

City of Hopkins

Development Code

Effective Date: July 28, 2022

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Chapter 102 | Development Code

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ARTICLE 1 INTRODUCTORY PROVISIONS

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Article 1 Introductory Provisions
102-110 Legal Framework

102-110 Legal Framework

102-110 (a) TITLE

The regulations of this Chapter 102 are officially known as the Development Code of the City of Hopkins. For convenience, it may be referred throughout this chapter as "this code."

102-110 (b) EFFECTIVE DATE

The provisions of this code become effective on July 28, 2022 except as otherwise expressly stated.

102-110 (c) APPLICABILITY AND JURISDICTION

- (1) The provisions of this code apply to the use and development of all public and private lands, buildings, and uses within the incorporated area unless otherwise expressly exempted by a specific provision of this code or over which the City has jurisdiction under state and federal law.
- (2) The provisions of this development code do not apply to the wires, pipes and conduit that are an integral part of a system for public transportation or for transmitting power, water, heat, communications, gas or sewage by any public utility, and located within or on public easements or rights-of-way.

102-110 (d) PURPOSES

This code is adopted for the purposes of promoting the public health, safety, and general welfare and implementing the vision, goals, and policies of the City's comprehensive plan. Specific purposes to be advanced include:

- (1) Guiding future growth and development of the City in accordance with the comprehensive guide plan, the official map and the capital improvement plan of the City;
- (2) Dividing the City into zones and regulating the location, construction, reconstruction, alteration, and use of structures and land within the zones;
- (3) Promoting orderly and beneficial development in all areas of the City;
- (4) Providing for the compatibility of different land uses and the most appropriate use of the land through the City;
- (5) Providing for the administration of this code;
- (6) Identifying the powers and duties of City administrative offices and bodies in the administration of this code;
- (7) Regulating development within flood-prone areas so as to minimize erosion, pollution, flooding, and loss of life and property;
- (8) Preventing the pollution of air, streams, ponds; to assure the adequacy of drainage facilities; to safeguard

the water table; and to encourage the wise use and management of natural resources;

- (9) Preserving the natural beauty and topography of the City and ensuring appropriate development with regard to these natural features;
- (10) Provide for open spaces through the most efficient design layout of the land; and
- (11) Promoting the availability of housing affordable to all persons and families of all income levels.

102-110 (e) COMPREHENSIVE PLAN CONSISTENCY

A primary intent of this code is to implement the vision, goals, and policies of the comprehensive plan. The provisions of this code will be interpreted liberally to achieve the vision, goals, and policies of the comprehensive plan while remaining consistent with all applicable requirements of federal and state law.

102-110 (f) MINIMUM REQUIREMENTS

- (1) The regulations of this code are the minimum requirements deemed necessary to carry out their stated purpose.
- (2) In addition to the requirements of this code, all uses, buildings and structures must comply with all other applicable codes, laws, and regulations.
- (3) The issuance of any permit or approval pursuant to this code does not relieve the recipient from the responsibility of complying with other city, state, or federal laws or regulations.
- (4) All references in this code to other governmental regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the City to enforce regulations imposed by other governmental authorities.

102-110 (g) COMPLIANCE REQUIRED

- (1) All lots created or modified must comply with all applicable provisions of this code.
- (2) Land may not be used for any purpose other than ones that are allowed by the provisions of this code.
- (3) A building or structure may not be erected, located, moved, reconstructed, extended, or structurally altered except as allowed by this code.
- (4) Buildings, structures, and land may be used and occupied only in compliance with the provisions of this code.

102-110 (h) CONFLICTING PROVISIONS

- (1) **Other City Regulations.** If the provisions of this code are inconsistent with one another or if they conflict with provisions found in the Hopkins City Code or regulations

of the City, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

(2) State or Federal Regulations. If the provisions of this code are inconsistent with any other public law, ordinance, or regulation, the more restrictive provision governs unless state or federal law requires a different outcome.

(3) Private Agreements and Restrictions. The regulations of this code are not intended to abrogate, annul, modify, or repeal any easements, covenants, or other agreements between private parties. However, when this code imposes a greater restriction or higher standard or requirement upon the use of land, structures, or premises than those imposed or required by other easements, covenants, or other agreements between private parties, the provisions of this code govern. The City has no obligation to monitor or enforce easements, covenants, or other agreements between private parties.

(4) Text and Illustrations. In case of any difference of meaning or implication between the text of this code and any heading, drawing, table, figure, or illustration, the text governs.

102-110 (j) DELEGATION OF AUTHORITY

Whenever a provision of this code requires the head of a department or another officer or employee to perform an act or duty, that provision is to be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this code expressly prohibit such delegation.

102-120 Rules of Code Construction

102-120 (a) LANGUAGE AND DEFINITIONS

Words and terms expressly defined in this code, including those defined in [Article 16](#), have the specific meanings assigned unless the context indicates another meaning.

102-120 (b) COMPUTATION OF TIME

- (1)** References to “days” are to calendar days unless otherwise expressly stated. References to “business days” are references to regular City government working days, excluding Saturdays, Sundays, and holidays observed by City government.
- (2)** The time in which an act is to be completed is computed by excluding the first day and including the last day. If

the last day is a Saturday, Sunday, or holiday observed by City government, that day is excluded.

- (3)** A day concludes at the close of business and any materials received by the City after that time will be considered to have been received the following day.

102-120 (c) HEADINGS AND ILLUSTRATIONS

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this code. In case of any difference of meaning or implication between the text of this code and any heading, drawing, table, figure, or illustration, the text controls.

102-120 (d) VERSIONS AND CITATIONS

Whenever any provision of this code refers to or cites a section of state or federal law, and that section is later amended or superseded, this code is deemed to refer to the amended section or the section that corresponds to the superseded section

102-120 (e) LISTS AND EXAMPLES

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

102-120 (f) PUBLIC OFFICIALS AND AGENCIES

All employees, public officials, bodies, and agencies to which references are made are those of the City of Hopkins unless otherwise expressly stated.

102-130 Zoning Map

102-130 (a) ESTABLISHMENT

The location and boundaries of the zones established under this code are shown on the City's official zoning map. The zoning map may be amended only in accordance with the zoning map amendment procedures of [102-1360](#).

102-130 (b) INCORPORATED BY REFERENCE

The zoning map, including all digital source files, notations, dimensions, designations, and notes shown on the map is hereby made a part of this code and incorporated by reference.

102-130 (c) INTERPRETATION

If the street or lot layout actually on the ground, or as recorded, differs from the street or lot lines as shown on the zoning map, the zoning administrator is authorized to interpret the map in a way that will best carry out the purposes and intent of this code for the subject area or zone.

102-140 Transitional Provisions

102-130 (d) SPLIT-ZONED LOTS

- (1) The zoning map may not be amended to classify a single lot into 2 or more base zones.
- (2) No new lot may be created, whether by division or combination of multiple parcels, that would result in a split-zoned lot.

102-5 (b) If any requirement or condition attached to an approval given under this code is found to be invalid by a court of competent jurisdiction, it will be presumed that the approval would not have been given without the requirement or condition and, therefore, the subject approval will also be deemed invalid.

102-140 Transitional Provisions

102-140 (a) VIOLATIONS CONTINUE

The adoption of this code does not affect any pending or future prosecution of, or action to abate, violations of the previous zoning and subdivision regulations that occurred before the effective date specified in [102-110 \(b\)](#).

102-140 (b) APPLICATIONS IN PROGRESS

Zoning and subdivision applications that were submitted in complete form and are pending approval on the effective date specified in [102-110 \(b\)](#) must be reviewed wholly under the terms of the zoning and subdivision regulations in effect immediately before the effective date specified in [102-110 \(b\)](#) unless the applicant elects to withdraw the application and resubmit the application for review and approval under this code.

102-140 (c) PREVIOUSLY ISSUED PERMITS

Any building, development or structure for which a building permit was issued before the effective date specified in [102-110 \(b\)](#) may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not fully comply with provisions of this code. If building is not commenced and diligently pursued within the time allowed under the original permit or any extension granted, then the building, development or structure must be constructed, completed and occupied only in strict compliance with the standards of this code.

102-140 (d) NONCONFORMITIES

If any lawfully established use, structure, lot, sign, or site feature legally does not comply with the regulations of this code, the use, structure, lot, sign, or site feature is considered nonconforming and is subject to compliance with the nonconformity regulations of [Article 15](#).

102-150 Severability

102-5 (a) If one or more provisions of this code, or the application of this code to specific properties is held by a court of competent jurisdiction to be unlawful, invalid, unenforceable, or preempted by applicable provisions of state or federal law or regulations, such provisions are deemed to be severed from this code. Remaining provisions remain in full force and effect.

ARTICLE 2 NEIGHBORHOOD ZONES

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Article 2 Neighborhood Zones
102-210 Neighborhood Zones

102-210 Neighborhood Zones

102-210 (A) **ZONES ESTABLISHED**

The City's neighborhood (N) zones are listed in [Table 2-1](#). When this code refers to "neighborhood" zones or "N" zones, it is referring to these zones.

Table 2-1. Neighborhood Zones

SYMBOL	ZONE NAME
N1	Estate Neighborhood
N2-A	Suburban Neighborhood, Large Lot
N2-B	Suburban Neighborhood, Mid Lot
N3-A	Traditional Neighborhood, Mid Lot
N3-B	Traditional Neighborhood, Small Lot

102-210 (B) **ZONE DESCRIPTIONS**

- (1) **N1, Estate Neighborhood.** The N1 zone is primarily intended to accommodate rural, large lots transitioning to suburban or traditional residential.
- (2) **N2, Suburban Neighborhood.** The N2 zone is primarily intended to accommodate detached and semi-detached houses in a more suburban context. N2-A and N2-B zones are for smaller and larger lot neighborhoods, respectively.
- (3) **N3, Traditional Neighborhood.** The N3 zone is primarily intended to accommodate detached houses, semi-detached houses, two-unit houses, and attached houses in a more traditional neighborhood context. N3-A and N3-B zones are for larger and smaller lot neighborhoods, respectively.

Table 2-2. Building Types Allowed in N Zones

Building Types	ZONES				Reference
	N1	N2-A N2-B	N3-A	N3-B	
HOUSE BUILDINGS					
Suburban House	●	●	–	–	102-250
Traditional House	–	–	●	●	102-260

KEY: ● = Allowed

102-220 Building Types

102-220 (A) **ALLOWED BUILDING TYPES**

Building types are allowed in N zones in accordance with [Table 2-2](#).

- (1) Buildings in N zones must comply with the regulations that apply to one building type, unless otherwise expressly stated.
- (2) All buildings must be constructed with a permanent foundation without a hitch, wheels, or other features that would make the structure mobile.
- (3) The relocation of a previously occupied building type requires approval of a conditional use permit in accordance with [102-1390](#).

102-220 (B) **NUMBER OF PRINCIPAL BUILDINGS**

Only one principal building is allowed per lot unless otherwise expressly stated in regulations that apply to the subject building type.

102-220 (C) **EXISTING BUILDINGS**

See [Article 15](#) for regulations governing buildings and lots that were lawfully established before the effective date specified in [102-110 \(b\)](#).

102-220 (D) **EXEMPTIONS**

Utility and service uses per [102-560 \(j\)](#) must comply with minimum front, side, and rear setbacks and height limits of any house type allowed in the zone.

102-230 Uses

Uses are allowed in N zones in accordance with the use regulations of [Article 5](#). Additional limitations are imposed on some uses by applicable building type regulations.

102-240 Other Regulations

Buildings and uses in N zones are subject to all other applicable regulations of this code, including the following:

102-240 (A) **ACCESSORY USES AND STRUCTURES**

See [Article 6](#).

102-240 (B) **PARKING**

See [Article 9](#).

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Article 2 Neighborhood Zones
102-250 Suburban House

102-250 Suburban House

102-250 (A) **DESCRIPTION**

A suburban house is a detached residential building, other than a manufactured housing unit or mobile home, that contains only one dwelling unit and is located on a single lot not occupied by other principal buildings.

102-250 (B) **REGULATIONS**

Suburban houses are subject to the regulations set forth in [120-250 \(c\)](#) through [120-250 \(e\)](#). See [Article 16](#) for rules governing how compliance with building location and height regulation is determined.

Figure 250-A. Suburban House Building Siting

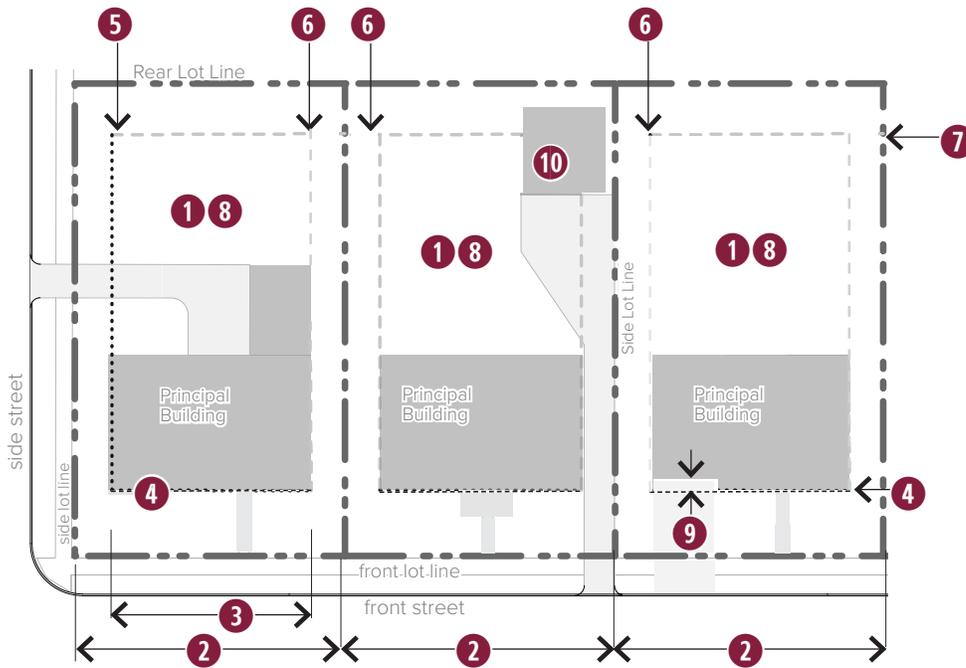
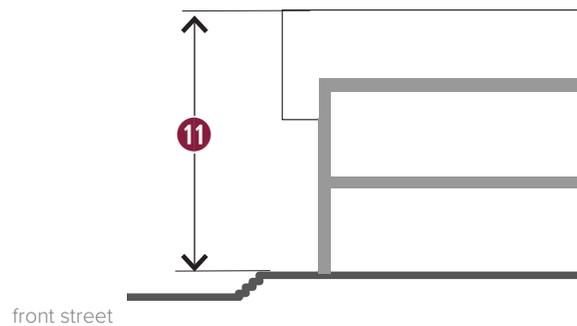


Figure 250-B. Suburban House Building Height



Article 2 Neighborhood Zones
102-250 Suburban House

		ZONES			Additional/References
		N1	N2-A	N2-B	
120-250 (c) BUILDING SITING. See Figure 250-A					
1	Lot Area	40,000 s.f. min.	10,000 s.f. min.	8,000 s.f. min.	
2	Lot Width	140 ft. min.	80 ft. min.	60 ft. min.	
3	Building Width	20 ft. min.	20 ft. min.	20 ft. min.	
4	Front Street Setback	35 ft. min.	35 ft. min.	30 ft. min.	Contextual street setback regulations apply. See 102-1620 (f) for allowed encroachments into setbacks. Porches may extend into the required front street setback by a distance no more than five feet.
5	Side Street Setback	25 ft. min.	15 ft. min.	10 ft. min.	
6	Side Setback	15 ft. min.	8 ft. min.	6 ft. min.	
7	Rear Setback	40 ft. min.	30 ft. min.	30 ft. min.	
8	Building Coverage	35% max.	35% max.	35% max.	
	Overall Impervious Coverage	55% max.	55% max.	55% max.	
	Additional Semi-Pervious Area	+10% additional	+10% additional	+10% additional	
120-250 (d) ATTACHED GARAGE & ACCESSORY STRUCTURES. See Figure 250-A					
9	Attached Garage: Additional Setback	–	5 ft. min. from main principal building's front facade		
MAJOR ACCESSORY STRUCTURES					KEY: ● = Allowed ○ = Conditional Use Permit Required
	Backyard Cottage	●	●	●	
	Outbuildings	●	●	●	
10	Accessory Building Location	Rear or side yard	Rear or side yard	Rear or side yard	See Article 6 for additional governance of accessory uses and structures
	Front Street Setback	10-foot min. setback from main principal building street facade			
	Non-Front Street Setback	No closer to street than principal building street facade			
	Side & Rear Setback	3 ft. min.; facades with garage doors must be set back a min. of 20-ft.			
	Total Number Allowed Size Allowed	Maximum of 3 buildings	Maximum of 2 buildings	Maximum of 2 buildings	
			Maximum total footprint of 1000 s.f.		
120-250 (e) HEIGHT. See Figure 250-B					
11	Principal Building Height	14 ft. min. 35 ft. max.	14 ft. min. 35 ft. max.	14 ft. min. 35 ft. max.	See 102-1620 (f) and 102-1620 (k) for measuring heights and 102-1620 (l) for height exceptions. Stories measured floor to floor.

Article 2 Neighborhood Zones
102-260 Traditional House

102-260 Traditional House

102-260 (A) **DESCRIPTION**

A traditional house is a residential building, other than a manufactured housing unit or mobile home, that is located on a single lot, or on two lots in the case of a twin home dwelling, not occupied by other principal buildings and includes characteristics of traditional house design.

102-260 (B) **REGULATIONS**

Traditional houses are subject to the regulations set forth in [120-260 \(c\)](#) through [120-260 \(f\)](#). See [Article 16](#) for rules governing how compliance with building location and height regulation is determined.

Figure 260-A. Traditional House Building Siting

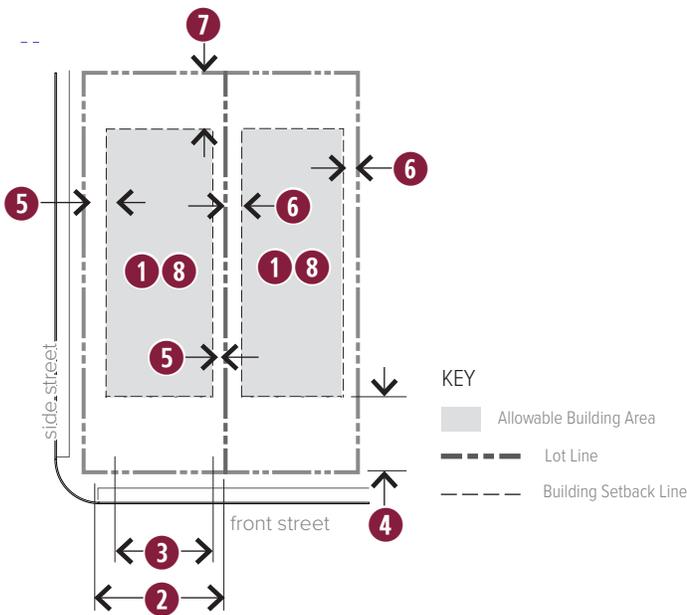


Figure 260-B. Traditional House Parking

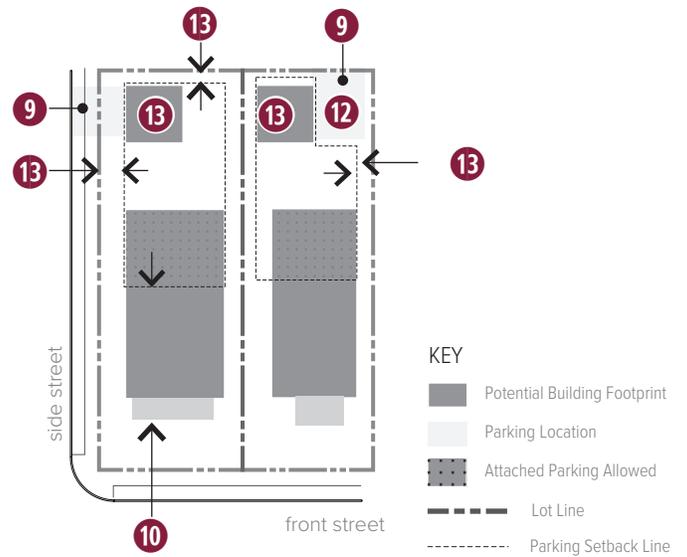


Figure 260-C. Traditional House Building Height

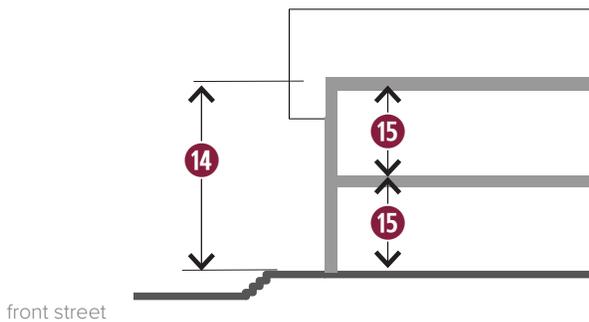


Figure 260-D. Traditional House Street Facade



Article 2 Neighborhood Zones
102-260 Traditional House

ZONES				
		N3-A	N3-B	Additional/References
120-260 (c) BUILDING SITING. See Figure 260-A				
1	Lot Area	6,400 s.f. min.	5,000 s.f. min.	Lots containing a dwelling unit as part of a twin home dwelling shall have a minimum of one-half of the minimum lot area and lot width.
2	Lot Width	50 ft. min	40 ft. min	
3	Building Width	20 ft. min. 65 ft. max.	20 ft. min. 55 ft. max.	Contextual front and side setback regulations apply. See 102-1620 (f) for allowed encroachments into setbacks. Porches may extend into the required front street setback no more than five feet.
4	Front Street Setback	25 ft. min.	25 ft. min.	
5	Side Street Setback	8 ft. min.	8 ft. min.	
6	Side Setback	5 ft. min.	5 ft. min.	
7	Rear Setback	25 ft. min.	25 ft. min.	
8	Building Coverage	35% max.	45% max.	
	Overall Impervious Coverage	55% max.	55% max.	
	Additional Semi-Pervious Area	+10% additional	+10% additional	
120-260 (d) PARKING & ACCESSORY STRUCTURES. See Figure 260-B				
9	Driveway Access	Off alley; if no alley, one off side street; if no side street, front street		
10	Attached Garage: Additional Setback	10 ft. min. from main principal building's front facade	30 ft. min. from main principal building's front facade	The standards for the N3-A zone apply to properties in the N3-B zone that are not served by an improved alley. Additions to existing attached garages on properties in the N3-B zone that are not served by an improved alley are permitted to be built to the same setback as the existing garage. For new construction on vacant lots in the N3-B zone that are not served by an improved alley, attached garages may project in front of the main principal building's front facade by a max. of 12 ft. under the following conditions: <ul style="list-style-type: none"> • The width of the garage is limited to max. of 22 ft. • The size of the garage door is limited to a max. of 16 ft. in width and 9 ft. in height • A min of 10% of the garage door must be transparent • A covered porch at least 5 ft. in depth must extend across the entire width of the habitable portion of the main principal building's front facade
11	Allowed Garage Door Location	Any facade; 30% max of front facade width	Rear, side, side street facade	
12	Surface Parking Location	Rear or side yard	Rear or side yard	

Article 2 Neighborhood Zones
102-260 Traditional House

		ZONES		
		N3-A	N3-B	Additional/References
MAJOR ACCESSORY STRUCTURES				
	Backyard Cottage	●[1]	●[1]	KEY: ● = Allowed ○ = Conditional Use Permit Required ●[1] = Allowed only on lots with one (principal) house occupied by one household See Article 6 for additional governance of accessory uses and structures
	Outbuildings	●	●	
13	Accessory Structure Location	Rear or side yard	Rear yard	
	Front Street Setback	10-foot min. setback from main principal building street facade		
	Side Street Setback	No closer to street than principal building street facade		
	Side & Rear Setback	3 ft. min.; facades with garage door facades must be set back min. 10 ft. from any lot line abutting an alley and min. 20 ft. off any other side or rear lot line		
	Total Number & Size Allowed	Maximum of 2 buildings; maximum total footprint of 1000 s.f.		
120-260 (e) HEIGHT. See Figure 260-C				
14	Principal Building Height	2 stories, 35 feet max	2.5 stories, 35 feet max	See 102-1620 (f) and 102-1620 (k) for measuring heights and 102-1620 (l) for height exceptions. Stories measured floor to floor.
15	All Stories Height	8.5 ft. min. 11 ft. max.	8.5 ft. min. 11 ft. max.	
120-260 (f) STREET FACADE. See Figure 260-D				
16	Transparency: Front Facades	15% per story	15% per story	
17	Primary Entrance	For 2 unit houses, max. one allowed on front facade	One required on front facade; for 2 unit houses, max. one allowed on front facade	

ARTICLE 3 MIXED-USE ZONES

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Article 3 Mixed-Use Zones
102-310 Mixed-Use Zones

102-310 Mixed-Use Zones

102-310 (a) ZONES ESTABLISHED

The City’s mixed-use zones are listed in [Table 3-1](#). When this code refers to “mixed-use” zones, it is referring to these zones.

