “property” shall include tangible or intangible, real, personal, or mixed property.

Public safety facility: A government facility for public safety, service, and emergency services, including a facility that provides police or fire protection and public-related services.

Public way: Any sidewalk, street, alley, highway, or other public thoroughfare.

R

Recreation, indoor: A facility for the indoor conduct, viewing, or participation in recreational activities. This term includes, but is not limited to, an indoor driving range, volleyball court, tennis court, bowling alley, ice or roller skating rink, swimming pool, billiard hall, or basketball court.

Recreation, outdoor commercial: A facility for outdoor conduct, viewing, or participation in recreational activities, which may include one or more structures. This term includes but is not limited to a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, sporting club, amusement park, miniature golf course, or water park.

Recreation vehicle: Any properly and currently licensed vehicular, portable structure which is (a) built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses; (b) any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation; (c) any portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle; and (d) any folding structure, mounted on wheels and designed for travel, recreation

and vacation use.

Recycling center: A facility for the deposit, sorting, or batching, including limited compacting or crushing of recyclable materials, but no further processing of post-consumer recyclable materials.

Renewable energy easement: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

Renewable energy system: A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

Residential boutique sale: The sale of handcrafted items conducted on residential premises, where the items sold are made by the occupant of the premises at which the sale takes place, or by friends of such occupant, and where the sale is conducted by said occupant or friends of such occupant and not by an agent or any other person to whom a commission, fee, or salary is paid. Items for sale shall be made in the home and not purchased for resale from any retail or wholesale business source nor received on consignment for the purpose of resale.

Restaurant, fast food: An establishment where customers are served their food from a counter or in a motor vehicle, in disposable packages prepared to leave the premises or to be taken to a table or booth for consumption on the premises. Fast food convenience can be a café, coffee shop, and/or deli and can include drive-through facilities.

Restaurant, limited:

Restaurant, tavern: An establishment in which meals are provided and fermented malt beverages or intoxicating liquors are sold for consumption upon the premises and where meals account for over 50% of the gross receipts.

Restaurant, traditional: An establishment where customers are served their food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within a building and which does not serve liquor. Traditional restaurants may also be a café, cafeteria or buffet, coffee shop, and/or deli. Drive-through facilities are not allowed.

Retail, general and personal services: General retail sales include the retail sale of products to the general public, sometimes with provision of related services, and produce minimal off-site impacts.

Reverse corner:

Right-of-way: The words “right-of-way” shall include any street, alley, boulevard, parkway, highway, or other public thoroughfare.

Roof pitch: The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

Room: A partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room

or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom, or bedroom through a bathroom situation is created.

Roomer: A person living in a dwelling unit who is other than part of the family because of blood, marriage, or legal adoption, and is other than a foster child.

Rowhouse: A dwelling not more than 3 stories in height, arranged to accommodate 2 or more attached row dwelling units in which each dwelling unit is separated from the adjoining unit by a wall extending the full height of the building. Also known as “single-family attached.”

S

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: A hedge, wall, or fence to provide a visual separator and physical barrier not less than 4 feet nor more than 6 feet in height, unless otherwise provided for in this ordinance.

Seasonal sales, outdoor: Outdoor seasonal retail sales, where permitted, including but not limited to the seasonal sale of Christmas trees, plants, flowers, vegetables and related products available on a seasonal basis.

Secondhand store: See consignment store.

Self-storage facility: A building or group of buildings of one or more levels with, usually, but not limited to, the following characteristics: controlled access and secured areas which contain varying sizes of individual compartmentalized and controlled-access stalls or lockers for the dead storage of customer's goods or possessions.

Senior housing: A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from assisted living or nursing homes.

Service businesses with showroom or workshop: Office of a contractor, builder, painter, etc. that includes an enclosed showroom for display of samples, appliances, supplies, and other materials used in the business and/ or an enclosed workshop for limited assembly or preparation of building materials.

Setback: The minimum distance by which any building or structure must be separated from a street right-of-way, lot line, or ordinary high water line. Also known as “required yard.”

Setback, front yard: The minimum distance by which any building or structure must be separated from the front lot line.

Setback, rear yard: The minimum distance by which any building or structure must be separated from the rear lot line. In the case of an irregular, triangular or gore-shaped lot, a line 10 feet in length entirely within the lot, parallel to and most distant from the front lot line shall be considered to be the rear lot line for the purpose of determining the rear yard setback.

Setback, side yard: The minimum distance by which any building or structure must be separated from the side lot line.

Setback, street yard: The minimum distance by which any building or structure must be separated from the front, side or rear lot line when such lot line abuts a street right-of-way.

Shrub: A low, usually several stemmed, woody plant.

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

Sign: A name, identification, description, display, illustration, or device which is affixed, painted, or represented directly or indirectly upon the outside of a building, structure, or piece of land 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. Official court or public notices, or any flag, emblem, or insignia of a nation, political unit, school, or religious group, shall not be considered a sign under this ordinance. See Section ____ for additional sign definitions.

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 Code and is in a single ownership or has multiple owners, all of whom execute a joint application for development.

Sports club: See health club.

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 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, to provide cooling, to produce electrical power, to produce mechanical power, to provide solar daylighting or to 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 energy easement: See renewable energy easement.

Solar energy system: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

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, 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 system, building-integrated: An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

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.

Solar system, passive: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Start of construction: For the purpose of floodplain regulation only, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or

the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State: The word “State” shall mean the State of Minnesota.

Storage, outside: Exterior stockpiling or safekeeping of materials, machinery, equipment, tools, products, vehicles, shopping carts, snow, and accessories. The parking of vehicles for a period of less than 48 consecutive hours does not constitute outside storage

Story: A story is that portion of a building, other than a basement or mezzanine, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. For the purposes of this ordinance, there shall be only one basement which shall be counted as a story when the front exterior wall of the basement level is exposed more than 50%. Any part of a building that is above the second story and between the eaves and the ridge line of pitched roofs with a slope of 8:12 (33.7 degrees) or greater, is not a story, but may be occupied as long as the requirements for human occupancy are met.

Street: A public right-of-way which affords a primary means of access to abutting property.

Structural alteration: Any change other than incidental repairs which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

Structure: A structure is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, and in the case of floodplain areas, in the stream bed or lake bed.

Structure, accessory: See building, accessory.

Structure, conforming: See building, conforming.

Structure, non-conforming illegal: Any building or structure illegally established when it was initiated, created, or constructed, which did not conform with the applicable conditions or provisions of the City Code for the district in which the building or structure is located.

Structure, pre-existing non-conforming: Any building or structure which does not comply with existing code requirements, but which complied with existing regulations at the time the building or structure was constructed. Such a building structure may be continued including through repair, replacement, restoration, maintenance, improvement, and expansion, but only as specifically authorized in [Section ____](#) of this Title.

Substantial damage: For the purpose of floodplain management only, “substantial damage” means damage of any original sustained by a structure, whereby the costs of restoring the structure to its pre-damaged condition would equal or exceed 50% of the equivalent assessed value of the structure before the damage occurred.

Substantially underway: The use is commenced or construction is begun and diligently prosecuted toward completion.

Swimming Pool: Any structure intended for swimming or recreational bathing that contains water over 24 inches.

T

Tavern: An establishment serving fermented malt beverages or intoxicating liquors primarily for consumption on the premises and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use.

Tea house: See coffee shop.

Telecommunication facilities: Any plant or equipment used to carry wireless commercial telecommunications services by radio signal or other electromagnetic waves, including towers, antennas, equipment buildings, parking area and other accessory development.

Telecommunications tower: A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than 15 feet tall and 6 inches in diameter supporting one or more antennas, dishes, or arrays shall be considered a telecommunications tower.

Tenant: Any person who occupies the whole or any part of a building or land, either alone or with others.

Theater: A facility for presenting motion pictures or live performances for patrons. This term includes an outdoor stage, band shell, or amphitheater but does not include an adult entertainment establishment.

Townhouse/rowhouse: A building or group of buildings that include three or more dwelling units on a site where the dwelling units are configured in a side by side fashion and share at least one common wall but are not vertically stacked.

Trailer: Any structure which is or may be mounted upon wheels for moving about, and is propelled by its own power or drawn by other motive power, and which is used as a dwelling or as an accessory building or structure in the conduct of a business, trade or occupation, or is used for hauling purposes.

Transportation demand management (TDM): Measures, including but not limited to carpooling, vanpooling, public transit bicycling, walking, telecommuting, and compressed or deviated work schedules, that reduce individual vehicle trips and promote alternatives to single occupant vehicle use especially at peak commuting times.

Tree: A self-supporting woody perennial having one or several self-supporting stems or trunks and numerous branches which normally

attains an overall height of 15 feet at maturity. Trees may be classified as deciduous or evergreen.

Tree, canopy: A deciduous tree planted primarily for its high crown of foliage or overhead canopy.

Tree, deciduous: A plant with foliage that is shed annually

Tree, evergreen. A plant with foliage that persists and remains green year round.

Tree, ornamental: Any tree planted primarily for its ornamental value of for screening purposes and tends to be smaller at maturity than canopy trees.

Tree, overstory: A self-supporting woody plant or species normally growing to a mature height over 25 feet and a mature spread of at least 25 feet. Many overstory trees are considered deciduous trees.

Tree, understory: A self-supporting woody plant or species normally growing to a mature height between 15 and 30 feet and a mature spread of at least 15 feet. Many understory trees are considered ornamental trees.

U

University: See college.

Usable open space: That portion of a zoning lot, outside of a required front or corner side yard, as extended to the rear lot line, that is available to all occupants for outdoor use. Usable open space shall not include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than 5 feet, and pervious pavement may be included in usable open space. Usable open space may include balconies and roof decks where specified in this ordinance.

Use: The use of property is the purpose or activity for which the land or building thereon is occupied or maintained.

Use, accessory: A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, and serving the occupants of the principal use or structure.

Use, conditional: A conditional use is a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. A special exception to the height, area or bulk standards of this ordinance may also be allowed as a conditional use, where specified. After due consideration, as provided for in this ordinance, of the impact of such use or exception upon neighboring land and of the public need for the particular use at a particular location, the conditional use may or may not be granted.

Use, commercial: A use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over any period of time.

Use, illegal nonconforming: A use illegally established when it was initiated, created, or constructed, which did not conform with the applicable conditions or provisions of the City Code for the district in

which the use is located.

Use, permitted: A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of the district in which such use is located.

Use, pre-existing nonconforming: Any use which does not comply with existing code requirements, but which complied with existing regulations at the time the use was established. Such a use may be continued including through repair, replacement, restoration, maintenance, improvement, and expansion, but only as specifically authorized in Section 1002.05 of this Title.

V

Vehicle: A device for carrying or conveying persons or property which may be self-propelled or may be drawn, or towed, by self-propelled vehicle.

Vehicle rental facility: A facility primarily engaged in the rental of automobiles or light trucks and vans that may include incidental parking and servicing.

Veterinary clinic: See animal hospital.

W

Walk-up service opening: A window or door in a commercial establishment which is used for the sale of food or drinks to pedestrians.

Warehousing, Storage: An establishment providing storage and distribution of merchandise and bulk goods, typically involving heavy truck and/or freight rail traffic.

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 not support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Wholesale establishment: An establishment providing storage, distribution, and sale of merchandise and bulk goods, including mail order and catalog sales, importing, wholesale, or retail sales of goods received by the establishment but not sale of goods for individual consumption.

X, Y, Z

Yard: Open space on a zoning lot between the principal building and the adjoining lot lines.

Yard, front: A yard extending along the full length of the front lot line between the side lot lines.

Yard, rear: A yard extending along the full length of the rear lot line between the side lot lines.

Yard, required: See “Setback.”

Yard, side: A yard extending along a side lot line from the front yard to

the rear yard.

Yard sale: Any lawn sale, garage sale, attic sale, rummage sale, moving sale or other similar sale involving the display and/or sale of new and/or used goods on a zoning lot where the principal use is residential.

Yard waste site, municipal: A facility for collection, storage, and composting of vegetative matter resulting from landscape maintenance.

1002. Administration and Enforcement

1002.01 Introduction

- A. Title 10, Zoning Ordinance, shall be administered and enforced by the Community Development and Police Departments. No building permit shall be issued until the Community Development Department has certified that the proposed building or alteration complies with all the provisions of the Zoning Ordinance.
- B. The Community Development and Police Departments shall have all the powers, duties, and responsibilities necessary to enforce the provisions of the Zoning Ordinance.

1002.02 Validity

If any section, paragraph, subsection, clause, or provision of the Zoning Ordinance shall be declared to be invalid, such decision shall not affect the validity of the Zoning Ordinance as a whole or any of the parts not invalidated.

- A. **Conflicting Provisions:** If any section of the Zoning Ordinance conflicts with any other section, the section that places the greater restrictions shall prevail and be in force and effect.
- B. **Building Code:** All of the provisions of the City's Building Code, including those sections pertaining to the requirements, application for issuance of, and fees for permits shall remain in force and effect.

1002.03 Enforcement

- A. Any person, firm, or corporation shall be guilty of a misdemeanor who:
 - 1. Violates, disobeys, admits, neglects, or refuses to comply with any provision of the Zoning Ordinance; or
 - 2. Resists the enforcement of any of the provisions of the Zoning Ordinance.
- B. **Separate Offences:** Each day that a violation continues to exist shall constitute a separate offense punishable under the City Code.

1002.04 Revocation

If an approved conditional use or interim use is in violation of this

Title or the conditions of approval, the City may initiate a process to revoke the conditional use or interim use. The City shall then conduct a public hearing to consider the revocation of a conditional use permit. Notifications shall be distributed and published according Chapter 108 of the City Code. In considering revocation, the Commission and the City Council shall consider compliance with the approved conditions of the conditional use or interim use and the standards listed identified in Chapter 1009, Procedures. Following a vote by the City Council to revoke the conditional use or interim use, the City shall file a certified copy thereof including a legal description of the property with the County Recorder and/or Registrar of Title.

1002.05 Nonconforming Use

- A. Any legal nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this Title, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:
 - 1. The nonconformity or occupancy is discontinued for a period of more than 1 year; or
 - 2. Any nonconforming structure is destroyed by fire or other peril to the extent of greater than 50% of its market value and no building permit has been applied for within 180 days of when the property is damaged. In this case, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.
 - 3. Exceptions: Notwithstanding the preceding requirements, pre-existing nonconforming structures or uses on LDR-zoned properties, including those within Shoreland or Wetland Management Districts, may be expanded when:
 - a. Nonconforming setbacks are not further reduced;
 - b. Nonconforming building separations are not further reduced;
 - c. Nonconforming height is not further increased;
 - d. Nonconforming improvement area is not further increased; and
 - e. No new nonconforming conditions are created.
- B. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.
- C. Notwithstanding subparagraph A, above, the City shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in

floodplain areas consistent with the City's Floodplain Ordinance.

- D. **Unimproved Lots:** Any platted lot existing on January 1, 2011, and then held in separate ownership different from the ownership of adjoining lots may be used for the erection of a lawful structure, even though its area and width are less than the current minimum requirements so long as the remaining zoning requirements are met (or as a variance may permit).
- E. **All Districts Exception:** Where a pre-existing principal or accessory structure, including expansion thereof, for which a property line setback dimension has been made substandard by eminent domain or other formal public agency action, such structure shall be considered a legally conforming structure. All future additions to the structure or use shall meet the current required setback from the revised property or easement line.

1002.06 Official Zoning Map Changes and Chapter Amendments

- A. No change shall be made in the boundary line of any zoning district, in the permitted and/or conditional uses, or in the regulation for any zoning district except through the procedure established in Section 1009.06 of this Title.
- B. The adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from a residential district to a commercial, community mixed-use, employment, or institutional district requires a two-thirds majority of all members of the City Council.

1002.07 Authority and Duties for Administration

The City officials and bodies identified in this section, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this Title.

- A. Community Development Department
- B. Development Review Committee
- C. Administrative Deviation Committee
- D. Master Sign Plan Committee
- E. Planning Commission
- F. Variance Board
- G. City Council
- H. Board of Adjustment and Appeals

A. Community Development Department

1. Membership: The Community Development Department shall be comprised of positions created by the City Council which are primarily responsible for matters related to land use, zoning, building permits, code enforcement, and development.
2. Duties: The Community Development Department shall have the following responsibilities:
 - a. Conduct inspections of buildings and uses of land to determine compliance with the provisions of this Title;
 - b. Maintain permanent and current records of this Title, including, but not limited to, all associated maps, amendments, conditional uses, variances, and appeals;
 - c. Receive, file, and forward all applications for building permits, appeals, variances, conditional use, interim use, zoning ordinance amendments, or other matters to the appropriate decision-making body;
 - d. Hold pre-application meetings, as necessary;
 - e. Make a determination of compliance with this Title on all applications for building permits, land use applications, and certificates of occupancy;
 - f. Provide zoning information to residents and others upon request; and
 - g. Interpret the provisions of this Title.

B. Development Review Committee

1. Membership: The Development Review Committee (DRC) shall be composed of City staff members representative of departments and/or divisions of the City dealing with various aspects of development and land use.
2. Duties: The DRC shall have the following responsibilities:
 - a. Reviewing land use applications for conformance with the technical requirements of this Code, maintaining a schedule for processing the application within the time frames of this Code and of State law, and as necessary, meeting with applicants and soliciting comments of other public agencies; and
 - b. To determine land use application completeness and to develop appropriate information and recommendations in order to adequately and appropriately advise City Commissions and the City Council on land use applications.
3. Meetings: The DRC shall meet when necessary as land

use applications are received and/or other proposed developments require review and comment of the full committee.

C. Administrative Deviation Committee:

1. Membership: The Administrative Deviation Committee (ADC) shall comprise members of the Development Review Committee from the Public Works and Community Development Departments.
2. Duties: The ADC shall review applications for administrative deviation made pursuant to Section 1009.01 of this Title, and provide recommendations pertaining to the approval or denial of the request to the Community Development Director.
3. Meetings: The ADC shall meet as necessary to review and process Administrative Deviation applications.

D. Master Sign Plan Committee:

1. Membership: The Master Sign Plan Committee shall be composed of members of the Community Development Department and, when deemed necessary, other members of the City staff may be invited to attend and provide comments and a recommendation regarding a proposed Master Sign Plan (MSP).
2. Duties: The Master Sign Plan Committee shall have the following responsibilities:
 - a. To establish fair and equitable criteria for complex signage situations that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification.
 - b. To review proposed MSP's and their specifications for conformance with the technical requirements of Chapter 1010 of this Title.
 - c. To provide applicants with necessary and/or applicable modifications in accordance with MSP criteria.
 - d. To approve all Master Sign Plans.
3. Meetings: The Master Sign Plan Committee shall meet as necessary to take action on submitted MSP applications.

E. Planning Commission

1. Membership: The Planning Commission shall consist of 7 residents of Roseville, one of whom may be a member of the City Council.
 - a. Appointment: The Planning Commission shall be appointed by the City Council and shall have the

powers and duties given such agencies generally by MN Stat. 462.351 through 462.364, as amended.

- i. Term of Appointment: A member's term shall be for 3 years.
 - ii. Oath: Every appointed member shall, before entering upon the discharge of his/her duties, take an oath to faithfully discharge the duties of the office.
 - iii. Members: Members may be removed from the Planning Commission by a four-fifths vote the City Council
 - iv. Vacancies: Vacancies during the term shall be filled by new appointments by the City Council for the unexpired portion of the term.
 - b. Organization:
 - i. Officers: The Planning Commission shall elect one of the members to act as chairperson and one member to act as vice chairperson. The Community Development Department shall act as the Planning Commission's secretary.
 - ii. Term: The term of the chairperson and vice chairperson shall be for one year. The chairperson and vice chairperson shall be elected by the Planning Commission at the last regular Planning Commission meeting of March, effective April 1, during each calendar year.
 - iii. Additional Officers and Committees: The Planning Commission may elect such other officers as may be necessary and may give the chairperson authority to appoint committees if such appointments should become necessary.
2. Duties: The Planning Commission shall have the following responsibilities:
 - a. Hear and make recommendations to the City Council regarding all applications for a conditional uses;
 - b. Hear and make recommendations to the City Council regarding applications for interim uses;
 - c. Hear and make recommendations to the City Council regarding all applications for an amendment to this Title, both text amendments and amendments to the district boundaries on the Official Zoning Map;

- d. Review this Title from time to time and make recommendations to the City Council that changes be initiated;
 - e. Hear and make recommendations on any other matter referred to it by the City Council; and
 - f. Adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, and findings, which record shall be a public record.
3. Meetings: The Commission shall hold at least one regular meeting on the first Wednesday of each month, as necessary

F. Variance Board

1. Membership: In accordance with MN Stat 462.354, as may be amended, the Variance Board shall be comprised of 3 members and 1 alternate appointed by the City Council from among the members of the Planning Commission.
2. Duties: The Variance Board shall hear and make decisions on all applications for a variance from the literal provisions of this Title.
3. Meetings: The Variance Board shall meet on the first Wednesday of each month, as necessary.

G. City Council

1. Authority: The City Council shall have the authority given to it by state statutes.
2. Duties: The City Council shall hear and make the final decision on all matters identified as requiring City Council action in this Title.

H. Board of Zoning Adjustments and Appeals

1. Membership: In accordance with MN Stat. 462.354, as amended, the City Council will act as the Board of Zoning Adjustments and Appeals.
2. Duties: The Board of Zoning Adjustments and Appeals hears and makes decisions on all applications for an appeal of any administrative order, requirement, determination, final decision made by the Community Development Department, or an appeal of a variance decision by the Variance Board, pursuant to the appeal procedure established in Section 1009.08 of this Title.

1003. Establishment of Districts, Boundaries, and District Regulations

1003.01 Districts

For the purpose of the Zoning Ordinance, the City is divided into the districts specified in this Section.

A. Residential Districts

LDR-1, Low Density Residential (One-Family) District - 1

LDR-2, Low Density Residential District - 2

MDR, Medium Density Residential District

HDR-1, High Density Residential District - 1

HDR-2, High Density Residential District - 2

B. Commercial and Mixed Use Districts

NB, Neighborhood Business District

CB, Community Business District

RB, Regional Business District

CMU, Community Mixed Use District

C. Employment Districts

O/BP, Office/Business Park District

I, Industrial District

D. Other Districts

INST, Institutional District

PR, Park and Recreation District

1003.02 Official Zoning Map

- A. The location and boundaries of the districts established by the Zoning Code are hereby set forth on the zoning map, which shall consist of 13 districts, entitled "Official Zoning Map" dated _____. This map is hereby adopted as the official zoning map of the City. The Official Zoning Map shall become part of the Zoning Code as set forth and described herein.
- B. The Official Zoning Map shall be identified by the signature of Mayor and City Manager under the following words:
"This is to certify that this is the Official Zoning Map referred to in Ordinance ____ of the City of Roseville, Minnesota".
- C. Regardless of the existence of the printed copies of the zoning map which may from time to time be made or

published, the Official Zoning Map located at City Hall shall be the final authority as to the current zoning status of land, platted areas, buildings, and other structures in the City.

- D. All of the lands in the City shown within the district lines on the zoning map and designated as provided in Title 10 are hereby zoned as indicated in their respective districts.
- E. **Boundary Lines:** District boundary lines recorded on the zoning map are generally intended to follow lot lines, the center lines of streets or alleys, the center lines of streets or alleys projected, railroad right-of-way lines, the center of watercourses, or the corporate limit lines as they exist at the time of the enactment of the Zoning Ordinance. Where uncertainty exists with respect to the boundaries of any of the established districts as shown on the zoning map, the rules of this Section shall apply.
 - 1. Boundaries of Public Right-of-Way: Boundaries indicated as approximately following the center lines or street lines of streets, the center lines or alley lines of alleys, or the center lines or right-of-way lines of highways shall be construed to be such district boundaries.
 - 2. Boundaries Parallel to the Right-of-Way: Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, alleys, highways, railroads, etc., the district boundaries shall be construed as being parallel thereto and distant therefrom as indicated on the zoning map.
 - 3. Boundaries on Shorelines: District boundaries following a lake, wetland, or other body of water shall be construed to be at the limit of the jurisdiction of the City unless otherwise indicated.
 - 4. Areas Under Water: All areas within the corporate limits under water shall be subject to all of the regulations of the district which immediately adjoins the water area.
 - 5. Public or Semi-Public Property: Any areas shown on the zoning map as parks, playgrounds, schools, cemeteries, water, etc., shall be subject to the zoning regulations of the district in which they are located. In case of doubt, the zoning regulations of the most restricted adjoining district shall govern.
 - 6. Vacated Property: Whenever any street, alley, or other public way is vacated, the zoning district adjoining the vacated property shall be automatically extended to the center of the vacated area. Further, all area included therein shall be subject to all regulations of the extended district.
 - 7. Boundaries on Lot Lines: Boundaries indicated as approximately platted lot lines shall be construed as

- following such lot lines.
8. **Boundaries on City Limit Lines:** Boundaries indicated as approximately following City limits shall be construed as following City limits.
- F. **Maintenance of Map and Amendments:** It shall be the responsibility of the Community Development Department to maintain the Official Zoning Map. Amendments shall be recorded on such zoning map within a reasonable time after official publication of amendments. The Official Zoning Map shall be kept on file in the City offices and shall be open to public inspection at all times during which the City offices are customarily open.