102-310 (b) MIXED-USE ZONE DESCRIPTIONS

- (1) MX-TOD, Mixed-Use Transit-Oriented District (TOD) Center.** The MX-TOD zone is intended for use in close proximity to transit stations, where walkable storefronts provide shopping and services for residents in the center and upper story uses include residences and offices.
- (2) MX-D, Mixed-Use Downtown Center.** The MX-D zone is intended for use specifically in the downtown center, specifically along Mainstreet, where walkable storefronts provide shopping and services for residents and upper story uses include residences and offices.
- (3) MX-N, Mixed-Use Neighborhood Center.** The MX-N zone is intended for mixed-use, walkable neighborhood centers and nodes, lower in scale and intensity than the downtown center.
- (4) MX-S, Mixed-Use Suburban Center.** The MX-S zone is intended for mixed-use, regional-scale nodes, where residents and visitors may access a mix of predominantly commercial uses, including motor vehicle-related uses, in a walkable environment.

Table 3-1. Mixed-Use Zones

SYMBOL	ZONE NAME
Mixed-Use Zones	
MX-TOD	Mixed-Use TOD Center
MX-D	Mixed-Use Downtown Center
MX-N	Mixed-Use Neighborhood Center
MX-S	Mixed-Use Suburban Center
Residential-Office Mix Zones	
RX-TOD	Residential-Office Mix TOD Center
RX-D	Residential-Office Mix Downtown Center
RX-N	Residential-Office Mix Neighborhood Center
Residential Mix Zones	
NX1	Neighborhood Residential Mix
NX2	General Residential Mix
Employment Mix & Industrial Zones	
IX-TOD	Employment Mix TOD Center
I-TOD	Industrial TOD Center
IX-S	Employment Mix Suburban Center

Table 3-2. Allowed Building Types by Zone

Building Types	MIXED-USE ZONES												Reference
	MX-TOD	MX-D	MX-N	MX-S	RX-TOD	RX-D	RX-N	NX1	NX2	IX-TOD	I-TOD	IX-S	
Storefront Building	●	●	●	●	–	–	–	–	–	–	–	–	102-360
Commercial House	–	–	●	–	–	–	●	–	–	–	–	–	102-370
General Building	–	–	–	–	●	●	●	●	●	●	–	●	102-380
Row Building	–	–	–	–	●	●	●	●	●	●	–	–	102-390
Traditional House	–	–	–	–	–	–	–	●	○	–	–	–	102-3100
Workshop-Warehouse	–	–	–	–	–	–	–	–	–	●	●	●	102-3110
Civic Building	–	○	○	○	○	○	○	–	–	○	–	○	102-3120

KEY: ● = Allowed ○ = Allowed with Conditional Use Permit

- (5) **RX-TOD, Residential-Office Mix Transit-Oriented District (TOD) Center.** The RX-TOD zone is intended for use proximate to transit stations, where residential, office, and other limited uses can mix comfortably in a walkable environment.
- (6) **RX-D, Residential-Office Mix Downtown Center.** The RX-D zone is intended for use in the downtown center in support of Mainstreet, where residential, office, and limited commercial uses can mix comfortably in a walkable environment.
- (7) **RX-N, Neighborhood Residential-Office Mix Neighborhood Center.** The RX-N zone is intended for locations along corridors and neighborhood edges, where residential, office, and limited commercial uses can mix comfortably in a walkable environment.
- (8) **NX1, Neighborhood Residential Mix.** The NX1 zone is intended to preserve the physical form of existing neighborhoods and support new neighborhoods with a mix of smaller scaled housing types, including single-unit houses, multi-unit houses, and townhouses.
- (9) **NX2, General Residential Mix.** The NX2 zone is intended for neighborhoods with a wider mix of housing types, including multi-unit houses, townhouses, rowhouses, and apartment buildings.
- (10) **IX-TOD, Employment Mix Transit-Oriented District (TOD) Center.** The IX-TOD zone is intended for use proximate to transit stations in innovation districts, where office, research and development, and low-impact production and manufacturing uses with limited external impacts can mix comfortably in a walkable environment.
- (11) **I-TOD, Industrial Transit-Oriented District (TOD) Center.** The I-TOD zone is intended for use proximate to transit stations, with low-impact and medium-impact production and manufacturing, research and development, and warehouse and distribution uses are organized in a more walkable environment while allowing for significant truck traffic.
- (12) **IX-S, Employment Mix Suburban Center.** The IX-S zone is intended for regional-scale nodes, where office, research and development, and low-impact production and manufacturing with limited external impacts in an environment accessible via motor vehicle and walking.

102-320 Allowed Building Types
.....

Unless otherwise expressly stated, all buildings must comply with the building regulations that apply to one building type allowed in the subject zone per [Table 3-2](#), unless otherwise expressly stated.

102-320 (a) EXISTING BUILDINGS

See [Article 15](#) for buildings constructed and lots established prior to the adoption of these regulations that do not conform to these regulations.

102-320 (b) SELECTING A BUILDING TYPE

For expansions and renovations to buildings existing on the effective date of this code, the zoning administrator must approve the selection of a building type allowed in the zone within which the building is located. Refer to [Table 3-2](#).

102-320 (c) ACCESSORY STRUCTURE REGULATIONS

Except as defined in the building type regulations, accessory structures are subject to the regulations of [Article 6](#).

102-320 (d) EXEMPTIONS

Where the principal use on the lot is primarily outdoors, the following applies:

- (1) **Applicable Uses.** Uses allowed for exemptions from building type standards include parks and open space uses per [102-560 \(g\)](#) and utility and service uses per [102-560 \(i\)](#).
- (2) **Principal Buildings.** Any principal use buildings on the site must comply with the building regulations that apply to a building type allowed in the subject zone, except any minimum front street building frontage.
- (3) **Rear Yards without a Principal Building.** The rear yard location for parking and accessory structures to the principal use (e.g. a restroom structure is accessory to a principal outdoor recreation use) must be determined by the zoning administrator.
- (4) **Side and Rear Setbacks Apply.** Side and rear setbacks for any applicable building type must be used for all structures.
- (5) **Utility Structures.** Larger utility structures may require additional regulation per the zoning administrator, including setbacks.

Article 3 Mixed-Use Zones

102-330 Allowed Uses

102-330 Allowed Uses

Uses are allowed in mixed-use zones in accordance with the use regulations of [Article 5](#).

102-340 Other Applicable Articles

Buildings and uses in mixed-use zones are subject to all other applicable regulations of this code, including the following:

102-340 (a) BUILDING DESIGN

See [Article 7](#) for design regulations applicable to all building types. These provisions address such features as building materials, windows, roof types, and balcony design.

102-340 (b) SITE DESIGN

See [Article 8](#) for site design regulations applicable to all building types. These provisions address such features as landscape, fencing, sight distance at intersections, and other site features.

102-340 (c) MEASUREMENTS AND DEFINITIONS

See [Article 16](#) for definitions and how to measure certain building regulations.

102-340 (d) ACCESSORY USES AND STRUCTURES

See [Article 6](#) for accessory uses and accessory structure definitions and requirements.

102-340 (e) PARKING

See [Article 9](#) for motor vehicle and bicycle off-street parking requirements and design.

102-340 (f) SIGNS

See [Article 10](#) for sign regulations.

102-350 Applicable to All Building Types

The regulations of this section apply to all building types in the mixed-use zones, unless otherwise stated.

102-350 (a) PERMANENT STRUCTURES

All buildings must be constructed with a permanent foundation without a hitch, wheels, or other features that would make the structure mobile, unless otherwise expressly stated in this code, and except as follows:

(1) **Relocated Buildings.** The relocation of a previously occupied building type requires approval of a conditional use permit in accordance with [102-1390](#).

(2) **Temporary Buildings.** Any temporary buildings other than those associated with construction require a conditional use permit.

102-350 (b) ONE BUILDING PER LOT

One principal building is allowed per lot, unless otherwise defined in the building type regulations.

102-350 (c) TREATMENT OF YARDS

All yards must consist of landscape areas, patio space, or sidewalk space, unless otherwise expressly stated. See [Article 8](#) for landscape regulations.

(1) **Parking Locations.** Paved vehicular areas (parking lots, loading areas, drives) are located per the building type regulations.

(2) **Side Yard Parking Lots.** Some zones allow side yard parking lots. Side yard parking lots must not encroach into the front yard and minimum side setback, except as otherwise expressly stated.

(3) **Driveways Crossing Yards.** Paved vehicular areas are limited to specific locations per the applicable zone building type regulations. Driveways may cross through yards as follows:

a. Where permitted as access to the lot, driveways may cross perpendicularly through the front or non-front street yards, except as otherwise expressly stated.

b. In all MX, RX, IX, and the I-TOD zones, driveways may cross perpendicularly through the side and rear yards to connect to parking on adjacent lots.

102-350 (d) TRASH, RECYCLING, REFUSE LOCATIONS

Unless otherwise defined by the building type, all trash, recycling, and other refuse areas for buildings must comply with the regulations of this subsection, [102-350 \(d\)](#).

Article 3 Mixed-Use Zones
102-350 Applicable to All Building Types

- (1) Interior of Building.** Trash, recycling, and other refuse areas must be located inside the building with access doors off the rear or interior side facade.
 - a. Access doors may be located off a non-front street facade if the zoning administrator determines no other option exists.
 - b. Access doors must be opaque, screening a minimum of 80% of the opening.
 - c. Containers must be located immediately inside the access doors and containers must be stored inside until the process of emptying. Containers may not be pulled out on the street in advance of the arrival of the hauling truck.
- (2) Rear Yard.** If locating the trash, recycling, and other refuse inside the building is not practicable, trash, recycling, and other refuse areas must be located in the rear yard of the lot.
- (3) Interior Side Yard.** When no rear yard exists or when the rear yard is less than 5 ft. in depth, trash, recycling, and other refuse areas may be located in the rear portion of an interior side yard.
- (4) Non-Front Street Yard.** When no rear or side yard exists, trash, recycling, and other refuse areas may be located in a non-front street yard with a conditional use permit, provided the containers are fully screened from the street.
- (5) Screening.** See [102-8140](#) for required screening of trash, recycling, and other refuse areas.

102-350 (e) FRONT STREETS

The term "front street" applies to the streets that generally establish the fronts of lots and buildings, and determine where to locate the principal entrance to the building. Per the building type regulations, front streets require the highest level of facade treatment and restrict the location of parking, driveways, and garage entrances.

- (1) Designation.** Lots may abut multiple front streets. Front streets are generally defined as follows:
 - a. **Map.** Front streets for downtown zones and along commercial corridors are designated on the zoning map, maintained as a geographic layer on the City's Geographic Information System (GIS), under the direction of the Director of Planning and Development.
 - b. **Neighborhood Front Streets.** Within neighborhoods, front streets include those streets where the majority of buildings have front facades and principal building

entrances facing the street, typically along the longer faces of blocks.

- c. **Civic or Open Space Frontage.** Lots containing or abutting civic spaces or public open spaces must treat frontages abutting that space with front facade transparency and materials.
 - d. **Rail or Trail Frontage.** All frontages along rail lines or along trails, such as the Minnesota River Bluffs Trail, must be treated as non-front street frontages.
 - e. **Other Frontages.** Some building types may designate frontages other than front streets or civic space as front. See supplemental regulations for each building type.
- (2) One Front Required.** All lots must treat at least one frontage as a front street. If no front street abuts the lot, the zoning administrator will designate the frontage(s) to be treated as front.
 - (3) Through-Lots with Two Front Streets.** Where a parcel extends from one front street through the block to another front street, two fronts exist.
 - a. Supplemental regulations for the building type may include additional regulations for through-lots.
 - b. In the mixed-use zones where the through-lot has a front facing any N zone, all regulations of any one building type allowed in any N or NX1 zone must be applied within the first 50 feet of the subject lot's depth.
 - (4) Intersecting Front Streets.** Where two front streets intersect at a lot, the street with more existing front frontage treatments, as determined by the zoning administrator, may be treated as the front of the lot. The other street frontage may be treated as non-front.

- (5) Non-Front Frontages.** Non-front streets allow for a lower level of facade treatment as well as permit locations for garage and parking lot driveways entrances. Non-front streets may always be treated at the higher level of a front street.

102-350 (f) MINIMUM PEDESTRIAN AREA

Where the area from the back of curb/edge of pavement to the lot line is less than 12 feet, the setbacks shall be measured from 12 feet off the back of curb/edge of pavement. The extended pedestrian area shall be treated with streetscape per [102-870](#).

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102-360 Storefront Building Type

102-360 (a) DESCRIPTION AND INTENT

The Storefront building type is intended for use in the downtown, along corridors, and at neighborhood nodes, accommodating shopping, services, and eating establishments in a mixed-use building. Oriented to the street with narrow or no side setbacks, this building type is highly accessible to the pedestrian. Ground story storefront glass, entrances along the sidewalk, and windows in upper stories facing the street make these buildings interesting and inviting to pedestrians. Parking, where provided, is located mainly in the rear yard.

102-360 (b) ILLUSTRATIVE IMAGES

The images shown in [Figure 360-A](#) are intended to illustrate the general character of the building type. Many of the buildings and sites in each image predate these regulations and may not meet all building type regulations.

102-360 (c) BUILDING REGULATIONS

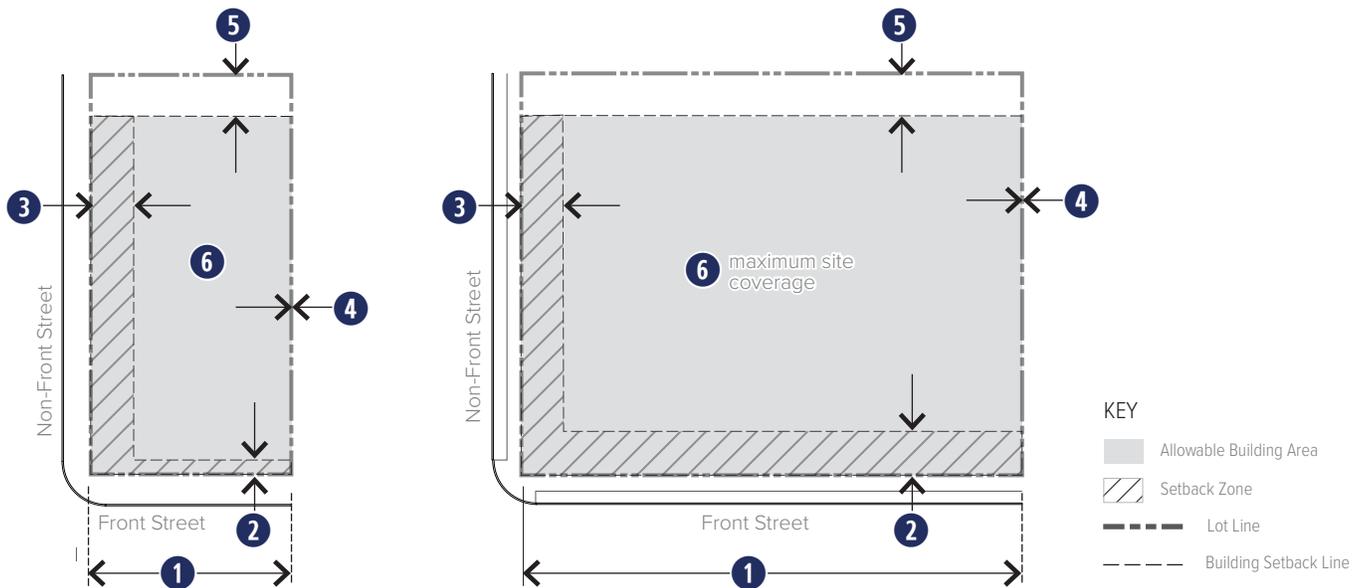
The following tables and illustrations regulate this specific building type. See [102-350](#) for general regulations for all building types. See [Article 16](#) for definitions and measuring table regulations.



Figure 360-A. Examples of Storefront Building Type

102-360 Storefront Building Type

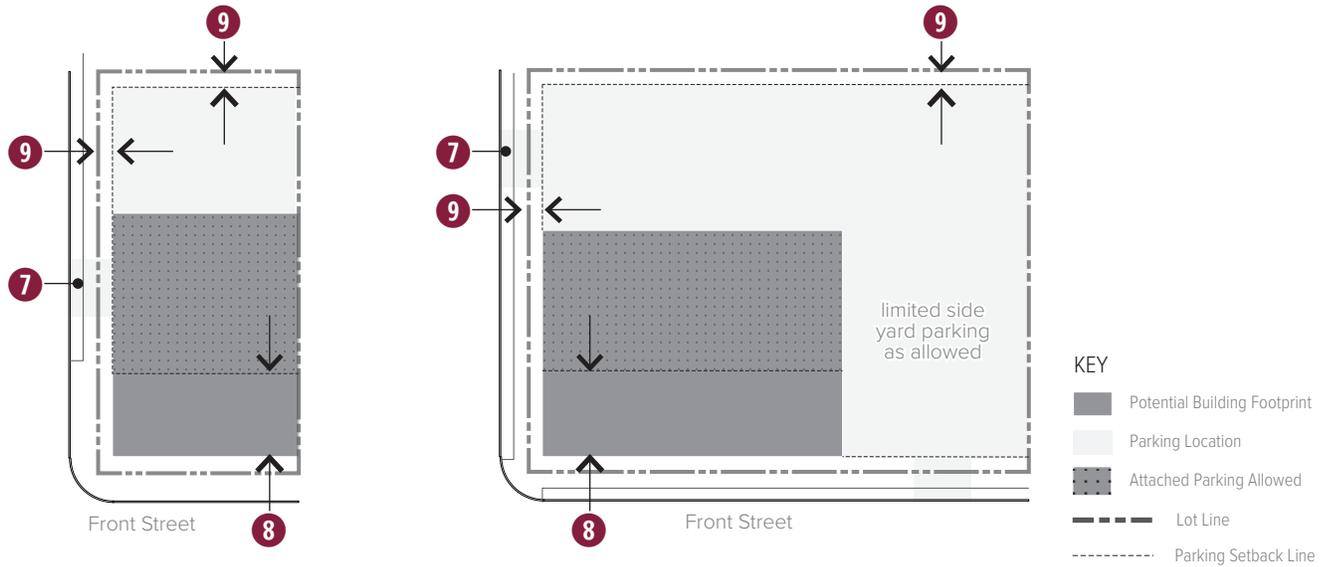
Figure 360-B. Storefront Building Siting



ZONES

	MX-TOD	MX-D	MX-N	MX-S	Additional/References
120-360 (d) BUILDING SITING. See Figure 360-B					
1 Front Streetwall	90% min.	75% min.	50% min.	75% min.	See courtyard, outdoor dining allowances per 102-360 (i) . Minimum pedestrian area required per 102-350 (f) . Through-lots addressed per 102-360 (i)(2) . See 102-1620 (f) for measuring and allowed encroachments into setbacks.
2 Front Street Setback	0 ft. min. 15 ft. max.	0 ft. 5 ft. max.	0 ft. min. 15 ft. max.	7.5 ft. min. 25 ft. max.	
3 Non-Front Street Setbacks	0 ft. min. 15 ft. max.	0 ft. min. 15 ft. max.	0 ft. min. 15 ft. max.	5 ft. min. 20 ft. max.	
4 Side Setback	0 ft. min.	0 ft. min.	0 ft. min.; 5 ft. abutting different existing building type	5 ft. min.	See 102-1620 (f) for measuring and allowed encroachments into setbacks Buffer required adjacent to N zones per 102-360 (i)(3)
5 Rear Setback	0 min. at 20-ft. wide alley; 10 ft. min.	10 ft. min. at alley; 20 ft. min.	10 ft. min. at alley; 20 ft. min.	20 ft. min.	
6 Impervious Site Coverage Additional Semi-Pervious Coverage	85% max. +15%	85% max. +15%	85% max. +15%	75% max. +20%	See 102-1620 (g) for measuring site coverage.

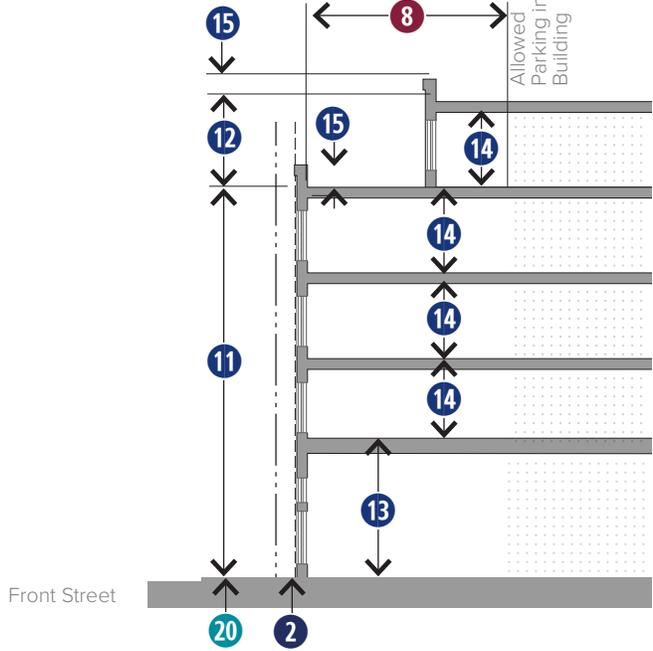
Figure 360-C. Storefront Parking Siting



		ZONES				Additional/References
		MX-TOD	MX-D	MX-N	MX-S	
120-360 (e) PARKING & ACCESSORY STRUCTURES. See Figure 360-C .						
7	Parking & Driveway Access Location Size Number	Off alley or non-front street; if no alley or non-front street exists or is planned, off front street is allowed Max. 22 ft. width at sidewalk without median; Max. 1 access per development per street				.
8	Attached Garage Setback Attached Garage Door Location	20 ft. min. behind front facade in floors above any basement Rear, side, non-front street facade				See 102-750 (m) for garage door design.
9	Surface Parking Location	Rear yard	Rear yard	Rear yard, limited side yard	Rear, side yard	See 102-16270 for definition of yards. See Article 8 for required landscape and buffers. Limited side yard per 102-1620 (i) .
	Street Setback	No closer to lot line than principal building				
	Non-Street Setback	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	
	Accessory Structure Location	Rear yard; see accessory structure regulations				See Article 6 for additional regulations governing accessory uses and structures.
	Street Setback	No closer to lot line than principal building				
	Non-Street Setback	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	
MAJOR ACCESSORY STRUCTURES & USES						
	Backyard Cottage	-	-	-	-	KEY: ● = Allowed ○ = Conditional Use Permit Required
	Outbuildings	●	●	●	●	
	Drive-Through Facilities	-	-	-	●	
	Fuel Pumps	-	-	-	●	
	Parking Structure	●	●	●	●	
	Outdoor Storage	-	-	-	-	

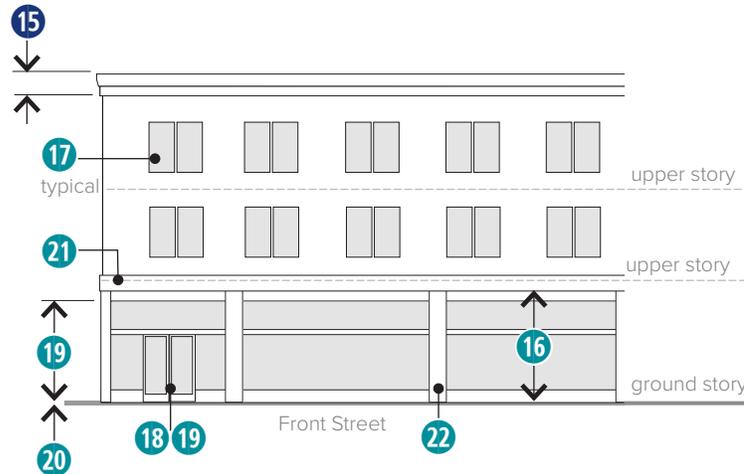
Article 3 Mixed-Use Zones
102-360 Storefront Building Type

Figure 360-D. Storefront Building Height



		ZONES				Additional/References
		MX-TOD	MX-D	MX-N	MX-S	
120-360 (f) HEIGHT. See Figure 360-D						
11	Height	3 stories min. 10 stories max.	2 story min. 4 stories max.	1 story min. 2.5 stories max.	1 story min. 4 stories max.	See 102-360 (j) for regulations adjacent to N zones.
13	Ground Story Height	14 ft. min. 18 ft. max.	12 ft. min. 15 ft. max.	12 ft. min. 15 ft. max.	14 ft. min. 18 ft. max.	Measured floor-to-floor. See 102-1620 (f) and 102-1620 (k) for measuring heights and 102-1620 (l) for height exceptions. See 102-360 (j) for allowed additional height for large format stores.
14				12 ft. min. height with 6 ft. height parapet required for single story building	14 ft. min. height with 6 ft. height parapet	
14	Upper Story Height	9 ft. min. 14 ft max.	9 ft. min. 12 ft max.	9 ft. min. 12 ft max.	9 ft. min. 14 ft max.	
120-360 (g) ROOFS. See Figure 360-D						
15	Roof Types	Flat, Parapet	Parapet	Parapet, Pitched	Flat, Parapet, Pitched	See 102-720 for roof types and tower regulations
	Tower	Allowed	-	-	Allowed	

Figure 360-E. Storefront Street Facade



		ZONES				
		MX-TOD	MX-D	MX-N	MX-S	Additional/References
120-360 (h) STREET FACADES. See Figure 360-E						
16	Ground Story Transparency on Front Facades	75% min.	65% min.	65% min.	65% min.	See 102-1620 (m) for measuring transparency.
		Measured between 2 ft. and 10 ft. from sidewalk grade.				
		No bays or 15 ft. wide sections of any story on a front facade may be without transparency				
		Ground story transparency must extend min. 20 ft. around the corner down any street-side facades.				
17	Transparency: Front Upper Stories Non-Front Stories	20% min. 12% min.	18% min. 15% min.	18% min. 15% min.	18% min. 15% min.	Measured per story, includes any half stories, visible basement, or full floor height towers. See 102-1620 (m) for measuring.
		No 15 ft. wide sections of any story on a front facade may be without transparency				
18	Building Entrance Location	One per every 50 feet of front facade				See 102-1620 (n) for measuring.
19	Entrance Transition Type	Storefront	Storefront	Storefront	Storefront	
20	Ground Story Elevation	Within 30 inches of sidewalk elevation				See 102-730 for entrance transition types.
21	Horizontal Divisions with Shadow Lines	Within 3 ft. of the top of any story between the basement and 3rd story, and at any 5th or higher story				
22	Vertical Divisions with Shadow Lines	One per every 60 ft. of ground story street facade	One per every 45 ft. of ground story street facade	One per every 60 ft. of ground story street facade		Horizontal shadow lines to run a min. 80% of length of facade. See 102-16210 for definition and measuring shadow lines.

Article 3 Mixed-Use Zones
102-360 Storefront Building Type

102-360 (j) SUPPLEMENTAL STOREFRONT BUILDING REGULATIONS

(1) Front Streetwall Exceptions. One of the following exceptions may be applied to any street facade:

- a. Courtyards.** On buildings wider than 100 feet, one courtyard, maximum 30% of the building width, may count towards Front Streetwall when abutting the setback zone. Courtyard facades must be treated as front frontage per facade regulations for the building type and any design regulations in [Article 7](#). See definition of courtyard in [102-1650](#).
- b. Seating and Dining.** The maximum setback may be expanded up to 20 feet for a maximum of 20% of the facade to allow for permanent outdoor seating or outdoor dining area.

(2) Through-Lots. Lots extending between two front streets shall treat each as a front frontage facade. See [Figure 360-F](#).

- a.** On MX through-lots along any front frontage facing an N, NX, or RX zone across a street, the building must use the following for a minimum depth of 30 feet from the facade:
 - 1.** The regulations of any allowed building type in the similar RX (e.g. RX-TOD on an MX-TOD zoned lot) or any NX zone building type must be applied including building siting, parking and accessory structures, heights, roof types, and street facades.
 - 2.** Allowed uses permitted in any building type in the similar RX zone or the NX2 zone may be applied.

3. If the above regulations are used, Storefront building regulations must be met on the other front street frontage for a minimum depth of 30 feet.

(3) Story Setbacks at N or NX Zones.

- a.** In MX-TOD, within 300 feet of any N zone, the maximum height may be no more than 6 stories.
- b.** In all zones, facades abutting an N or NX1 zone above the 3rd story must be stepped back a minimum of 12 feet from the lower facades. Buffer required per [102-8120](#).

(4) Treatment Turning Corners. At all intersections of front and non-front streets, front frontage facade regulations must be met along the first 30 feet of facade on the non-front street from the corner.

(5) Visible Basements. Where the grade at the base of a street facade slopes resulting in any portion of a basement wall being located more than 3 ft. above grade, that portion of the basement wall must meet the transparency regulations.

(6) Large-Format Spaces. Large-format spaces have taller floor-to-floor heights, large building footprints, and few or no windows. Examples include such stores as grocery stores, department stores, warehouse retail stores, movie theaters. A large-format space requires a conditional use permit and must meet the following conditions:

- a.** Up to 30 feet in ground story height.
- b.** Any heights above 18 feet are limited to a maximum horizontal distance along any front street of 45 feet. See [Figure 360-G](#).

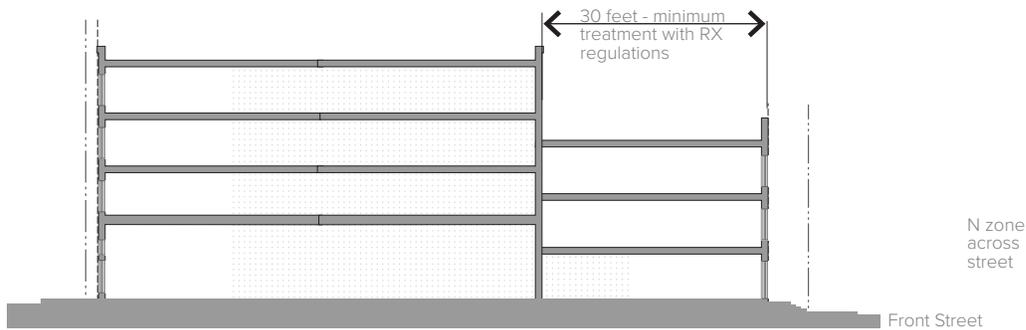


Figure 360-F. Through-Lot Illustration (section)

- c. Lower scaled commercial spaces may front the large-format space to achieve the maximum frontage and number of entrances required along the frontage.
 - d. Any heights over 18 feet and located on the front facade, main parking lot facade, or non-front street facade must apply transparency regulations as if the building is 2 stories.
- (7) Pitched Roof on Single-Story Building.** A pitched roof, where allowed, on a single story building must have a minimum pitch of 1:5. Where the ridge is parallel to a street, dormer windows must be provided, one, minimum 6 feet wide, for every 30 feet of roof length. See [Figure 360-H](#).

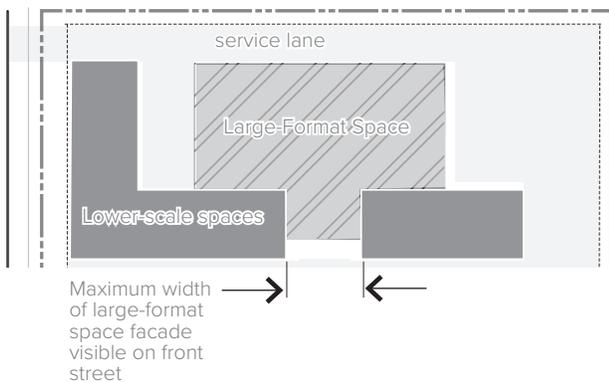


Figure 360-G. Large-Format Space

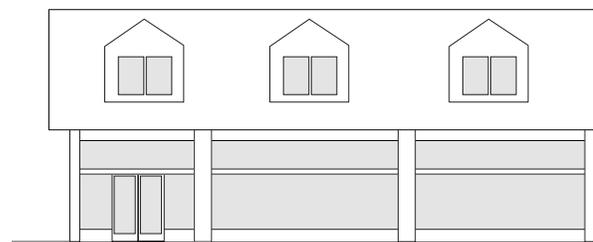


Figure 360-H. Pitched Roof on Single Story Commercial Center.

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102-370 Commercial House Building Type

102-370 (a) DESCRIPTION AND INTENT

The Commercial House is a single building or collection of buildings with characteristics of a house and including commercial uses. Many examples were once houses converted to offices or shops, but newly constructed Commercial Houses may also occur. Characteristics include small yards or patios surrounding the building, entrances on the front, and pitched roofs. Parking is located mainly in the rear, though some side yard parking may occur.

102-370 (b) ILLUSTRATIVE IMAGES

The images shown in [Figure 370-A](#) are intended to illustrate the general character of the building type. The buildings and sites in each image may not fulfill all of the building type regulations.

102-370 (c) BUILDING REGULATIONS

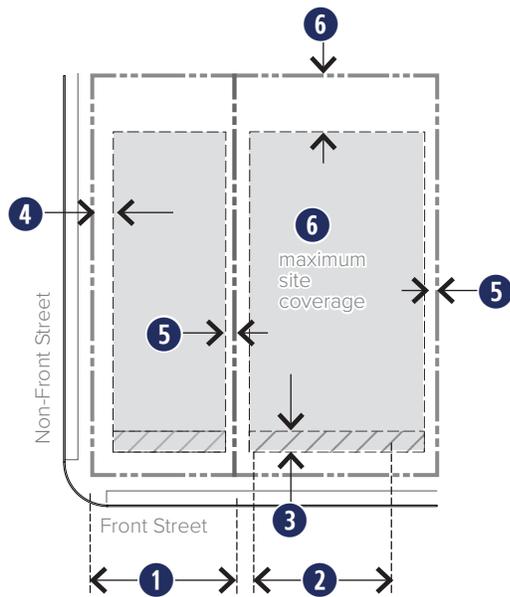
The following tables and illustrations regulate this specific building type. See [102-350](#) for general regulations for all building types. See [Article 16](#) for definitions and measuring table regulations.



Figure 370-A. Examples of Commercial House Building Type

102-370 Commercial House Building Type

Figure 370-B. Commercial House Building Siting



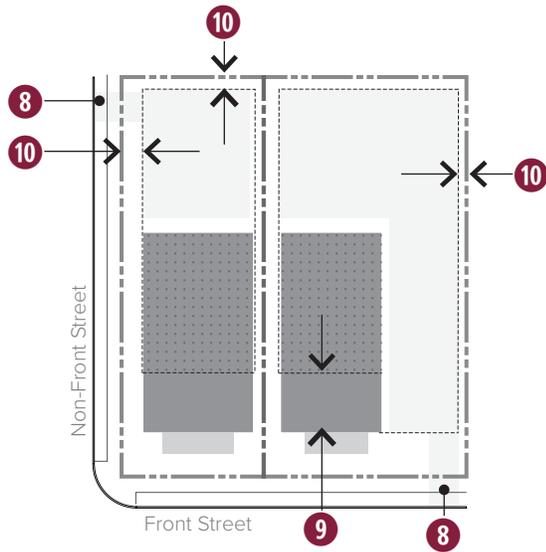
KEY

- Allowable Building Area
- Setback Zone
- Lot Line
- Building Setback Line

ZONES

		MX-N	RX-N	Additional/References
120-370 (d) BUILDING LOCATION. See Figure 370-B				
1	Lot Width	50 ft. min. per principal building	45 ft. min. per principal building	
2	Front Streetwall	50 ft. max. per principal building	50 ft. max. per principal building	See 102-370 (j) for multiple buildings on a lot and allowed connections between buildings
3	Front Street Setback	5 ft. min. 25 ft. max.	15 ft. min. 25 ft. max.	Contextual setbacks apply. See 102-1620 (f) for measuring contextual setbacks.
4	Non-Front Street Setback	10 ft. min.	10 ft. min.	Minimum pedestrian area required per 102-350 (f) .
5	Side Setback	7.5 ft. min	10 ft. min	See 102-1620 (f) for measuring and allowed encroachments into setbacks.
6	Rear Setback	10 ft. min. at alley; 20 ft. min.	10 ft. min. at alley; 30 ft. min.	Buffer required adjacent to N zones per 102-360 (i).(3)
7	Impervious Site Coverage Additional Semi-Pervious Coverage	80% max. +10%	70% max. +10%	See 102-1620 (g) for measuring site coverage.

Figure 370-C. Commercial House Parking Siting



KEY

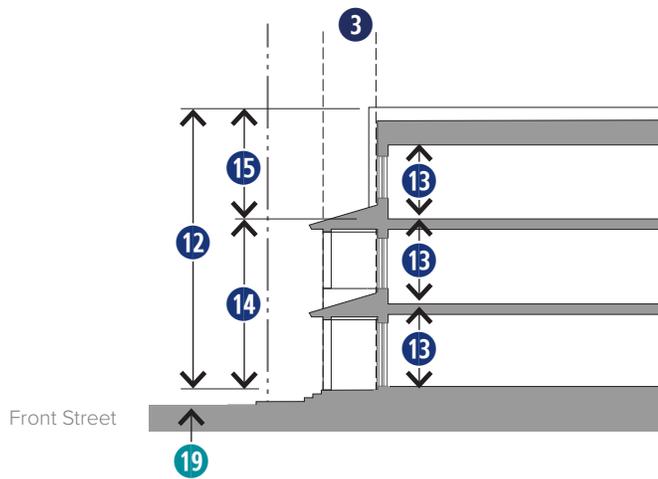
- Potential Building Footprint
- Parking Location
- Attached Parking Allowed
- Lot Line
- Parking Setback Line

ZONES

		MX-N	RX-N	Additional/References
120-370 (e) PARKING & ACCESSORY STRUCTURES. See Figure 370-C.				
8	Parking & Driveway Access Location Size Number	Off alley or non-front street; if no alley or non-front street exists or is planned, off front street is allowed Max. 22 ft. width at sidewalk without median Max. 1 access per development per street		
9	Attached Garage Setback Allowed Garage Door Location	20 ft. min. behind front facade in rear of building Rear or non-front facade		
10	Surface Parking Location	Rear yard, limited side yard		See 102-16270 for definition of yards. Limited side yard per 102-1620 (i) . See Article 8 for required landscape and buffers.
	Street Setback	No closer to lot line than principal building		
	Non-Street Setback	3 ft. min.	3 ft. min.	
11	Accessory Structure Location	Rear yard		See Article 6 for additional regulations governing accessory uses and structures.
	Street Setback	No closer to lot line than principal building		
	Non-Street Setback	3 ft. min	3 ft. min	
MAJOR ACCESSORY STRUCTURES		MX-N	RX-N	KEY: ● = Allowed ○ = Conditional Use Permit Required ●[1] = Allowed only on lots with one (principal) house occupied by one household
Backyard Cottage		–	●[1]	
Outbuildings		●	●	
Drive-Through Facilities		–	–	
Fuel Pumps		–	–	
Parking Structure		–	–	
Outdoor Storage		–	–	

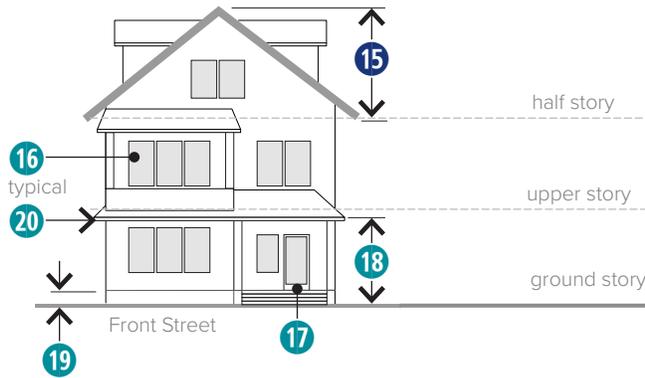
102-370 Commercial House Building Type

Figure 370-D. Commercial House Height



		ZONES		
		MX-N	RX-N	Additional/References
120-370 (f) HEIGHT. See Figure 370-D				
12	Height	1 stories min. 2.5 stories max.	1 stories min. 2.5 stories max	See 102-1620 (f) and 102-1620 (k) for measuring heights and 102-1620 (l) for height exceptions. Stories measured floor to floor.
13	Story Height	8.5 ft. min. 12 ft. max.	8.5 ft. min. 12 ft. max.	
14	Height to Eaves	20 ft. max.	20 ft. max.	
120-370 (g) ROOFS. See Figure 370-D				
15	Roof Types	Pitched	Pitched	See 102-720 for roof types and towers.
	Tower	Allowed	Allowed	

Figure 370-E. Commercial House Facade



ZONES

	MX-N	RX-N	Additional/References
120-370 (h) STREET FACADES. See Figure 370-E			
16 Transparency: Front Facades Non-Front Facades	18% min. 12% min.	18% min. 12% min.	Measured per story, includes any half stories, visible basement, or full floor height towers. See 102-1620 (m) for measuring.
	No bays or 10 ft. wide sections of any story may be without transparency		
17 Building Entrance Location	Front facade or bay, max. 2 doors		
18 Entrance Transition Type	Porch or Stoop	Porch or Stoop	See 102-730 for entrance types.
19 Ground Story Elevation above Grade	Between 12 in. and 30 in. above grade or between 30 in. and 4 ft. with a visible basement		See 102-1640 for definition of visible basement.
20 Horizontal Divisions with Shadow Lines	None		

102-370 Commercial House Building Type

102-370 (j) SUPPLEMENTAL COMMERCIAL HOUSE BUILDING REGULATIONS

- (1) Through-Lots.** Lots extending between two front streets shall treat each as a front frontage facade. In MX-N, along any front frontage facing an N or NX zone across a street, the facade and a minimum 30 feet deep behind the facade must meet the following:

 - a.** The regulations of a Commercial House building in the RX-N zone apply including building siting, parking and accessory structures, heights, roof types, and street facades.
 - b.** Allowed uses permitted in any building type in the RX-N zone apply, except retail category uses require a conditional use permit.
 - c.** The Commercial House regulations must be met on the other front frontage for a minimum depth of 30 feet.
- (2) Visible Basements.** For basement levels located more than 3 ft. above grade, street facades must meet the transparency regulations.
- (3) Half Stories in Roof.** The occupiable footprint in half stories of a Commercial House is limited to no more than 65% of the footprint below. Dormers are limited to no more than 12 ft. in width.