Chapter 1004. Residential Districts

1004.01 Statement of Purpose

The residential districts are designed to protect and enhance the residential character and livability of existing neighborhoods, and to achieve a broad and flexible range of housing choices within the community. Each residential district is designed to be consistent with the equivalent land-use category in the Comprehensive Plan: Low-Density Residential, Medium-Density Residential, and High-Density Residential. The districts are also intended to meet the relevant goals of the Comprehensive Plan regarding residential land use, housing, and neighborhoods.

1004.02 Accessory Buildings

A. **One- and Two-Family Dwellings:** The following standards apply to accessory buildings that serve one- and two-family dwellings.

1. Number Allowed: Each principal dwelling unit is allowed up to two detached accessory buildings meeting the standards in Table 1004-1.
2. Accessory Structure Performance Standards: Accessory buildings totaling 1,008 square feet may be permitted if the Community Development Department determines that three of the following performance standards have been met:
 - a. Matching the roof pitch to be similar to that of the principal structure;
 - b. Adding windows or architectural details to improve the appearance of rear and side walls;
 - c. Using raised panels and other architectural detailing on garage doors;
 - d. Increasing side and/or rear yard setback(s); or
 - e. Installing landscaping to mask or soften the larger building.



Accessory building with pitched roof and architectural detailing

Table 1004-1	Accessory building
Maximum combined size/area	864 square feet; up to 1,008 square feet by meeting performance standards in Section 1004.02A.2. In any case, combined area of accessory buildings shall not exceed 85% of the footprint of the principal structure.
Maximum height	15 feet; 9 feet wall height
Setbacks	
Front yard	Not allowed ^{a, b}
From side or rear lot line	5 feet
From corner side lot line	Behind established building line of principal structure
From any other building or structure on the lot	6 feet

- a On lakeshore lots and through lots, accessory buildings may be located forward of the principal structure but must meet the required front yard setback in the district.
- b Where the natural grade of a lot at the building line of a house is 8 feet or more above the established street centerline, the Community Development Department may permit a detached garage to be erected within any yard to enable a reduction of the slope of the driveway to as little as 10%, provided that at least one-half of the wall height is below grade level.

B. Attached and Multi-family Buildings: Attached and multi-family buildings are allowed one storage or maintenance structure and one garden shed per complex, plus detached garage structures as needed. Accessory buildings and sheds shall be located in front or side yards behind the rear building line of the principal structure. Accessory buildings and sheds shall be set back a minimum of 10 feet from rear or side lot lines and from principal buildings.

C. Color, Design, and Materials: The exterior design and materials of an accessory building shall be similar to or compatible with those of the principal structure.

D. Driveway Required: Any accessory building used for storing one or more motorized vehicles and/or trailers shall be served by a hard-surfaced driveway to an adjacent public street, if any of these items are removed from the accessory building more than 2 times in a 10-day period.

E. Construction Timing: Accessory buildings shall not be constructed prior to the construction of the principal structure on the same site.

F. Permit Required: Permits are required for all detached accessory buildings prior to construction.

1004.03 Residence Relocations

In order to protect the character of residential neighborhoods, relocated dwellings shall meet all standards of the zoning district where they will be located. Relocations of dwellings require a relocation permit.

1004.04 Existing Setbacks

If existing houses on 50% or more of the frontage of any block have a predominant front yard setback less than the minimum required in this chapter, any new construction on that block frontage may have a reduced front yard setback equal to the average front yard setback of the two adjacent houses on the same side of the street.

1004.05 One- and Two-Family Design Standards

A. One- and Two-Family Design Standards: The standards in this section are applicable to all one- and two-family buildings, with the exception of accessory dwelling units. The intent of these standards is to create streets that are pleasant and inviting, and to promote building faces which emphasize living area as the primary function of the building or function of the residential use.

1. Garage doors shall not occupy more than 40% of the building facade (total building front); and
2. Garage doors shall be set back at least 5 feet from the primary building face predominant portion of the principal use.

B. Requirements Apply to All New Construction: On lots with physical constraints, such as lakefront lots, where the Community Development Department determines that compliance with these requirements is impactful, the Community Development Department may waive the requirements and instead require design enhancements to the garage doors to ensure that the purpose of the requirements is achieved. Design enhancements required for garage doors where the preceding requirements cannot be met may include such things as paint, raised panels, decorative windows, and other similar treatments to complement the residential portion of the facade.

1004.06 Multi-Family Design Standards

The standards in this section are applicable to all structures that contain three or more units. Their intent is to encourage multi-family building design that respects its context, incorporates some of the features of one-family dwellings within the surrounding neighborhood, and imparts a sense of individuality rather than

uniformity.

The following standards apply to new buildings and major expansions (i.e., expansions that constitute 50% or more of building floor area). Design standards apply only to the portion of the building or site that is undergoing alteration.

- A. **Orientation of Buildings to Streets:** Buildings shall be oriented so that a primary entrance faces one of the abutting streets. In the case of corner lots, a primary entrance shall face the street from which the building is addressed. Primary entrances shall be defined by scale and design.
- B. **Street-facing Facade Design:** No blank walls are permitted to face public streets, walkways, or public open space. Street-facing facades shall incorporate offsets in the form of projections and/or recesses in the facade plane at least every 40 feet of facade frontage. Wall offsets shall have a minimum depth of 2 feet. Open porches and balconies are encouraged on building fronts and may extend up to 8 feet into the required setbacks.
- In addition, at least one of the following design features shall be applied on a street-facing facade to create visual interest:
- Dormer windows or cupolas;
 - Recessed entrances;
 - Covered porches or stoops;
 - Bay windows with a minimum 12-inch projection from the facade plane;
 - Eaves with a minimum 6 inch projection from the facade plane; or
 - Changes in materials, textures, or colors.
- C. **Four-sided Design:** Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades. All facades shall contain window openings.
- D. **Maximum Length:** Building length parallel to the primary abutting street shall not exceed 160 feet without a visual break such as a courtyard or recessed entry.
- E. **Landscaping of Yards:** Front yards must be landscaped according to Chapter 1011, Property Performance Standards.
- F. **Detached Garages:** The exterior materials, design features, and roof forms of garages shall be compatible with the principal building served.
- G. **Attached Garages:** Garage design shall be set back and defer to the primary building face (predominant portion of the



Building entrances oriented to the street; facades are articulated



Building with street-facing facade articulated by offsets, changes in materials, and window placement



All sides of building display compatible materials and consistent detailing; all sides have windows



Tuck-under garages take access from rear of building

principal use – does not include garage door). Front loaded garages (toward the front street), if provided shall be set back a minimum of 5 feet from the primary building face.

- H. **Surface Parking:** Surface parking shall not be located between a principal building front and the abutting primary street except for drive/circulation lanes and/or handicapped parking spaces. Surface parking adjacent to the primary street shall occupy a maximum of 40% of the primary street frontage and shall be landscaped according to Chapter 1019, Parking and Loading Areas.



Attached garage doors occupy less than 50% of building front

1004.07 Table of Residential Uses

Table 1004-2 lists all permitted and conditional uses in the residential districts.

- A. Uses marked as “P” are permitted in the districts where designated.
- B. Uses marked with a “C” are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
- C. Uses marked as “NP” are not permitted in the districts where designated.
- D. Uses marked with a “Y” in the “Standards” column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011, Performance Standards; standards for conditional uses are included in Chapter 1009, Procedures.

Table 1004-2	LDR-1	LDR-2	MDR	HDR-1/ HDR-2	Standards
Residential - Family Living					
Dwelling, one-family detached	P	P	P	NP	
Dwelling, two-family detached (duplex)	NP	P	P	NP	
Dwelling, two-family attached dwelling (twinhome)	NP	P	P	NP	
Dwelling, one-family attached (townhome, rowhouse)	NP	C	P	P	
Dwelling, multi-family (3-8 units per building)	NP	NP	P	P	
Dwelling, multi-family (8 or more units per building)	NP	NP	C	P	
Manufactured home park	NP	NP	NP	C	Y
Dwelling unit, accessory	C	C	P	NP	Y
Live-work unit	NP	NP	NP	C	Y
Residential - Group Living					

Table 1004-2	LDR-1	LDR-2	MDR	HDR-1/ HDR-2	Standards
Community residential facility, state licensed, serving 1-6 persons	P	P	NP	NP	Y
Community residential facility, state licensed, serving 7-16 persons	NP	NP	C	C	Y
Nursing home	NP	NP	C	C	Y
Assisted living facility	NP	NP	P	P	Y
Accessory Uses					
Bed and breakfast establishment	C	C	NP	NP	Y
Home occupation	P	P	P	P	Y
Day care facility, family	P	P	P	P	Y
Day care facility, group family	C	C	C	C	Y
Day care center	NP	NP	C	C	Y
Roomer, boarder	P	P	P	P	Y
Accessory Buildings and Structures					
Accessibility ramp and other accommodations	P	P	P	P	
Detached garages and off-street parking space	P	P	P	P	Y
Gazebo, arbor, patio, play equipment, treehouse, chicken coop, etc.	P	P	P	P	Y
Renewable energy system	P	P	P	P	Y
Swimming pool, hot tub, spa	P	P	P	P	Y
Tennis and other recreational courts	P	P	P	P	Y
Garden shed and similar buildings for storage of domestic supplies and equipment	P	P	P	P	Y
Communications equipment - shortwave radio and TV antennas	P	P	P	P	Y
Temporary Uses					
Temporary structure, construction sites	P	P	P	P	Y
Garage and boutique sales	P	P	P	P	Y
Personal storage container	P	P	P	P	Y
Seasonal garden structure	P	P	P	P	Y
Private garden, community garden	P	P	P	P	Y

1004.08 Low Density Residential - 1 (LDR-1) District

A. **Statement of Purpose:** The LDR-1 District is designed to be the lowest density residential district. The intent is to provide for a residential environment of predominantly low-density, one-family dwellings, along with related uses such as public services and utilities that serve the residents in the district. The district is established to stabilize and protect the essential characteristics of existing residential areas, and to protect, maintain, and enhance wooded areas, wetlands, wildlife and plant resources, and other sensitive natural resources.

B. Dimensional Standards:

Table 1004-3	LDR-1
Minimum Lot Area	9,500 square feet
Interior Lot Width	75 feet
Maximum Building Height	30 feet
Minimum Front Yard Building Setback	30 feet ^a
Minimum Side Yard Building Setbacks	
Interior	5 feet
Corner	10 feet ^b
Reverse Corner	Equal to existing front yard of adj. lot but not greater than 30 feet
Minimum Rear Yard Building Setback	30 feet

a See Section 1004.04, Existing Setbacks.

b The corner side yard setback requirement applies where a parcel is adjacent to a side street or right-of-way. The required setback from an unimproved right-of-way may be reduced to the required interior side yard setback by the Community Development Department upon the determination by the Public Works Director that the right-of-way is likely to remain undeveloped.

C. **Improvement Area:** Improvement area, including paved surfaces and the footprints of principal and accessory buildings and structures, shall be limited to 50% of the parcel area. Notwithstanding this limit, storm water runoff shall be limited to the amount of runoff generated during a 1-inch rain event over a 24-hour period by impervious surfaces covering 30% of a parcel; for parcels within a Shoreland or Wetland Management District, storm water runoff shall be further limited to the amount of runoff generated under the same circumstances by impervious surfaces covering 25% of the parcel area.

1. For the purposes of this section, "improvements" does not include fences, retaining walls, planting beds, or other landscaping.
2. Effectively mitigating storm water runoff relies on

Storm water runoff mitigation may be achieved through the installation and maintenance of such features as "green" roofs, rain barrels, pervious paving, rain water gardens, cisterns, etc., as approved. For parcels with less than 30% or 25% (where applicable) impervious surface coverage, however, no runoff mitigation measures are required.

technical analysis of building materials, soils, slopes, and other site conditions. In order to ensure adequate and ongoing mitigation of storm water runoff, improvements which would cause pavement or building footprints to exceed 30% (25% in a Shoreland or Wetland Management District) of a parcel's area shall require the property owner to:

- a. Receive a Residential Storm Water Permit from the City Engineer;
- b. Submit annual maintenance letters, documenting the ongoing, required maintenance of the storm water mitigation system; and
- c. Receive a Residential Storm Water Permit recertification inspections by Engineering Division staff every 5 years.

1004.09 Low Density Residential - 2 (LDR-2) District

A. Statement of Purpose: The LDR-2 District is designed to provide an environment of one-family dwellings on small lots, two-family and townhouse dwellings, along with related uses such as public services and utilities that serve the residents in the district. The district is established to recognize existing areas with concentrations of two-family and townhouse dwellings, and for application to areas guided for redevelopment at densities up to 8 units per acre or with a greater diversity of housing types.

B. Dimensional Standards:

Table 1004-4	One-Family	Two-Family	Attached
Maximum Density	8 units/net acre - averaged across development site		
Minimum Lot Area	6,000 sq. ft.	4,800 sq. ft./unit	3,000 sq. ft./unit
Minimum Lot Width	60 feet	30 feet/unit	24 feet/unit
Maximum Building Height	30 feet	30 feet	35 feet
Minimum Front Yard Building Setback			
Street	30 feet ^a	30 feet ^a	30 feet ^a
Interior Courtyard	10 feet	10 feet	10 feet
Minimum Side Yard Building Setback			
Interior	5 feet	5 feet	8 feet (end unit)
Corner	10 feet	10 feet	15 feet
Reverse Corner	Equal to existing front yard of adjacent lot, but not greater than 30 feet		
Minimum Rear Yard Setback	30 feet	30 feet	30 feet

^a See Section 1004.04, Existing Setbacks.

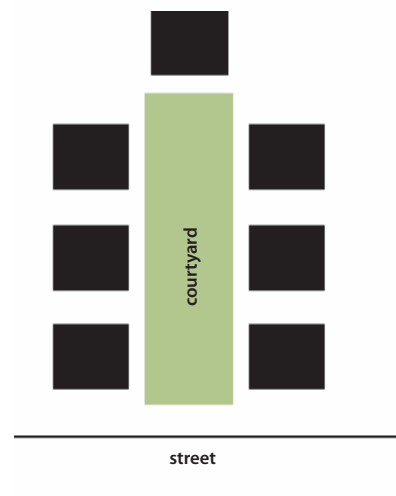
C. Improvement Area: Improvement area, including paved surfaces and the footprints of principal and accessory buildings and structures, shall be limited to 70% of the parcel

area. Notwithstanding this limit, storm water runoff shall be limited to the amount of runoff generated during a 1-inch rain event over a 24-hour period by impervious surfaces covering 30% of a parcel; for parcels within a Shoreland or Wetland Management District, storm water runoff shall be further limited to the amount of runoff generated under the same circumstances by impervious surfaces covering 25% of the parcel area.

1. For the purposes of this section, “improvements” does not include fences, retaining walls, planting beds, or other landscaping.
2. Effectively mitigating storm water runoff relies on technical analysis of building materials, soils, slopes, and other site conditions. In order to ensure adequate and ongoing mitigation of storm water runoff, improvements which would cause pavement or building footprints to exceed 30% (25% in a Shoreland or Wetland Management District) of a parcel’s area shall require the property owner to:
 - a. Receive a Residential Storm Water Permit from the City Engineer;
 - b. Submit annual maintenance letters, documenting the ongoing, required maintenance of the storm water mitigation system; and
 - c. Receive a Residential Storm Water Permit recertification inspections by Engineering Division staff every 5 years.

D. Building Arrangement: Buildings may be organized in several ways, including the examples in this section.

1. Arranged along the street without a common open space, as is typical for most residential lots. Open space is provided on individual lots.
2. Arranged around a common courtyard that faces the street (see diagram), with parking areas taking access off a shared drive to the side and rear of the buildings. The area of the courtyard is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.
3. Arranged along the street with a common open space area to the rear or side of the buildings, as is common in townhouse and multi-family developments. The open space area(s) for resident use is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.



1004.10 Medium Density Residential (MDR) District

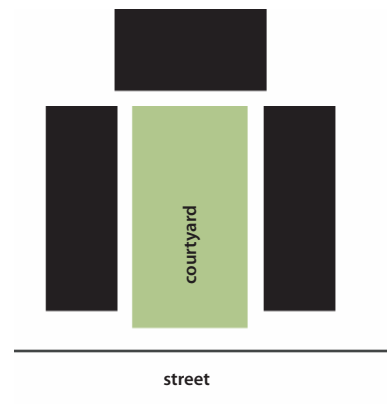
A. **Statement of Purpose:** The MDR District is designed to provide an environment of varied housing types at an overall density of 5 to 12 units an acre, including single-family attached dwellings, small multi-family buildings, two-family and small-lot, one-family dwellings, along with related uses such as public services and utilities that serve the residents in the district. The district is intended to promote flexible development standards for new residential developments and to allow innovative development patterns, consistent with the Comprehensive Plan.

B. **Dimensional Standards:**

Table 1004-5	One-Family	Two-Family	Attached	Multifamily
Maximum Density	12 units/net acre - averaged across development site			
Minimum Density	5 units/net acre - averaged across development site			
Minimum Lot Area per unit	4,800 sq. ft.	3,600 sq. ft.	3,600 sq. ft.	3,600 sq. ft.
Minimum Lot Width	40 feet	30 feet/unit	n/a	n/a
Maximum Building Height	30 feet	30 feet	35 feet	40 feet
Maximum Improvement Area	65%	65%	65%	65%
Minimum Front Yard Building Setbacks				
Street	30 feet	30 feet	30 feet	30 feet
Interior Courtyard	15 feet	15 feet	15 feet	15 feet
Minimum Side Yard Building Setbacks				
Interior	5 feet	5 feet	8 feet (end unit)	10 feet
Corner	10 feet	10 feet	15 feet	20 feet
Reverse Corner	Equal to existing front yard of adjacent lot, but not greater than 30 feet			
Minimum Periphery Setback	30 feet	30 feet	30 feet	30 feet

C. **Building Arrangement:** Buildings may be organized in several ways, including the examples in this section:

1. Arranged along the street without a common open space, as is typical for most residential lots. Open space is provided on individual lots.
2. Arranged around a common courtyard that faces the street, with parking areas taking access off a shared drive to the side and rear of the buildings (see diagram). The area of the courtyard is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.
3. Arranged along the street with a common open space area to the rear or side of the buildings, as is common in townhouse and multi-family developments. The open space area(s) for resident use is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.



1004.11 High Density Residential Districts (HDR-1 and HDR-2)

A. **Statement of Purpose:** The HDR districts are designed to provide an environment of predominantly high-density housing types, including manufactured-home communities, large and small multi-family buildings, and single-family attached dwellings, at an overall density exceeding 12 units per acre, along with along with related uses such as public services and utilities that serve the residents in the district. The district is intended to promote flexible development standards for new residential developments and to allow innovative development patterns, consistent with the Comprehensive Plan.

B. **Dimensional Standards:**

Table 1004-6	HDR-1		HDR-2
	Attached	Multifamily	Multifamily
Maximum Density	24 units/net acre		None
Minimum Density	12 units/net acre		24 units/net acre
Maximum Building Height	35 feet	65 feet	95 feet
Maximum Improvement Area	75%	75%	85%
Minimum Front Yard Building Setback			
Street	30 feet	30 feet	10 feet
Interior Courtyard	10 feet	10 feet	15 feet
Minimum Side Yard Building Setback			
Interior	8 feet (end unit)	10 feet	20% height of the building
Corner	15 feet	20 feet	20% height of the building
Minimum Rear Yard Building Setback	30 feet	30 feet	50% height of the building

C. **Building Arrangement:** Buildings may be organized in several ways, including the examples in this section:

1. Arranged along the street without a common open space. Open space is provided on individual lots or on privately defined spaces to the rear of attached dwellings.
2. Arranged around a common courtyard that faces the street, with parking areas taking access off a shared drive to the side and rear of the buildings. The area of the courtyard is counted towards the overall density, toward lot coverage calculations, and as part of the lot area per unit.
3. Arranged along the street with a common open space area to the rear or side of the buildings, as is common in townhouse and multi-family developments. The open space area(s) for resident use is counted towards the



overall density, toward lot coverage calculations, and as part of the lot area per unit.

Chapter 1005. Commercial and Mixed-Use Districts

1005.01 Statement of Purpose

The commercial and mixed-use districts are designed to:

- A. Promote an appropriate mix of commercial development types within the community;
- B. Provide attractive, inviting, high-quality retail shopping and service areas that are conveniently and safely accessible by multiple travel modes including transit, walking, and bicycling;
- C. Improve the community's mix of land uses by encouraging mixed medium- and high-density residential uses with high-quality commercial and employment uses in designated areas;
- D. Encourage appropriate transitions between higher-intensity uses within commercial and mixed use centers and adjacent lower-density residential districts; and
- E. Encourage sustainable design practices that apply to buildings, private development sites, and the public realm in order to enhance the natural environment.

1005.02 Design Standards

The following standards apply to new buildings and major expansions of existing buildings (i.e., expansions that constitute 50% or more of building floor area) in all commercial and mixed-use districts. Design standards apply only to the portion of the building or site that is undergoing alteration.

- A. **Corner Building Placement:** At intersections, buildings shall have front and side facades aligned at or near the front property line.
- B. **Entrance Orientation:** Primary building entrances shall be oriented to the primary abutting public street. The entrance must have a functional door. Additional entrances may be oriented to a secondary street or parking area. Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features.
- C. **Vertical Facade Articulation:** Buildings shall be designed with a base, a middle, and a top, created by variations in detailing, color, and materials. A single-story building need not included a middle.
 - 1. The base of the building should include elements that relate to the human scale, including doors and windows, texture, projections, awnings, and canopies.



Corner building placement, entrance orientation, base, middle, and top

2. Articulated building tops may include varied rooflines, cornice detailing, dormers, gable ends, stepbacks of upper stories, and similar methods.

D. Horizontal Facade Articulation: Facades greater than 40 feet in length shall be visually articulated into smaller intervals of 20 to 40 feet by one or a combination of the following techniques:

1. Stepping back or extending forward a portion of the facade;
2. Variations in texture, materials or details;
3. Division into storefronts;
4. Stepbacks of upper stories; or
5. Placement of doors, windows and balconies.



Horizontal facade articulation

E. Window and Door Openings:

1. For nonresidential uses, windows, doors, or other openings shall comprise at least 60% of the length and at least 40% of the area of any ground floor facade fronting a public street. At least 50% of the windows shall have the lower sill within three feet of grade.
2. For nonresidential uses, windows, doors, or other openings shall comprise at least 20% of side and rear ground floor facades not fronting a public street. On upper stories, windows or balconies shall comprise at least 20% of the facade area.
3. On residential facades, windows, doors, balconies, or other openings shall comprise at least 20% of the facade area.
4. Glass on windows and doors shall be clear or slightly tinted to allow views in and out of the interior. Spandrel (translucent) glass may be used on service areas.
5. Window shape, size, and patterns shall emphasize the intended organization and articulation of the building facade.
6. Displays may be placed within windows. Equipment within buildings shall be placed at least 5 feet behind windows.



Window and door openings

F. Materials: All exterior wall finishes on any building must be one or a combination of the following materials: face brick, natural or cultured stone, textured pre-cast concrete panels, textured concrete block, stucco, glass, pre-finished metal, fiberglass or similar materials, or cor-ten steel (other than unpainted galvanized metal or corrugated materials). Other new materials of equal quality to those listed may be

approved by the Community Development Department.

- G. **Four-sided Design:** Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades. All facades shall contain window openings. This standard may be waived by the Community Development Department for uses that include elements such as service bays on one or more facades.



Four-sided building design

- H. **Maximum Building Length:** Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry, except where a more restrictive standard is specified for a specific district.

- I. **Garages Doors and Loading Docks:** Loading docks shall be located on rear or side facades and, to the extent feasible, garage doors should be similarly located. Garage doors of attached garages on a building front shall not exceed 50% of the total length of the building front.



Garage door placement

- J. **Rooftop Equipment:** Rooftop equipment, including rooftop structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.

1005.03 Table of Allowed Uses

Table 1005-1 lists all permitted and conditional uses in the commercial and mixed use districts.

- A. Uses marked as “P” are permitted in the districts where designated.
- B. Uses marked with a “C” are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
- C. Uses marked as “NP” are not permitted in the districts where designated.
- D. A “Y” in the “Standards” column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011, Property Performance Standards; standards for conditional uses are included in Chapter 1009.

E. **Combined Uses:** Allowed uses may be combined within a single building, meeting the following standards:

1. Residential units in mixed-use buildings shall be located above the ground floor or on the ground floor to the rear of nonresidential uses;
2. Retail and service uses in mixed-use buildings shall be located at ground floor or lower levels of the building; and
3. Nonresidential uses are not permitted above residential uses.

*General retail, such as:

Antiques and collectibles store
Art gallery
Auto parts store
Bicycle sales and repair
Book store, music store
Clothing and accessories sales
Convenience store
Drugstore, pharmacy
Electronics sales and repair
Florist
Jewelry store
Hardware store
News stand, magazine sales
Office supplies
Pet store
Photographic equipment, studio, printing
Picture framing
Second-hand goods store
Tobacco store
Video store
Uses determined by the Community Development Department to be of a similar scale and character

Personal services, such as:

Barber and beauty shops
Dry-cleaning pick-up station
Interior decorating/upholstery
Locksmith
Mailing and packaging services
Photocopying, document reproduction services
Consumer electronics repair
Shoe repair
Tailor shop
Tutoring
Watch repair, other small goods repair
Uses determined by the Community Development Department to be of a similar scale and character

Table 1005-1	NB	CB	RB	CMU	Standards
Office Uses					
Office	P	P	P	P	
Clinic, medical, dental or optical	P	P	P	P	
Office showroom	NP	P	P	P	
Commercial Uses					
Retail, general and personal service*	P	P	P	P	
Animal boarding, kennel/day care (indoor)	P	P	P	P	Y
Animal boarding, kennel/day care (outdoor)	NP	C	C	NP	Y
Animal hospital, veterinary clinic	P	P	P	P	Y
Bank, financial institution	P	P	P	P	
Club or lodge, private	P	P	P	P	
Day care center	P	P	P	P	Y
Grocery store	C	P	P	P	
Health club, fitness center	C	P	P	P	
Learning studio (martial arts, visual/performing arts)	C	P	P	P	
Liquor store	C	P	P	P	
Lodging: hotel, motel	NP	P	P	P	
Mortuary, funeral home	P	P	P	P	
Motor fuel sales (gas station)	C	P	P	C	Y
Motor vehicle repair, auto body shop	NP	C	P	C	Y
Motor vehicle rental/leasing	NP	P	P	NP	Y
Motor vehicle dealer (new vehicles)	NP	NP	P	NP	
Movie theater, cinema	NP	P	P	P	
Pawn shop	NP	C	C	NP	
Restaurant, Fast Food	NP	P	P	P	
Restaurant, Limited	P	P	P	P	
Restaurant, Tavern	NP	P	P	P	

Table 1005-1	NB	CB	RB	CMU	Standards
Restaurant, Traditional	P	P	P	P	
Storage, indoor, personal	NP	P	P	NP	
Residential - Family Living					
Dwelling, one-family attached (townhome, rowhouse)	NP	NP	NP	P	
Dwelling, multi-family (3-8 units per building)	NP	NP	NP	P	
Dwelling, multi-family (upper stories in mixed-use building)	P	P	NP	P	
Dwelling, multi-family (8 or more units per building)	C	NP	NP	P	
Dwelling unit, accessory	NP	NP	NP	C	Y
Live-work unit	C	NP	NP	P	Y
Residential - Group Living					
Community residential facility, state licensed, serving 7-16 persons	C	NP	NP	C	Y
Dormitory	NP	NP	NP	C	
Nursing home, assisted living facility	NP	NP	NP	C	Y
Civic and Institutional Uses					
College, post-secondary school	NP	NP	P	P	Y
Community center, library, municipal building	NP	NP	P	P	
Place of assembly	P	P	P	P	Y
School, elementary or secondary	NP	NP	P	P	Y
Theater, performing arts center	NP	NP	P	P	Y
Utilities and Transportation					
Essential services	P	P	P	P	
Park-and-ride facility	NP	P	P	P	
Transit center	NP	P	P	P	
Accessory Uses, Buildings, and Structures					
Accessory buildings for storage of domestic or business supplies and equipment	P	P	P	P	Y
Accessibility ramp and other accommodations	P	P	P	P	
Detached garage and off-street parking spaces	P	P	P	P	Y
Drive-through facility	NP	C	C	NP	Y
Gazebo, arbor, patio, play equipment	P	P	P	P	Y
Home occupation	P	NP	NP	P	Y
Renewable energy system	P	P	P	P	Y
Swimming pool, hot tub, spa	P	P	P	P	Y
Telecommunications tower	C	C	C	C	Y

Table 1005-1	NB	CB	RB	CMU	Standards
Tennis and other recreational courts	C	C	P	P	Y
Temporary Uses					
Temporary building for construction purposes	P	P	P	P	Y
Sidewalk sales, boutique sales	P	P	P	P	Y
Personal storage container	P	P	P	P	Y

1005.04 Neighborhood Business (NB) District

A. **Statement of Purpose:** The Neighborhood Business District is designed to provide a limited range of neighborhood-scale retail, service, and office uses in proximity to residential neighborhoods or integrated with residential uses. The NB district is also intended to:

1. Encourage mixed use at underutilized retail and commercial intersections;
2. Encourage development that creates attractive gateways to City neighborhoods;
3. Encourage pedestrian connections between Neighborhood Business areas and adjacent residential neighborhoods;
4. Ensure that buildings and land uses are scaled appropriately to the surrounding neighborhood; and
5. Provide adequate buffering of surrounding neighborhoods.

B. **Design Standards:** The standards in Section 1005.02 shall apply except building length parallel to the primary abutting street shall not exceed 160 feet without a visual break such as a courtyard or recessed entry.

C. **Dimensional Standards:**

Table 1005-2	
Minimum Lot Area	No requirement

Maximum Building Height	35 feet
Front Yard Building Setback	No requirement
Side Yard Building Setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 10 feet from residential lot boundary Otherwise not required
Rear Yard Building Setback	25 feet from residential lot boundary 10 feet from nonresidential boundary
Surface Parking Setback	5 feet

- D. **Residential Density:** Residential densities shall not exceed 12 units per acre.
- E. **Improvement Area:** The total improved area, including paved surfaces and the footprints of principal and accessory buildings and structures, shall not exceed 85% of the total parcel area.
- F. **Frontage Requirement:** Buildings at corner locations shall be placed within five feet of the lot line on either street for a distance of at least 20 feet from the corner.
- G. **Parking Placement:** Surface parking shall not be located between the front facade of a building and the abutting street. Parking shall be located to the rear or side of the principal building. Parking abutting the primary street frontage is limited to 50% of that lot frontage.
- H. **Screening from Residential Property:** Screening along side and rear lot lines abutting residential properties is required, consistent with Chapter 1011, Property Performance Standards.

Primary street: The street where the highest level of pedestrian activity is anticipated. This is generally, but not exclusively, the street of higher classification. The Community Development Department shall determine the primary street.

1005.05 Community Business (CB) District

- A. **Statement of Purpose:** The Community Business District is designed for shopping areas with moderately scaled retail and service uses, including shopping centers, freestanding businesses, and mixed-use buildings with upper-story residential uses. CB Districts are intended to be located in areas with visibility and access to the arterial street system. The district is also intended to:
1. Encourage and facilitate pedestrian, bicycle and transit access; and

2. Provide adequate buffering of surrounding neighborhoods.

B. Dimensional Standards:

Table 1005-3	
Minimum Lot Area	No requirement
Maximum Building Height	40 feet
Front Yard Building Setback (min. - max.)	0 to 25 feet*
Side Yard Building Setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 10 feet from residential lot boundary Otherwise not required
Rear Yard Building Setback	25 feet from residential lot boundary 10 feet from nonresidential boundary
Surface Parking Setback	5 feet

- a Unless it is determined by the Community Development Department that a certain setback minimum distance is necessary for the building or to accommodate public infrastructure.

- C. Residential Density:** Residential densities shall not exceed 24 units per acre.

- D. Improvement Area:** The total improved area, including paved surfaces and footprints of principal and accessory buildings and structures, shall not exceed 85% of the total parcel area.

- E. Frontage Requirement:** A minimum of 30% of building facades abutting a primary street shall be placed within 25 feet of the front lot line along that street.

- F. Surface Parking:** Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least 10 feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.

- G. Parking Placement:** When parking is placed between a building and the abutting street, the building shall not exceed a maximum setback of 85 feet, sufficient to provide a single drive aisle and two rows of perpendicular parking along with building entrance access and required landscaping. This setback may be extended to a maximum of 100 feet if traffic circulation, drainage, and/or other site design issues are shown to require additional space. Screening along side and rear lot lines abutting residential properties is required,

Primary street: The street where the highest level of pedestrian activity is anticipated. This is generally, but not exclusively, the street of higher classification. The Community Development Department shall determine the primary street.

consistent with Chapter 1011, Property Performance Standards.

1005.06 Regional Business (RB) District

- A. **Statement of Purpose:** The RB District is designed for businesses that provide goods and services to a regional market area, including regional-scale malls, shopping centers, large-format stores, multi-story office buildings and automobile dealerships. RB Districts are intended for locations with visibility and access from the regional highway system. The district is also intended to:
1. Encourage a “park once” environment within districts by enhancing pedestrian movement and a pedestrian-friendly environment;
 2. Encourage high quality building and site design to increase the visual appeal and continuing viability of development in the RB District; and
 3. Provide adequate buffering of surrounding neighborhoods.
- B. **Design Standards:** The standards in Section 1005.02 shall apply except that ground floor facades that face or abut public streets shall incorporate one or more of the following features along at least 60% of their horizontal length:
- a. Windows and doors with clear or slightly tinted glass to allow views in and out of the interior. Spandrel (translucent) glass may be used on service areas;
 - b. Customer entrances;
 - c. Awnings, canopies, or porticoes; and
 - d. Outdoor patios or eating areas.
- C. **Dimensional Standards:**

Table 1005-4	
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Minimum Lot Area	No requirement
Maximum Building Height	65 feet; taller buildings may be allowed as conditional use
Front Yard Building Setback	No requirement (see Frontage Requirement below)
Side Yard Building Setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 10 feet from residential lot boundary Otherwise not required
Rear Yard Building Setback	25 feet from residential lot boundary 10 feet from nonresidential boundary
Surface Parking Setback	5 feet

Under E, for example, primary drive aisles in parking lots may be located away from building entrances or designed as internal streets with curb and sidewalk.



- D. **Improvement Area:** The total improved area, including paved surfaces and footprints of principal and accessory buildings or structures, shall not exceed 85% of the total parcel area.
- E. **Frontage Requirement:** A development must utilize one or more of the three options below for placement of buildings and parking relative to the primary street:
1. At least 50% of the street frontage shall be occupied by building facades placed within 20 feet of the front lot line. No off-street parking shall be located between the facades meeting this requirement and the street.
 2. At least 60% of the street frontage shall be occupied by building facades placed within 65 feet of the front lot line. Only 1 row of parking and a drive aisle may be placed within this setback area.
 3. At least 70% of the street frontage shall be occupied by building facades placed within 85 feet of the front lot line. Only 2 rows of parking and a drive aisle may be placed within this setback area.
- F. **Access and Circulation:** Within shopping centers or other large development sites, vehicular circulation shall be designed to minimize conflicts with pedestrians.
- G. **Surface Parking:** Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least 10 feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.
- H. **Standards for Nighttime Activities:** Uses that involve deliveries or other activities between the hours of 10:00 P.M. and 7:00 A.M. (referred to as “nighttime hours”) shall meet the following standards:
1. Off-street loading and unloading during nighttime hours

- shall take place within a completely enclosed and roofed structure with the exterior doors shut at all times.
2. Movement of sweeping vehicles, garbage trucks, maintenance trucks, shopping carts, and other service vehicles and equipment is prohibited during nighttime hours within 300 feet of a residential district, except for emergency vehicles and emergency utility or maintenance activities.
 3. Snow removal within 300 feet of a residential district shall be minimized during nighttime hours, consistent with the required snow management plan.

1005.07 Community Mixed-Use (CMU) District

- A. **Statement of Purpose:** The Community Mixed-Use District is designed to encourage the development or redevelopment of mixed-use centers that may include housing, office, commercial, park, civic, institutional, and open space uses. Complementary uses should be organized into cohesive districts in which mixed- or single-use buildings are connected by streets, sidewalks and trails, and open space to create a pedestrian-oriented environment. The CMU District is intended to be applied to areas of the City guided for redevelopment or intensification.
- B. **Regulating Map:** The CMU District must be guided by a Regulating Map for each location where it is applied. The Regulating Map establishes the following parameters:
 1. **Street and Block Layout:** The regulating map defines blocks and streets based on existing and proposed street alignments. New street alignments, where indicated, are intended to identify general locations and required connections but not to constitute preliminary or final engineering.
 2. **Parking Locations:** Locations where surface parking may be located are specified by block or block face. Structured parking is treated as a building type.
 3. **Building and Frontage Types:** Building and frontage types are designated by block or block face. Some blocks are coded for several potential building types; others for one building type on one or more block faces. Permitted and conditional uses may occur within each building type as specified in Table 1005-1.
 4. **Building Lines:** Building lines indicate the placement of buildings in relation to the street.
 5. **Street Types:** The regulating map may include specific street design standards to illustrate typical configurations for streets within the district, or it may use existing City street standards. Private streets may be utilized within

the CMU District where defined as an element of a regulating map.

- C. **Regulating Map Approval Process:** The Regulating Map may be developed by the City as part of a zoning map amendment following the procedures of Section 1009.06, Zoning Changes, and thus approved by City Council.
- D. **Amendments to Regulating Map:** Minor extensions, alterations or modifications of proposed or existing buildings or structures, and changes in street alignment may be authorized pursuant to Section 1009.05, Changes to Approved Plans.
- E. **Dimensional Standards:**

Table 1005-5	
Minimum Lot Area	None
Maximum Building Height	None
Front Yard Setback	See Frontage map
Side Yard Setback	6 feet where windows are planned in a side wall or present in an adjacent wall 10 feet from residential lot boundary Otherwise not required
Rear Yard Setback	25 from residential lot boundary
Maximum Building Height	Within 50 feet of residential district boundary, equal to maximum height in that district

- F. **Improvement Area:** The total improved area, including paved areas and footprints of principal and accessory buildings or structures, shall not exceed 85% of the total parcel area.
- G. **Shared Parking or District Parking:** A district-wide approach to off-street parking for nonresidential or mixed uses is preferred within the CMU district. Off-street surface parking for these uses may be located up to 300 feet away from the use. Off-street structured parking may be located up to 500 feet away from the use.
- H. **Parking Reduction and Cap:** Minimum off-street parking requirements for uses within the CMU district may be reduced to 75% of the parking requirements in Chapter 1019. Maximum off-street parking shall not exceed the minimum requirement in Section 1019.04, Minimum Parking Requirements, unless the additional parking above the cap is structured parking.

Chapter 1006. Employment Districts

1006.01 Statement of Purpose

The employment districts are designed to foster economic development and redevelopment and to enhance opportunities for business expansion and growth. They are also intended to:

- A. Encourage reinvestment, revitalization, and redevelopment of retail, office, and industrial properties to maintain a stable tax base, provide new living-wage job opportunities, and increase the aesthetic appeal of the city;
- B. Encourage appropriate transitions between higher-intensity uses within employment centers and adjacent lower-density residential districts; and
- C. Encourage sustainable design practices that apply to buildings, private development sites, and the public realm.

1006.02 Design Standards

The following standards apply to all development within the employment districts.

- A. **Landscaping:** All yard space between the building setback line and the street right-of-way line not utilized for driveways, parking of vehicles, or pedestrian elements shall be landscaped with grass, trees, and other landscape features as may be appropriate.
- B. **Entrance Orientation:** At least one building entrance shall be oriented to the primary abutting public street. The entrance must have a functional door. Entrances shall be clearly visible and identifiable from the street.
- C. **Materials:** All exterior wall finishes on any building must be one or a combination of the following materials: face brick, natural or cultured stone, textured pre-cast concrete panels, textured concrete block, stucco, glass, pre-finished metal, fiberglass or similar materials, or cor-ten steel (other than unpainted galvanized metal or corrugated materials). Other new materials of equal quality to those listed may be approved by the Community Development Department.
- D. **Garages Doors and Loading Docks:** Loading docks shall be located on rear or side facades and, to the extent feasible, garage doors should be similarly located. Garage doors of attached garages on a building front shall not exceed 50% of the total length of the building front.
- E. **Rooftop Equipment:** Rooftop equipment, including rooftop structures related to elevators, shall be completely screened



Materials examples

Primary street: The street where the highest level of pedestrian activity is anticipated. This is generally, but not exclusively, the street of higher classification. The Community Development Department shall determine the primary street.



from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.

- F. **Service Areas and Mechanical Equipment:** Service areas, utility meters, and building mechanical equipment shall not be located on the street side of a building or on a side wall closer than 10 feet to the street side of a building.

1006.03 Table of Allowed Uses

Table 1006-1 lists all permitted and conditional uses in the employment districts.

- A. Uses marked as “P” are permitted in the districts where designated.
- B. Uses marked with a “C” are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
- C. Uses marked as “NP” are not permitted in the districts where designated.
- D. “Y” in the “Standards” column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011, Property Performance Standards; standards for conditional uses are included in Chapter 1009, Procedures.

Table 1006-1	O/BP	I	Standards
Office and Health Care Uses			
Office	P	P	
Clinic, medical, dental, or optical	P	NP	
Hospital	C	NP	
Office showroom	P	P	
Manufacturing, Research, and Wholesale Uses			
Artisan workshop	NP	P	Y
Asphalt plant, batch or other	NP	NP	
Catering establishment	NP	P	
Concrete plant, batch or other	NP	NP	
Contractor's yard	NP	P	
Crushing of aggregate as a principal use	NP	NP	
Fertilizer plant	NP	NP	
Laboratory for research, development, and/or testing	P	P	
Leather and fur tanning, curing, finishing, and dyeing	NP	NP	
Limited production and processing	P	P	
Manufacturing and processing, no outdoor activities/storage	NP	P	Y
Manufacturing and processing, outdoor activities/storage	NP	C	Y
Manufacturing and processing of clay products, structural such as brick, fire brick, tile, and pipe	NP	NP	
Manufacturing of insecticides, fungicides, disinfectants, and related industrial and household chemical compounds	NP	NP	
Metal casting or foundry	NP	NP	
Metals, precious and rare, reduction, smelting and refining	NP	NP	
Petroleum refinery	NP	NP	
Printing	P	P	
Pulp processing plant (paper mill)	NP	NP	
Recycling center	NP	P	
Salvage or junk yard	NP	NP	
Slaughtering of animals	NP	NP	
Tire plant or tire recapping plant or facility	NP	NP	
Warehousing and distribution	NP	P	
Wholesale establishment	P	P	
Wood treatment plant	NP	NP	
Commercial Uses, Personal			
General retail sales and personal service***	P	NP	Y
Animal boarding, animal day care, kennel	NP	P	Y

Table 1006-1	O/BP	I	Standards
Animal hospital, veterinary clinic	P	NP	Y
Bank, financial institution	P	C	
Building materials sales, lumberyard	NP	P	
Day care center	P	NP	Y
Health club, fitness center	C	NP	
Learning studio (martial arts, visual/performing arts)	P	NP	
Lodging: hotel, motel	P	P	
Motor fuel sales, gas station (includes repair)	C	P	Y
Motor vehicle repair	NP	P	Y
Motor vehicle dealer, rental/leasing	NP	C	Y
Restaurant, Fast Food	P	NP	Y
Restaurant, Limited	P	NP	
Restaurant-Tavern	P	NP	
Restaurant, Traditional	P	NP	Y
Storage, personal, indoor	NP	P	
Utilities and Transportation			
Essential services	P	P	
Park-and-ride facility	C	C	
Transit center	C	C	
Accessory Uses, Buildings, and Structures			
Accessory buildings for storage of domestic or business supplies and equipment	P	P	
Accessibility ramp and other accommodations	P	P	
Caretaker's dwelling	C	C	
Drive-through facility	C	NP	Y
Off-street parking spaces	P	P	Y
Telecommunications tower	C	C	Y
Renewable energy system	P	P	Y

1006.04 Office/Business Park (BP) District

A. **Statement of Purpose:** The Business Park District is designed to foster the development of business parks that integrate complementary employment and related uses in an attractive, efficient and functional environment. The district is also intended to:

1. Provide readily accessible services for employees;
2. Provide pedestrian, bicycle, and transit connections to and through the business park;
3. Maintain and improve the quality of the natural

landscape within the business park; and

4. Provide appropriate transitions to surrounding neighborhoods and districts.

B. **Design Standards:** The standards in Section 1006.02 shall apply, with the following additions:

1. **Integrated Design:** In the design of any business park, buildings and complementary uses shall be connected in a logical and cohesive manner by streets, sidewalks, trails, open space, and natural areas that combine to create a pedestrian-friendly environment. A pattern of blocks and interconnected streets is preferred.
2. **Four-sided Design:** Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades. All facades shall contain window openings. This standard may be waived by the Community Development Department for uses that include elements such as service bays on one or more facades.
3. **Maximum Building Length:** Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry.



Sidewalk network and natural area



Four-sided building design

C. **Dimensional Standards:**

Table 1006-2	
Minimum Lot Area	20,000 square feet
Minimum Lot Width	60 feet
Maximum Building Height	60 feet
Front Yard Building Setback	See Frontage Requirement (E)
Side Yard Building Setback	10 feet 40 feet from residential lot boundary
Rear Yard Building Setback	10 feet 40 feet from residential lot boundary
Surface Parking Setback	Equal to building setbacks

D. **Improvement Area:** The improved areas, including paved surfaces and footprints of principal and accessory buildings and structures, shall not exceed 85% of the total development parcel area.

E. **Frontage Requirement:** A development must utilize one or more of the three options below for placement of buildings and parking relative to the primary street:

1. At least 50% of the street frontage shall be occupied by building facades placed within 20 feet of the front lot line. No off-street parking shall be located between the

facades meeting this requirement and the street.

2. At least 60% of the street frontage shall be occupied by building facades placed within 65 feet of the front lot line. Only one row of parking and a drive aisle may be placed within this setback area.
3. At least 70% of the street frontage shall be occupied by building facades placed within 85 feet of the front lot line. Only two rows of parking and a drive aisle may be placed within this setback area.

1006.05 Industrial (I) District

A. **Statement of Purpose:** The Industrial District is designed to provide suitable sites for manufacturing, assembly, processing, warehousing, laboratory, distribution, related office uses, and truck/transportation terminals. The district is also designed to:

1. Minimize any external physical effects of such operations on surrounding less intensive uses;
2. Encourage and facilitate pedestrian, bicycle, and transit access throughout the industrial areas of the city; and
3. Encourage development of an attractive and well-landscaped physical environment within the industrial areas of the city.

B. **Design Standards:** In addition to the standards in Section 1006.02, storage of inoperative vehicles and/or inoperative equipment shall be conducted entirely within an enclosed structure.

C. **Dimensional Standards:**

Table 1006-3	
Minimum Lot Area	None
Maximum Building Height	60 feet
Front Yard Building Setback from internal street	30 feet
Interior Side Yard Building Setback	10 feet 40 feet from residential lot boundary
Corner Side Yard Building Setback	30 feet from street right-of-way
Rear Yard Building Setback	20 feet 40 feet from residential lot boundary
Surface Parking Setback	Equal to building setbacks

D. **Improvement Area:** The improved areas, including paved surfaces and footprints of principal and accessory buildings and structures, shall not exceed 85% of the total development

parcel area.

- E. **Parking Placement:** When parking is placed between a building and the abutting street, the building shall not exceed a maximum setback of 85 feet, sufficient to provide a single drive aisle and 2 rows of perpendicular parking along with building entrance access and required landscaping. This setback may be extended to a maximum of 100 feet if traffic circulation, drainage and/or other site design issues are shown to require additional space.
- F. **Surface Parking:** Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least 10 feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.

Chapter 1007. Institutional District

1007.01 Statement of Purpose

The Institutional District is designed to:

- A. Permit and regulate a variety of governmental, educational, religious, and cultural uses that provide important services to the community. These uses are not located within a particular geographic area and are often in proximity to lower-density residential districts.
- B. Require appropriate transitions between higher-intensity institutional uses and adjacent lower-density residential districts.
- C. Encourage sustainable design practices that apply to buildings, private development sites, and the public realm in order to enhance the natural environment.