102-380 General Building Type

102-380 (a) DESCRIPTION AND INTENT

The General building is a basic urban building, typically housing multiple residential units, offices, and other similar spaces. Each building is oriented to the street with entrances to lobbies off the public sidewalk. Parking is located in the rear yard. Buildings vary in height and length depending on the zone.

102-380 (b) ILLUSTRATIVE IMAGES

The images shown in [Figure 380-A](#) are intended to illustrate the general character of the building type. The buildings and sites in each image may not fulfill all of the building type regulations.

102-380 (c) BUILDING REGULATIONS

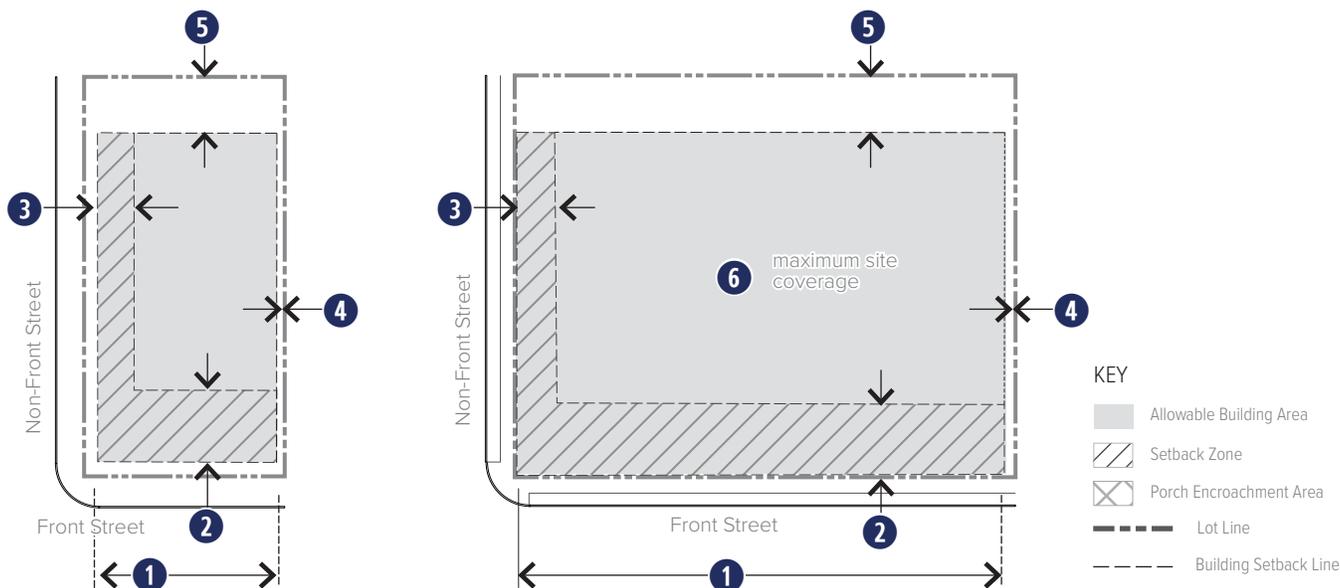
The following tables and illustrations regulate this specific building type. See [102-350](#) for general regulations for all building types. See [Article 16](#) for definitions and measuring table regulations.



Figure 380-A. Examples of General Building Type

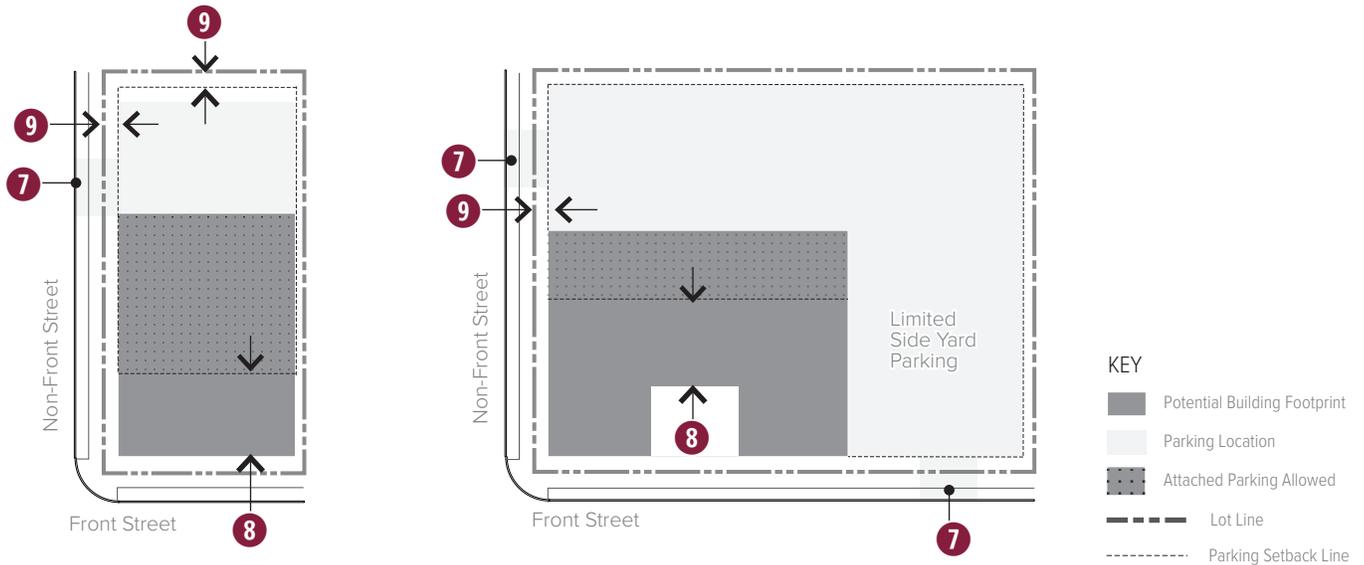
Article 3 Mixed-Use Zones
102-380 General Building Type

Figure 380-B. General Building Siting



		ZONES					Additional/ References
		RX-TOD	RX-D	NX2	RX-N NX1	IX-TOD IX-S	
120-380 (d) BUILDING LOCATION. See Figure 380-B							
	Multiple Principal Buildings	allowed	allowed	allowed	—	allowed	
1	Front Streetwall	80% min.	80% min.	75% min.	65% min. 120 ft. max. per building	75% min.	See 102-380 (j) for courtyard allowance and double frontage lots.
2	Front Street Setback	7.5 ft. min. 15 ft. max.	7.5 ft. min. 15 ft. max.	10 ft. min. 25 ft. max.	5 ft. min. 30 ft. max. Contextual setbacks apply	5 ft. min. 30 ft. max.	See 102-380 (j) for allowed plaza exception to maximum setback. See 102-1620 (f) for contextual setback regulations. Minimum pedestrian area required per 102- 350 (f) .
3	Non-Front Street Setback	5 ft. min. 15 ft. max.	5 ft. min. 25 ft. max.	10 ft. min. 25 ft. max.	5 ft. min. 25 ft. max.	10 ft. min. 25 ft. max.	
4	Side Setback	5 ft. min.	5 ft. min.	5 ft. min.	5 ft. min.	5 ft. min.	
5	Rear Setback	0 at min. 20-ft. alley or rail r.o.w.; 20 ft. min.	10 ft. min. at alley or rail r.o.w.; 20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.	See 102-380 (j) for treatment adjacent to N zones.
6	Impervious Site Coverage Additional Semi-Pervious Coverage	80% max. +15%	70% max. +15%	60% max. +15%	60% max. +15%	70% max. +15%	See 102-1620 (g) for measuring site coverage.

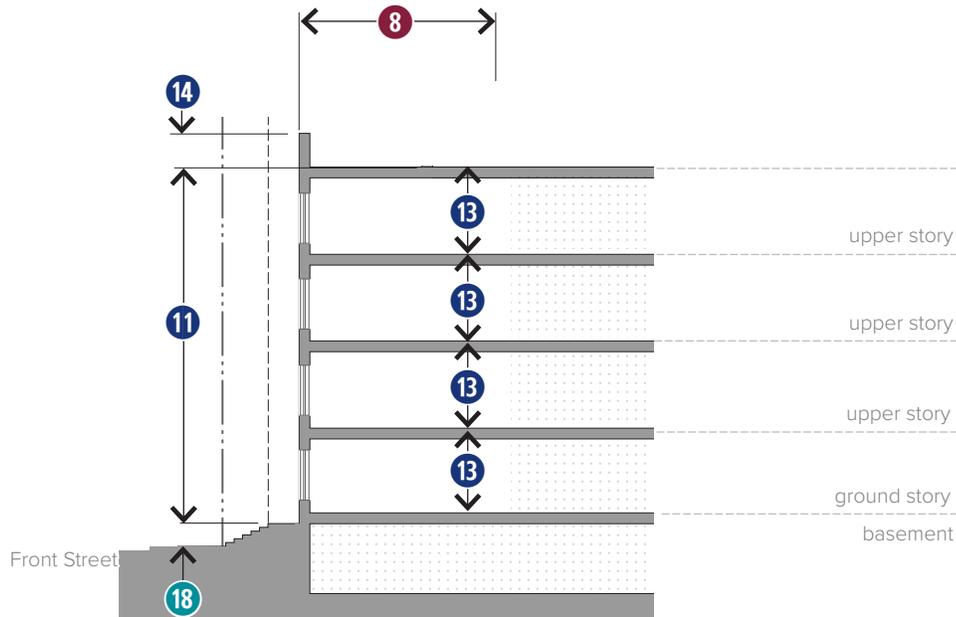
Figure 380-C. General Building Parking Siting



		ZONES					Additional/ References
		RX-TOD	RX-D	NX2	RX-N NX1	IX-TOD IX-S	
120-380 (e) PARKING & ACCESSORY STRUCTURES. See Figure 380-C .							
7	Parking & Driveway Access						
	Size Number						
		Off alley or non-front street; if no alley or non-front street exists or is planned, off front street is allowed Max. 22 ft. width at sidewalk without median Max. 1 access per development per street					
8	Attached Garage Setback (Allowed Garage Door Location)						
		20 ft. min. behind front facade in rear of building Rear, interior side, and side facades					
9	Surface Parking Location	Rear yard	Rear yard	Rear yard	Rear yard, limited side yard	Rear yard, limited side yard	See 102-16270 for definition of yards. Limited side yard per 102-1620 (j) . See Article 8 for required landscape and buffers.
	Street Setback	No closer to lot line than principal building					
	Non-Street Setback	3 ft. min	3 ft. min	3 ft. min	3 ft. min	5 ft. min	
10	Accessory Structure Location	Rear yard	Rear yard	Rear yard	Rear yard	Rear yard	See Article 6 for additional regulations governing accessory uses and structures.
	Street Setback	No closer to lot line than principal building					
	Non-Street Setback	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	
MAJOR ACCESSORY STRUCTURES		RX-TOD	RX-D	NX2	RX-N NX1	IX-TOD IX-S	KEY: ● = Allowed ○ = Conditional Use Permit Required
Backyard Cottages		–	–	–	–	–	
Outbuildings		–	–	●	●	–	
Drive-Through Facilities		–	–	–	–	–	
Fuel Pumps		–	–	–	–	–	
Parking Structure		●	●	●	–	●	
Outdoor Storage Areas		–	–	–	–	–	

Article 3 Mixed-Use Zones
102-380 General Building Type

Figure 380-D. General Building Height and Roofs



		ZONES					Additional/ References
		RX-TOD	RX-D	NX2	RX-N NX1	IX-TOD IX-S	
120-380 (f) HEIGHT. See Figure 380-D.							
11	Height	2 stories min. 10 stories max	1 stories min. 4 stories max.	2 stories min. 5 stories max. except any portion of a lot within 50 feet of N or NX1 must be 4 stories max.	1 stories min. 2.5 stories max.	1 stories min. 6 stories max.	See 102-380 (j) for regulations adjacent to N zones. See 102-1620 (f) and 102-1620 (k) for measuring heights and 102- 1620 (l) for height exceptions.
13	All Stories Height	9 ft. min. 14 ft. max.	9 ft. min. 14 ft. max.	9 ft. min. 14 ft. max.	9 ft. min. 12 ft. max.	9 ft. min. 16 ft. max. Up to 20 ft. allowed per 102-380 (j)	Stories measured floor to floor.
120-380 (g) ROOFS. See Figure 380-D.							
14	Roof Types	Flat, parapet, pitched	Flat, parapet; pitched	Flat, parapet; pitched	Flat, parapet, pitched	Flat, parapet	See 102-720 for roof types and tower regulations
	Tower	Allowed	Allowed	Allowed	–	Allowed	

Figure 380-E. General Building Facades



ZONES						Additional/ References
RX-TOD	RX-D	NX2	RX-N NX1	IX-TOD IX-S		

120-380 (h) STREET FACADES. Figure 380-E

15	Transparency: Front Facades Non-Front Facades	20% min. 18% min.	20% min. 18% min.	18% min. 18% min.	18% min. 18% min.	20% min. 18% min.	Measured per story, includes any half stories, visible basements, or full floor height towers. See 102-1620 (m) for measuring.
No bays or 15 ft. wide sections of any story may be without transparency.							
16	Building Entrances Location	One per every 120 ft. on front facade	One per every 120 ft. on front facade	One per every 120 ft. of front facade	One per building on front facade	One per every 120 ft. on front facade	See 102-1620 (n) for measuring.
17	Entrance Transition Type	Stoop	Stoop	Stoop	Stoop or porch	Stoop	See 102-730 for entrance transition types.
18	Ground Story Elevation	Between 18 in. and 30 in. above grade or between 30 in. and 4 ft. with a visible basement, except in floodplain locations.					See 102-1640 for definition of visible basement.
19	Horizontal Divisions with Shadow Lines	One within 3 ft. of the top of any story between the basement and 3rd				Horizontal shadow lines to run a min. 80% of length of facade. See 102-16210 for definition and measuring shadow lines.	
20	Vertical Divisions with Shadow Lines	One per every 120 ft. of street facade			One per every 90 ft. of street facade	One per every 120 ft. of street facade	

102-380 General Building Type

102-380 (i) SUPPLEMENTAL GENERAL BUILDING REGULATIONS

(1) Front Streetwall Exceptions.

- a. **Courtyards.** One courtyard may count towards Front Streetwall when abutting the setback zone. Courtyard facades must be treated as front frontage per facade regulations for the building type and any design regulations in [Article 7](#). See definition of courtyard in [102-1650](#).
- b. **Seating and Dining.** The maximum setback may be expanded up to 20 feet for a maximum of 20% of the facade to allow for permanent outdoor seating or outdoor dining area.

(2) Through-Lots. Lots extending between two front streets must treat each as a front street facade.

(3) Story Setbacks at N or NX Zones.

- a. In RX-TOD, within 300 feet of any N zone, the maximum height may be no more than 6 stories.
- b. In all zones, facades abutting an N or NX zone above the 3rd story must be stepped back a minimum of 12 feet from the lower facades. Buffer required per [102-8120](#).

(4) Visible Basements. For basement levels located more than 3 ft. above grade, street facades must meet the transparency regulations.

(5) Additional Story Height in IX-TOD and IX-S. Up to 20 feet in height may be approved provided, any story height over 16 feet must count as 2 stories in calculating overall allowed height in stories and must provide transparency for 2 stories.

102-390 Row Building Type

102-390 (a) DESCRIPTION AND INTENT

The Row building is comprised of multiple vertical units with shared side walls. Each unit is typically oriented to the street with an entrance off the public sidewalk. Parking is located in the rear yard with attached garages entered from the rear of the building or detached garages. Buildings vary in length and height depending on the zone.

102-390 (b) ILLUSTRATIVE IMAGES

The images shown in [Figure 390-A](#) are intended to illustrate the general character of the building type. The buildings and sites in each image may not fulfill all of the building type regulations.

102-390 (c) BUILDING REGULATIONS

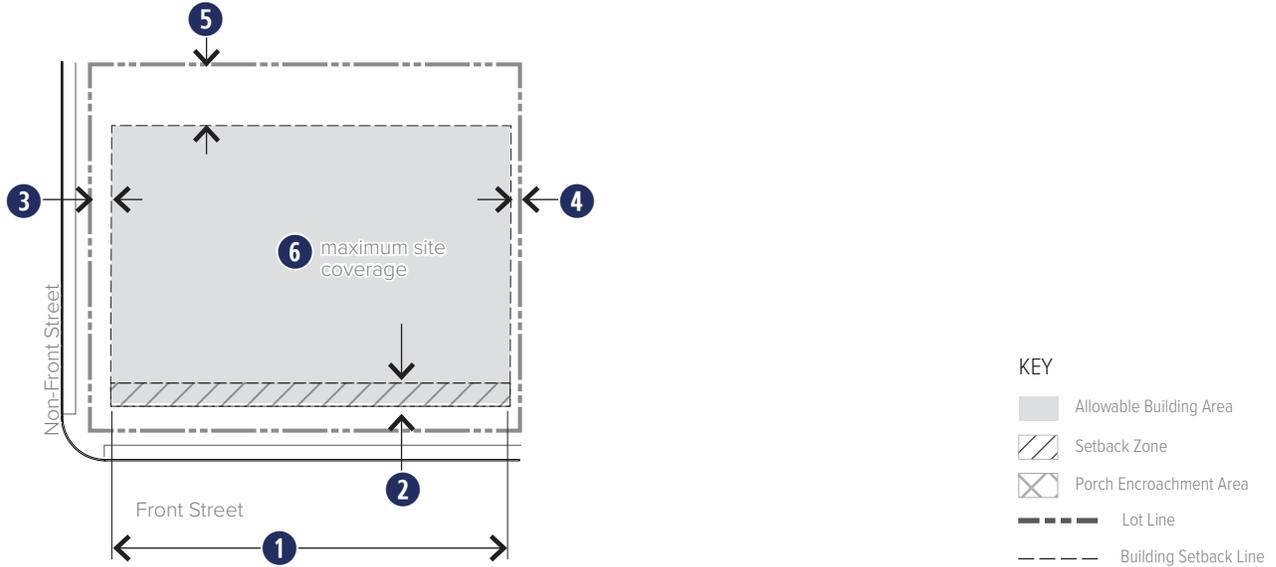
The following tables and illustrations regulate this specific building type. For the purposes of the Row building, a building consists of a series of units. See [102-350](#) for general regulations for all building types. See [Article 16](#) for definitions and measuring table regulations.



Figure 390-A. Examples of Row Building Type

Article 3 Mixed-Use Zones
102-390 Row Building Type

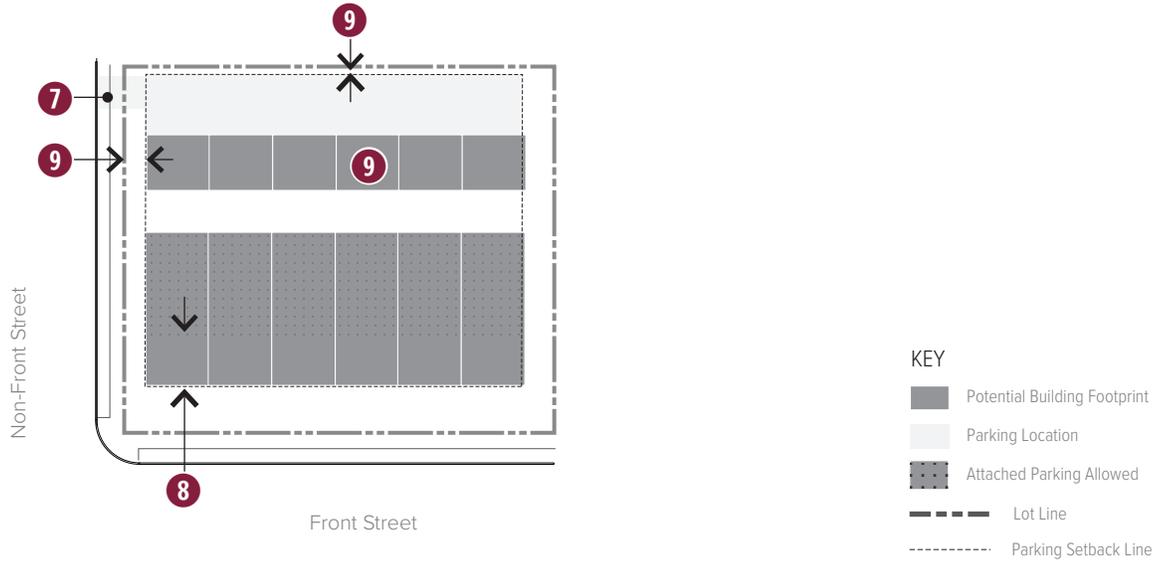
Figure 390-B. Row Building Siting



ZONES

		RX-TOD RX-D	RX-N NX2	NX1	IX-TOD	Additional/References
120-390 (d) BUILDING LOCATION. See Figure 390-B						
	Configuration	Multiple side-by-side units sharing common side walls; Multiple buildings allowed on a lot per 102-390 (j)				
1	Front Streetwall	80% min.	75% min.	85% min.	65% min.	See 102-390 (j) for courtyards. Measured within setback zone along any street frontage.
	Facade Width per Frontage	3 units min. 8 units max.	2 units min. 6 units max.	2 units min. 4 units max.	3 units min. No max.	
2	Front Street Setback	7.5 ft. min. 15 ft. max.	10 ft. min. 25 ft. max.	10 ft. min. 25 ft. max.	0 ft. min. 20 ft. max.	Contextual setbacks apply. See 102-1620 (f) for measuring contextual setbacks. Minimum pedestrian area required per 102-350 (f) .
3	Non-Front Street Setback	5 ft. min.	5 ft. min.	5 ft. min.	5 ft. min.	
4	Side Setback & Space Between Buildings	12 ft. min.	12 ft. min.	10 ft. min.	15 ft. min.	See 102-1620 (f) for measuring and allowed encroachments into setbacks.
5	Rear Setback	20 ft. min.	20 ft. min.	30 ft. min.	200 ft. min.	
6	Impervious Site Coverage Additional Semi-Pervious Coverage	70% max. +15%	65% max. +15%	60% max. +15%	75% max. +15%	See 102-1620 (g) for measuring site coverage.