1007.02 Design Standards

The following standards apply to new buildings and major expansions of existing buildings (i.e., expansions that constitute 50% or more of building floor area) in the Institutional District. Design standards apply only to the portion of the building or site that is undergoing alteration.

- A. **Corner Building Placement:** At intersections, buildings shall have front and side facades aligned at or near the front property line.
- B. **Entrance Orientation:** Primary building entrances shall be oriented to the primary abutting public street. The entrance must have a functional door. Additional entrances may be oriented to a secondary street or parking area. Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features.
- C. **Vertical Facade Articulation:** Buildings shall be designed with a base, a middle and a top, created by variations in detailing, color and materials. A single-story building need not include a middle.
 - 1. The base of the building should include elements that relate to the human scale, including doors and windows, texture, projections, awnings, and canopies.
 - 2. Articulated building tops may include varied rooflines, cornice detailing, dormers, gable ends, stepbacks of upper stories, and similar methods.



Entrance orientation

D. Horizontal Facade Articulation: Facades greater than 40 feet in length shall be visually articulated into smaller intervals of 20 to 40 feet by one or a combination of the following techniques:

1. Stepping back or extending forward a portion of the facade;
2. Variations in texture, materials or details;
3. Stepbacks of upper stories; or
4. Placement of doors, windows and balconies.

E. Window and Door Openings:

1. Windows, doors, or other openings shall comprise at least 60% of the length and at least 40% of the area of any ground floor facade fronting a public street. At least 50% of the windows shall have the lower sill within 3 feet of grade.
2. Windows, doors, or other openings shall comprise at least 20% of side and rear ground floor facades not fronting a public street. On upper stories, windows, or balconies shall comprise at least 20% of the facade area.
3. Glass on windows and doors shall be clear or slightly tinted to allow views in and out of the interior. Spandrel (translucent) glass may be used on service areas.
4. Window shape, size, and patterns shall emphasize the intended organization and articulation of the building facade.
5. Displays may be placed within windows. Equipment within buildings shall be placed at least 5 feet behind windows.

F. Materials: All exterior wall finishes on any building must be one or a combination of the following materials: face brick, natural or cultured stone, textured pre-cast concrete panels, textured concrete block, stucco, glass, pre-finished metal, fiberglass or similar materials, or cor-ten steel (other than unpainted galvanized metal or corrugated materials). Other new materials of equal quality to those listed may be approved by the Community Development Department.

G. Four-sided Building Design: Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades. All facades shall contain window openings. This standard may be waived by the Community Development Department for uses that include elements such as service bays on one or more facades.



Horizontal facade articulation



Materials

- H. **Special or Object-oriented Buildings:** In some cases, a special building may be developed that is considered above and beyond these standards due to its unique purpose, use, or orientation (e.g., a memorial, special civic function, etc.). If such a building is proposed then it may be considered independently of these standards and would be subject to final approval of the City Council.
- I. **Maximum Building Length:** Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry, except where a more restrictive standard is specified for a specific district.
- J. **Garages Doors and Loading Docks:** Loading docks shall be located on rear or side facades and, to the extent feasible, garage doors should be similarly located. Garage doors of attached garages on a building front shall not exceed 50% of the total length of the building front.
- K. **Rooftop Equipment:** Rooftop equipment, including rooftop structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.
- L. **Dimensional Standards:**

Table 1007-1	
Minimum Lot Area	No requirement
Maximum Building Height	60 feet
Front Yard Building Setback (min. - max.)	No requirement
Side Yard Building Setback	10 feet where windows are located on a side wall or on an adjacent wall of an abutting property 20 feet from residential lot boundary Otherwise not required
Rear Yard Building Setback	25 feet from residential lot boundary 10 feet from nonresidential boundary
Surface Parking Setback	15 feet from the property line 20 feet from the property line abutting a residential property

- M. **Improvement Area:** Improved area, including paved surfaces and footprints of principal and accessory buildings and structures, shall not exceed 75%.



Building Length



Special Use Building Design

- N. **Surface Parking:** Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least 10 feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.
- O. **Parking Placement:** Where parking is placed between a building and the abutting street, the building shall not exceed a maximum setback of 85 feet, sufficient to provide a single drive aisle and two rows of perpendicular parking along with building entrance access and required landscaping. This setback may be extended to a maximum of 100 feet if traffic circulation, drainage and/or other site design issues are shown to require additional space. Screening along side and rear lot lines abutting residential properties is required, consistent with Section ____.

1007.03 Table of Allowed Uses

Table 1007-2 lists all permitted and conditional uses in the Institutional District.

- A. Uses marked as “P” are permitted.
- B. Uses marked with a “C” are allowed as conditional uses in the district where designated.
- C. A “Y” in the “Standards” column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011, Property Performance Standards; standards for conditional uses are included in Chapter 1009, Procedures.

Table 1007-2	INST	Standards
Civic/Institutional		
Cemetery	P	
College, post-secondary school	C	Y
Community center	P	
Emergency services (police, fire, and ambulance)	P	
Government office	P	
Library	P	
Museum, cultural center	P	
Multi-purpose recreation facility, public	P	
Place of assembly	P	Y
Parking, off-site	C	Y
School, elementary or secondary	P	

Table 1007-2	INST	Standards
Theater, performing arts center	P	
Transportation		
Maintenance facility	C	
Park and ride facility	C	
Accessory Uses, Buildings, and Structures		
Accessibility ramp and other accommodations	P	
Accessory structure	P	
Athletic fields	P	
Athletic fields with lights	C	
Garden, public or community (flowers or vegetables)	P	Y
Gymnasium	P	
Portable restroom facilities	P	Y
Public announcement system	C	
Renewable energy systems	P	Y
Swimming pool	P	
Telecommunication towers	C	Y
Trash receptacle	P	

1008. Park and Recreation District

1008.01 Statement of Purpose

Park and Recreation District apply to public and private lands oriented toward active and/or passive recreational opportunities that are predominantly outdoors. The purpose of the Parks and Recreation district is to establish regulations that will support the natural and manufactured amenities identified in the Roseville Parks and Recreation System Master Plan and Ramsey County Parks and Recreation System Plan, to facilitate high quality recreational experiences elsewhere, and to ensure that such recreational structures and activities are located and arranged so as to minimize potential negative and maximize positive impacts to surrounding properties.

1008.02 Table of Uses

Table 1008-1 lists all permitted and conditional uses in the Park and Recreation District.

- A. Uses marked as “P” are permitted in the Park and Recreation District.
- B. Uses marked with a “C” are allowed as conditional uses in the Park and Recreation District, in compliance with all applicable standards. However, uses that are listed as conditional are permitted if the use is consistent with the Roseville Parks and Recreation System Master Plan or the Ramsey County Parks and Recreation System Plan for a particular park and recreation use.
- C. A “Y” in the “Standards” column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011, Property Performance Standards; standards for conditional uses are included in Chapter 1009, Procedures.

Table 1008-1	REC	Standards
Park and recreation uses	P	
Amphitheater	C	
Athletic fields with lights	C	
Golf course with club house (private or public)	C	
Dog park, off-leash	C	
Gardens, public or community (flower or vegetable)	P	
Sports courts with lights	C	
Waterparks/aquatic facilities	C	
Accessory Use, Buildings, and Structures		
Accessory structures	P	
Portable restroom facilities	P	Y
Public announcement systems	C	
Renewable energy systems	P	Y
Telecommunication tower	C	Y
Trash receptacles	P	

Park and Recreation Uses, such as:

Beaches
 Changing room/rest room
 Gazebos and arbors
 Garden sheds and similar buildings for storage
 Golf courses
 Ice rink/area
 Natural areas/conservation land
 Park shelter
 Playground equipment
 Picnic facilities/shelters
 Seasonal garden structure
 Sports court without lights
 Sports field without lights
 Swimming pools

Other park and recreation uses, as defined in the Roseville Parks and Recreation System Master Plan and the Ramsey County Parks and Recreation System Plan

1008.03 Design Standards

The following standards shall apply to all new roofed and enclosed buildings and major expansions of similar existing buildings (i.e., expansions that constitute 50% or more of building floor area) in the recreation district. Design standards apply only to the portion of the building or site that is undergoing alteration.

- A. **Vertical Facade Articulation:** Buildings shall be designed with a base and a top, created by variations in detailing, color, and materials.
 1. The base of the building should include elements that relate to the human scale, including doors and windows, texture, projections, awnings, and canopies.
 2. Articulated building tops may include varied rooflines, cornice detailing, dormers, gable ends, stepbacks of upper stories, and similar methods.
- B. **Horizontal Facade Articulation:** Facades greater than 40 feet in length shall be visually articulated into smaller intervals of 20 to 40 feet by one or a combination of the following techniques:
 1. Stepping back or extending forward a portion of the facade;
 2. Variations in texture, materials or details; or
 3. Placement of doors, windows, and balconies.
- C. **Materials:** All exterior wall finishes on any building must be one or a combination of the following materials: wood

lapsiding or shakes (preferably cedar), face brick, natural or cultured stone, textured pre-cast concrete panels, textured concrete block, stucco, glass, pre-finished metal, fiberglass or similar materials, or cor-ten steel (other than unpainted galvanized metal or corrugated materials). Other new materials of equal quality to those listed may be approved by the Community Development Department.

- D. **Dimensional Standards:** Recreation facilities, excluding trails or pathways, shall be set back 20 feet from property lines abutting residential districts.
- E. **Four-Sided Building Design:** Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades. All facades shall contain window openings. This standard may be waived by the Community Development Department for uses that include elements such as service bays on one or more facades.
- F. **Maximum Building Length:** Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry.
- G. **Special or Object-Oriented Buildings:** In some cases, a uniquely designed building may be proposed that is considered outside of these stated Standards due to its purpose, use, design, and/or orientation (e.g. a memorial, special civic function, etc.). If such a building is proposed, then it may be considered independently of these standards and would be subject to final approval by the City Council.
- H. **Garages Doors and Loading Docks:** Loading docks shall be located on rear or side facades and, to the extent feasible, garage doors should be similarly located. Garage doors of attached garages on a building front shall not exceed 50% of the total length of the building front.
- I. **Waste and Recycling Areas:** Trash storage areas shall be enclosed. Enclosure walls shall be of a block or masonry material and designed to match the building where it is located. The enclosure should be accessible, yet located away from main entries and residential uses.
- J. **Buffer Strip:** All new active uses (including dugouts, sports fields, park shelters, play structures, and other active park uses), maintenance structures, and parking lots, shall be separated from residential uses by a minimum 20-foot wide landscaped buffer. A buffer strip that lies between parking lots, maintenance structures, and/or access roads and a residential use shall include screening of headlights to a minimum height of 42 inches, utilizing a combination of native plants, coniferous/deciduous trees, shrubs, solid

board-on-board fencing, and/or landscaped berms. A buffer strip that lies adjacent to all other uses shall include sod or a combination of native plants, coniferous/deciduous trees, shrubs, and/or solid board-on-board fencing.

1009. Procedures

1009.01 Administrative Deviation

- A. **Purpose:** Administrative deviations are intended to encourage owners of residential properties in LDR-1 or LDR-2 Districts to modernize and improve their properties while maintaining the overall character of the community. This is accomplished by allowing limited encroachments into certain required building and driveway setbacks and/or limited increases in fence height.
- B. **Exceptions:** If any part of a proposal does not meet the requirements for administrative deviation as established in this section, the entire proposal shall be ineligible for administrative deviation approval; all deviations greater than what is described in this section shall adhere to the variance procedure established in Section 1009.04. If the entrance to a driveway with a nonconforming setback is reconstructed as part of a public improvement project or any other public action but is not closer than 2 feet from an interior side property line, the Community Development Department may approve a driveway setback deviation without adhering to the procedure described in Subsection D below.
- C. **Limitations by Category of Administrative Deviation:**
1. **Building Setback Deviation:** A building setback deviation is a reduction of the required front, rear, interior side, and/or reverse-corner side yard setbacks for principal and/or accessory buildings. A building setback deviation shall not allow the encroachment of a building into public easements or required standard-corner side yard setbacks.
 - a. A building setback deviation shall not be allowed for a principal building less than 20 years old. Age of a principal building is calculated by subtracting the year in which the building was constructed from the year of application for administrative deviation. Notwithstanding this age limitation, building setback deviations may be considered for newer homes which cannot be practically used by an occupant who has developed a disability with respect to mobility.
 - b. A building setback deviation shall not allow principal building setbacks of less than 24 feet from front or rear property lines
 - c. A building setback deviation shall not allow a principal building setback of less than 3 feet from an interior side property line.

A house built at any time in 1991 is considered 20 years old on January 1, 2011.

- d. A building setback deviation may allow principal buildings to extend toward a reverse-corner side property line as far as 70 feet from the opposite, interior side property line, provided that the reverse-corner side setback shall not be less than 15 feet. A building setback deviation from a reverse-corner side property line shall not be allowed on parcels created/subdivided after January 1, 2011.
 - e. A building setback deviation shall not allow an accessory building to be closer than 3 feet to a rear or interior side property line nor closer to a reverse-corner side property line than the principal building.
2. Driveway Setback Deviation: A driveway setback deviation is a reduction of the required interior side yard setback for driveways and parking/turnaround areas.
- a. A driveway setback deviation shall not allow encroachments into the required setback of a driveway at the property line from corner side property lines established in Chapter 703 of the Code.
 - b. A driveway setback deviation shall not allow a driveway or parking area/ turnaround setback less than 2 feet from an interior side property line.
 - c. A driveway setback deviation shall not allow a driveway or parking area/ turnaround setback less than 10 feet from a corner side property line.
3. Fence Height Deviation: A fence height deviation is an increase of the required fence height limit to allow for better screening and/or noise reduction adjacent to highway rights-of-way, busy commercial areas, or other unusual properties. A fence height deviation shall not allow fences in excess of 8 feet in height.

Roseville's Zoning Code formerly required corner parcels to be at least 100 feet wide, but many narrower corner parcels were approved during that time. Reductions of reverse corner setbacks are limited to these narrower corner parcels to avoid penalizing them for being approved at a nonconforming width.

D. Administrative Deviation Approval Process: The owner of property on which an administrative deviation is proposed shall file an application for approval of the administrative deviation by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed according to the process established in this section.

- 1. Hearing and Notification: The Community Development Department shall schedule an administrative hearing with the Administrative Deviation Committee (ADC) to consider the application. The applicant and contiguous property owners shall be notified in writing by the Community Development Department of the time and place of the administrative hearing not less than 5 days prior to such hearing. All property owners receiving notification of the

administrative hearing shall be invited to comment on the proposed project and to attend the hearing.

2. **Review of Application:** During the administrative hearing described above, the ADC shall review applications for administrative deviation and provide recommendations pertaining to the approval or denial of the request; the Community Development Department may request additional review of applications from other City departments or public agencies.
3. **Decision:** After considering any public input and the recommendations of the above parties, the Community Development Department shall have the authority to approve or deny administrative deviation applications.
4. **Appeal:** No permits shall be issued for a project requiring an administrative deviation before the expiration of a mandatory 10-day appeal period beginning on the date of the decision of the Community Development Department; notwithstanding the following provisions, appeals of this decision shall adhere to the process established in Section 1009.08.
 - a. Appeals may be made by the original applicant or those property owners notified of the administrative hearing pursuant to Subsection D1 above.
 - b. If all of those property owners notified of the administrative hearing pursuant to Subsection D1 above indicate to the Community Development Department that they will not appeal the decision, the appeal period may be waived.

E. Considerations for Approval:

1. **Building Setback Deviation:** In addition to other requirements of this section, the ADC shall consider the following factors prior to recommending approval or denial of a building setback deviation:
 - a. The affect of the proposed project on the functional use of the property;
 - b. The affect of the proposed project on the enclosed storage on the property;
 - c. The propensity of the proposed project to create or exacerbate a drainage problem;
 - d. Whether the proposed building mass would be consistent with that on contiguous properties;
 - e. The proper scaling and integration of a new roof with the existing roof of the principal building on the property;
 - f. The affect of the proposed project on the aesthetic quality of the property;

- g. Whether the existing garage space on the property accommodates more than one vehicle; and
 - h. Whether the proposed project places more vehicles adjacent to first floor bedrooms on contiguous properties.
2. **Driveway Setback Deviation:** In addition to other requirements of this section, the ADC shall consider the following factors prior to recommending approval or denial of a driveway setback deviation:
- a. The intended use of the proposed driveway or driveway expansion;
 - b. The proximity of the proposed driveway to bedrooms on adjacent properties;
 - c. The potential for the proposed driveway to cause storm water problems on adjacent properties;
 - d. The aesthetic impact of the proposed driveway; and
 - e. The incorporation of landscaping and/or fencing to screen the proposed driveway from adjacent properties.
3. **Fence Height Deviation:** In addition to other requirements of this section, the ADC shall consider the unique circumstances surrounding an applicant's property prior to recommending approval or denial of a fence height deviation.
- F. **Additional Conditions of Approval:** The Community Development Department may add conditions to an administrative deviation approval in order to mitigate the impact(s) of a reduced building or driveway setback on adjacent properties. The Administrative Deviation Review Committee may recommend such conditions but such conditions shall be imposed or remitted at the discretion of the Community Development Department.

1009.02 Conditional Uses

- A. **Purpose:** Several land uses and structures have been designated as conditional uses in certain zoning districts; the purpose of the conditional use review process is to ensure that proposed conditional uses will satisfy applicable standards and criteria established for the protection of the public health, safety, and general welfare. Particular conditional uses may be subject to specific requirements in addition to the general standards and criteria pertaining to all conditional uses, and any conditional uses may be approved with conditions considered reasonable and necessary to enhance compatibility with surrounding uses.

B. **Applications:** The owner of property on which a conditional use is proposed shall file an application for approval of the conditional use by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed in a public hearing before the Planning Commission and acted upon by the City Council according to the process set forth in Chapter 108. If a proposed conditional use is denied, an application for substantially the same conditional use on the same property shall not be accepted within 1 year of the date of the denial.

C. **General Standards and Criteria:** When approving a proposed conditional use, the Planning Commission and City Council shall make the following findings:

1. The proposed use is not in conflict with the Comprehensive Plan;
2. The proposed use is not in conflict with any Regulating Maps or other adopted plans;
3. The proposed use is not in conflict with any City Code requirements;
4. The proposed use will not create an excessive burden on parks, streets, and other public facilities; and
5. The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare.

D. **Specific Standards and Criteria:** When approving the conditional uses identified below, all of the additional, specific standards and criteria shall apply.

1. Accessory Dwelling Units (ADU):
 - a. An ADU shall be located on a lot occupied by a one-family dwelling.
 - b. No more than one ADU shall be allowed on a lot.
 - c. The one-family dwelling on the lot shall be owner-occupied.
 - d. A detached ADU may be located above a detached garage of the one-family dwelling or within a separate accessory building meeting the standards for accessory buildings.
 - e. Dimensional Standards:
 - i. Maximum height of a detached ADU, including one built above a garage: 30 feet (as typically measured to mid-point of pitched roof).
 - ii. Maximum unit size: 75% of the principal dwelling's floor area, up to a maximum size of 600 square feet of living area.

- iii. Setback requirements: Attached ADUs shall meet the standards for principal buildings; detached ADUs shall meet the setback requirements for accessory buildings.
- f. The entryway to a detached ADU shall be connected to a street frontage with a paved walkway.
- g. The appearance or character of the principal building shall not be significantly altered so that its appearance is no longer that of a one-family dwelling.
- h. Design Standards for Detached ADUs:
 - i. Material: The exterior finish material shall match in type, size, and placement, the exterior finish material of the principal dwelling unit.
 - ii. Roof pitch: The roof pitch shall match the predominant roof pitch of the principal dwelling unit.
 - iii. Details: Trim shall match the trim used on the principal dwelling unit. Projecting eaves shall match those of the principal dwelling unit.
 - iv. Windows: Windows shall match those in the principal dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).
- 2. Animal Boarding, Animal Day Care, Kennel: If outside exercise runs or other outdoor activities are contemplated, the following standards shall be met:
 - a. Outdoor dog runs or exercise areas shall be located at least 100 feet from a residentially zoned property or property in residential use; and
 - b. Any portion of an outdoor kennel facing an adjacent property shall be screened from view by a solid fence, hedge or similar plant material not to exceed 6 feet in height.
- 3. Bank, Financial Institution: There are no specific standards for this use.
- 4. Bed and Breakfast Establishment:
 - a. The use shall only be conducted in a one-family dwelling and shall be limited to a maximum of 4 sleeping rooms.
 - b. Breakfast is the only meal that may be served, and it shall be limited to registered guests.
 - c. Length of stay shall not exceed 21 consecutive days for each registered guest.

5. Building Height Increase: There are no specific standards for increased building height where allowed by the applicable zoning district requirements
6. Caretakers Dwelling: There are no specific standards for this use.
7. College, Post-secondary School:
 - a. A facility established after the effective date of this ordinance shall have vehicular access to a collector or higher classification street.
 - b. A campus master plan may be required. Such plan shall meet standards for site plan review as detailed in Section __, and shall address the management of pedestrian, bicycle and vehicular circulation, relationship to surrounding land uses, and buffering and screening of adjacent uses to mitigate any impacts of a new or expanded/intensified campus.
8. Communications Equipment - Shortwave Radio and TV Antennas: There are no specific standards for this use.
9. Community Residential Facility, State Licensed, Serving 7-16 Persons: there are no specific standards for this use.
10. Day Care Center: There are no specific standards for this use.
11. Day Care Facility, Group Family: There are no specific standards for this use.
12. Dormitory: There are no specific standards for this use.
13. Drive-through Facilities:
 - a. Drive-through lanes and service windows shall be located to the side or rear of buildings and shall not be located between the principal structure and a public street.
 - b. Points of vehicular ingress and egress shall be located at least 60 feet from the street right-of-way lines of the nearest intersection.
 - c. The applicant shall submit a circulation plan that demonstrates that the use will not interfere with or reduce the safety of pedestrian and bicyclist movements. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with on site parking/circulation.
 - d. Speaker box sounds from the drive-through lane shall not be loud enough to constitute a nuisance on an abutting residentially zoned property or property in residential use.
 - e. Drive-through canopies and other structures, where

- present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
- f. A 10-foot buffer area with screen planting and an opaque wall or fence between 6 and 8 feet in height shall be required between the drive-through lane and any property line adjoining a residentially zoned property or property in residential use.
14. Garden, Public or Community (flower or vegetable), greater than 10,000 square feet: There are no specific standards for this use.
 15. Grocery Store: There are no specific standards for this use.
 16. Health Club, Fitness Center: There are no specific standards for this use.
 17. Hospital: There are no specific standards for this use.
 18. Learning Studio: There are no specific standards for this use.
 19. Liquor Store: There are no specific standards for this use.
 20. Live-work Unit:
 - a. The work space component shall be located on the first floor or basement of the building, and shall have an entrance facing the primary abutting public street.
 - b. The dwelling unit component shall be located above or behind the work space, and shall maintain a separate entrance which is located on the front or side facade and accessible from the primary abutting public street.
 - c. The work space component of the unit shall not exceed 50% of the total gross floor area of the unit.
 - d. The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit which would require the building to be classified as a mixed-use building shall not be allowed
 - e. 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, a manufacturing business, a commercial food service requiring a license, a

limousine business, or auto service or repair for any vehicles other than those registered to residents of the property.

21. Maintenance Facility: There are no specific standards for this use.

22. Manufactured Home Park:

a. Minimum Dimensional Standards:

Table 1009-1	
Lot area	5,000 square feet
Lot width	50 feet
Lot depth	100 feet
Front yard setback	20 feet
Side yard	10 feet
Rear yard	15 feet
Setback from public right-of-way	50 feet
Setback from exterior boundary	25 feet
Distance between mobile homes	20 feet
Setback from permanent ponding area	75 feet

- b. Sidewalks: A concrete sidewalk at least 3 feet 6 inches wide shall be built and maintained by the owner or operator providing access to all mobile home sites, recreational areas, common use buildings, storage areas, and the primary abutting public street.
- c. Lighting: Artificial lights shall be maintained during all hours of darkness in all buildings provided for common facilities of occupants' use. The manufactured home park grounds, street and pedestrian areas shall be lighted from sunset to sunrise in accordance with a lighting plan approved by the Community Development Department.
- d. Recreation Areas: All manufactured home parks shall have one or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be so located so as to be free of traffic hazards and should, where the topography permits, be centrally located. The size of such recreational area shall be a minimum of 10% of the land area of the manufactured home park. All equipment installed in such area shall be owned and maintained by the owner or operator of the manufactured home park at the owner or operator's expense.
- e. Landscaping: All areas shall be landscaped in accordance with a landscaping plan approved by the Community Development Department. The following minimum landscaping requirements shall

be maintained in all manufactured home parks:

- i. Each lot shall be properly landscaped with at least one tree and hedge. All yards shall be sodded or planted in grass. There shall be a minimum of 20 trees per gross acre in all areas of a manufactured home park. Trees, grass, and landscape materials shall be properly maintained and replaced, as necessary, to conform to the approved landscape plans and specifications.
 - ii. A visual screen, consisting of a compact hedge, redwood fence, coniferous trees or other landscape or fencing materials approved by the Community Development Department shall be installed and maintained around the periphery of the manufactured home park to substantially inhibit eye level vision from the exterior and shall be kept free of rubbish, debris, and weeds.
- f. Storm Shelter: A storm shelter structure capable of housing all of the occupants of the manufactured home park shall be constructed in a central location. Such structure shall be of an all masonry construction capable of withstanding 75-mile-per-hour winds. Such structure may also house other common facilities such as vending machines, laundry equipment, and ancillary utilities. The design of such structure shall be approved by the Community Development Department.
 - g. Manufactured Home Stands: Each lot for a manufactured home shall have an area of reinforced concrete 4 inches in depth, of adequate size to accommodate each manufactured home unit. The stand shall not heave, shift, or settle unevenly under the weight of a manufactured home due to frost action, inadequate drainage, vibration, or other forces acting on the structure. Anchors or tie downs shall be cast in place at a maximum separation of 12 feet on center and be capable of sustaining a minimum pull of 4,800 pounds per anchor.
 - h. Skirting: All manufactured home units shall have skirts around the entire manufactured home made of plastic, fiberglass, or other comparable, noncombustible material approved by the Community Development Department and shall be of a permanent color or painted to match the skirted manufactured home so as to enhance the general appearance of the home.
 - i. Storage Building: A structure shall be provided

on the premises to accommodate storable items of manufactured home occupants providing at least fifteen square feet of storage area per manufactured home unit in the manufactured home court. Such storage spaces shall be designed and maintained to provide secure storage for each manufactured home unit; the design shall be subject to approval of the Community Development Department.

23. Manufacturing and Processing, Outdoor Activities/Storage:
 - a. Areas of outdoor activity or storage shall not be located between the principal use and the primary public street.
 - b. Areas of outdoor activities or storage shall be screened by a solid opaque wall or fence at least 8 feet in height.
 - c. Aggregates and other granular materials shall be stored in such a way that prevents erosion.
 - d. The Planning Commission and the City Council shall give special consideration to the height of equipment and materials stored outside and its visibility from nearby properties and roadways.
24. Motor Fuel Sales, Motor Vehicle Repair, Body Shop:
 - a. Pump Islands and Canopies: The centerline of pump islands (or the outer edge of a pump island canopy, if present) shall be a minimum of 25 feet from a property line.
 - b. Driveways: Driveways shall be located a minimum of 50 feet from the street right-of-way lines of the nearest intersection.
 - c. Outdoor Display Sales Area: All outdoor display sales areas shall be limited to 250 square feet, shall not be located in pump area, and shall require an Outdoor Display Sales Permit and site plan to be approved by the Community Development Department.
25. Motor Vehicle Rental/Leasing: In commercial and mixed-use districts, motor vehicle rental and leasing businesses may be allowed as tenants in office and office service buildings, meeting the following requirements:
 - a. Storage of vehicles on the premises shall be purely an accessory use, and shall not function as display or advertising, and shall not be allowed alter the appearance and character of the property.
 - b. If located in an office building, rental or leasing shall be limited to small vehicles and the parking spaces, signage, and other visible evidence of the rental or

leasing business shall be compatible with the office setting.

- i. **Small Vehicles:** For rental and leasing businesses, a small vehicle is defined as a motor vehicle intended primarily for passenger use and no taller than 7 feet in height and no longer than 20 feet in length.
- ii. **Parking Spaces:** One on-site parking space shall be required for each rental vehicle in addition to the number of parking spaces required in Chapter 1019 of this Code for employees of the rental or leasing business and for other uses on the site or in the same building.
- iii. **Maintenance and Cleaning:** All maintenance and cleaning of vehicles, all equipment for maintenance and cleaning of vehicles, and all trailers or other equipment or devices used for transporting vehicles shall be completely within the principal building or completely screened from eye level of adjacent public streets, residential areas, and from other tenant spaces if the use is in a multi-tenant building.
- iv. **Storage of Vehicles:** Storage of vehicles shall not interfere with the safe and efficient access and circulation of vehicles and pedestrians on site.

26. **Motor Vehicle Dealer:** The sale of new motor vehicles shall be permitted only by a licensed motor vehicle dealer with a new vehicle franchise. The sale of used motor vehicles by a licensed motor vehicle dealer is permitted, but shall only occur in conjunction with on-site new vehicle franchises and the sales of new motor vehicles.

27. **Multi-family, Dwellings with 8 or more Units per Building:** There are no specific standards for this use.

28. **Nursing Home:**

- a. The yard requirements for multi-family use in the district apply.
- b. A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- c. The site shall contain a minimum of 150 square feet of usable open space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within 300 feet of the site may be used to meet this requirement.

- d. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
29. Off-site Parking:
- a. Paved pedestrian access shall be provided and maintained between the off-site parking facility and the principle structure.
 - b. The off-site parking facility shall be located no further than 300 feet from a residential structure and no further than 500 feet from a non-residential structure. Shuttle service may be provided as an alternative means of access for non-residential uses.
 - c. Off-site parking facilities shall be protected by a covenant running with the land and recorded with the County in a form approved by the City Attorney. Such a covenant shall not be revoked without consent of the City. A recorded document shall be provided to the Community Development Department prior to the use of the off-site parking area.
30. One-family Attached Dwelling (townhome, rowhouse): There are no specific standards for this use.
31. Park and Ride Facility: There are no specific standards for this use.
32. Pawn Shop: There are no specific standards for this use.
33. Place of Assembly: A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
34. Renewable Energy Systems: There are no specific standards for this use.
35. Transit Center: There are no specific standards for this use.
- E. **Validation:** A conditional use approval shall be validated by the applicant through the commencement of the authorized use or of any necessary construction (subject to the permit requirements of Title 9 of this Code) in support of the conditional use within 1 year of the date of the approval. Notwithstanding this time limitation, the City Council may approve extensions of the time allowed for validation of the conditional use approval if requested in writing by the applicant; extension requests shall be submitted to the Community Development Department and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the conditional use approval.

- F. **Expiration:** A conditional use approval shall automatically expire if:
1. The approval is not validated pursuant to Subsection E;
or
 2. A validated conditional use which has become nonconforming ceases operation for a continuous period of 1 year or longer.
- G. **Recording:** A certified copy of a City Council resolution approving a conditional use shall be filed with the Ramsey County Recorder upon validation.

1009.03 Interim Uses

- A. **Purpose:** Certain land uses might not be consistent with the land uses designated in the Comprehensive Land Use Plan, and they might also fail to meet all of the zoning standards established for the district within which they are proposed; some such land uses may, however, be acceptable or even beneficial if reviewed and provisionally approved for a limited period of time. The purpose of the interim use review process is to allow the approval of interim uses on a case-by-case basis; approved interim uses shall have a definite end date and may be subject to specific conditions considered reasonable and/or necessary for the protection of the public health, safety, and general welfare.
- B. **Open House Meeting:** Prior to submitting an application for a proposed interim use, an applicant shall hold a community open house meeting as described in Section 1009.07 of this Title.
- C. **Applications:** The owner of property on which an interim use is proposed shall file an application for approval of the interim use by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed in a public hearing before the Planning Commission and acted upon by the City Council according to the process set forth in Chapter 108. If a proposed interim use is denied, an application for substantially the same interim use on the same property shall not be accepted within 1 year of the date of the denial.
- D. **General Standards and Criteria:** When approving a proposed interim use, the Planning Commission and City Council shall make the following findings:
1. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
 2. The proposed use will not create an excessive burden on

- 3. The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety, and general welfare.
- E. **Expiration:** An interim use approval shall expire and an approved interim use shall cease, at the earliest of:
 - 1. 5 years from the date of the approval;
 - 2. Upon the expiration date established in the approval; or
 - 3. Upon reaching some other expiration threshold established as a condition of approval.
- F. **Renewals:** If an approved interim use is to be continued beyond the date of its expiration or if an expired interim use is to be reinstated, an applicant shall follow the above process for seeking a new interim use approval. Notwithstanding this requirement, the City Council may approve extensions to the expiration of an approved interim use when:
 - 1. The approved interim use has not yet commenced; and
 - 2. The duration of the approved interim use is not to exceed 3 months.

To request an extension under these circumstances, applicants shall submit to the Community Development Department a written request including an explanation of the factor(s) which necessitate the extension. Within 30 days of receipt of such a request, the matter shall be brought to the City Council for action.

1009.04 Variances:

- A. **Purpose:** Each zoning classification indicates specific development standards such as setback and height restrictions. There are occasions, however, when the strict application of such standards may be inappropriate because of special characteristics of the property. The variance procedure is designed to permit adjustment to the zoning regulations where there are special or extraordinary circumstances applying to a parcel of land or building that prevent the property from being used to the extent intended by the zoning. Special circumstances may include factors such as the size, shape, topography, vegetation, wetlands, or other unique characteristics of the land. Variances should not be granted to residential density standards or type of use.
- B. **Applications:** The owner of property on which a variance is proposed shall file an application for approval of the variance by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Complete

applications shall be reviewed in a public hearing according to the process set forth in Chapter 1002. If a proposed variance is denied, an application for substantially the same variance on the same property shall not be accepted within 1 year of the date of the denial.

C. **Approval:** In order to approve a variance request, the Variance Board shall find based on the application submitted:

1. Special circumstances or conditions, fully described in the findings, apply to the land or building for which the variance is sought, but do not apply generally to land or buildings in the neighborhood; and
2. Said circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or buildings.

D. **Validation and Expiration:** A variance approval shall be validated by the applicant through the commencement of any necessary construction (subject to the permit requirements of Title 9 of this Code) authorized by the variance within 1 year of the date of the approval. A variance approval shall automatically expire if the approval is not validated pursuant this section. Notwithstanding this time limitation, the Variance Board may approve extensions of the time allowed for validation of the variance approval if requested in writing by the applicant; extension requests shall be submitted to the Community Development Department and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the variance approval.

Minor changes are generally understood to include deviations of up to about 10% of approved development parameters, bearing in mind that some things (e.g., species of plants in an approved plan) cannot be measured.

1009.05 Changes to Approved Plans:

A. **Purpose:** To provide flexibility in responding to development constraints which were unanticipated during the review of proposals requiring development approval (e.g., conditional use, variance, etc.) by allowing administrative approval of minor changes to the approved location, size, and/or type of site improvements.

B. **Minor Changes:** The Community Development Department may approve such minor changes upon review by the Development Review Committee to ensure that the proposed changes neither cause any aspect of the project to fail to comply with applicable Code requirements nor materially change any important representations made to the City and surrounding residents during the original review and approval process.

- C. **Major Changes:** If the Development Review Committee determines that a proposed change cannot be considered as a minor change, such change may be considered either as an amendment to the original plan or as a new proposal; in either case, the applicant shall follow the process established in this Title for seeking a new approval of the appropriate type.

1009.06 Zoning Changes

- A. **Purpose:** An owner of property within Roseville, including the City Council, may wish to amend the text of the zoning regulations pertaining to his or her property or to amend the pertinent zoning district designation on his or her property as shown on the Official Zoning Map. The purpose of the zoning change review process is to consider such changes for approval where they would be consistent with the guidance and intent of the Comprehensive Plan and would not be injurious to the public health, safety, and general welfare.
- B. **Open House Meeting:** Prior to submitting an application for a proposed zoning map change, an applicant shall hold a community open house meeting as described in Section 1009.07 of this Title.
- C. **Applications:** The owner of property on which a zoning change is proposed shall file an application for approval of the zoning change by paying the fee set forth in Chapter 314 of this Code and submitting a completed application form and supporting documents as set forth on the application form. Complete applications shall be reviewed in a public hearing before the Planning Commission and acted upon by the City Council according to the process set forth in Chapter 108. If a proposed zoning change is denied, an application for substantially the same zoning change on the same property shall not be accepted within 1 year of the date of the denial.
- D. **Petitions:** A petition containing the signatures of at least 50% of the property owners within the public hearing notification area for a particular piece of property may be submitted as an application for approval of a zoning change when none of the petitioners is the owner of said property. Such an application-by-petition, along with a letter detailing the reasons for the requested zoning change, and the fee set forth in Chapter 314 of this Code, shall be submitted to the Community Development Department and shall be reviewed according to the same process as established in Subsection C above, including a petitioner-sponsored open house meeting for a proposed zoning map change as required in Subsection B above.

1009.07 Developer Open House Meetings

- A. **Purpose:** Certain proposals or applications for development may constitute significant departures from the present or historical use and/or zoning of a property. Prior to submitting an application for approval of an interim use or zoning map change, therefore, an applicant shall hold an open house meeting with property owners in the vicinity of the potential development location in order to provide a convenient forum for engaging community members in the development process, to describe the proposal in detail, and to answer questions and solicit feedback.
- B. **Timing:** The open house shall be held not more than 30 days prior to the submission of an application for approval of a proposal requiring a developer open house meeting and shall be held on a weekday evening beginning between 6:00 p.m. and 7:00 p.m. and ending by 10:00 p.m.
- C. **Location:** The open house shall be held at a location in or near the neighborhood affected by the proposal, and (in the case of a parcel situated near Roseville's boundaries) preferably in Roseville. In the event that such a meeting space is not available the applicant shall arrange for the meeting to be held at the City Hall Campus.
- D. **Invitations:** The applicant shall prepare a printed invitation identifying the date, time, place, and purpose of the open house and shall mail the invitation to the recipients in a list prepared and provided in electronic format by Community Development Department staff. The recipients will include property owners within the public hearing notification area established in Chapter 108 of the City Code, members of the Planning Commission and City Council, and other community members that have registered to receive the invitations. The invitation shall clearly identify the name, phone number, and email address of the host of the open house to be contacted by invitees who have questions but are unable to attend the open house. The invitations shall also include a sentence that is substantially the same as the following:
- This open house meeting is an important source of feedback from nearby property owners and is a required step in the process of seeking City approval for the proposed [zoning map change/ interim use], and a summary of the comments and questions raised at the open house meeting will be submitted to the City as part of the formal application.*
- E. **Summary:** A written summary of the open house shall be submitted as a necessary component of an application for approval of a proposal requiring a developer open house meeting

1009.08 Appeals

- A. An appeal pertaining to a decision of the Variance Board or an administrative ruling of the Community Development Department regarding any interpretation of the intent of this Title, or any administrative action approving or denying an application or request related to any matter addressed in this Title may be filed by any property owner or their agent.
 - 1. The appeal shall be submitted to the City Manager within 10 calendar days after the making of the order or decision being appealed.
 - 2. The appeal shall state the specific grounds upon which the appeal is made.
 - 3. The appeal shall be accompanied by the fee set forth in Chapter 314 of this Code.
- B. When an appeal is filed, a public meeting regarding the matter shall be held before the City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within 30 days of the receipt of the appeal. The Board of Adjustments and Appeals will reconsider only the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appeals applicant(s) may be considered by the Board of Adjustments and Appeals at its sole discretion, if that information serves to clarify information previously considered by the Variance Board and/or staff.
 - 1. Variance Appeals: A mailed notice of the public meeting at which the appeal is to be considered will be sent to the appeals applicant(s), members of the Variance Board, and to all of those property owners within the public hearing notification area established in Chapter 108 of the City Code, as well as the owner of the subject property.
 - 2. Administrative Deviation Appeals: A mailed notice of the public meeting at which the appeal is to be considered will be sent to the appeals applicant(s) and all of those property owners who received notice of the original administrative deviation hearing, as well as the owner of the subject property.
 - 3. Appeals of Administrative Decisions: A mailed notice of the public meeting at which the appeal is to be considered will be sent to the appeals applicant(s) as well as the owner of the subject property.

CHAPTER 1011. Property Performance Standards

1011.01 General Development Standards

- A. **Purpose:** The purpose of this section is to establish regulations of general applicability to property throughout the city to promote the orderly development and use of land, to minimize conflicts between uses of land, and to protect public health, safety, and welfare.
- B. **Applicability:** The regulations set forth in this section shall apply to all structures and uses of land, except as otherwise provided in this Title.
- C. **Environmental Regulations:**
1. **Statement of Purpose:** The purpose of this Chapter is to establish standards for activities within all zoning districts that have the potential to affect the natural environment or the livability of residential or employment areas.
 2. **Compliance:**
 - a. All uses must comply with the environmental standards established in this section unless any federal, state, county, or local law, ordinance, or regulation establishes a more restrictive standard, in which case, the more restrictive standard will apply.
 - b. All applicants for building permits in non-residential districts and/or non-residential uses shall demonstrate compliance with the performance standard set forth in this Section. An application for building permit shall not be deemed complete until a showing by the applicant that they meet the standards set forth below.
 3. **In General:** All uses shall be conducted so as to prevent or substantially minimize any nuisance, hazard or commonly recognized offensive conditions, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illumination.
 - a. **Noise:**
 - b. Noises emanating from any use shall not exceed that standards set by the Minnesota Pollution Control Agency.
 - i. **Exemption:** Noise caused by trains, temporary construction, or demolition shall be exempt from Noise regulations.
 - c. **Vibrations:**

- i. Any use established or remodeled after the effective date of this Chapter shall be so operated as to prevent vibrations discernible at any point beyond that lot line or the site on which such use is located.
 - ii. Exemption: Ground vibrations caused by trains, temporary construction or demolition shall be exempt from Vibration regulations.
- d. Smoke and Particulate Matter: Uses shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort or general welfare of the public. For purposes of grading the density of smoke the Ringelmann Chart published and used by the United States Bureau of Mines shall be employed. The emission of smoke shall not be of a density greater than number 2 on the Ringelmann Chart.
- e. Odor: The following factors are to be considered when determining whether an odor is offensive enough to be a nuisance:
 - i. The frequency of the odor
 - ii. The duration of the odor
 - iii. The strength or intensity of the odor;
 - iv. The number of people impacted
 - v. The suitability of each party's land use to the character of the locality
 - vi. The extent and character of the harm to those complaining
 - vii. The ability to prevent the harm
- f. Glare: Glare, whether directed or reflected, such as from spotlights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the limits or the tract from which it originates.
- g. Toxic or Nontoxic Matter: No use or operation shall emit toxic or nontoxic matter across the property line which exceeds applicable regulations established by the Minnesota Pollution Agency.
- h. Hazardous Materials or Waste, Infectious Waste, and Pollutants: Each use involving hazardous materials or waste, infectious waste, or pollutants, shall comply with all applicable laws and regulations of the United States Environmental Protection Agency, the Office of Safety and Health Administration, the Minnesota Pollution Control

Agency, the Minnesota Department of Health, and any other applicable federal, state, or local regulatory provisions. Any project for which an Environmental Assessment Worksheet (EAW) is mandatory under Minnesota Rule 4410.4300 shall request an EAW from the responsible governmental unit specified in the Rule. The project shall not be developed until all environmental issues have been resolved to the satisfaction of the responsible governmental unit, including incorporating any mitigation measures into the project.

- i. Radiation: No operation shall be conducted which exceeds the standards established by applicable state and federal regulations.
- j. Electromagnetic Interference: No use shall produce electromagnetic interference which exceeds applicable standards established by applicable state and federal regulations.
- k. Explosives: All uses involving the manufacturing, storage, or use of explosive or flammable material shall comply with all applicable regulations, including, but not limited to, the Minnesota Building Code, and the Uniform Fire Code, and shall meet the following requirements:
 - i. All uses involving the manufacturing, storage, or use of explosive or flammable materials shall employ best management practices and the provisions of adequate safety devices to guard against the hazards of fire and explosion, and adequate fire-fighting and fire-suppression devices standard in the industry.
 - ii. Any activity or operation requiring the use, storage, manufacturing or explosives shall be no closer than 500 feet from any residential district, provided further that the location of said activity or operation is such that damage from explosion, including flying debris, vibration or smoke, is limited to the site on which the activity or operation is permitted.
 - iii. The storage of any flammable liquid shall be subject to the requirements established by the Uniform Fire Code and shall be reviewed by the State Fire Marshall.

D. Screening and Buffering: In all districts that lie adjacent to LDR-1 and LDR-2 districts (includes Medium Density Residential, High Density Residential, Business/Mixed Use, Employment and Institutional Districts) screening and

buffering of certain aspects of the use of the site as indicated below shall be implemented with all new construction.

1. Screening: Screening requirements of this title shall be satisfied through the use of buildings, berms, solid board-on-board fences, walls, planting screens, evergreen trees, hedges, or some combination thereof. If the topography, existing vegetation, permanent structure or other feature creates a barrier which meets the standards of this section, they may be substituted.
2. Screen Fences and Walls: Any screen fence or wall shall be constructed of attractive, permanent finished materials, compatible with those used in the construction of the principal structure. Such screens shall be at least 6 feet in height and provide a minimum opaqueness of 100%.
3. Planting Screens: Any planting screens shall be fully irrigated, consist of healthy plants, and be at least 6 feet in height and designed to provide a minimum year round opaqueness of 80% at the time installation when screening and buffering is required.
4. Buffer Areas: Buffer areas shall be provided wherever Business/Community Mixed Use and Employment District uses are located adjacent to or across the street from Residential District uses. Buffer areas shall separate parking areas, driveways, and structures from residential uses and contain the following:
 - a. A berm, fence, evergreen trees, hedge, or combination thereof of not less than 80% opaqueness and not less than 6 feet in height at the time of installation, except adjacent to a street where a landscape buffer not less than 3 feet nor more than 4 feet in height shall be installed and maintained. All landscaped areas shall be irrigated.
5. Headlight Screening: In Medium Density residential, High Density Residential, Business/Community Mixed Use, Institutional, and Employment Districts, the light from automobile headlights and other on site sources shall be screened whenever it may be directed onto residential windows.
6. Maintenance:
 - a. All new development or full redevelopment of a site shall be required at the time of building permit submittal to submit to the Planning Division for review and approval a landscape maintenance plan that includes all initial plant warranties, the required irrigation plan, type of wood mulch and a mulch restoration, and all pertinent contact information.
 - b. Screen fences and walls which are in disrepair shall

be repaired.

- c. Planting screens shall be maintained in a neat, healthy condition and comply with the site maintenance plan approved by the Community Development Department. Plantings which have died shall be promptly replaced in accordance with a landscape and/or screening plan approved by the City for the site.
7. Off street parking areas
- a. Off street parking areas with more than 25 parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb or approved equivalent and shall contain mulch to retain soil moisture. Turf grass is permitted within landscaped areas located around the periphery of a parking lot. This provision shall not apply to parking structures.
 - i. Landscape islands are required at the end of each row of cars, or every 15 stalls whichever is less. All landscape islands shall contain a minimum of 180 square feet and a minimum dimension shall be 5 feet.
 - ii. A minimum of one canopy trees of the same species must be provided per island.
 - iii. Shrubs, perennials or ornamental grass must be incorporated in each landscaped island.
 - iv. Islands shall be prepared with clean soil to a depth of 5 feet and improved to ensure adequate drainage, nutrient and moisture-retention levels for the establishment of plantings.
 - v. All perimeter and interior landscaped areas in parking lots shall be equipped with a permanent irrigation system, unless drought-tolerant plant materials are used exclusively. Where drought-tolerant plant materials are used, irrigation shall be required only for the 2-year period following plant installation and may be accomplished using hoses, water trucks, or other nonpermanent means.
 - b. Raised islands shall be provided at the end of any parking row where it abuts vehicle circulation lanes or driveways. Raised islands shall also be provided to separate pedestrian and vehicular traffic.
8. Alternative landscape options: The City encourages the use of special design features such as xeriscaping, raingardens/bioswales, rooftop gardens, native landscapes, integrated pedestrian facilities, and public

art. To encourage the use of these special design features the City acknowledges a degree of flexibility may be necessary to adjust to unique situations. This subsection provides such flexibility and presents alternative ways to meet the standards set for in this section. The alternatives provided below are discretionary and are subject to approval of the Community Development Department, unless the development application requires approval by the City Council, in which case the City Council shall approve the alternative landscape plan. Landscaping requirements may be modified if the proposal meets one or more of the following:

- a. It is of exceptional design that includes amenities such as public art, public seating, an outdoor plaza, green rooftop, recreational benefit, and/or transit shelter.
 - b. It is deemed equivalent to the minimum requirements of this section and complies with the purpose and objectives of this section.
 - c. It will allow a site plan that is more consistent with the character of the area.
 - d. It will result in the retention of more existing significant trees.
 - e. It better accommodates or improves the existing physical conditions of the subject property.
 - f. The topography decreases or eliminates the need for visual screening.
 - g. It does not reduce the effect of required screening.
 - h. Efforts are made to create interest by providing a variety of colors and textures.
9. Plant Material Standards
- a. The complement of trees required shall be at least 25% deciduous and at least 25% coniferous. Not more than 30% of the required number of trees shall be composed of one species.
 - b. Minimum size of plantings. Caliper inches to be measured 6 inches off the ground.
 - i. Deciduous tree (canopy): 3-inch caliper
 - ii. Ornamental tree: 1.5-inch caliper
 - iii. Evergreen tree: 6-to-8-foot height
 - iv. Deciduous shrub: 5-gallon pot
 - v. Evergreen shrub: 5-gallon pot

10. Method of Installation

- a. The spacing of trees shall be appropriate to type of plant species provided. Evergreen shrubs shall be

planted in clusters in order to maximize survival.