Figure 390-C. Row Building Parking Siting

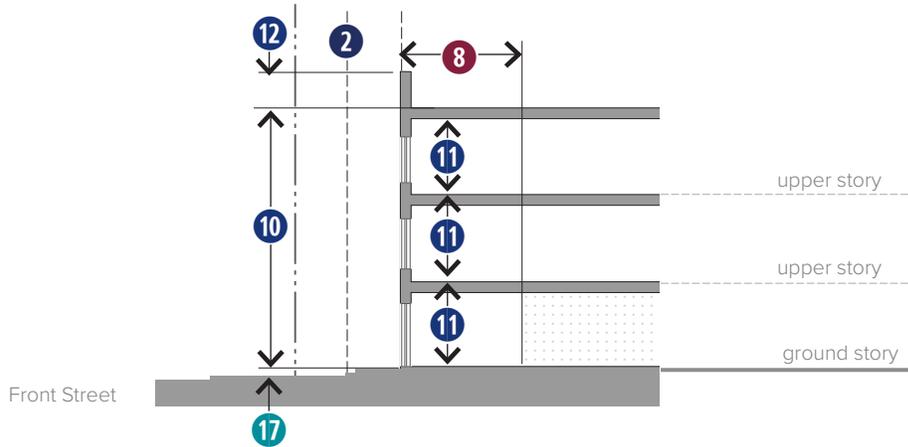


ZONES

		RX-TOD RX-D	RX-N NX2	NX1	IX-TOD	Additional/References
120-390 (e) PARKING & ACCESSORY STRUCTURES. See Figure 390-C						
7	Parking & Driveway Access Size Number	Off alley or non-front street; if no alley or non-front street exists or is planned, off front street is allowed Max. 12 ft. width at sidewalk without median Max. 1 access per building per street				
8	Attached Garage Setback Allowed Garage Door Location (facade)	Rear of building, min. 15 ft. behind front facade Rear; not visible from a front street and screened from non-front streets				See supplemental regulations in 102-390 (j) for garage door screening.
9	Parking Lot & Accessory Structure Location	Rear yard	Rear yard	Rear yard	Rear yard	See 102-16270 for definition of yards. See Article 6 for accessory structures.
	Street-Side Setback	No closer to lot line than principal building				
	Non-Street Setback	3 ft. min.	3 ft. min.	3 ft. min.	3 ft. min.	
MAJOR ACCESSORY STRUCTURES		RX-TOD RX-D	RX-N NX2	NX1	IX-TOD	See Article 6 for additional regulations governing accessory uses and structures. KEY: ● = Allowed ○ = Conditional Use Permit Required
Backyard Cottage		–	–	–	–	
Outbuildings		●	●	●	●	
Drive-Through Facilities		–	–	–	–	
Fuel Pumps		–	–	–	–	
Parking Structure		–	–	–	–	
Outdoor Storage Areas		–	–	–	–	

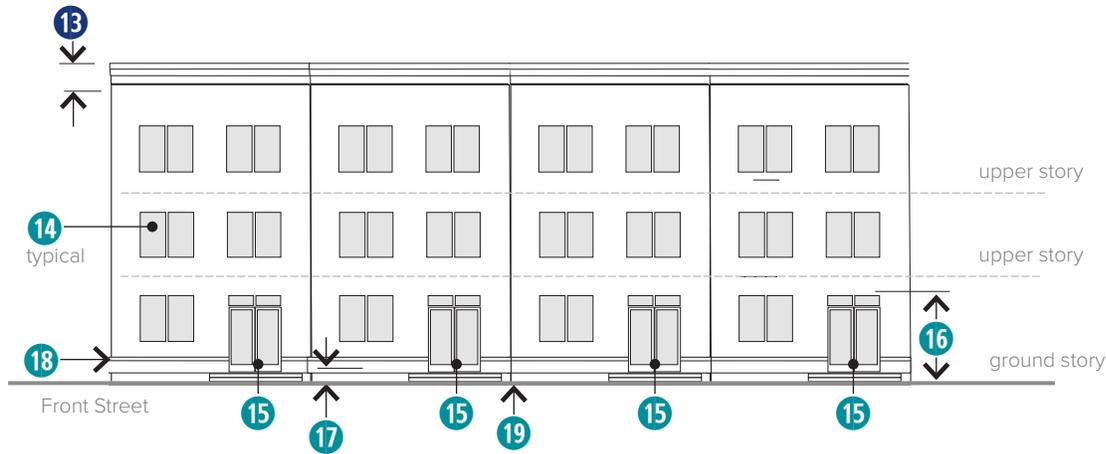
Article 3 Mixed-Use Zones
102-390 Row Building Type

Figure 390-D. Row Building Height



		ZONES				Additional/References
		RX-TOD RX-D	RX-N NX2	NX1	IX-TOD	
120-390 (f) HEIGHT. See Figure 390-D						
10	Height	2 stories min. 3 stories max.	2 stories min. 2.5 stories max.	1.5 stories min. 2.5 stories max.	2 stories min. 3 stories max.	See supplemental regulations on half stories in 102-390 (j) . See 102-1620 (f) and 102-1620 (k) for measuring heights and 102-1620 (l) for height exceptions. Stories measured floor to floor.
11	Floor-to-Floor Height	9 ft. min. 14 ft. max.	9 ft. min. 14 ft. max.	9 ft. min. 11 ft. max.	9 ft. min. 16 ft. max.	
120-390 (g) ROOFS. See Figure 390-D						
12	Roof Types	Pitched, Flat, Parapet	Pitched, Flat, Parapet	Pitched	Pitched, Flat	See 102-720 for roof types and towers.
	Tower	1 per unit; max. width 12 ft.	1 per building	–	–	

Figure 390-E. Row Building Facades and Roofs



ZONES					Additional/References
RX-TOD RX-D	RX-N NX2	NX1	IX-TOD		

120-390 (h) STREET FACADES. See Figure 390-E						
14	Transparency: Front Facades Non-Front Facades	20% min. 10% min.	20% min. 10% min.	20% min. 10% min.	15% min. 10% min.	Per story, Includes any half stories, visible basement, or full floor height towers. See 102-1620 (m) for measuring transparency.
15	Building Entrances Location	One per unit on front facade except 1 per every 3 units may be located off a courtyard.				See 102-390 (i) for courtyards.
16	Entrance Transition Type	Porch or Stoop	Porch or Stoop	Porch or Stoop	Porch or Stoop	See 102-730 for entrance transition types.
17	Ground Story Elevation above Grade	Between 18 in. and 30 in. above grade or between 30 in. and 4 ft. with a visible basement.				See 102-1640 for definition of visible basement.
18	Horizontal Divisions with Shadow Lines	One between any basement, ground story, and the top of the ground story				See 102-16210 for definition and measuring shadow lines..
19	Vertical Divisions with Shadow Lines	One for every unit on the ground story facade				

Article 3 Mixed-Use Zones
102-390 Row Building Type

102-390 (i) SUPPLEMENTAL ROW BUILDING REGULATIONS

(1) Multiple Buildings on a Lot. Multiple buildings may be located on a lot with the following regulations:

- a. The minimum space between buildings is met.
- b. Each building must fulfill all of the requirements of the building type unless otherwise expressly stated.
- c. Each building must be located in the setback zone, contributing to the Front Streetwall requirements, except one of every 2 units may front a courtyard. See [Figure 390-F](#).
 - 1. The courtyard counts as Front Streetwall as long as 3 sides are enclosed at the minimum Front Streetwall percentage.
 - 2. Facade requirements apply to courtyard facades. If a unit is located on the corner of the courtyard and the street, the entrance must be located on the street.

(2) Garage Door Visibility. Garage doors must be screened from any street by building or by a wing wall. See [102-750 \(m\)](#) for design regulations.

(3) Visible Basements. For basement levels located more than 3 ft. above grade, street facades must meet the transparency regulations.

(4) Fee Simple. Each vertically oriented unit may be located on a separate lot with the lot line located along the common wall between units, provided the multi-unit building meets the regulations for the Row building.

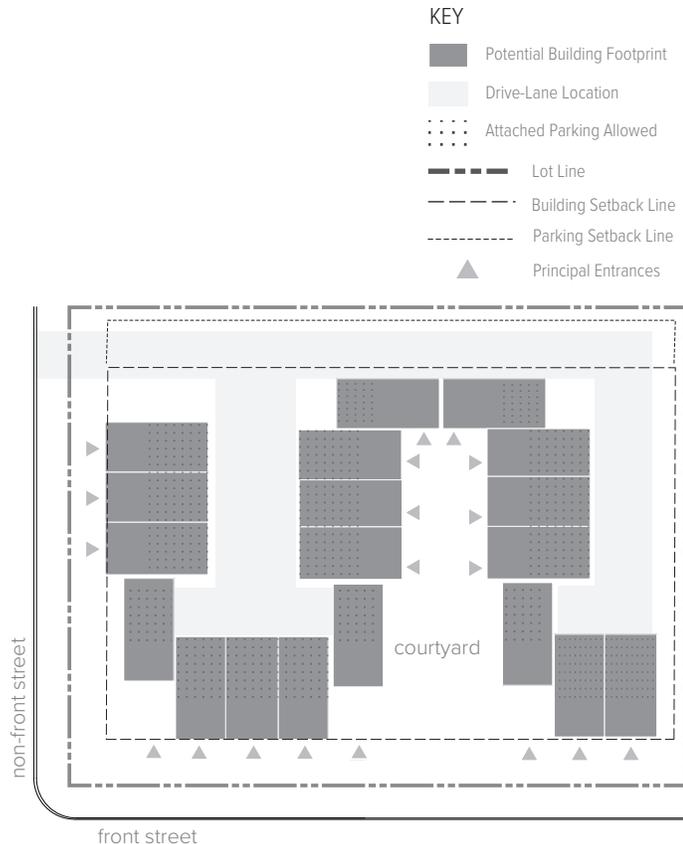


Figure 390-F. Courtyard Layout for Row Buildings

102-3100 Traditional House Building Type

102-3100 (a) DESCRIPTION AND INTENT

The Traditional House building incorporates characteristics typical of houses of those built prior to World War II. Parking, when provided, is located in the rear yard and accessed off an alley or a narrow, side driveway. The Traditional House building includes characteristics similar to a single-unit home, such as windows and doors on the front, a small yard, and a pitched roof; but, the Traditional House building can accommodate multiple units as well.

102-3100 (b) ILLUSTRATIVE IMAGES

The images shown in [Figure 3100-A](#) are intended to illustrate the general character of the building type. The buildings and sites in each image may not fulfill all of the building type regulations.

102-3100 (c) BUILDING REGULATIONS

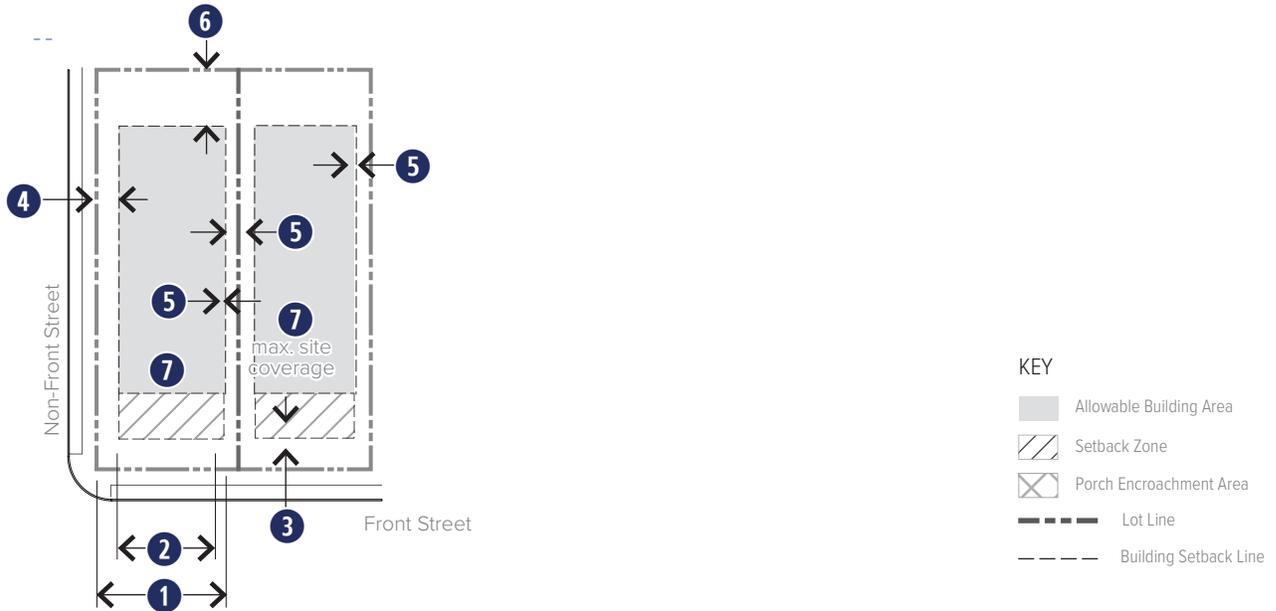
The following tables and illustrations regulate this specific building type. See [102-350](#) for general regulations for all building types. See [Article 16](#) for definitions and measuring table regulations.



Figure 3100-A. Examples of Traditional House Building Type

Article 3 Mixed-Use Zones
102-3100 Traditional House Building Type

Figure 3100-B. House Building Siting



ZONES

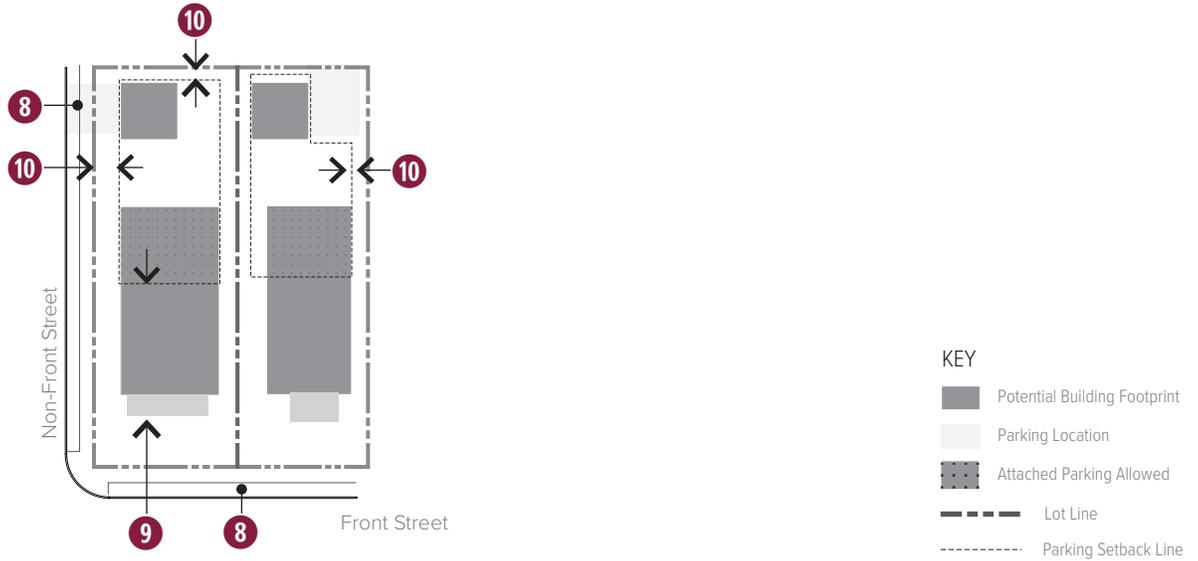
**NX1
 NX2**

Additional/References

120-3100 (d) BUILDING LOCATION. See [Figure 3100-B](#)

Multiple Principal Buildings		Allowed per 102-3100 (j)	Additional/References
1	Lot Width	35 ft. min. for a single unit, 50 ft. min. for multi-unit building	
2	Front Streetwall	65 ft. max.	Measured within the setback zone along any front street.
3	Front Street Setback	10 ft. min. 25 ft. max.	Contextual setbacks apply.
4	Non-Front Street Setback	10 ft.	See 102-1620 (f) for measuring and allowed encroachments and enclosed porch configurations.
5	Side Setback	5 ft. min.	Minimum pedestrian area required per 102-350 (f) .
6	Rear Setback	25 ft. min.	
7	Impervious Site Coverage Additional Semi-Pervious Coverage	70% max. +15%	See 102-1620 (g) for measuring site coverage.

Figure 3100-C. House Parking Siting



ZONES

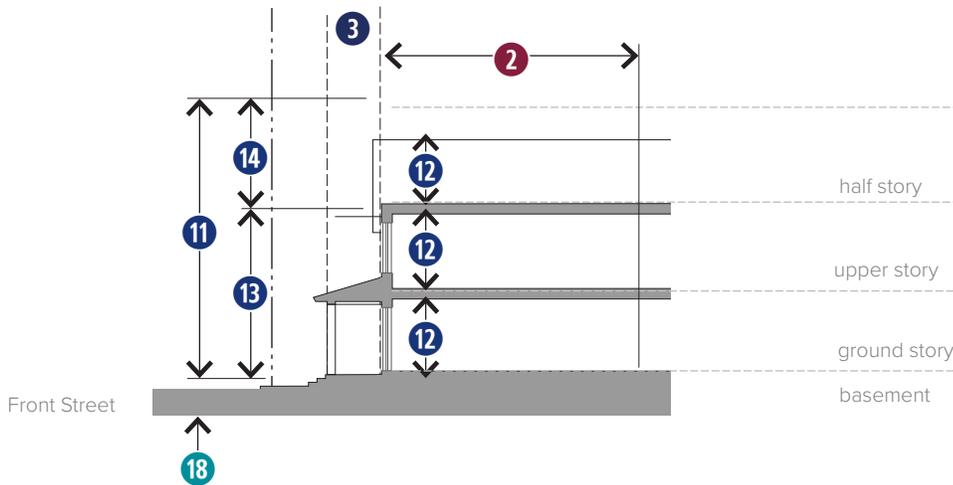
**NX1
 NX2**

Additional/References

120-3100 (e) PARKING & ACCESSORY STRUCTURES. See Figure 3100-C .			
8	Parking & Driveway Access	Off alley or non-front street; if no alley or non-front street exists or is planned, off front street is allowed Max. 9 ft. max. width in front yard Max. 1 driveway per lot	
	Size Number		
9	Attached Garage Setback Allowed Attached Garage Door Location	30 ft. min. behind front facade in rear of building Rear or non-front facade	
10	Surface Parking and Accessory Structure Location	Rear yard	See 102-16270 for definition of yards. See Article 6 for accessory structures.
	Street-Side Setback	No closer to lot line than principal building	
	Non-Street Setback	3 ft. min.	
MAJOR ACCESSORY STRUCTURES		NX1, NX2	See Article 6 for additional regulations governing accessory uses and structures. KEY: ● = Allowed ○ = Conditional Use Permit Required ●[1] = Allowed only on lots with one (principal) house occupied by one household
	Backyard Cottage	●[1]	
	Outbuildings	●	
	Drive-Through Facilities	-	
	Fuel Pumps	-	
	Parking Structure	-	
	Outdoor Storage	-	

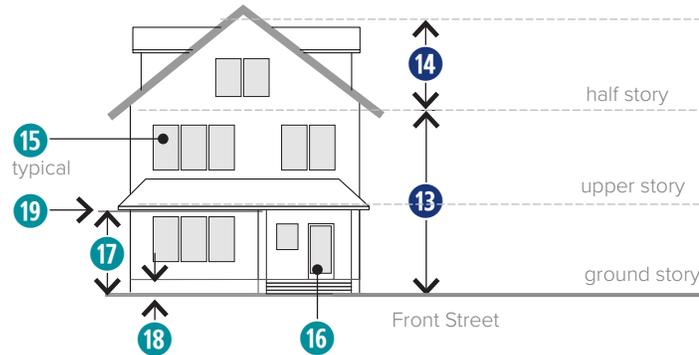
Article 3 Mixed-Use Zones
102-3100 Traditional House Building Type

Figure 3100-D. House Height



		ZONES		
		NX1	NX2	
120-3100 (f) HEIGHT. See Figure 3100-D				
11	Height		1.5 stories min. 2.5 stories max.	See 102-3100 (i) for half story regulations.
12	Story Height		9 ft. min. 11 ft. max.	See 102-1620 (f) and 102-1620 (k) for measuring heights and 102-1620 (l) for height exceptions. Stories measured floor to floor.
13	Height to Eaves		20 ft. max.	
120-3100 (g) ROOFS. See Figure 3100-E				
14	Roof Types		Pitched	See 102-720 for roof types and towers.
	Tower		Allowed	

Figure 3100-E. House Facades



ZONES

NX1
NX2

Additional/References

120-3100 (h) STREET FACADES. See [Figure 3100-E](#)

			Additional/References
15	Transparency: Front Facades Non-Front Facades	18% min. 12% min.	Measured per story, includes any half stories, visible basement, or full floor height towers. See 102-1620 (m) for measuring.
		No bays or 10 ft. wide sections of any story may be without transparency	
16	Building Entrance Location	Front facade or bay, max. 2 doors	
17	Entrance Transition Type	Porch or Stoop	See 102-730 for entrance types.
18	Ground Story Elevation above Grade	Between 12 in. and 30 in. above grade or between 30 in. and 4 ft. with a visible basement.	See 102-1640 for definition of visible basement.
19	Horizontal Divisions with Shadow Lines	At ground story floor elevation; and between 2nd and half story	See 102-16210 for definition and measuring shadow lines.

102-3100 Traditional House Building Type

102-3100 (i) SUPPLEMENTAL HOUSE BUILDING REGULATIONS

(1) **Multiple Houses on a Lot.** Multiple House buildings may be located on a single lot if the following applies:

- a. The minimum space between buildings is twice the minimum side setback.
- b. Rear setbacks apply to any lot line located opposite of any courtyard or street frontage.
- c. Each building must fulfill all of the requirements of the building type unless otherwise expressly stated.
- d. Each building must be located within 5 feet of the minimum front setback line, except one of every 2 units may front a courtyard.
 - 1. Street facade requirements apply to courtyard facades.
 - 2. If a unit is located on the corner of the courtyard and the street, the entrance must be located on the street.
 - 3. Rear setbacks apply to any lot line located opposite of any courtyard or street frontage.

(2) **Visible Basements.** For basement levels located more than 3 ft. above grade, street facades must meet the transparency regulations on front facades. Visible basements count as a half story.

(3) Half Stories.

- a. Dormers or gabled ends of roofs on half stories are limited to no more than 50% of the facade length of the story below, and must be set back from the front facade a minimum of 9 feet. See [Figure 3100-F](#).
- b. The occupiable footprint in half stories under the roof of the Traditional House building is limited to no more than 65% of the footprint of story below.

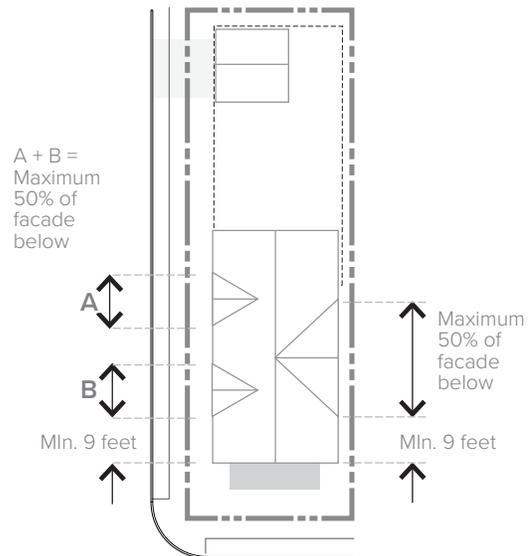


Figure 3100-F. Dormers and Gable Ends on Half Stories.

102-3110 Workshop-Warehouse Building Type

102-3110 (a) DESCRIPTION AND INTENT

The Workshop-Warehouse building is a modified General building with a minimum level of orientation to the sidewalk and pedestrians, while allowing loading or garage bays on the front facade. In some zones, the number of bays on the front facade are limited.

102-3110 (b) ILLUSTRATIVE IMAGES

The images shown in [Figure 3110-A](#) are intended to illustrate the general character of the building type. The buildings and sites in each image may not fulfill all of the building type regulations.

102-3110 (c) BUILDING REGULATIONS

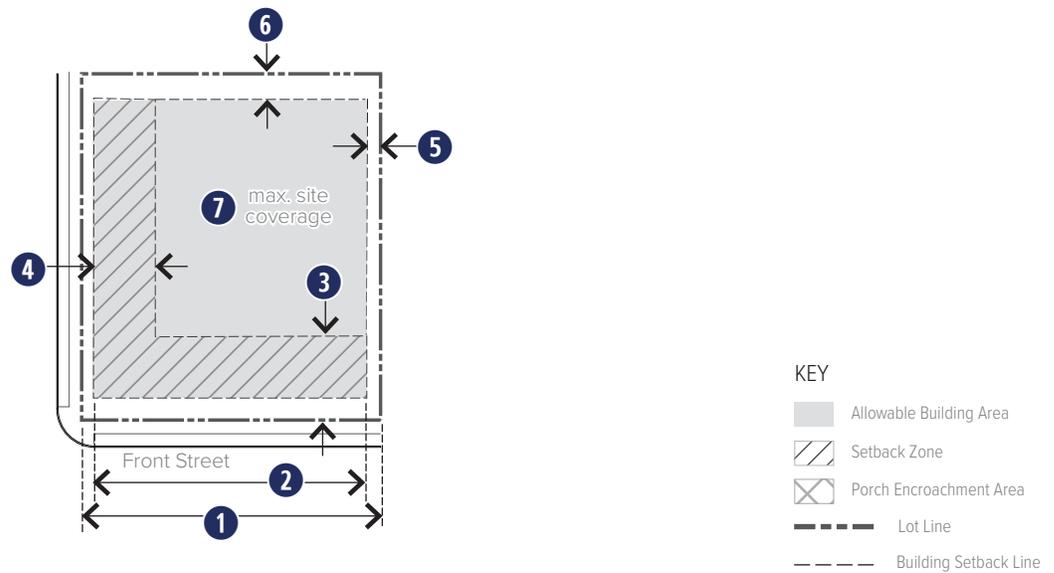
The following tables and illustrations regulate this specific building type. See [102-350](#) for general regulations for all building types. See [Article 16](#) for definitions and measuring table regulations.



Figure 3110-A. Examples of Workshop-Warehouse Building Type

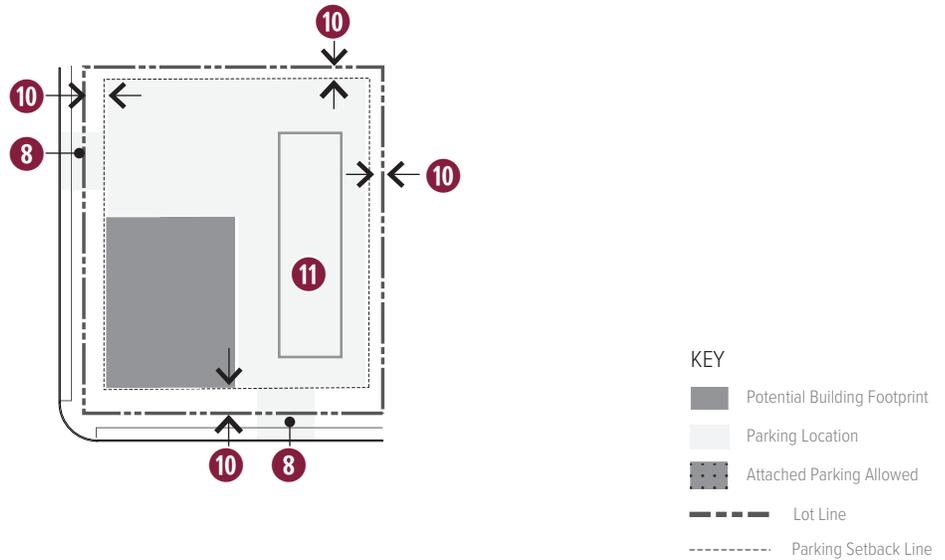
102-3110 Workshop-Warehouse Building Type

Figure 3110-B. Workshop-Warehouse Building Siting



		ZONES			
		IX-TOD	I-TOD	IX-S	Additional/References
120-3110 (d) BUILDING LOCATION. See Figure 3110-B					
	Multiple Principal Buildings	Allowed	Allowed	Allowed	
2	Front Streetwall	65% min.	45% min.	–	
3	Front Street Setback	10 ft. min. 30 ft. max.	10 ft. min. 35 ft. max.	30 ft. min.	Minimum pedestrian area required per 102-350 (f) .
4	Non-Front Street Setback	10 ft. min. 35 ft. max.	10 ft. min. 35 ft. max.	20 ft. min.	
5	Side Setback Space between Buildings	10 ft. min. 10 ft. min.	10 ft. min. 10 ft. min.	10 ft. min. 10 ft. min.	See 102-1620 (f) for measuring and allowed encroachments into setbacks.
6	Rear Setback	10 ft. min. at alley or rail r.o.w.; 20 ft. min.	20 ft. min.	30 ft. min.	See Article 8 for landscape buffer adjacent to N and NX zones.
7	Impervious Site Coverage Additional Semi-Pervious Coverage	70% max. +15%	70% max. +15%	60% max. +15%	See 102-1620 (g) for measuring site coverage.

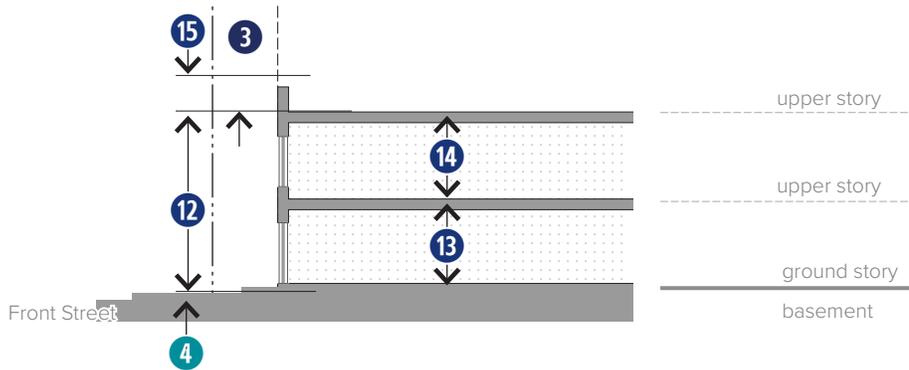
Figure 3110-C. Workshop-Warehouse Building Parking Siting



		ZONES			
		IX-TOD	I-TOD	IX-S	Additional/References
120-3110 (e) PARKING & ACCESSORY STRUCTURES. See Figure 3110-C.					
8	Parking & Driveway Access	Per development, one allowed per every 300 feet of street frontage			
9	Allowed Loading/Garage Door Location	Rear, side	Rear, side, non-front	Any facade	
	Spacing of Street Facade Doors	–	No more than one 30-foot wide bay per 120 ft. of street facade		
10	Surface Parking Location	Rear, limited side yard	Rear, side yard	Rear, side yard	See 102-16270 for definition of yards.
	Street Setback	No closer to lot line than principal building			Limited side yard per 102-1620 (j) .
	Non-Street Setback	same as building setback			
11	Accessory Structure Location	Rear, side yard	Rear, side yard	Rear, side yard	See Article 6 for accessory structures
	Street Setback	No closer to lot line than principal building			
	Side & Rear Setback	same as building setback			
MAJOR ACCESSORY STRUCTURES		IX-TOD	I-TOD	IX-S	See Article 6 for additional regulations governing accessory uses and structures. KEY: ● = Allowed ○ = Conditional Use Permit Required
Backyard Cottage		–	–	–	
Outbuildings		–	●	●	
Drive-Through Facilities		–	–	●	
Fuel Pumps		●	●	–	
Parking Structure		●	●	●	
Outdoor Storage		–	●	–	

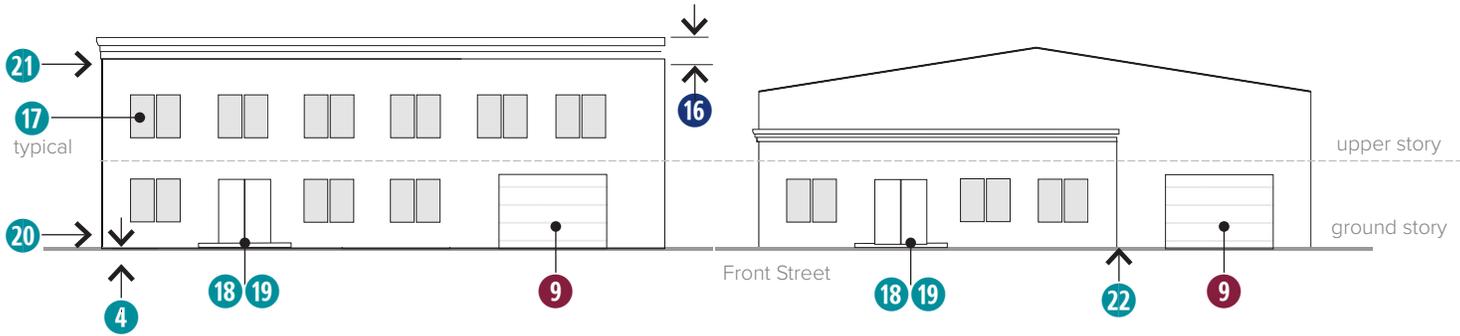
102-3110 Workshop-Warehouse Building Type

Figure 3110-D. Workshop-Warehouse Building Height



		ZONES			
		IX-TOD	I-TOD	IX-S	Additional/References
120-3110 (f) HEIGHT. See Figure 3110-D .					
12	Height	6 stories max.	6 stories max.	6 stories max.	See 102-1620 (f) and 102-1620 (k) for measuring heights and 102-1620 (l) for height exceptions. Stories measured floor to floor. Mezzanine transparency regulations apply. Tall story transparency regulations apply per 102-1620 (m) . See 102-3110 (j) for step backs required adjacent N or NX zones.
14	Ground Story Height	10 ft. min. 24 ft. max.; any story over 20 ft. counts as 2 stories	24 ft. max.; any story over 20 ft. counts as 2 stories	24 ft. max.; any story over 20 ft. counts as 2 stories	
15	All Other Stories Height	9 ft. min. 16 ft. max.	9 ft. min. 16 ft. max.	9 ft. min. 16 ft. max.	
120-3110 (g) ROOFS. See Figure 3110-D .					
16	Roof Types	Flat, parapet	Flat, parapet	Flat, parapet, pitched	See 102-720 for roof types and tower regulations
	Tower	-	-	-	

Figure 3110-E. Workshop-Warehouse Building Facades



		ZONES			
		IX-TOD	I-TOD	IX-S	Additional/References
120-3110 (h) STREET FACADES. See Figure 3110-E					
17	Transparency: Front Facades Non-Front Facades	12% min. 12% min.	12% min. –	12% min. 12% min.	Measured per story, includes any half stories, visible basements, or full floor height towers. See 102-1620 (m) for measuring.
		No bays or 15 ft. wide sections of any story on the front facade may be without transparency.			
18	Building Entrances Location	One per every 150 ft. of front facade			See 102-1620 (n) for measuring.
19	Entrance Transition Type	Stoop	Stoop	–	See 102-730 for entrance transition types
20	Ground Story Elevation	Less than 30 in. above grade or between 30 in. and 4 ft. with a visible basement			See 102-1640 for definition of visible basement.
21	Horizontal Divisions with Shadow Lines	Within 3 ft. of the top of any story between the basement and 3rd story on front facade			Horizontal shadow lines to run a min. 80% of length of facade. See 102-
22	Vertical Divisions with Shadow Lines	One per every 120 ft. of street facade on ground story of front facade			16210 for definition and measuring shadow lines.

102-3110 Workshop-Warehouse Building Type

102-3110 (j) SUPPLEMENTAL WORKSHOP-WAREHOUSE BUILDING REGULATIONS

- (1) **Through-Lots.** Lots extending between two front streets shall treat each as a front frontage facade. Any front frontage facing an MX or RX zone across a street must incorporate the following:
- a. Within the first 50 feet of lot depth from the MX or RX zone front frontage, the regulations for the any building types allowed in the RX-TOD apply.
 - b. All regulations for the building type in an RX-TOD zone apply including building siting, parking and accessory structures, roof types, and street facades, except the maximum height is 6 stories.
 - c. Uses permitted in those building types within the RX-TOD zone are allowed on the frontage, except household living category uses.
- (2) **Transition at N or NX Zones.** Above the 3rd story, facades abutting or across the street from an N or NX zone must be stepped back a minimum of 50 feet from the lower facades.

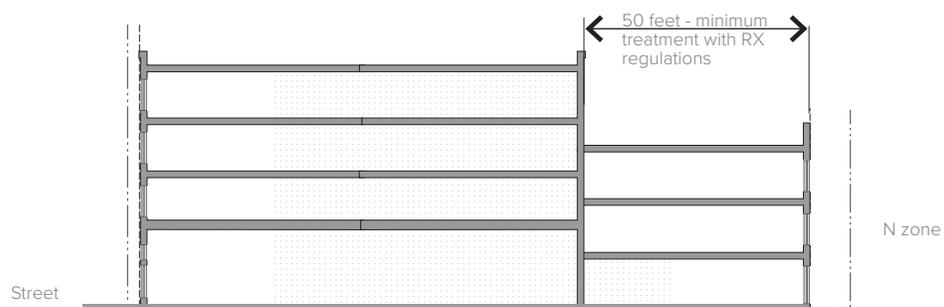


Figure 3110-F. Through-Lot Illustration (section)

102-3120 Civic Building Type

102-3120 (a) DESCRIPTION AND INTENT

The Civic building is the most flexible building type, but is limited to buildings with civic and institutional uses. This building type is intended to allow distinctive buildings within the urban fabric, set back within a landscape setting or designed as unique, iconic structures.

A front entrance on the street with a minimum amount of windows promotes walking to the buildings, while parking is located on the side or in the rear.

102-3120 (b) ILLUSTRATIVE IMAGES

The images shown in [Figure 3120-A](#) are intended to illustrate the general character of the building type. The buildings and sites in each image may not fulfill all of the building type regulations.

102-3120 (c) BUILDING REGULATIONS

- (1) Use of the Civic building type is limited to public and institutional uses only, as defined in [102-560](#).
- (2) The following tables and illustrations regulate this specific building type. See [102-350](#) for general regulations for all building types. See [Article 16](#) for definitions and measuring table regulations.

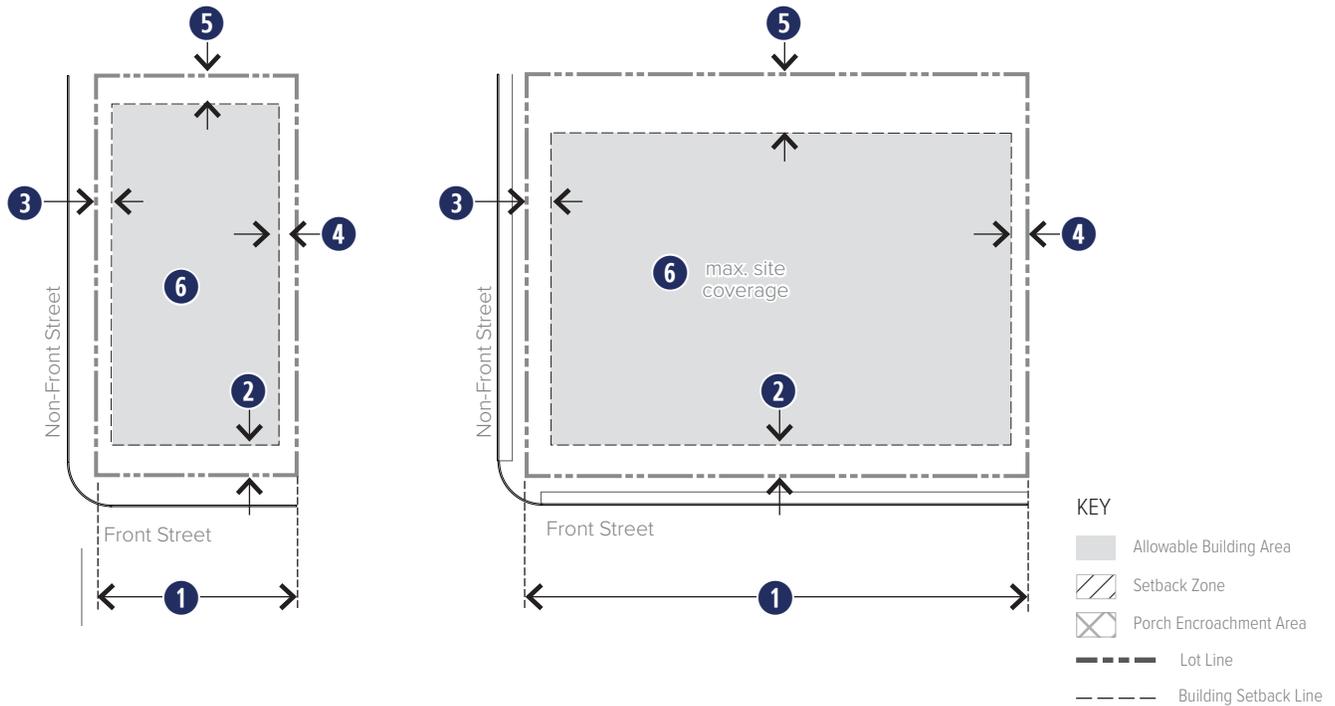


Figure 3120-A. Examples of Civic Building Type



Article 3 Mixed-Use Zones
102-3120 Civic Building Type

Figure 3120-B. Civic Building Siting



ZONES

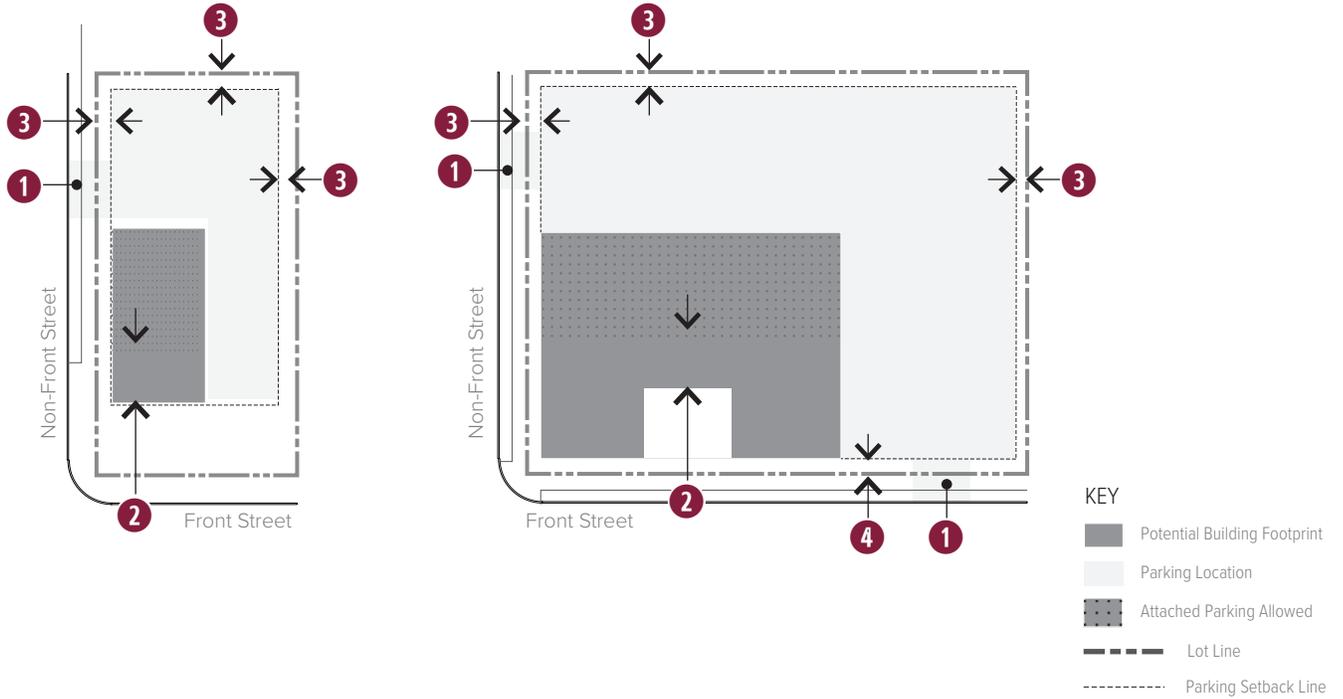
ALL ZONES ALLOWED EXCEPT P1

P1

Additional/References

120-3120 (d) BUILDING LOCATION. See Figure 3120-B				
	Multiple Principal Buildings	Allowed	Not allowed	Additional/References
1	Lot Width	50 ft. min	50 ft. min	
	Front Streetwall	–	–	
2	Front Street Setback	10 ft. min.	10 ft. min.	Minimum pedestrian area required per 102-350 (f) .
3	Non-Front Street Setback	5 ft. min.	5 ft. min.	
4	Side Setback	5 ft. min.	5 ft. min.	See 102-1620 (f) for measuring and allowed encroachments into setbacks.
	Space between Buildings	12 ft. min.	12 ft. min.	
5	Rear Setback	10 ft. min.	10 ft. min.	See Article 8 for landscape treatment adjacent to N zones.
6	Impervious Site Coverage Additional Semi-Pervious Coverage	80% max. +15%	55% max. +15%	See 102-1620 (g) for measuring site coverage.