- b. Traffic visibility shall be maintained by selecting and locating landscaping and design features that do not result in a safety or visibility hazard as required in section cite section (traffic visibility regulations).
 - c. All deciduous shrubs and spreading or globe evergreen shrubs shall be moved onto the site in pots. All other plant materials shall be balled and burlapped or moved onto the site with a tree spade.
 - d. Minor plan substitutions to any approved planting plan may be accepted as approved by the Community Development Department.
 - e. Landscaping for one- and two-family homes shall be installed within one year of issuance of the building permit for a new home, addition or garage.
 - f. In calculating the required plant material under the provisions of this section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number.
11. Maintenance of Landscaping.
- a. All landscaping and site improvements shall be completed within 1 year after the certificate of occupancy has been issued.
 - b. The continued maintenance of all required landscaping materials in a live and healthy state is a requirement of this section and is the responsibility of the owner and tenant of the property on which the materials are required. This requirement shall run with the land and be binding upon all future property owners. Failure to comply with this requirement shall be a violation of this section.
 - c. An underground sprinkler system shall be installed in all landscaped areas except areas to be preserved in a natural state or where all proposed plant materials are drought-tolerant. Where drought-tolerant plant materials are used, irrigation shall be required only for the 2-year period following the installation and may be accomplished using hoses, water trucks or other nonpermanent means.

12. Security

- a. Single Family (LDR-1) and Two-Family Uses (LDR-2):
 - i. Prior to the issuance of a building permit for a single-family, two-family, and/or town home dwelling, the contractor, builder or home owner shall provide a cash escrow in the amount of \$500.00 to guarantee

compliance with the requirements of this Section. Said security shall be released upon certification of compliance by the developer to the satisfaction of the City. Notwithstanding the foregoing, no portion of the security shall be released while there are unsatisfied developer's obligations to indemnify the City for any expenses in enforcing the terms of this agreement.

- b. Non-Single Family and Two-Family Uses:
 - i. Prior to the issuance of a building permit for all non-single-family and two-family uses that require the submittal and approval of a landscape plan for a site development, the developer, contractor and/or property owner shall provide a surety in a form approved by the Community Development Department to ensure the obligations of that required landscaping will be performed. The amount of surety shall be 125% of the estimated cost necessary to furnish and plant the required landscaping and any ancillary screening improvements such as fencing. The estimated cost shall be subject to approval by the City. If the estimated cost submitted by the developer to the City is not approved by the City, the City shall have the exclusive right to determine the estimated cost. The surety shall be held by the Community Development Department for a minimum of 2 growing seasons (2 full years). However, a reduction can be sought after one growing season.
- c. The developer, contractor, and/or property owner shall request an inspection after the required landscaping has been installed. The Community Development Department will determine compliance with the approved landscape plan and begin the 2-year timeline. A reduction can be sought after the first year and after an inspection is requested by the developer, contractor, and/or property owner. If it is determined by the Community Development Department that the landscaping is establishing appropriately, a portion of the security will be released. That part of the security which has not been released at the end of the first year shall be retained and shall secure the developer's, contractor's and/or property owner's obligation to remove and replant replacement trees which are not alive or are unhealthy at the end of the year and to replant missing trees. The entire security

may be released one year after the replanting of such trees has been satisfactorily completed if the City has certified that those replacement trees are alive and healthy. To be certified as alive and healthy, the following conditions must exist:

- i. No tree shall have sustained mechanical injury to the trunk of a tree causing loss of more than 30% of the bark circumference of the tree at any location along the tree's trunk.
- ii. No tree shall have had soil compacted to 6 inches deep over more than 30% of its root zone.
- iii. No tree shall have had more than 30% of its roots cut for the installation of any utility or for any other purpose.
- iv. No tree shall possess more than 25% of its crown in dead branches.
- v. None of the security shall be released until the developer's obligations to indemnify the City for any expenses incurred in enforcing the terms of the agreement are satisfied.

13. Penalties for violation: Any tree that is visibly damaged or has a root system that has been driven on causing soil compaction or the soil within the root zone has been compacted in any way, shall be replaced in accordance to the tree replacement formula found in section cite section of this section, or as per Section should be same section of this section for public trees. Also, any person who is not authorized by the City who removes any tree from any public property without first obtaining a permit and any person who fails to replace trees in the manner provided in this subsection shall, in addition to the criminal penalties prescribed by law, be required to pay to the City the estimated cost of tree replacement in the amount determined by the City. Upon determination that this has occurred, the City shall submit a bill for the amount of tree replacement. If that amount is not received by the City within 90 days, such amount shall be assessed as a special assessment on any land owned by the person violating this chapter which is located in the City.

E. Tree Preservation and Restoration:

1. Intent and Purpose: It is the intent of the City of Roseville to protect, preserve and enhance the natural environment of the community, and to encourage a resourceful and prudent approach to the development and alteration of wooded areas in the City. This subsection has the following specific purposes:

- a. To recognize and protect the natural environment consistent with the City's mission statement and goals of the comprehensive plan through preservation and protection of significant trees.
 - b. To promote protection of trees for the benefits provided, including beauty, protection against wind and water erosion, enhancement of property values, noise reduction, air quality, energy reduction, buffering, privacy and natural habitats.
 - c. To establish requirements related to cutting, removal or destruction of existing trees, especially significant trees.
 - d. To establish reasonable requirements for replacement of significant trees.
 - e. To allow the development of wooded areas in a manner that minimizes and mitigates the removal and destruction of trees, preserves aesthetics, property values, and the nature and character of the surrounding area
 - f. To provide for the fair and effective enforcement of the regulations contained herein.
2. **Application:** This Ordinance applies to all new public or private development on either platted or unplatted property in the City of Roseville:
 3. **Tree Preservation Plan Approval Required:** It is unlawful for any person (except single-family and two-family residential additions within the LDR-1 and LDR-2 districts) to engage directly or indirectly in land alteration, as defined in Section (cite section), unless such person has first applied for and obtained approval from the City's Community Development Department or other authorized City official of a tree preservation plan. No preliminary plat, building permit, grading permit, or other City required permit shall be granted unless approval of a tree preservation plan has first been obtained.
 4. **Tree Preservation Permit Process:**
 - a. Application: Application for approval of a tree preservation plan shall be made in writing to the Community Development Department. This application may be made separately or may be included as part of a development application. Information to be included in the application includes at least the following:
 - i. A Tree Preservation Plan exhibiting a stamp or certification and signature of the certified forester or arborist. The Tree Preservation Plan shall be prepared at the same scale as

the proposed development plan and shall show the following:

- Survey location of all significant trees
 - A significant tree summary sheet identifying the species of all significant trees located on the map
 - Identification of critical root zones extending from trees located on adjacent tracts, including the location and species of the trees
 - A table of area sizes for the following:
 - Existing site area, floodplain area, and forest area
 - Proposed areas of tree retention
 - Proposed areas of tree removal
 - Proposed areas of reforestation and afforestation
 - A graphic delineation of the following information:
 - Proposed significant tree retention areas
 - Proposed afforestation and reforestation areas
 - Proposed limits of disturbance
 - Steep slopes of 25% or more
 - Wetlands, including any required buffers
 - Topographic contours and intervals
 - Such other information that the City determines is necessary to implement this chapter
 - A simplified Tree Preservation Plan may be submitted where trees do not currently exist on the site or where existing trees will not be cut, cleared, or graded for the proposed development, and where adequate tree protection devices and long-term agreements are established for the protection of existing significant trees. This simplified plan may be included on a “Existing Conditions Survey”.
- b. Preservation Species: The following trees shall be included on the Tree Preservation Plan:
- i. Coniferous Tree. Coniferous trees are

considered to be “significant” for purposes of this Ordinance at a height of 12 feet or more. Species of coniferous trees required to be surveyed for tree preservation plan approval are as follows:

- Arborvitae White Cedar
- Fir, Douglas
- Fir, White
- Hemlock, Canada Eastern
- Junipers
- Larch, Eastern Tamarack
- Larch, European
- Pine, Austrian
- Pine, Eastern White
- Pine, Mugo
- Pine, Ponderosa
- Pine, Red (Norway)
- Pine, scotch
- Red Cedar, Eastern
- Redwood, Dawn
- Spruce, Black Hills
- Spruce, Colorado Blue
- Spruce, Norway
- Spruce, White
- Spruce, Japanese

- ii. Deciduous Tree: Deciduous trees are considered to be significant at a diameter at breast height (DBH) of 6 inches or more. Species required to be surveyed are as follows:

- Ash, Green
- Ash, White
- Basswood
- Beech, Blue
- Birch, River
- Canada Red Cherry, Shubert
- Catalpa, Northern
- Chokecherry, Amur
- Chokecherry, Shubert's
- Coffee-tree, Kentucky

- Corktree, Amur
 - Crabapple, ornamental
 - Dogwood, alternate-leafed
 - Elm, Accolade
 - Ginko Male trees
 - Hackberry
 - Hawthorns
 - Hickory, Bitternut
 - Hone locust, Imperial
 - Hone locust, Skyline
 - Ironwood
 - Lilac, Japanese tree
 - Linden, all varieties
 - Maple, all varieties
 - Mountain Ash, European and Show
 - Mulberry, Red
 - Nannyberry
 - Oak, Burr
 - Oak, Chestnut
 - Oak, Northern Pin
 - Oak, Northern Red
 - Oak, Pin
 - Oak, Red
 - Oak, Scarlet
 - Oak, Swamp White
 - Oak, White
 - Plum, American
 - Plum, Canada
 - Redbud, Eastern
 - Serviceberry
 - Walnut, Black
- iii. Heritage Tree: Any tree on the above list in fair or better condition which equals or exceeds the following diameter size:

Table 1011-1		
Tree Type	Tree Diameter	Examples
Large Deciduous	27" dbh	Oaks
Large Coniferous	24" dbh	Pine

- A tree in fair or better condition must meet the following criteria:
 - A life expectancy of greater than 10 years.
 - A relatively sound and solid trunk with no extensive decay or hollow.
 - No major insect or pathological problem.
- A lesser size tree can be considered a heritage tree if a certified forester determines it is a rare or unusual species or of exceptional quality.
- A lesser-sized tree can be considered a heritage tree if it is specifically used by a developer as a focal point in the project.
- iv. Other Trees: Trees not included in the above species list may be included for credit as part of the Tree Inventory subject to City approval and the following criteria:
 - A life expectancy of greater than 10 years.
 - A relatively sound and solid trunk with no extensive decay or hollowing.
 - No major insect or pathological problem.
 - A certified forester determines it is a rare or unusual species or of exceptional quality.
 - It is specifically used by a developer as a focal point in the project.
- 5. Tree protection: All trees which are to be retained on any site shall be marked and physically protected from harm or destruction caused by soil compaction, equipment and material storage within the drip line, bark abrasions, changes in soil chemistry, out-of-season pruning, and root cutting during construction.
 - a. Before any construction or grading of any development project occurs, orange “safety fence” at least 4 feet in height, and staked with steel posts no less than every 5 feet shall be placed around the drip line borders of woodlots and or the drip lines of significant trees to be preserved. Signs shall be placed along this fence line identifying the area as a tree protection area, and prohibiting grading beyond

the fence line. This fence must remain in place until all grading and construction activity is terminated.

- b. No equipment, construction materials, or soil may be stored within the drip lines of any significant trees to be preserved.
 - c. Care must be taken to prevent the change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints.
 - d. Drainage patterns on the site shall not change considerably causing drastic environmental changes in the soil moisture content where trees are intended to be preserved.
 - e. Any tree determined by the Community Development Department to be destroyed or damaged shall be replaced in accordance with the tree replacement section above.
6. Allowable Tree Removal
- a. Following the concept plan review listed in (tree preservation plan approval required – cite section), significant trees may be destroyed without any required replacement within the width of required easements for public streets, utilities and storm water ponding areas.
 - b. In areas outside of the exempted areas listed in subsection (a), up to 35% of the total dbh inches of all significant trees may be removed without replacement or restitution.
 - c. Vacant Lot/Parcel Development: On individual lots, up to 35% of the total dbh inches of all significant trees and up to 15% of the total dbh of all heritage trees may be removed for the installation of utilities, driveways and the building pad without tree replacement or restitution.
 - d. Redevelopment of Lots/Parcels: On previously platted and developed lots, where the structures have been removed or destroyed to more than 50% of the current market value, up to 35% of the total dbh inches of all significant trees and up to 15% of the total dbh of all heritage trees may be removed for the installation of utilities, driveways and building pads without tree replacement or resolution.
 - e. Significant trees in excess of the limitations of this Section may be removed, provided all trees removed in excess of said limitations shall be replaced in accordance with the Tree Replacement Formula.
 - i. Tree Replacement Formula. Replacement of removed or disturbed trees in excess of the percentage allowed by this subsection shall be

according to the following guidelines:

- ii. For development which exceeds the percentage of allowable removal of significant trees, all trees shall be replaced at the ratio of 0.5 caliper inch per 1 dbh inch removed. However, due to their significance, heritage trees shall be replaced at a 2 caliper inch per 1 dbh inch ratio.
 - iii. For each heritage tree saved, the developer may receive credit towards the required replacement trees. This credit will be at a rate of 2 caliper inches for each 1 dbh inch saved. To receive this credit, the applicant must demonstrate that extraordinary measures have been taken to preserve the heritage trees that otherwise would not be saved.
 - iv. Required replacement trees shall be planted on the site being developed. The applicant may also request approval to plant replacement trees on boulevards. Planting on such sites shall be done at the discretion of the City
- f. Minimum sizes for replacement trees shall be:
- i. Deciduous - 3-inch caliper
 - ii. Coniferous – 6-8 feet in height
 - iii. Replacement trees shall be from balled and burlapped, certified nursery stock as defined and controlled by Minnesota Statutes §18.44 through 18.61, the Plant Pest Act, as may be amended from time to time. Replacement trees may also be from bare root stock, provided the trees are planted no later than May 15th, and the planting is inspected by the City.
- g. Replacement trees shall be covered by a minimum 2-year guarantee.
- i. Replacement trees shall be of a species similar to other trees found on the site where removal has taken place. Selection of replacement tree types for use on public sites shall be at the sole discretion of the City.
 - ii. Where heritage trees have been removed, replacement trees shall consist of the same species as the removed heritage tree, or a tree that has the same potential value as the removed heritage tree. This value shall be certified by a certified forester or arborist. For the purposes of this paragraph, value

is defined as a species which has the same growth and life potential as the removed tree.

- iii. Replacement trees may be utilized to meet landscaping requirements if placement, species, and location are consistent with necessary landscaping provisions.
7. Certification of Compliance with Approved Landscape Plan. Upon completion of the required landscaping, the Developer shall notify the City and request an inspection of the work. Following the inspection, the City shall notify the Developer that all work has been satisfactorily completed, or what work is still required. The required warranty period outlined in Section cite section below, shall begin on the date of the letter satisfactory completion issued by the City.
- a. The City of Roseville may, at its option, hire a consultant to verify and advise the City on matters involving this Ordinance. Any and all costs incurred by the City in hiring a consultant shall be reimbursed by the Developer, if not included within a Development Contract.
8. Warranty Requirement
- a. Sites of New Development: The Developer shall provide a financial guarantee, in a form satisfactory to the City, prior to the approval or issuance of any permit for land alteration.
 - i. The amount of the guarantee shall be 125% of the estimated cost to furnish and plant replacement trees. The estimated cost shall be provided by the Developer subject to approval by the City. The estimated cost shall be at least as much as the reasonable amount charged by nurseries for the furnishing and planting of replacement trees. The City reserves the right in its sole discretion to determine the estimated cost in the event the Developer's estimated cost is not approved.
 - ii. The security shall be maintained for at least 2 years after the date that the last replacement tree has been planted. Upon a showing by the Developer and such inspection as may be made by the City, that portion of the security may be released by the City equal to 125% of the estimated cost of the replacement trees which are alive and healthy at the end of such year. Any portion of the security not entitled to be released at

the end of the year shall be maintained and shall secure the Developer's obligation to remove and replant replacement trees which are not alive or are unhealthy at the end of such year and to replant missing trees. Upon completion of the replanting of such trees the entire security may be released.

- b. Platted and/or Vacant Lots/Parcels. For construction on platted lots and or vacant lots/parcels, the developer shall provide a cash escrow in the amount of \$500.00 to guarantee compliance with the requirements of this Ordinance. Said security shall be released upon certification of compliance by the developer to the satisfaction of the City. Notwithstanding the foregoing, no portion of the security shall be released while there are unsatisfied Developer's obligations to indemnify the City for any expenses in enforcing the terms of this agreement.
 - c. Redevelopment of Lots/Parcels. For construction on platted and developed lots/parcels, the developer shall provide a cash escrow in the amount of \$500.00 to guarantee compliance with the requirements of this Ordinance. Said security shall be released upon certification of compliance by the developer to the satisfaction of the City. Notwithstanding the foregoing, no portion of the security shall be released while there are unsatisfied developer's obligations to indemnify the City for any expenses in enforcing the terms of this agreement.
 - d. The City may retain from the security required in (1), (2), and (3) above as reimbursement an amount expended by the City to enforce the provisions of this section.
9. Entry on Private Property and Interference with Inspection: The Community Development Department and/or its agent may enter upon private premises at any reasonable time for the purposes of enforcing the regulations set forth in this Section. No person shall unreasonably hinder, prevent, delay, or interfere with the Community Development Department or its agents while engaged in the enforcement of this Section.

F. Landscaping

1. Purpose. The City recognizes the aesthetic, ecological, and economic value of landscaping in both the natural and built environments and requires its use to serve the following objectives:
 - a. Protect the health, safety, and general welfare of the community

- b. To deter crime through the use of good environmental design practices
 - c. Promote the reestablishment of vegetation in the community for aesthetic, health, and wildlife reasons
 - d. Improve ground water quality
 - e. Reduce storm water runoff
 - f. Promote compatibility between land uses by reducing the visual, noise, dust, and lighting impacts of specific development on users of the site and abutting uses
 - g. Aid in energy conservation by providing shade from the sun and shelter from the wind
 - h. Safeguard and enhance property values
 - i. Break up expanses of paved areas and provide surface shade
 - j. To promote development which will minimize the loss of trees, ensure maintenance of vegetation, encourage a resourceful and prudent approach to urban development, provide an objective method to replace trees, and provide incentives for creative land use and good site design which preserves existing trees
2. The landscape standards in this section are established to promote these objectives and encourage innovative and creative landscape design for the benefit of the City. This section consists of the minimum landscaping and screening requirements for use throughout the City.
 3. Applicability: The Community Development Department may require additional landscaping or alter the placement of the landscaping as deemed appropriate.
 4. Required Landscape Plan: With the exception of single-family and two-family dwellings, a detailed landscape plan shall be submitted for review and approval by the Community Development Department for all new developments, additions or modifications to existing developments or when changes are made to existing landscape plans. Landscape plans shall be prepared by a registered landscape architect or other qualified individual as determined by the Community Development Department. The landscape plan shall be drawn to a scale of not less than one inch equals 50 feet. The locations and materials which are to be used in landscaping existing and proposed developments shall be clearly drawn and labeled on a landscape plan. The plan shall, at a minimum, show the following:
 - a. The boundary lines of the property with accurate dimensions

- b. The locations of existing and proposed buildings, parking lots, roads and other improvements
 - c. A plan showing existing topography and proposed grading with contour intervals no greater than 2 feet
 - d. The location, diameter of trees and common name of existing trees and shrubs
 - e. A planting schedule containing symbols, quantities, common and botanical names, size of plant materials, root condition, and special planting instructions
 - f. The planting details illustrating proposed locations of all new plant materials
 - g. The locations and details of other landscape features including berms, retaining walls, fences, walls, sculptures, fountains, street furniture, lights, courtyards, and planter boxes
 - h. The details of restoration of disturbed areas including areas to be sodded or seeded
 - i. The location and details of irrigation systems
 - j. The details and cross sections of all required screening
 - k. A description of a method to be employed for the protection of all existing landscape materials to be saved
 - l. Planting and installation details as necessary to ensure conformance with all required standards
5. Minimum Landscaping Requirements
- a. All open areas of a lot that are not used for buildings, required parking or circulation areas, patios, or storage shall be landscaped with a combination of canopy trees, ornamental trees, evergreen trees, shrubs, flowers, sod, ground cover materials, and other site design features to ensure soil stabilization. This shall not apply to undisturbed areas retained in a natural state.
 - b. Landscape plans shall be developed with an emphasis upon the boundary or perimeter of the proposed site, to the immediate perimeter of the structure, parking areas, and along areas to be screened.
 - c. The following minimum number of plant materials shall be provided:
 - i. Single-family and two-family dwellings constructed after January 1, 2011, shall plant 1 tree per lot in the boulevard. The boulevard tree shall be of a species identified in the

City of Roseville Street Tree Master Plan for streets and boulevards and shall be planted according to City requirements.

- ii. Multi-family residential dwellings shall require one (1) canopy or evergreen tree per dwelling unit.
- iii. Non-Residential uses shall require at a minimum the greater of:
 - 1 canopy or evergreen tree per 1,000 square feet of gross building floor area
 - 1 canopy or evergreen tree per 50 lineal feet of site perimeter
- iv. Up to 25% of the required number of canopy or evergreen trees may be substituted with ornamental trees at a ratio of 2 ornamental trees to 1 canopy or evergreen tree.
- v. Shrubs shall be required at a minimum of the greater of the following:
 - 6 shrubs per 1,000 square feet of gross building floor area
 - 6 shrubs per 50 lineal feet of site perimeter
 - This requirement shall not apply to single family and two-family residential dwellings
- vi. Where there is more than one use per building or development, each use shall be calculated separately to determine minimum landscape requirements.

G. Lot Controls:

1. Purpose: Lot controls are established to provide for the orderly development and use of land, and to provide for adequate light, air, open space, and separation of uses.
2. Use of lots: All lots shall be used in a manner consistent with the requirements of this Title and the zoning district in which the property is located. No part of any existing lot shall be used as a separate lot or for the use of another lot except as otherwise provided in the City Code (subdivision).
3. Lots of record: A lot of record shall be deemed a buildable lot provided it has frontage on a public right-of-way and meets the setback and area requirements for the district in which it is located, or adjusted to conform as follows.
 - a. A lot or lot of record upon the effective date of this Title which is in a residential district and which does

not meet the requirements of this Title as to area or width, may be utilized for single-family detached dwelling purposes provided the measurements of such lot meets 100% of the front yard, side yard, and rear yard setback requirements for the district in which it is located and 60% of the minimum lot area or lot width requirements for the district in which it is located.

4. Principal Buildings in Residential Districts: There shall be no more than one principal building on a lot in any residential district.
5. Principal Buildings in Non-residential Districts: There may be more than one principal building on a lot in non-residential districts, provided each building meets all of the requirements, including setbacks, of the district in which it is located.
6. Required Yards: Yard requirements shall be as specified for the zoning district in which the lot is located.
7. Yard Encroachments: The following uses shall not be considered as encroachments into required yards provided they do not exceed the distance encroachment indicated:
 - a. All Yards:
 - i. Cornices, canopies, awnings, eaves, gutters, bay windows, and other ornamental features provided they do not extend more than 3 feet into the required yard.
 - ii. Chimneys, air conditioning units, fire escapes, uncovered stairs, ramps, and necessary landings provided they do not extend more than 3 feet into the required yard.
 - iii. Terraces, steps, uncovered porches and patios, decks, stoops, or similar features provided they do not extend above the height of the ground floor level of the principal structure or be closer than 2 feet from any lot line.
 - Patios shall be at least 10 feet from a street right of way.
 - b. Side or Rear Yards Only:
 - i. Bays provided they not exceed a depth of 3 feet or 30 square feet in gross area.
 - ii. Fire escapes provided they not exceed a width of 3 feet.
 - iii. Fences or walls provided they not exceed a height of 6.5 feet above grade except that

in Commercial, Community Mixed Use and Employment Districts or on property lines in other districts abutting Commercial, Community Mixed Use and Employment Districts, fences or walls shall not exceed 8 feet above grade.

c. Rear Yards Only:

- i. Balconies, breezeways, detached outdoor picnic shelters, and recreational equipment.
- ii. Fences constructed and maintained in accordance with the applicable provisions of this Title.