Figure 3120-C. Civic Building Parking Siting



ZONES

ALL ZONES ALLOWED EXCEPT P1

P1

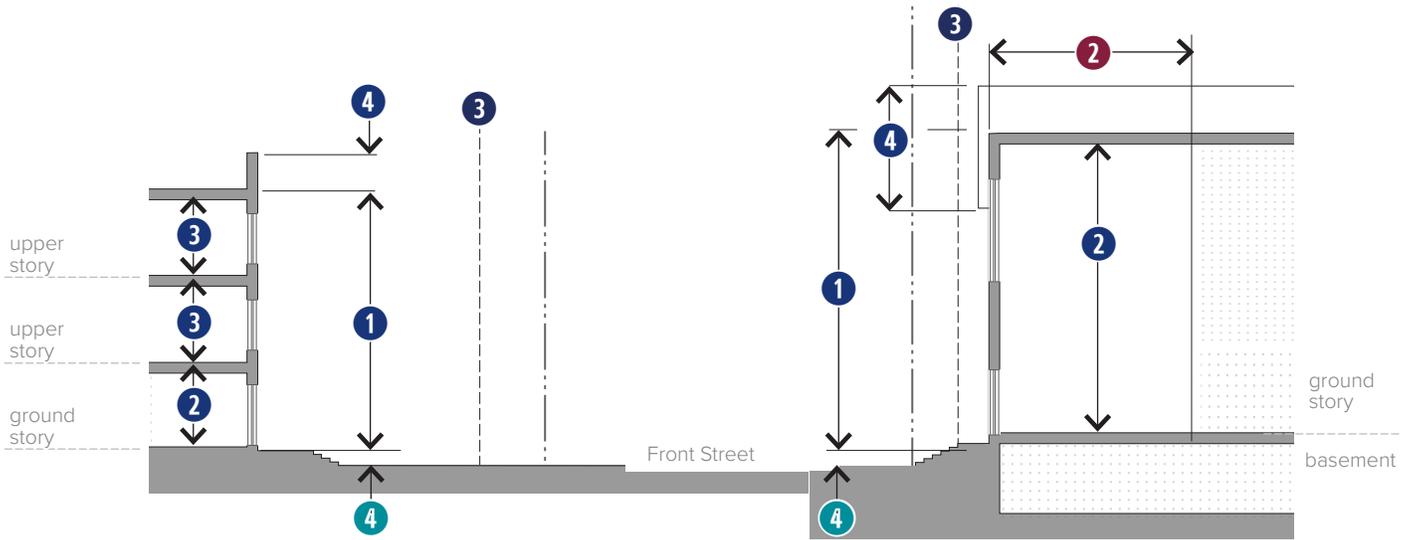
Additional/References

120-3120 (e) PARKING & ACCESSORY STRUCTURES. See [Figure 3120-C](#).

1	Parking & Driveway Access	1 per every 300 feet of street frontage		
2	Attached Garage Setback Allowed Garage Door Location	Rear of building; minimum 20 feet from front facade Side, rear, interior side facade		
3	Surface Parking Location	Rear, limited side yard, internal	See 102-16270 for definition of yards. Limited side yard per 102-1620 (j) .	
	Street Setback	No closer to lot line than principal building		
	Side & Rear Setback	5 ft. min. 5 ft. min.		
4	Accessory Structure Location	Rear yard	See Article 6 for accessory structures.	
	Street Setback	No closer to lot line than principal building		
	Side & Rear Setback	3 ft. min. 3 ft. min.		
MAJOR ACCESSORY STRUCTURES		ALL ZONES ALLOWED EXCEPT P1	P1	See Article 6 for additional regulations governing accessory uses and structures. KEY: ● = Allowed ○ = Conditional Use Permit Required
	Backyard Cottage	–	–	
	Outbuildings	●	●	
	Drive-Through Facilities	–	–	
	Fuel Pumps	–	–	
	Parking Structure	●	–	
	Outdoor Storage	–	–	

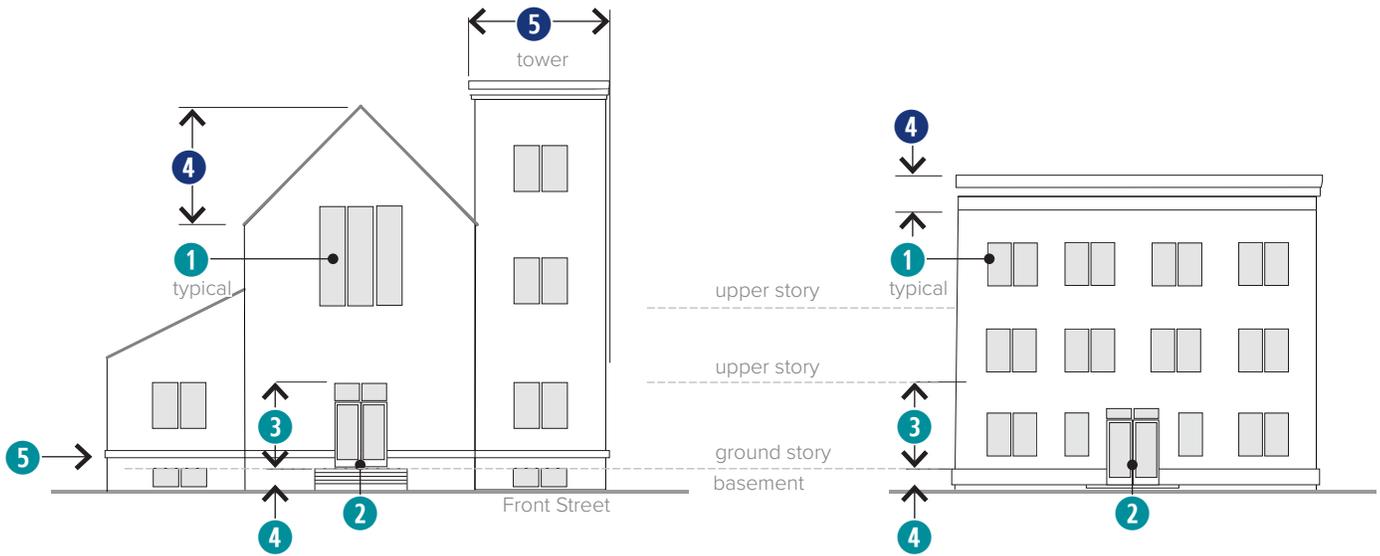
Article 3 Mixed-Use Zones
102-3120 Civic Building Type

Figure 3120-D. Civic Building Height



		ZONES		
		ALL ZONES ALLOWED EXCEPT P1	P1	
		P1		Additional/References
120-3120 (f) HEIGHT. See Figure 3120-D				
1	Height	-TOD zone: 6 stories max. -D zone suffix: 3 stories max. -N zone suffix: 2.5 stories max. IX zones: 6 stories max.	3 stories max.	See 102-1620 (f) and 102-1620 (k) for measuring heights and 102-1620 (l) for height exceptions. Stories measured floor to floor.
2	Ground Story Height		10 ft. min. 24 ft. max.	
3	All Other Stories Height	9 ft. min. 14 ft. max.	9 ft. min. 14 ft. max.	
120-3120 (g) ROOFS. See Figure 3120-D				
4	Roof Types	Flat, parapet, pitched; others allowed with approval		See 102-720 for roof types and tower regulations
5	Tower	Allowed	Allowed	

Figure 3120-E. Civic Building Facades



ZONES	
ALL ZONES ALLOWED EXCEPT P1	P1

120-3120 (h) STREET FACADES. Figure 380-E				Additional/References
		P1	P1	
1	Transparency: Front Facades Non-Front Facades	10% min. –	10% min. –	Measured per story, includes any half stories, visible basements, or full floor height towers. See 102-1620 (m) for measuring.
		No bays or 15 ft. wide sections of any story on the front facade may be without transparency.		
2	Building Entrances Location	One per every 100 ft. of front facade	One per every 100 ft. of front facade	See 102-1620 (n) for measuring.
3	Entrance Transition Type	Stoop, porch	Stoop, porch	See 102-730 for entrance transition types
4	Ground Story Elevation	Less than 30 in. above grade or between 30 in. and 4 ft. with a visible basement		See 102-1640 for definition of visible basement.
5	Horizontal Divisions with Shadow Lines	–	–	
6	Vertical Divisions with Shadow Lines	–	–	

Article 3 Mixed-Use Zones
102-3120 Civic Building Type

**102-3120 (i) SUPPLEMENTAL CIVIC BUILDING
REGULATIONS**

[reserved]

ARTICLE 4 SPECIAL PURPOSE ZONES

102-410	Public and Institutional Zones	4-2
102-420	Industrial Zone	4-2
102-430	Closed Landfill Restricted Zone	4-2
102-440	Planned Unit Development Overlay	4-3

Article 4 Public and Institutional Zones
102-410 Public and Institutional Zones

102-410 Public and Institutional Zones

102-410 (a) ZONES ESTABLISHED

The City's public and institutional zones are listed in [Table 4-1](#). When this code refers to “public and institutional” zones or “P” zones, it is referring to these zones.

Table 4-1. Public & Institutional Zones

SYMBOL	ZONE NAME
P1	Parks & Open Space
P2	Public & Institutional

102-410 (b) ZONE DESCRIPTIONS

(1) P1, Parks & Open Space. The P1 zone is intended for parks and other types of open space or natural areas.

(2) P2, Public & Institutional. The P2 zone is intended to accommodate public, civic, and institutional uses in buildings, while minimizing the potential for adverse impacts on surrounding areas. The P2 zone may be applied to public or privately owned lands.

102-410 (c) MAPPING

The P zones may be applied regardless of ownership of the land on which the use is located. P zoning is intended to identify the public or institutional use of the subject property, not necessarily the ownership or control of the property.

102-410 (d) ALLOWED USES

Uses are allowed in P zones in accordance with the use regulations of [Article 5](#).

102-410 (e) SITE AND BUILDING REGULATIONS

The size, location, and design of all buildings, structures, activity areas and other site features in any P zone must comply with the regulations of the civic building type in [102-3120](#).

102-410 (f) OTHER REGULATIONS

Development in P zones is subject to all other applicable regulations of this code, including parking, landscaping and other regulations of general applicability.

102-420 Industrial Zone

102-420 (a) ZONE ESTABLISHED

The City has one industrial zone: the Light Industrial (I1) zone. Whenever this code refers to “industrial” zones or “I” zones, it is referring to the I1, Light Industrial zone.

102-420 (b) DESCRIPTION

The I1 zone is intended for light industrial uses.

102-420 (c) ALLOWED USES

Uses are allowed in the I1 zone in accordance with the use regulations of [Article 5](#).

102-420 (d) SITE AND BUILDING REGULATIONS

The regulations of [Table 4-2](#) apply in the I1 zone.

Table 4-2. Industrial Zone Regulations

	I1
Lot Area	10,000 s.f. min.
Lot Width	100 ft. min.
Lot Depth	100 ft. min.
Front Setback	20 ft. min; 75 ft. min. across street from N zone
Side & Rear Setback	20 ft. min.; 40 ft. min. abutting N zone
Rear Setback	20 ft. min.; 40 ft. abutting N zone
Height	45 ft. max.; 35 ft. abutting N zone

102-420 (e) OTHER REGULATIONS

Development in the I1 zone is subject to all other applicable regulations of this code, including parking, landscaping and other regulations of general applicability.

102-430 Closed Landfill Restricted Zone

102-430 (a) ZONE ESTABLISHED

The City has one Closed Landfill Restricted (CLR) zone. All references to the CLR or Closed Landfill Restricted zone are references to this zone.

102-430 (b) DESCRIPTION

The CLR zone has been established to comply with the Minnesota Pollution Control Agency's (MPCA) Closed Landfill Program requirements.

102-430 (c) ALLOWED USES

Only those uses expressly allowed under MPCA's Closed Landfill Use Plan are allowed in the CLR zone.

102-430 (d) SITE AND BUILDING REGULATIONS

All setbacks and site features must comply with MPCA's Closed Landfill Use Plan.

102-430 (e) OTHER REGULATIONS

All uses and activities in the CLR zone are subject to all other applicable regulations of this development.

102-440 Planned Unit Development Overlay

102-440 Planned Unit Development Overlay

102-440 (a) PURPOSES

The PUD, Planned Unit Development Overlay zone is intended to:

- (1) Promote implementation of and consistency with the comprehensive plan and other relevant plans and policies;
- (2) Accommodate development that may be impossible to carry out under otherwise applicable development code regulations and standards;
- (3) Secure public benefits that are at least commensurate with the degree of development flexibility afforded in the approved development plan; and
- (4) Promote master-planned development of large parcels with a system of streets, blocks, and open spaces, and a mix of zones to create new, walkable neighborhoods.

102-440 (b) APPLICABILITY

- (1) **Small-scale PUDs (Optional).** Property owners may elect to apply for PUD overlay zoning when development is proposed on a single lot or a combination of lots with a total area of less than 3 acres and the type of development and the proposed development would be difficult or impossible to carry out without the flexibility afforded through the PUD overlay.
- (2) **Large-scale PUDs (Mandatory).** Property owners must apply for PUD overlay zoning whenever one or more of the following is proposed on 3-acre or larger parcels of land that are not classified in a P or I zone:

- a. The construction of multiple buildings;
- b. The construction of one or more new streets; or
- c. Subdivision.

102-440 (c) ZONING MAP

Approved PUD overlays must be identified on the zoning map by appending the map symbol "/PUD" as a suffix to the base zoning map symbol, as in "RX-TOD/PUD"

102-440 (d) PROCEDURE

All PUDs must be reviewed and approved in accordance with the planned development procedures of [102-14110](#).

102-440 (e) SMALL-SCALE PLANNED UNIT DEVELOPMENTS

- (1) **Intent.** Small-scale PUDs are intended to accommodate development:
 - a. That cannot be accommodated under otherwise applicable development code regulations; and

- b. That provide public benefits that are at least commensurate with the degree of development flexibility afforded in the PUD overlay zone approved by the City Council.

(2) Regulations

- a. Unless otherwise expressly approved by the City Council as part of the PUD approval process, Small-scale PUDs are subject to all regulations of the underlying zone and all other applicable regulations of this development code.
- b. The Planning & Zoning Commission is authorized to recommend and the City Council is authorized to approve small-scale PUDs that deviate from strict compliance with the applicable development code regulations and infrastructure and public improvement standards if they determine that the resulting project satisfies the PUD approval criteria of [102-14110](#), including consistency with the comprehensive plan.

102-440 (f) LARGE-SCALE PLANNED UNIT DEVELOPMENTS

- (1) **Intent.** Large-scale PUDs are intended to promote master-planned development of large parcels with a system of streets, blocks, and open spaces, and a mix of zones to create new, walkable neighborhoods.

(2) Regulations

- a. Unless otherwise expressly approved by the City Council as part of the PUD approval process, large-scale PUDs are subject to all regulations of the underlying zone and all other applicable regulations of this development code, including the large-scale PUD regulations of this subsection ()
- b. The Planning & Zoning Commission is authorized to recommend and the City Council is authorized to approve large-scale PUDs that deviate from strict compliance with the applicable development code regulations and infrastructure and public improvement standards if they determine that the resulting project satisfies the PUD approval criteria of [102-14110](#), including consistency with the comprehensive plan.

- (3) **Geographic Limits.** The following must be included in all large-scale planned development applications:

- a. All contiguous land under the same or common ownership;
- b. All parcels considered to be part of the same development or phases of a development; and

102-440 Planned Unit Development Overlay

Table 4-3. Types of Large-Scale PUDs

CURRENT ZONE	LARGE-SCALE PUD TYPE	ALLOWED ZONES												Reference	
		MX-TOD	MX-N	MX-S	RX-TOD	RX-N	IX-TOD or IX-S	NX2	NX1	N3-A	N3-B	N2A & B	P1		P2
MX-TOD, RX-TOD	TOD	R			A								R*	L	102-430 (f) (6)
	Min. amount	40,000			-								-	-	
	Max. amount	-			-								-	20%	
MX-N, MX-S	Mixed-Use		R	L		A		A	A	L			R*	L	102-430 (f) (7)
	Min. amount		40,000	-						-			-	-	
	Max. amount		-	40,000*						with 2+ gross acres of residential zones, at least 2 allowed RX and NX required*			20%*	-	20%
IX-TOD, IX-S	Employment Mix	L			P		R						R*	L	102-430 (f) (8)
	Min. amount	-			-		60%*						-	-	
	Max. amount	20%			-		-						-	20%	
NX	Mixed Residential		L	L		L		R/A	R/A	L			R*	L	102-430 (f) (9)
	Min. amount		-	-		-		40,000	40,000				-	-	
	Max. amount			40,000* total		40%				with 5+ gross acres, at least 2 building types required			20%*	-	20%
N	Neighborhood		L			L		L	L	A	A	A	R*	-	102-430 (f) (10)
	Min. amount		20,000*			20,000*				with 24+ gross acres, at least 3 N or NX zones, with 1 being NX or N3-A*			-	-	
	Max. amount		40,000*			40,000*		40%		-	-	-	-	-	

KEY R = Required per specific development type regulations in [102-440 \(f\)](#).
A = Allowed or permitted per specific development type regulations in [102-440 \(f\)](#).
R/A = At least one of the zones is required and the other is allowed per specific development type regulations in [102-440 \(f\)](#).
L = Allowed but limited per specific development type regulations in [102-440 \(f\)](#).
Min. amount = minimum amount of gross area zoned in square feet or as percentage of gross area zoned noted %
Max. amount = maximum amount of gross area zoned in either square feet or as percentage of gross area zoned noted %
*refer to specific large-scale PUD type regulations for additional requirements

NOTES "Current Zone" refers to zone designated on City's current zoning map.

102-440 Planned Unit Development Overlay

- c. All contiguous parcels under separate ownership that are either vacant or anticipated to be redeveloped within 10 years of the submittal must be included for planning purposes and noted as such on the submitted plans. Planning purposes include such items as access to those sites, incorporation into the blocks of the PUD site, and mixing of uses.
- (4) Large-Scale PUD Type.** All large-scale PUDs must conform to one of the types defined in this subsection, [102-440 \(f\)](#) and shown in [Table 4-3](#).
- a. Existing Zoning Designation.** The regulations that apply to a large-scale PUD depend on the existing zoning classification of the subject parcel, as indicated in [Table 4-3](#).
- b. Multiple Designations.** Where multiple zoning classifications apply within the limits of the large-scale PUD site, one of the following must be met:
1. One of the development types allowed on the site may be utilized for the entire development.
 2. Multiple large-scale PUD types allowed on the site may be utilized for the development with a clear delineation on the development plan where type applies. All zoning and design regulations must be met for each development type.
- (5) General to All Large-Scale PUDs.** The large-scale PUD must locate zones on the site to meet the following requirements. Refer to [Figure 4-E](#) through [Figure 4-H](#) for illustrations of site layouts fulfilling these regulations.
- a. Lot Lines.** All streets, civic open space, and zoning lots require measurable lot lines delineated on the PUD submittal. These boundary lines provide the baseline for measuring the allowed location of buildings and other regulations.
1. **Lot lines.** The location of all new zones proposed for the large-scale PUD must be located within lot lines on the plan.
 2. **Easement, Right-of-Way, or Lot Line.** If a component (e.g. street, civic space type, conservation area, stormwater easement) is dedicated or under separate ownership, the easement line, right-of-way, or lot line serves as the boundary line.
- b. General Layout of Zones.** The following general layout requirements apply.
1. The same zones must generally face each other across streets, including existing buildings.
 2. More intense zones located on blocks with less intense zones should be located on block ends. More intense zones include those allowing taller, bigger buildings or relatively more intensive uses, e.g. commercial uses are more intensive than residential uses,
 3. Changes in zones must generally occur at a rear boundary line, at an alley, or at corner parcels.
- c. Specific Layout of Zones.** The following layout requirements are applicable to these specific zones on a site.
1. **MX Zones.** MX zones should be clustered into nodes of at least 10,000 square feet of lot area, on a corner lot or multiple corner lots at an intersection, or located linearly along a corridor.
 2. **RX Zones.** RX zones may be used as transition zones, located between MX and NX or N zones.
- d. Minimum Number of Zones.** At least 2 different zones are required on any large-scale PUD, not including P1 zones required for civic spaces.
- e. Minimum Number of Building Types in NX.** At least 2 different building types are required in any NX zones on any large-scale PUD. Refer to [Article 3](#) for permitted building and site types and descriptions and regulations.
- (6) TOD Large-Scale PUD.** The TOD large-scale PUD is required on applicable parcels per [102-440 \(f\) \(4\)](#) and locations with an MX-TOD or RX-TOD zoning designation on the current zoning map.
- a. Required Zones.** Zones required on the parcel are listed in [Table 4-3](#).
1. **MX-TOD Zone.** A minimum of 40,000 square feet of lot area must be zoned MX-TOD when the existing zoning is MX-TOD per [102-440 \(f\) \(4\)](#).
 2. **P1 Zones.** All civic spaces required per [102-440 \(f\) \(15\)](#) must be zoned P1.
- b. Allowed Zones.** Zones allowed with no limitations are listed in [Table 4-3](#).
- c. Limited Zones.** No more than 20% of the overall development site may be zoned P2.