H. Traffic Visibility:

1. Triangular areas meeting the following descriptions:
 - a. At street intersections, a triangle with 45-foot sides;
 - b. At intersections of streets with driveways (or alleys), a triangle with 10-foot sides; or
 - c. At the intersection of driveways (or alleys) with sidewalks (or paths), a triangle with 5-foot sides.
2. The sides of a traffic visibility triangle are measured by locating a point of origin by extending curb lines (or driveway or sidewalk edges) toward the intersection until they meet and then measuring the specified distance along the curb lines (or driveway or sidewalk edges) away from this point of origin to the end points of the triangle's side lines. A triangle is then closed by a straight line hypotenuse connecting the end points described above.
3. The following regulations apply to all private property within traffic visibility triangles at street intersections and all property except LDR-zoned property within traffic visibility triangles at intersections of streets with driveways and/or at intersections of driveways with sidewalks:
 - a. No structures shall be placed except for fences, walls, or berms not exceeding 30 inches in height;
 - b. No motor vehicle, trailer, or other equipment shall be allowed to park, stand, or stop; and
 - c. No vegetation shall be planted or allowed to grow higher than 30 inches, except for up to 1 tree within the private property and up to 2 trees within the public right-of-way, with any tree having no branches lower than 8 feet.
4. All height measurements are taken from the top of the curb immediately adjacent to the triangle area.

I. Height Limitations:

1. The building and structure height limitations established for each zoning district shall apply to all buildings and structures, except that the following shall be exempt from a height limitation:
 - a. Church spires
 - b. Belfries
 - c. Cupolas and domes which do not contain usable space
 - d. Monuments
 - e. Water towers
 - f. Fire and hose towers
 - g. Observation towers
 - h. Flagpoles
 - i. Electrical transmission towers
 - j. Chimneys
 - k. Smokestacks
 - l. Parapet walls extending not more than 3 feet above the limiting height of the building
 - m. Cooling towers
 - n. Grain elevators
 - o. Elevator penthouses
2. Exception to Height Exemption: If, in the opinion of the Community Development Department, such structure would adversely affect adjoining or adjacent property, such greater height shall not be authorized except by the City Council upon recommendation of the Planning Commission.

J. Fences:

1. General requirements: The following standards shall apply to all fences:
 - a. Fences may be constructed, placed or maintained in any yard or adjacent to a lot line in accordance with the requirements of this section.
 - b. Fences in front yards which do not exceed 4 feet in height.
 - c. The owner of the property upon which the fence is located shall be responsible for locating all property lines prior to constructing said fence.
 - d. All fence posts and supporting members shall be placed within the property lines of the property on which the fence is located.
 - e. All fences shall be situated so that they can be

- maintained from within the property boundaries of the property on which they are located.
 - f. All fences shall be constructed so that the finished side or more attractive side of the fence faces the adjacent property or the public right-of-way.
 - g. All fences shall be constructed of durable, uniform, weather-resistant, and rust-proofed materials.
 - h. All fences shall be maintained and kept in good condition.
 - i. Fence height shall be measured from the average grade to the top of the fence. In situations where a grade separation exists at the property line, the height of the fence shall be based on the measurement from the average point between the highest and lowest grade. Fence posts may extend an additional 6 inches.
 - j. Fences exceeding 4 feet in height shall require a building permit from the City.
2. Residential Fences: The following standards shall apply to all fences constructed in any residential zoning district or directly adjacent to any residential zoning district:
 - a. No fence used for screening or security shall exceed 6.5 feet in height unless for garden purposes.
 - b. A fence for garden purposed, to keep out unwanted or **undesired animals and/or critters**, shall be allowed to a maximum of 8 feet in height.
 - c. The fence shall be made of weaver or welded wire, or plastic mesh.
 - d. Fences shall be comprised of chain-link, wood, plastic, or metal, but shall not be barbed wire, electric, weaved, or welded wire.
 - e. Temporary snow fencing is allowed from November to April without a permit.
 3. Non-residential Fences: See the Landscape, Screening, and Buffering section below for fencing requirements for all non-residential districts.

K. Essential Services

1. Purpose: The purpose of this section is to provide for the installation of essential services in a manner that does not adversely affect the public health, safety or welfare.
2. Essential services allowed by permit: The following essential services, when installed in any location in the City and installed primarily for the use of City residents, shall only require a permit from the City Engineer:
 - a. All communication lines

- b. Underground electrical transmission lines, overhead utility lines and electrical transmission lines intended to serve properties within the City
 - c. Pipelines for distribution to individual properties within the City
 - d. Substations with less than 33 KV
 - e. Radio receivers and transmitters accessory to an essential service, when placed on an existing utility pole, tower or light standard
- L. **Solar Energy Systems:** Solar energy systems are allowed as an accessory use in all zoning classifications where structures of any sort are allowed. Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below:
- 1. Height: Active solar systems must meet the following height requirements:
 - a. Building- or roof- mounted solar systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.
 - b. Ground- or pole-mounted solar systems shall not exceed 15 feet in height when oriented at maximum tilt.
 - c. Set-back: Active solar systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.
 - 2. Roof-mounted Solar Systems: In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
 - 3. Ground-mounted Solar Systems: Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.
 - 4. Visibility: Active solar systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.
 - 5. Building Integrated Photovoltaic Systems: Building

- integrated photovoltaic solar systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
6. Solar Systems with Mounting Devices: Solar systems using roof mounting devices or ground-mount solar systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mount systems that are visible from the nearest edge of the street frontage right-of-way shall be reviewed and approved by Community Development staff to ensure the system meets the wind load standards for the roof and there are not major aesthetic impacts with the system to the surrounding properties.
 7. Coverage: Roof or building mounted solar systems, excluding building-integrated systems, shall not cover more than 80% of the south-facing or flat roof upon which the panels are mounted, and shall be set back from the roof edge by a minimum of one (1) foot. The surface area of pole or ground mount systems shall not exceed half the building footprint of the principal structure.
 - a. Approved Solar Components: Electric solar system components must have a UL listing.
 - b. Plan Approval Required: All solar systems shall require administrative plan approval by the Community Development Department.
 - i. Plan Applications - Plan applications for solar systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
 - ii. Pitched Roof Mounted Solar Systems - For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 - iii. Flat Roof Mounted Solar Systems - For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the

- finished surface of the roof.
- iv. **Plan Approvals:** Applications that meet the design requirements of this policy shall be granted administrative approval by the zoning official and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.
 - v. **Compliance with Building Code:** All active solar systems shall meet approval of local building code officials, consistent with the State of Minnesota Building Code.
 - vi. **Compliance with State Electric Code:** All photovoltaic systems shall comply with the Minnesota State Electric Code.
 - vii. **Utility Notification:** No grid-intertie photovoltaic system shall be installed until evidence has been given to the Community Development Department that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

1011.02 Non- LDR-1 and LDR-2 District Standards

- A. **Rooftop Equipment:** Rooftop equipment, including rooftop structures related to elevators shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.
- B. **Waste and Recycling Areas:** Trash storage areas shall be enclosed. Enclosure walls shall be of a block or masonry material and designed to match the building where it is located. Trash enclosures within developments of 2-story or more shall incorporate a trellis cover or a roof design to screen views from above. The enclosure should be accessible to residents and businesses, yet located away from main entries.
- C. **Maintenance Activities:** Movement of sweeping vehicles, garbage trucks, maintenance trucks, and other service vehicles and equipment is prohibited within 300 feet of a

residential district between the hours of 10:00 P.M. and 7:00 A.M., except for emergency vehicles and emergency utility or maintenance activities. Snow removal shall be undertaken in a manner that minimizes removal activity during the hours of 10:00 P.M. and 7:00 A.M. Long term snow storage (more than 7 days) shall not occur within 300 feet of a residential zone unless approved by the Community Development Department. Long term snow storage may only occur on surplus parking spaces beyond the required spaces within Section ____ of this Code.

- D. Service Areas and Mechanical Equipment:** Service areas, utility meters, and building mechanical equipment shall not be located on the street side or a building or on a side wall closer than 10 feet to the street side of a building, unless determined by Community Development Department that there is no reasonable alternative.
- E. Parking Lot Lighting:** The following standards for on-site lighting of parking lots shall be required for all uses.
1. **Fixtures:** Lighting fixtures shall be of a downcast, cutoff type, concealing the light source from view and preventing glare unless decorative and utilized for pedestrian safety.
 2. **Minimum Lighting Levels:** Energy efficient lighting systems shall be employed for all exterior lighting. Minimum lighting levels for covered and open parking facilities shall be as follows:
 - a. **Covered Parking Facilities (Day):***
 - i. General parking and pedestrian areas: 5 foot-candles
 - ii. Ramps/corners: 10 foot-candles
 - iii. Entrances/exits: 50 foot-candles
 - iv. Stairwells: 20 foot-candles
 - b. **Covered Parking Facilities (Night):***
 - i. General parking and pedestrian areas:* 5 foot-candles
 - ii. Ramps/corners: 5 foot-candles
 - iii. Entrances/exits: 5 foot-candles
 - iv. Stairwells: 20 foot-candles
 - c. **Open Parking Areas:***
 - i. General parking and pedestrian areas (high activity) 0.9 foot-candle
 - ii. Vehicle use areas 1 foot-candle
 3. All lights not reasonably required for security or business operations must be turned off between the hours of 10:00 P.M. and sunrise, or operated by motion detectors

so that they only turn on when there is activity nearby and turn off shortly thereafter.

4. Pole Height: The height of light poles shall not exceed 12 feet if located closer than 50 feet to a residential property line, nor a height of 25 feet if located between 50 feet and 100 feet of a residential property line. Light poles or fixtures may be a maximum of 40 feet tall if located greater than 100 feet from a residential property line and if completely screened (light source and light source glare) by building, berm, or landscape material with a minimum opacity of 90% to eye level view of living spaces in homes within 300 feet of light source.
5. Decorative Lighting: Decorative poles and luminaries shall be allowed on all new development sites when incorporated as pedestrian safety/security lighting along walkways, paths, and near the principal structure.

1011.03 Required Standards For Specific Use Or Development

A. Residential Uses

1. One- and two-family dwellings: See design standards in Section 1003.06.
2. One-family attached dwelling: See design standards in Section 1003.05.
3. Multi-family buildings: See design standards in Section 1003.05 and the following:
4. Recreational facilities must be provided to serve the needs of the anticipated population.
5. Minimum distances between buildings shall equal the combination of the required side yards for each building.
6. Screening and buffering shall be required per Section ____ of this Title.
7. Cohousing Community: Cohousing is a permitted use within any housing type that is permitted within the zoning district where the cohousing development is located. Any housing type that is conditional within the zoning district may be used for cohousing with conditional use approval. Any allowed use within the zoning district where the cohousing development is located may be allowed as part of the cohousing development.
 - a. A cohousing community shall provide a community building for the shared use of the residents for typical domestic activities such as cooking or child care, and for home occupations as regulated in this chapter.

- b. Lot area requirements for individual lots within the cohousing community may be reduced with conditional use approval provided that the overall density remains consistent with minimum lot area standards.
 - c. Usable open space may be combined and shared among cohousing units.
- 8. Community residential facility, state licensed:
 - a. On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.
 - b. To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
 - c. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- 9. Nursing home, assisted living, congregate care:
 - a. The yard requirements for multi-family use in the district apply.
 - b. A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
 - c. The site shall contain a minimum of 150 square feet of usable open space per resident, consisting of outdoor seating areas, gardens, and/or recreational facilities. Public parks or plazas within 300 feet of the site may be used to meet this requirement.
 - d. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.

B. Residential Accessory Uses

- 1. Home Occupations: Home occupations are allowed in residential districts, subject to the following standards:
 - a. All new home occupations as of January 1, 2011, shall be subject to an annual registration with the City, on a form as required by the Community Development Department and with a fee as determined by the City Council.
 - b. The home occupation shall be clearly incidental and subordinate to the residential use of the property.

Exterior alterations or modifications that change the residential character or appearance of the dwelling, any accessory building or the property itself shall not be allowed.

- c. The home occupations shall only be conducted by the resident of the dwelling, and within the principal residential structure or dwelling. Not more than 30% of the floor area of the dwelling, to a maximum of 600 square feet, may be used for such purposes. The home occupation shall be conducted entirely within the dwelling. An accessory building shall not be used to operate a home occupation.
- d. Only persons residing on the premises and no more than one nonresident employee shall be engaged in the conduct of the home occupation on the premises at any given time.
- e. There shall be no outside storage of products, materials or equipment used in conjunction with the home occupation.
- f. The required off-street parking for the residential use shall not be reduced or made unusable by the home occupation.
- g. The home occupation shall not generate excessive traffic or parking that is detrimental to the character of the neighborhood.
- h. Shipment and delivery of products, merchandise or supplies shall be by single rear axle straight trucks or similar delivery trucks normally used to serve residential neighborhoods.
- i. There shall be no indications of offensive noise, odor, smoke, heat, glare, vibration, or electrical interference at or beyond the property line of the home occupation.
- j. The home occupation shall meet all applicable fire and building codes, as well as any other applicable City, state or federal regulations.
- k. Signage for the home occupation shall be subject to the requirements of Section ____ of this Title.
- l. The following home activities shall be prohibited as home occupations:
 - i. The operation of any wholesale or retail business unless it is conducted entirely by mail or the internet. The sale of products incidental to the delivery of a service is allowed.
 - ii. Any manufacturing, welding, machine shop or similar use.

- iii. Motor vehicle repair, either major or minor.
 - iv. The sale, lease, trade or transfer of firearms or ammunition.
 - v. Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.
- 2. Private Swimming Pools: All private swimming pools, are subject to the following standards:
 - a. A swimming pool shall not be operated as a business or private club;
 - b. A swimming pool shall not be located within any required front or side yard.
 - c. A swimming pool shall be set back at least 10 feet from any property line, including any walks, paved areas or related structures or equipment;
 - d. For swimming pools, the pool itself, the rear yard, or the entire property shall be enclosed by a non-climbable wall, fence or combination thereof at least 4 feet in height with ventilating slats with openings not exceeding 4 inches, with a self-closing gate with a latch and located on the inside, 3 inches below the top of fence and capable of being secured with a lock so as to prevent uncontrolled access by children. If the only access is through a principal or accessory structure, such point of access shall be lockable. In the case of above-ground pools, pool sides that are vertical may contribute to the required fencing, provided all points of access are controlled to prevent access by children, including the removal of all ladders or stairs whenever the pool is not in use (or compliance with a nationally recognized pool safety standard);
 - e. For in-ground pools, the pool is set back at least 6 feet from the principal structure;
 - f. Hot tubs shall not be located within five feet of any side yard or rear lot line, or within any required front yard. Such pools may be equipped with a child-resistant, lockable cover in lieu of a 4 foot tall fence. Hot tubs are permitted on attached or detached decks if it can be proven that the deck is engineered to be structurally sound enough to support the bearing load of the hot tub;
 - g. Portable pools shall not be located within five feet of any side or rear lot line, or within any required front yard. Such pools may be equipped with a child resistant cover in lieu of a 4 foot tall fence. Any ladder or other means of entry into a portable pool shall be detachable and placed so that no child can

- gain entry into the pool without the owner's consent. Portable pools shall not be in place longer than six months in a calendar year;
- h. Lighting shall be so oriented so as not to cast light on adjacent properties;
 - i. The facility swimming pool shall not be located within any drainage or utility easement;
 - j. Any accessory mechanical apparatus shall be located at least 30 feet from any residential structure on an adjacent lot; and
 - k. All swimming pools containing more than 3,000 gallons or with a depth in excess of 42 1/2 inches (3.5 feet) shall require a building permit from the City.
3. Private Recreational Courts: All private tennis courts, ball courts and other private recreational facilities are subject to the following standards:
- a. The recreational court is not operated as a business or private club.
 - b. The recreational court is not located within any required front or side yard.
 - c. The recreational court is set back at least 10 feet from any property line, including any walks, paved areas or related structures or equipment.
 - d. The recreational court shall not be located on a public street.
 - e. The recreational court shall not be placed on drainage, utility or other easements.
 - f. A chain link or non-opaque fence not exceeding ten feet in height shall be allowed to enclose a recreational court containing concrete, asphalt or similar material. If such fence is used it shall be set back at least five feet from the side and ten feet from the rear property lines and may not be placed in front of the principal structure.
4. Roomers, boarders: A maximum of 3 roomers or boarders shall be permitted per dwelling unit.
5. Civic And Institutional Uses
- a. Church, religious institution: A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
 - b. School, elementary or secondary: A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area

shall have vehicular access to a collector or higher classification street.

- c. College, post-secondary school: A facility established after the effective date of this ordinance shall have vehicular access to a collector or higher classification street. A campus master plan may be required for expansion of existing facilities. The plan shall meet standards for site plan review as detailed in Section __, and shall address the management of pedestrian, bicycle and vehicular circulation, relationship to surrounding land uses, and buffering and screening of adjacent uses to mitigate any impacts of the expansion.
 - d. Theater (live performance), performing arts center: A facility established after the effective date of this ordinance shall have vehicular access to a collector or higher classification street.
6. Institutional and Park and Recreation Uses
- a. Portable Restroom Facilities: All temporary and/or portable restroom facilities located within Institutional or Park and Recreation districts shall meet the following requirements:
 - i. Be located a minimum of 75 feet from any residentially zoned property
 - ii. Be screened with a minimum 6 foot tall 100% opaque board-on-board wood fence.
 - iii. Unless determined by the Community Development Department that the desired location provides adequate distance and screening from residential property views.

7. Commercial Uses

- a. **Extended Hours of Operation adjacent to all Residential districts:**
 - i. Heightened Buffering Requirements: Where a Community Business, Regional Business, and/or Community Mixed Use district abut a residential district, any new site improvement shall include an increased buffer area of a minimum of 20 feet. This protective strip shall contain no structures, shall not be used for parking, off-street loading or storage, and shall include screening. The screening treatment shall include the seeding of grass or sodding of the whole of the buffer area, the planting of shrubbery and trees and maintaining of same, a compact screen wall, fence, berm, landscaping, or combination thereof, which

limit shall be not less than 75% opaque year-round to a minimum height of 6 feet above the parking lot curb. The screening treatment must be approved by the Community Development Department and shall be in harmony with a residential neighborhood and provide **sufficient** screening of the Community and Regional Business uses. The landscape screening or fence shall be no less than 6 feet at the time of installation. Where a berm, wall, fence or combination thereof is required for screening purposes for a commercial use adjacent to a residential use, such berm, wall, fence, or combination thereof shall be set back from the residential district boundary at least 3 times its height, and landscaped with trees, shrubs, perennials, and sod or seed to screen 50% of the surface of the wall or fence at maturity of the plant materials year-round.

- ii. Traffic: The site plan shall provide vehicular circulation routes away from residential areas and avoid commercial vehicle ingress and egress from local residential streets to commercial property sites. In the site plan review and approval process, every reasonable effort must be made to design the site circulation so that service vehicles over 1-ton capacity do not use routes which bring vehicles between a building and a residential district boundary. The site plan shall also provide pedestrian access routes using walks or paths, including where practical, connections to adjacent residential areas. Service vehicles over one ton capacity which enter or exit the site between the hours of 10:00 P.M. and 7:00 A.M. shall use a designated route approved by the City. Deliveries and/or delivery truck access, in and on the site during the hours of 10:00 P.M. to 7:00 A.M., shall be limited to single unit, 2-axle vehicles not in excess of 26,000 pounds gross weight. The designated route shall keep vehicles at least 300 feet away from any residential district boundary, or be completely screened by a building, wall, landscaped berm, fence, or combination thereof from a point 14 feet above the ground at the outside edge of the truck route lane to a point 5 feet above the first floor (main level) of the adjacent residences.

- iii. Off-Street Parking: Off-street parking requirements shall be as listed in Section 1018, and in addition:
 - Where a 24-hour use is within 300 feet of a residential district, that portion of the site within 300 feet shall provide screening of parking and driving areas adjacent to residential areas. The screening, which must have a minimum opacity of 90% year-round and a minimum height of 6 feet, may be provided by landscaping, walls, fences, berms, or combinations thereof.
- iv. Service delivery or non-customer vehicles shall not be parked or staged within 300 feet of a residential district, except when actively loading or unloading.
- v. In no case shall vehicle staging for unloading occur for more than 24 hours on a site within any Community Business, Regional Business, and/or Community Mixed-Use Districts.
- vi. Off-Street Loading: Off-street loading shall be as listed in Chapter 1019 of this Title and servicing space shall be designated for each store unit in the shopping district. Such loading space shall be designed so as not to conflict with movement of vehicular traffic to and from parking areas.
 - Any commercial loading dock within 300 feet of a residential district shall be completely screened by a wall, landscaped berm, fence, or combination thereof from an adjacent residential area, from a point 14 feet above the ground at the loading area to a point 5 feet above the first floor (main level) of adjacent residences.
 - Any commercial loading dock within 300 feet of a residential district which is to be used for any reason by vehicles or equipment between the hours of 10:00 P.M. and 7:00 A.M. shall be within a completely enclosed and roofed structure. All loading, and unloading, operations shall occur with the exterior doors shut at all times.
- b. Animal hospital, veterinary clinic: All activities shall take place within completely enclosed buildings with

soundproofing and odor control; outdoor kennels are prohibited except in zoning districts where specifically permitted.

- c. Day care center: The home must meet all standards for registration and inspection and not exceed state limits for number of clients.
- d. Storage, personal, indoor: No commercial transactions shall be permitted other than the rental of storage units. Plans for on-site circulation and driveway locations shall be reviewed as part of the site plan review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.
- e. Communication antennas and towers: See below under Accessory Buildings and Structures.

C. Employment and Industrial Uses

- 1. Artisan workshop: Sale of goods produced shall not exceed 25% of the floor area of the facility.
- 2. General retail sales and service; personal service uses: In the Employment Districts, retail or service uses must be located within buildings or as part of building complexes that include office or other employment-related uses and shall be limited to 25%.
- 3. Vehicle Broker/Wholesaler: All activities related to a vehicle broker or vehicle wholesaler shall be conducted within the building. No sale lots shall be allowed. Parking of a vehicle being readied for purchase/sales transaction shall be allowed to be parked in the parking lot for no more than 8 hours.
- 4. Restaurant, fast-food:
 - a. In the CMU and Employment districts, fast-food restaurants shall be incorporated within a multi-use retail center, and shall not provide drive-through service.
 - b. Points of vehicular ingress and egress shall not be onto a street which is used primarily for access to abutting residential property.
 - c. A litter collection plan shall be developed and submitted to the Community Development Department with an application for conditional use approval. The litter collection plan obligates the restaurant operator to keep the area surrounding the restaurant free of restaurant litter for a reasonable, specified distance.
- 5. Restaurant, traditional: In the CMU and Employment districts, restaurants shall be incorporated within a multi-use retail center.

6. Manufacturing and processing, outdoor activities/ storage:
 - a. Outdoor servicing, processing, manufacturing, or the storage of the materials used in these operations shall be no closer than 300 feet to a property occupied by a residential use.
 - b. All outdoor servicing, processing or manufacturing shall be conducted, operated and maintained in accordance with any necessary permits of the state pollution control agency, the county and the City.
 - c. The applicant shall provide a site plan showing the location of buildings; areas of outdoor storage, servicing, processing or manufacturing; and fences and walls. A narrative shall accompany the plan stating the measures the applicant will take to contain on the property any dust, odor, noise or other potentially adverse effects.
7. Wholesale uses: Within the Office/Business Park District, a wholesale use shall not exceed 25% of the gross floor area of the building where it is located.

D. Accessory Building and Structures

1. Telecommunication towers and antenna:
 - a. Private and Commercial Antennas and Towers:
 - i. City-Owned Antennas and Towers: City-owned or controlled antennas and tower sites shall be a permitted use in Commercial, Community Mixed Use and/or Employment Districts and a conditional use in all other districts.
 - ii. Private Antennas and Towers: Private (noncommercial) receiving or transmitting antennas and towers more than 20 feet in height above the principal structure height in residential districts or more than 50 feet in height above the principal structure height in business and industrial districts shall be a conditional use in all districts.
 - iii. Commercial Antennas and Towers - City Sites: Commercial receiving or transmitting antennas and towers regardless of height or size with the exception of satellite dish antennas shall connect to and use the City tower sites if use of such facilities is technically feasible.
 - iv. Commercial Antennas and Towers - Non-City Sites: Commercial receiving or transmitting antennas and towers not

located on a City tower site shall be a conditional use. Commercial receiving or transmitting antennas and towers may only be located in Commercial, Community Mixed Use and/or Employment Districts. The City may establish permit review periods, tower termination, time limits or an amortization schedule specifying the year in which the tower shall be taken down by the applicant or assign. A performance bond or other surety may be required by the City in order to assure removal of the tower at a specific date.

- b. Application: The applicant shall present documentation of the possession of any required license by any Federal, State or local agency.
 - i. Requirements: All antennas and towers and support structures including guy wires and foundations shall be subject to the appropriate requirements of subsection ____ of this Section and the setback requirements established for accessory structures in the applicable zoning district. Antennas, towers, guy wires and foundations, and support buildings shall be constructed on one lot or parcel and shall be set back a minimum of 30 feet from any front property line.
 - ii. Design: All antennas and towers shall be designed and screened as visually appropriate, shall utilize a City-approved gray or blue color, and shall contain no signage, including logos, except as may be required by any State or Federal regulations.
- c. Existing Facilities: Existing transmitting and receiving facilities at the time of the adoption of this Section may remain in service. However, at such time as any material change is made in the facilities, full compliance with this Section shall be required. No transmitting or receiving antennas or towers may be added to existing nonconforming facilities. Towers and receiving facilities shall be dismantled and removed from the site within 1 year after abandonment of the use of the tower or facility for communication purposes.
- d. Security Fencing: Security fencing for antennas and towers may include chainlink and barbed wire to a total height of 8 feet above grade.
- e. Support Buildings: Support buildings to house switching and other communication equipment shall have a brick exterior, be a maximum of 200 square

- feet in size, 24 feet in height, and have 2 off-street, paved parking spaces.
- f. Building Permit: A building permit shall be required for the construction of new antennas and/or towers and shall include wind loading and strength and footing calculations prepared by a Minnesota registered engineer.
 - g. Exception: Antennas attached to, but not above, the exterior walls of buildings as an integral part of the architecture shall be a permitted use in all Commercial, Community Mixed Use and/or Employment Districts. Antennas attached to existing public utility structures or existing public utility towers in any zoning district, including electrical transmission towers or other structures deemed appropriate by the Community Development Department, shall be a permitted use in all zoning districts, provided the antenna(s) do not increase the height or bulk of said structure or tower.
2. Temporary Uses/Structures And Outdoor Display:
The following temporary uses and structures shall be permitted in all zoning districts unless specified otherwise, provided such use or structure complies with the regulations of the zoning district in which it is located and all other applicable provisions of this Title.
- a. Temporary Uses
 - i. Garage and boutique sales in residential districts: Garage sales and residential boutique sales are permitted accessory uses in residential districts, but shall be limited to 3 sales each calendar year per residential unit, and shall not exceed 3 consecutive days per sale or 9 total days in duration per year. The maximum daily hours of operation shall be 8:00 A.M. to 6:00 P.M. A residential boutique sale shall not occupy more than 400 square feet of a residential unit.
 - b. Temporary Structures
 - i. Construction sites: Storage of building materials and equipment or temporary building for construction purposes must be located on the same zoning lot as the project under construction, and shall be removed within 30 days following completion of construction.
 - ii. Portable storage unit: A maximum of 2 portable storage units, not exceeding a cumulative gross floor area of 250 square feet shall be permitted on a lot for no more than

30 days per calendar year, unless conditioned in conjunction with a building permit.

- The Portable Storage Unit(s) may be placed on a driveway, but may not be placed on that portion of the driveway located in the front yard or side yard setbacks.
- iii. Annual Outdoor Storage and Display: An annual permit shall be required from the Community Development Department to allow outdoor storage and display of merchandise in the Commercial and Mixed-Use Districts. The Community Development Department shall review a site plan and specifics of the proposed outdoor storage and display area/use and may issue the permit, subject to (but not limited to) the following requirements:
- The area of outdoor storage and/or display shall be limited to 350 square feet or as determined by the Community Development Department.
 - The outdoor storage and/or display is prohibited from utilizing existing on-site parking spaces.
 - The outdoor storage and/or display area shall not obstruct existing pedestrian access on the site, whether from parking areas to the building entrance or from the public street to the building entrance.
 - Merchandise shall be stacked and/or arranged neatly and may be up to 8 feet in height or as determined by the Community Development Department.
 - The type of merchandise shall be limited to items incidental to the primary or principal use of the premises or as determined by the Community Development Department..
- iv. Seasonal Outdoor Sales: A seasonal outdoor sales permit shall be required from the Community Development Department to allow outdoor sales of merchandise such as produce, plants, garden supplies, and/or a farmer's market. The Community Development Department shall review a site plan and specifics of the proposed seasonal outdoor sales area/use and may issue the

permit, subject to (but not limited to) the following requirements:

- The outdoor sales area shall be located within the parking lot in a location so as not to disrupt the safety and flow of customer traffic.
- The outdoor sales area shall not eliminate parking spaces to an amount that is detrimental to primary use or function of the site.
- The outdoor sales area shall not obstruct existing pedestrian access on the site, whether from parking areas to the building entrance or from the public street to the building entrance.
- Accessory structures (e.g. stands, booths, and/or tents) used in conjunction with the seasonal event shall meet all applicable fire codes and parking lot setback requirements.
- Tents 200 square feet and over in size and/or canopies 400 square feet and over require a review and inspection by the Fire Marshal.
- Signage shall be regulated by Section _____ cite section.

- v. Temporary Event: A temporary event permit shall be required from the Community Development Department to allow the temporary sale of merchandise or temporary event/activity. These uses may include the sales of fireworks, rugs, and other similar merchandise and events utilizing search lights or tents for employee/customer appreciation. The Community Development Department shall review a site plan and specifics of the proposed event area/use and may issue the permit, subject to (but not limited to) the following requirements:

- Any single or recurring temporary event shall be limited 30 total days per calendar year.
- The event area shall be located within the parking lot in a location so as not to disrupt the safety and flow of customer traffic.
- The event area shall not eliminate parking spaces to an amount that is

detrimental to primary use or function of the site.

- The event area shall not obstruct existing pedestrian access on the site, whether from parking areas to the building entrance or from the public street to the building entrance.
- Accessory structures (e.g. stands, booths, and/or tents) used in conjunction with the seasonal event shall meet all applicable fire codes and parking lot setback requirements.
- Tents 200 square feet and over in size and/or canopies 400 square feet and over require a review and inspection by the Fire Marshal
- Signage shall be regulated by Section _____ cite section

Chapter 1019. Parking and Loading Areas

1019.01 Purpose

The purpose of regulating off-street parking, paved areas, and loading spaces is to prevent congestion on public rights-of-way for the safety and welfare of the public. The regulations are created through analysis of the associated land use intensity, duration, time, and style, and result in design requirements and standards for such facilities.

1019.02 Applicability

No building permit or certificate of occupancy shall be issued for the construction of a new building, the enlargement or increase in the net floor area of an existing building, the development of a use not located in a building, or the change from one type of use to another, unless off-street parking spaces, loading bays, and bicycle parking are provided in accordance with this Code.

1019.03 Exempted Improvements

If undertaking improvements to an existing parking area, the following improvements are exempt from this section:

- A. Seal coating or surface treatment (e.g. mill and overlay) of a parking area; or
- B. Patching or repair to less than 25% of the parking area surface.

1019.04 Minimum Parking Requirements

- A. Parking space requirements are established in Table 1019-1. For uses not listed, the off-street parking requirements shall be established by the Community Development Department based upon the characteristics and functional similarities between uses including, but not limited to: the size of building, type of use, number of employees, expected volume and turnover of customer traffic, and expected frequency and number of delivery or service vehicles. For structures containing multiple uses, parking shall be calculated separately for each use.
- B. Required parking spaces shall be located on the same lot as the principal use, unless shared parking or off-site parking is approved for the use.
- C. The number provided for required parking spaces in Table 1019-1 shall be the minimum requirement. For those uses

that the minimum parking is calculated on a use per square foot, the total gross floor area will be applied.

Table 1019-1: Minimum Parking Standards	
Use	Minimum Standard
Residential, single-family dwelling	2 spaces per dwelling unit, 1 space must be enclosed.
Residential, two-family dwelling	2 spaces per dwelling unit, 1 must be enclosed.
Residential, multi-family dwelling	1 space per bedroom plus .25 spaces per every 1 unit for visitor parking.
Cluster housing	2 spaces per dwelling unit, 1 space must be enclosed
Senior housing	1 enclosed space per dwelling unit plus .25 space per unit for visitor parking
Adult day care	1 space per each employee plus 1 space per each 10 program participants, based on maximum participant capacity of the facility.
Group day care, nursery school	1 space per employee plus 1 space per each 10 program participants, based on maximum participant capacity of the facility.
Medical or dental office	1 space per 250 sq. ft. of gfa, but not fewer than 5 spaces
Assisted living	1 space per employee plus 1 space per 4 beds or dwelling unit, whichever is greater
Nursing home	1 space per 4 beds at designed capacity
Community center	Parking requirement shall be based upon uses within the building
Libraries, museums, art	1 space per 300 sq. ft. gfa of principal structure
Places of public assembly or religious institutions	1 space per each 4 seats at maximum capacity of assembly hall. A single seat on a bench is equal to 28".
Elementary and junior high schools	2 spaces per each classroom or 1 space for each 5 seats in the primary assembly area, whichever is greater
High school and post-secondary schools	1 space per each 4 students based on building capacity, plus one space for each two classrooms.
Animal hospitals and veterinarians	1 space per each 250 sq. ft. gfa, but not fewer than 5 spaces.
Bank	1 space per each 300 sq. ft. gfa
Catering	1 space per each 500 sq. ft. gfa
Coffee shop	1 space per each 200 sq. ft. gfa
Convention or exhibit halls	1 space per each 4 occupants at maximum designed capacity.
Food service or bakeries	1 space per 25 sq. ft. customer floor area.

Table 1019-1: Minimum Parking Standards	
Use	Minimum Standard
Lodging (e.g. hotel, motel, or inn)	1 space per each guest room plus 1 space per 20 guest rooms to accommodate staff parking; plus 75% of the normal space required for accessory uses (e.g. restaurant, banquet space, meeting rooms, etc.)
Motor fuel station	3 spaces. Multiple uses shall be calculated separately.
Motor vehicle service	4 spaces per each service bay.
Offices	Less than 50,000 sq. ft. floor area: 1 space per each 250 sq. ft. gfa Between 50,000 sq. ft. floor area and 200,000 sq. ft. floor area: 1 space per each 275 sq. ft. gfa Between 200,000 sq. ft. floor area and 400,000 sq. ft. floor area: 1 space per each 300 sq. ft. gfa Greater than 400,000 sq. ft. floor area: 1 space per each 325 sq. ft. gfa
Open sales or rental lots	1 space per each 2,500 sq. ft. customer service area.
Sport/health club, studio, pool	One space per each 200 sq. ft. non-court area. Two spaces per tennis/racquetball court. One space per each 50 sq. ft. deck area for a swimming pool.
Theater, auditorium, assembly halls	1 space per each 4 seats. A single seat on a bench is equal to 28".
Restaurants - Drive-through/Fast Food	1 space per each 60 sq. ft. floor area.
Restaurants - Sit-down	1 space for every 3 seats under maximum designed capacity
Retail store, grocery, and service establishment where > 25% gross floor area is customer area	1 space per each 325 sq. ft. gfa
Large merchandise retail (e.g. appliance stores, car sales)	1 space per each 500 sq. ft. gfa
Retail where < 25% gross floor area is customer area	One space per each 100 sq. ft. of customer service area.
Shopping Center	1 space per 325 sq. ft. of gla Grocery stores and theaters shall be calculated separately. Restaurants and food service shall be calculated separately unless the shopping center exceeds 20,000 sq. ft. in size and no wait-staff is present, and the use constitutes less than 25% of the shopping center's floor area.
Manufacturing, fabrication, or processing	1 space per employee on the largest shift
Retail showrooms	1 space per each 500 sq. ft. floor area.
Warehouse	1 space per each 2,000 sq. ft. gfa.

1019.05 Reductions to Minimum Requirements

The off-street parking reductions described in this section may be utilized jointly or separately except as indicated otherwise.

- A. **Modification Request:** An applicant may request a modification of the minimum required number of parking spaces by submitting a study of anticipated parking demand. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analysis, unless an equally qualified individual is authorized by the Community Development Department.
- B. **Transit Service:** Parking may be reduced by 10% for any parcel located within one-quarter of a mile of a transit stop. To qualify, the transit stop must be served by regular transit service on all days of the week and adequate pedestrian access must be available between the transit stop and the parcel. Regular transit service shall operate at least twice hourly between 7:30 a.m. and 6:30 p.m. on weekdays and once hourly after 6:30 p.m. Regular transit service shall operate on Saturdays, Sundays, and holidays.
- C. **On-Street Parking:** Parking may be reduced on a one-for-one basis through the use of on-street parking adjacent to the parcel. To qualify, adequate pedestrian access must be available between the principal structure and all on-street parking spaces. On-street parking reductions may be approved by the Community Development Department, subject to a determination by the City Engineer that adequate off-street parking will be available to accommodate vehicles during snow removal and other periods of parking restrictions.
- D. **Travel Demand Management:** In those instances where no transit or on-street parking reductions are available, parking minimums may be reduced by 5% through the implementation of a travel demand management plan. Such a plan shall be filed with and approved by the Community Development Department and may be subject to an annual review.

1019.06 Parking Area Maximums

The maximum number of parking spaces for any building or use shall not exceed the amount determined in this section.

- A. Minimum parking requirement of 20 or fewer spaces shall not have more than 175% of the number of spaces identified in Table 1019-1.
- B. Minimum parking requirement of more than 20 space and less than 51 spaces shall not have more than 150% of the

number of spaces identified in Table 1019-1.

- C. Minimum parking requirement of 51 spaces or more shall not have than 125% of the number of spaces required as identified in Table 1019-1.
- D. Additional parking may be provided if it does not increase impervious surface area beyond that which would be created by meeting the maximum parking requirement. Examples of additional parking include, but are not limited to, under structure parking, roof top parking, or structured parking above a surface parking lot.
- E. An applicant may request a modification of the maximum allowed number of parking spaces by submitting a study of anticipated parking demand. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analysis, unless the Community Development Department authorizes an equally qualified individual.

1019.07 Shared Parking

Shared off-street parking facilities are allowed to collectively provide parking in any district for more than 1 structure or use, subject to the conditions established in this section:

- A. The uses must have their highest peak demand for parking at substantially different times of the day or week or an adequate amount of parking shall be available for all uses during shared hours of peak demand. A parking plan shall address the hours, size, and mode of operation of the respective uses.
- B. The minimum spaces required under a shared parking plan shall be based on the following:
 - 1. For those uses parking at substantially different times of the day or week, the number of spaces required for the uses that require the most parking; and
 - 2. For those uses parking at the same hours of peak demand, the minimum shall be 1.5 times the number of spaces required by the use(s) that require the most parking.
- C. Shared parking facilities shall be protected by a covenant running with the land and recorded with the County in a form approved by the City Attorney. Such a covenant shall not be revoked without consent of the City. A certified copy of the recorded document shall be provided to the Community Development Department prior to the use of the shared parking arrangement.

1019.08 Proof of Parking

If it is demonstrated that the required minimum parking is in excess of the actual demand, all of the required parking need not be constructed initially. The City Council may grant a Proof of Parking Agreement to the developer. This agreement shall describe the required parking, demonstrate that space exists to comply with the parking requirement, and set conditions for the future construction of the required parking, if necessary. The agreement shall state that the developer or future successors shall be responsible for completing parking improvements to meet City Code requirements. The area of future parking shall be landscaped, but that landscaping shall not be used to satisfy landscaping requirements.

1019.09 Parking Area Use

Required parking spaces and the driveways providing access to them shall not be utilized for the following:

- A. Storage of unlicensed or inoperable motor vehicles, other goods, or snow;
- B. Display, sales, rental, or repair of motor vehicles;
- C. Permanent display and sales goods; temporary or seasonal display and sale of goods shall be allowed pursuant to Section ____ of the City Code;
- D. Loading and unloading of vehicles; and
- E. Living space, unless required parking spaces are provided elsewhere.

1019.10 Bonuses

If 50% or more of all required off-street parking spaces are provided via above- or under-ground structured parking, the following bonuses shall apply:

- A. For each structured parking space, 300 square feet shall be added as lot area for the purpose of determining allowable density up to a __% increase.
- B. The height added to the principle structure by any floor that is totally used for parking in or under the principle structure shall not be included to determine the size of the required yards.

1019.11 Design Requirements

- A. **Site Plan:** All applications for a building permit shall include a site plan, drawn to scale, that depicts the location

and arrangement of vehicle parking, curb cuts, driveways, and walkways and to be consistent with the requirements of Chapter 703 of this Code.

- B. **Access and Location:** Parking areas shall have access to a public street. Driveways shall be located to minimize interference with traffic movement, and to be consistent with the requirements of Chapter 703 of this Code.
- C. **Parking Spaces:** Required parking spaces shall be at least 9 feet wide and 18 feet long. Up to 50% of the required spaces may be designated compact spaces. Compact spaces shall be identified through appropriate signage. Unless alternative requirements are designated by the Community Development Department and/or City Engineer, parking spaces shall be served by access drives with minimum dimensions provided as follows:

Table 1019-2: Parking Lot Dimensions				
Stall Angle (degrees)	Curb Length (feet)	Vehicle	Aisle (feet)	Traffic Flow
45	9	22	14	One way
60	9	21	16	One way
75	9	21	18	One way
90	9	18	24	Two way
90 compact	8	16	24	Two way
Parallel	23	8.5	22	

- D. **Handicapped Parking Spaces:** The size, number, and location of stalls reserved for handicapped parking shall be provided and identified as required by applicable regulations. These spaces are included in the computation for the minimum parking space requirement.
- E. **Turnarounds:**
1. All parking areas except those serving one-family and two-family dwellings on local streets shall be designed so that cars do not have to back into the public street.
 2. Parking areas for one-family and two-family dwellings with driveway access onto County or State roads shall be designed so that cars do not have to back into the street.
- F. **Surfacing:** All off-street parking areas and driveways shall be constructed of bituminous asphalt, concrete, pavers, or other material approved by the City Engineer.
- G. **Walkways:** Required parking areas for 6 or more vehicles shall have walkways separated from the parking area and surfaced with bituminous asphalt, pavers, or concrete to provide access from parking areas to the entrances of buildings.

- H. **Drainage:** All parking or paved areas shall be adequately served by storm sewer or other approved storm water facilities. Such facilities shall be approved by the City Engineer.
- I. **Lighting:** Required parking areas for six or more vehicles shall provide an average horizontal illumination between 0.4 and 1.0 footcandle. The average horizontal illumination in all parking ramps shall be 1.0 footcandle. Any illumination, whether affixed to a building or otherwise, within a lot in any residential district, shall not be permitted to beam beyond the lot lines wherein it is located.
- J. **Curbs:** A 6-inch-high, poured-in-place concrete curb shall be provided around the periphery of all parking lots and internal access roads, except where the City Engineer determines that a curb would impede the drainage plan.

1019.12 Maintenance

All off-street parking areas shall be maintained in good repair.

1019.13 Bicycle Parking

- A. Bicycle parking is required to provide adequate and safe facilities for the storage of bicycles, to encourage the use of bicycles as an alternative to motor vehicles, and to provide bicycle access to employment, commercial, and other destinations.
- B. **General Requirements:**
 - 1. Bicycle parking may be provided using the following approaches:
 - a. **Bicycle Racks:** Open-air devices to which a bike may be locked, suitable for short-term visitor and customer parking;
 - b. **Bicycle Lockers:** Stand-alone enclosures designed to hold one bicycle per unit, preferred for sites where all-day bicycle parking is common; and/or
 - c. **Bicycle Lock-ups:** Site-built secure enclosures that hold 1 or more bicycles, best for residents' and employees' all-day or long-term bicycle storage.
 - 2. All bicycle racks or lockers must be securely anchored to the ground or building structure; or
 - 3. Bicycle racks or lockers shall be placed on a level, pavement or concrete surface.



The City encourages the use of the "inverted U" type bike rack. Bike rack designs should provide for:

- Supporting the bicycle frame at two locations, not including either wheel.
- Allowing both the frame and at least one wheel to be locked to the rack
- Allowing the use of either a cable or U-type lock
- Bicycles which are equipped with water bottle cages
- Bicycles which are not equipped with kickstands
- All types and sizes of bicycles, including various types and sizes of frames, wheel sizes and tire widths.

C. Location Criteria for Bicycle Racks:

1. Bicycle racks shall be placed near building entrances, generally within 50 feet.
2. Bicycle rack placement should allow for visual monitoring by people within the building and/or people entering the building.
3. Bicycle racks shall be located to avoid conflicts with pedestrians.
4. Bicycle racks shall be at least 24 inches from a wall to which they are parallel and 30 inches from a wall to which they are perpendicular.

D. Number of Required Bicycle Parking Spaces:

1. Bicycle parking spaces equal to 10% of the automobile parking space requirement, but not less than four bicycle parking spaces.
2. Exceptions:
 - a. Low-density Residential: No bicycle parking spaces are required.
 - b. Schools: Schools shall provide a minimum of 1 bicycle parking space per 10 students.

E. Proof of Bicycle Parking: If it is demonstrated that the required minimum bicycle parking is in excess of the actual demand, all of the required parking need not be constructed initially. The Community Development Department may approve a Proof of Bicycle Parking Plan. This plan shall describe the required bicycle parking, demonstrate that space exists to comply with the bicycle parking requirement, and set conditions for the future construction of the required bicycle parking, if necessary. The Plan shall state that the developer or future successors shall be responsible for completing bicycle parking improvements to meet City Code requirements.

1019.14 Pedestrian Circulation and Access

- A. **Access Points:** Pedestrian access points shall be provided at all pedestrian arrival points to the development including the property edges, adjacent lots, abutting street intersections, crosswalks, and at transit stops. Pedestrian access shall be coordinated with existing development to provide circulation patterns between developments.
- B. **Conflicts:** Pedestrian walkways shall form an on-site circulation system that minimizes the conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances, and between buildings.

C. Design Standards: Pedestrian access and walkways shall meet the following minimum design standards:

- a. Access and walkways shall be well-lit and physically separated from driveways and parking spaces by landscaping, berms, barriers, grade separation, or other means to protect pedestrians from vehicular traffic;
- b. Access and walkways shall be a minimum of 6 feet of unobstructed width and meet City standards for surfacing of walkways or sidewalks;
- c. Access shall be usable by mobility-impaired persons and shall be designed and constructed to be easily located by the sight-impaired pedestrian by either grade change, texture, or other equivalent means; and
- d. A crosswalk shall be required when a walkway crosses a driveway or a paved area accessible to vehicles. Raised crosswalks or speed bumps may be required at all points where a walkway crosses the lane of vehicle travel.

1019.15 Off-street Loading Facilities

A. Loading Zones: The off-street loading requirement for nonresidential buildings may be satisfied by the designation of a loading zone area on the site. This loading zone area shall be separate from any required off-street parking area and access to the loading zone area shall be provided such that it does not conflict with automobile circulation to, from, or within the site.

B. Loading Docks, Berths, and Facilities:

1. Loading Facility: A loading facility includes the dock, the berth for the vehicle, maneuvering areas, and the necessary screening walls.
2. Location:
 - a. All loading berth curb cuts shall be located 40 feet or more from the intersection of two street rights-of-way.
 - b. No loading berth shall be located less than 50 feet from any parcel that is zoned residential and used or subdivided for residential use, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers, unless the loading berth is entirely within a building.
 - c. Loading facilities shall not occupy the required front yard. In situations where access to the loading berth is directly from the street and no other

practicable means of access exist, this requirement may be waived by the Community Development Department.

3. Access: Each loading berth location shall permit vehicular access to a street in a manner that will least interfere with traffic.
 4. Surfacing: All loading facilities and accessways shall be paved with bituminous or concrete paving to control the dust and drainage.
 5. Screening: See Section _____.
- C. **Accessory Use:** No loading berth or access drive shall be used for the storage of goods or inoperable vehicles. It may not be included as a part of the space necessary to meet the off-street parking requirements.