102-440 Planned Unit Development Overlay

- (7) Mixed-Use Large-Scale PUD.** Mixed-Use large-scale developments are required on applicable parcels per [102-440 \(f\) \(4\)](#) and locations with an MX-N or MX-S zoning designation on the zoning map.
- a. Required Zones.** Zones required on the parcel are listed in [Table 4-3](#).
 - 1. MX-N Zone.** A minimum of 40,000 square feet of lot area must be zoned MX-N when the existing zoning is MX-N or MX-S per [102-410 \(c\)](#) for location and layout.
 - 2. P1 Zones.** All civic spaces required per [\(15\)](#) must be zoned P1.
 - b. Allowed Zones.** Zones allowed by right with no limitations are listed in [Table 4-3](#).
 - c. Limited Zones.** Zones allowed but limited per [Table 4-3](#) must meet the following regulations:
 - 1. MX-S Zone.** When at least 120,000 square feet of MX-N zone area is designated, a maximum of 40,000 square feet of lot area may be zoned MX-S zone per [102-410 \(c\)](#) for location and layout.
 - 2. N3-A Zone.** When an NX zone is provided on the site, a maximum of 20% of the total NX and N zone area may be N3-A.
 - 3. P2 Zone.** A maximum of 20% of the overall site may be zoned P2.
 - d. Minimum Required Residential Mix.** With more than 3 gross acres of residential zones, at least two RX, N, or NX zones must be designated.
- (8) Employment Mix Large-Scale PUD.** Employment Mix large-scale PUDs are required on applicable parcels per [102-440 \(f\) \(4\)](#) and locations with an IX-TOD or IX-S zoning designation on the current zoning map.
- a. Required Zones.** Zones required on the parcel are listed in [Table 4-3](#).
 - 1. IX-TOD Zone.** A minimum of 60% of lot area must be zoned IX-TOD when the current zoning is IX-TOD per [102-410 \(c\)](#) for location and layout.
 - 2. IX-S Zone.** A minimum of 60% of lot area must be zoned IX-S when the existing zoning is IX-S per [102-410 \(c\)](#) for location and layout.
 - 3. P1 Zones.** All civic spaces required per [102-440 \(f\) \(15\)](#) must be zoned P1.
 - b. Allowed Zones.** Zones allowed by right with no limitations are listed in [Table 4-3](#).
 - c. Limited Zones.** Zones allowed but limited per [Table 4-3](#) must meet the following regulations:
 - 1. MX-TOD.** A maximum of 30% of the overall development site may be zoned MX-TOD, located adjacent to either the station or a major street.
 - 2. P2 Zone.** A maximum of 20% of the overall development site may be zoned P2.
- (9) Mixed Residential Large-Scale PUD.** Mixed Residential large-scale PUDs are required on applicable parcels per [102-440 \(f\) \(4\)](#) and locations with an NX zoning designation on the zoning map.
- a. Required Zones.** Zones required on the parcel are listed in [Table 4-3](#).
 - 1. NX Zone.** A minimum of 50% of the overall development site must be zoned NX1 or NX2 when the current zoning is NX. Refer to [102-410 \(c\)](#) for location and layout.
 - 2. P1 Zones.** All civic spaces required per [102-440 \(f\) \(15\)](#) must be zoned P1.
 - b. Allowed Zones.** Zones allowed by right with no limitations are listed in [Table 4-3](#).
 - c. Limited Zones.** Zones allowed but limited per [Table 4-3](#) must meet the following regulations:
 - 1. MX-N and MX-S Zones.** MX-N and MX-S zones, are limited to one node of no more than 40,000 square feet of lot area. See [102-440 \(f\) \(5\)](#) for location and layout.
 - 2. RX-N Zone.** RX-N zone is limited to no more than 40% of the site area.
 - 3. N3-A Zone.** N3-A zone is allowed only on developments over 15 acres in size and is limited to no more than 20% of the site area.
 - 4. P2 Zone.** A maximum of 20% of the overall development site may be zoned P2.
 - d. Minimum Required Residential Mix.** If more than 5 acres of the overall development site is zoned residential, at least 2 different residential building types are required.

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(10) Neighborhood Large-Scale PUD. Neighborhood large-scale PUD are required on applicable parcels per [102-440 \(f\) \(4\)](#) and locations with an N zoning designation on the zoning map.

a. MX-N or RX-N Zone. MX-N or RX-N allowed but limited per [Table 4-3](#) must meet the following regulations

1. For developments 20 acres or larger, a minimum of 20,000 square feet and a maximum of 40,000 square feet of MX-N or RX-N must be designated at an intersection.
2. For developments less than 20 acres, MXN or RX1 is limited to a single node at one street intersection of no more than 20,000 square feet of area or 10% of the total net land area, whichever is greater.

b. N and NX Zones. N and NX zones allowed per [Table 4-3](#) must meet the following:

1. NX zones are limited to no more than 40% of the total net land area.
2. For developments of 24 acres or more, at least three N or NX zones must be designated with each zone constituting at least 20% of the land area. At least one of the three zones must be an NX or N3-A zone. For developments under 24 acres, at least two N or NX zones must be designated with each zone constituting at least 20% of the land area.

3. P1 Zones. All civic spaces required per [102-440 \(f\) \(15\)](#) must be zoned P1.

(11) Block Size & Layout. An interconnected system of streets and blocks is required for all large-scale PUD sites. Refer to [Figure 4-E](#) through [Figure 4-H](#) for illustrations of example layouts of these regulations. Note that other configurations that meet the regulations are possible.

a. Block Size. Block lengths may not exceed 600 feet, with a maximum perimeter of 1,800 feet, but may vary where natural features or site constraints such as rail corridors, waterways, or limited access highways abut the block and limit access.

b. Access Points. A minimum of two access points must be provided for the development, with a minimum of one per every 1,500 feet of boundary, except along rail corridors, waterways, or limited

access highways. An access point is a new street connecting to an existing street.

c. Extend Existing Streets. Streets must connect and continue existing streets from adjoining areas. Future connections must be considered and temporary dead end streets may be supplied for future extension with zoning administrator approval.

d. Shape of Blocks. The shape of a block should be generally rectangular in order to accommodate typically rectilinear buildings, but may vary due to natural features or site constraints.

e. Civic Space Frontage. Refer to [\(15\)](#) for civic space requirements, including street frontage requirements. Open space, existing and new, must be fronted with streets to provide more visibility and access.

f. Cul-de-Sacs and Dead End Streets. Cul-de-sac and dead-end streets are not allowed.

g. Lots. All lots must have frontage along a street per the building type requirements, unless otherwise specified. Refer to [Article 2](#) and [Article 3](#).

1. Lots must front at least 2 street faces of any block, preferably the longest faces, with the exception of blocks containing open space or civic space.

2. Flag lots are prohibited.

3. Consider lot and block orientation for maximum energy efficiency, depending on the building type. For example, block orientation along an east-west longitudinal axis will encourage development of long mixed-use buildings oriented along an east-west axis, with smaller east and west facing facades, able to take advantage of passive solar technology.

h. Service Access. The configuration of the lots and blocks must consider alley and service drive inclusion per [\(13\)](#) to accommodate such activities as garage and parking access, trash and recycling pickup, service and loading access, and utilities.

i. Existing Lots. Blocks may be established including already existing lots and those lots may retain their existing zone designation.

(12) Street Design. Complete streets provide for multiple modes of access throughout the City. All streets, whether publicly dedicated or privately held, must meet

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NON-COMMERCIAL STREETScape LANDSCAPE ZONE ILLUSTRATED

COMMERCIAL STREETScape FURNISHINGS ZONE ILLUSTRATED

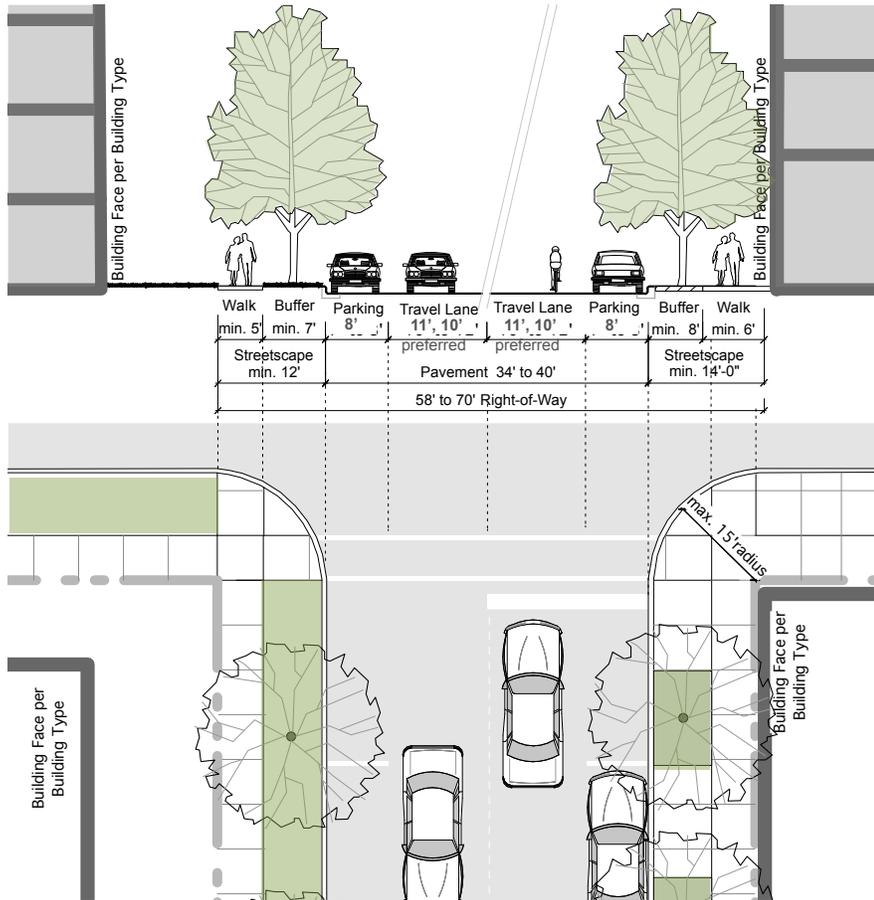


Figure 4-A. Typical Base Street

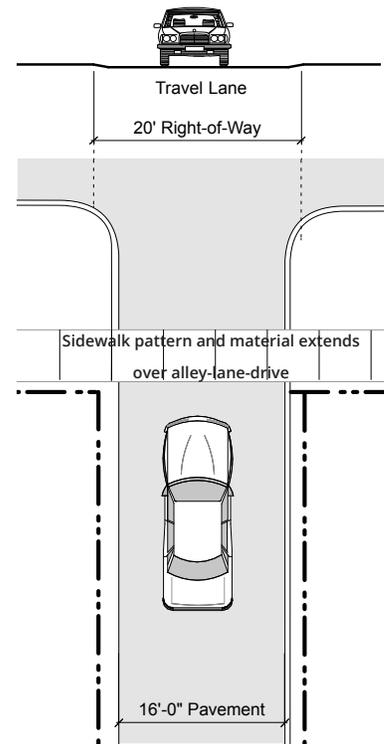


Figure 4-B. Typical Alley, Lane, or Service Drive

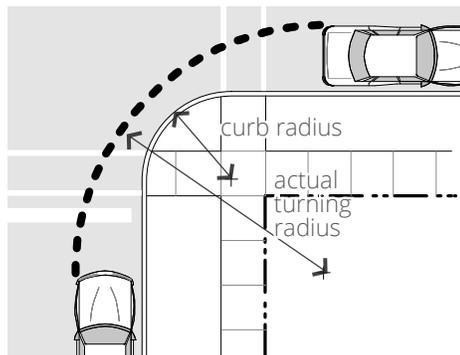


Figure 4-C. Illustration of Actual Turning Radius vs. Curb Radius

102-440 Planned Unit Development Overlay

the following requirements. Refer to [Figure 4-A](#) for illustrations of these regulations.

- a. Base Street Requirements.** The base street type is illustrated in [Figure 4-A](#). The zoning administrator may require additional street right-of-way or configuration based on existing context and circulation needs. The base street defines the minimum components of any new street on the interior of the development and includes the components outlined in this section, [\(12\)](#).
 - b. On-Street Parking.** On-street parallel parking must be accommodated on both sides of all new streets. Back-in or head-in, angled parking is acceptable in lieu of parallel parking. On-street parking on one side of the street may be approved by the zoning administrator, though parking on both sides is encouraged.
 - c. Streetscape.**
 - 1. Nonresidential Streetscape Width.** The minimum dimension required for streetscapes along non-residential ground stories is 14 feet, with a clear sidewalk width of at least 6 feet and an 8-foot street tree and furnishings zone.
 - 2. Residential Streetscape Width.** Along residential ground stories, the minimum is 13 feet with a clear sidewalk of at least 5 feet and a 8-foot landscape zone (parkway).
 - 3. Landscape.** See [102-870](#) in landscape for streetscape requirements.
 - d. Maximum Pavement Width.** The maximum crossing width for all streets internal to the development is 38 feet. Wider pavement widths must include a median in the middle to provide pedestrian refuge and/or bulb-outs to reduce the crossing widths to less than 38 feet.
 - 1. Reduced Minimum Pavement.** When only one lane of on-street parking is approved, the minimum pavement width for a two-way street is 28 feet and the minimum right-of-way width is 54 feet.
 - e. Street Crosswalks.** Crossings at all street intersections must include a clear pedestrian path across streets (crosswalks) with accessibility ramps at curbs, demarcated by paint, stamped patterns, or pavers. Raised crosswalks are encouraged.
 - f. Curb Radii.** Intersections internal to the development must be designed for actual turning radius, accounting for on-street parking, of the typical design vehicle as opposed to the maximum design vehicle. Small curb radii at intersections shorten pedestrian crossing distances and reduce vehicle turning speeds, increasing pedestrian safety. See [Figure 4-C](#) for illustration.
 - 1.** Where on-street parking is provided with no bulb-out, a radius no greater than 5 feet is required, unless the typical design vehicle is a Class 6 or larger truck.
 - 2.** Where on-street parking is provided with a bulb-out or where no on-street parking is provided, a radius no greater than 15 feet is required, unless the typical design vehicle is a Class 6 or larger truck.
 - g. Bicycle Accommodations.** New streets within the large-scale PUD must accommodate bicycle access per the City's most recent bicycle policy. Bicycle accommodations must be included on through streets and higher activity streets. On non-commercial and lower activity streets, bicycles may share vehicular lanes.
- (13) Alleys or Service Drives.** Alleys, lanes, or service drives (see [Figure 4-2](#)) must be provided through all blocks to provide such items as emergency access, garage and parking access, trash and recycling pickup, service and loading access, and utilities.
- a. Parking Drives.** Parking lot drives and parking structure drives may serve as alleys or service drives if the drive is continuous through the block with at least 2 access points and serves all lots on the block.
- (14) Front Street Designation.** The orientation and location of buildings on lots is determined by front street designations per the building type regulations in [Article 2](#) and [Article 3](#).
- a. Minimum Designation.** A minimum of 50% of a combination of the new streets in the large-scale PUD and existing streets fronting the development must be designated as front streets.
 - b. Building Frontage.** Front streets must be designated so that all building lots abut at least one front street, except up to 20% of the lots may front a non-front street.

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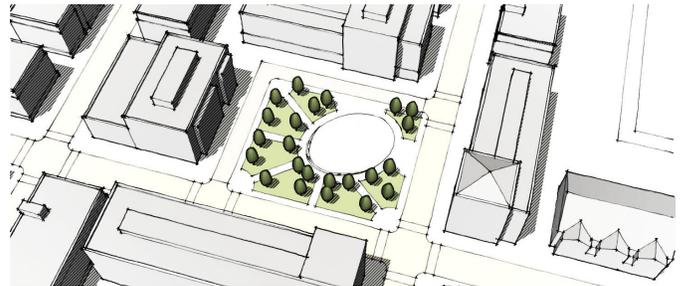
- c. Civic Space Frontage.** Where practicable, streets along civic space must be designated as primary streets to ensure buildings front the civic space.
- d. Driveways.** Driveways to lots must not be located off a front street, except when the parcel is fronted by more than two front streets and/or there is no other alternative access.
- e. Alleys and Service Drives.** Alleys or service drives providing access to more than 2 lots may be located off a front street.
- f. Major Streets.** When the development abuts a street with a right-of-way wider than 120 feet, one of the following layouts must be utilized to create slower, more accessible, and more walkable streets for fronting commercial or mixed-use buildings than the major street would provide:
 - 1. Perpendicular.** A new front street located generally perpendicular to the existing major street.
 - 2. Boulevard.** A new front street located essentially parallel to the major street with a landscape buffer island or boulevard median of at least 8 feet in width provided separating the major street from the front streets.

(15) Civic Spaces. Where a master plan development is required, the following civic space must be provided:

- a. Intent.** The intent is to provide usable open space within a short walkable distance for all occupants and visitors.
- b. Overall Minimum.** A minimum of 10% of the total master plan development must be provided as one of the civic space types.
- c. Distance from Principal Entrances.** One type of civic space is required within a 500-foot distance, as measured continuously along a sidewalk, from the principal entrance of all residential and live-work units and all other buildings.
- d. Mix of Civic Space Types.** A mix of types is required, with not more than 2 of any one type utilized.
- e. Types of Civic Space.** The following types of civic spaces are allowed.
 - 1. Plaza.** A plaza is a generally hardscaped area (minimum 60% coverage), minimum 1/8 acre in size, with either street, pedestrian, or river

right-of-way or building frontage on all sides and at least one side the equivalent of 25% of the perimeter fronting a primary street. A single plaza may not fulfill the minimum open space requirements; if a plaza is utilized to meet the distance requirement, another open space must be incorporated in another location on the site.

- 2. Square.** A square is a combination of hardscape and landscape (approximately 50% and 50% respectively), minimum 1/4 acre in size, and surrounded by street frontage on all sides.



Example of a PLAZA



Example of a GREEN



Example of a GREENWAY

Figure 4-D. Examples of Civic Space Types

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- 3. Green.** A green is a landscaped space (minimum 70%), minimum 1/2 acre with street right-of-way on at least 50% of the perimeter.
- 4. Greenway.** A greenway is a linear landscape space, minimum 2 acres in total with minimum 30 feet wide and minimum average 60 feet wide, and with street right-of-way on at least 30% of the perimeter.
- 5. Park.** A park is a larger, generally landscaped space, a minimum of 2 acres in size, with at least 25% of the perimeter on street right-of-way.

(16) Trails. Refer to any City open space and/or trail plans, and any existing trails surrounding the site, to provide connections through and within the site for continuous trails.

(17) Vistas. Views down streets must be considered when laying out streets and locating open space, parking, and buildings on sites.

- a. Rears of Buildings.** The location of open space and streets shall not create views of the rear of buildings or parking behind buildings.
- b. Parking.** Parking structures and surface parking lots are not permitted at the termination of a street vista.
- c. Street Termini.** When a street terminates at a parcel, the parcel shall be occupied by one of the following:
 - 1. Open Space.** If the parcel is open space, any open space type shall be utilized.
 - 2. Building.** If the parcel is not utilized as an open space, the facade of a building, whether facing a front street or not, shall terminate the view. See for building design at a vista terminus.

102-440 Planned Unit Development Overlay

This diagram illustrates one potential example of the code requirements. Other site layouts will be possible utilizing the regulations.

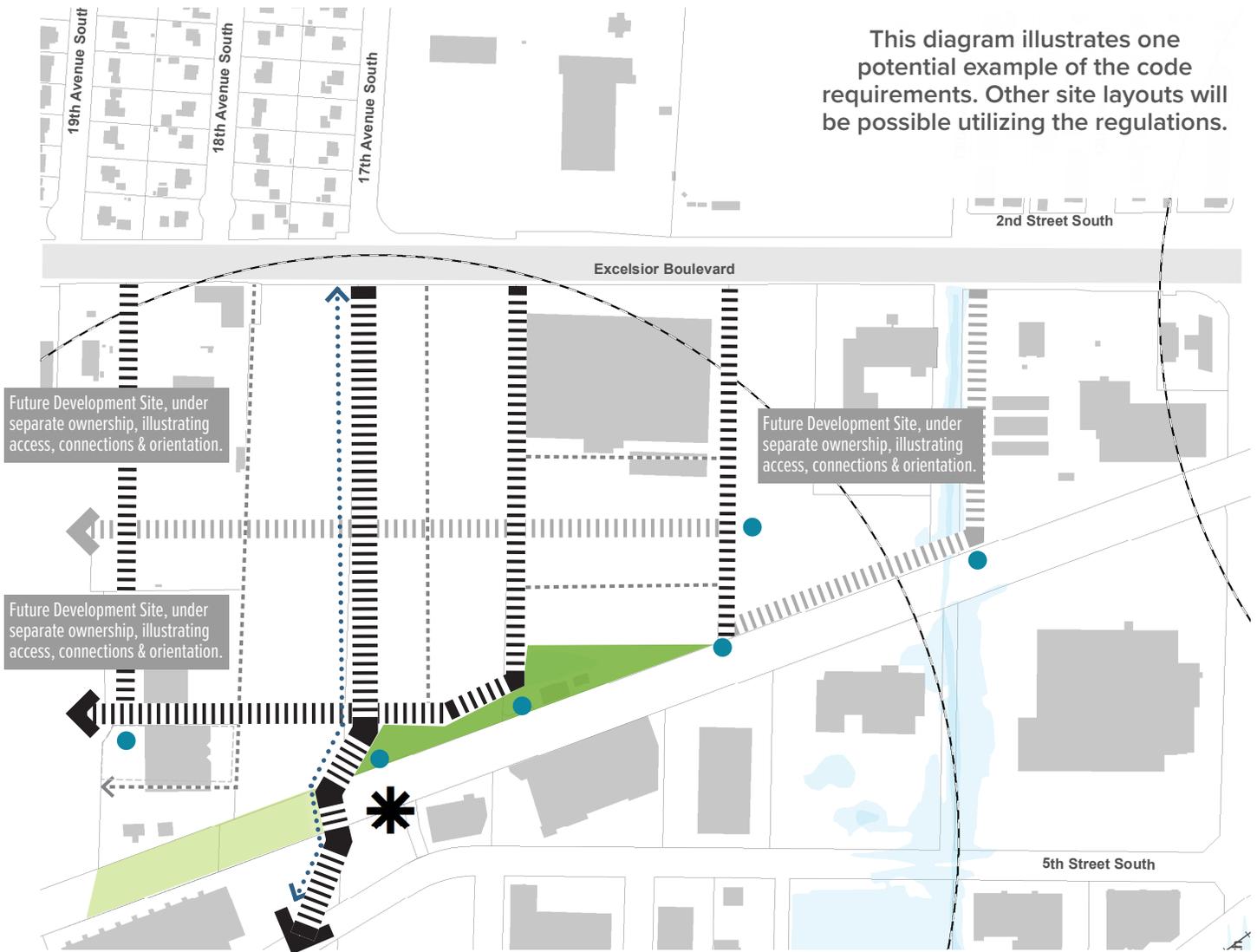
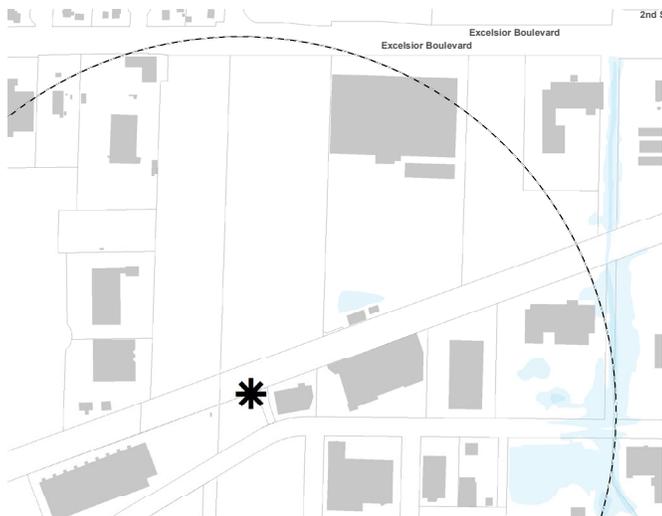


Figure 4-E. Sample Regulating Plan Illustrating Streets & Civic Space

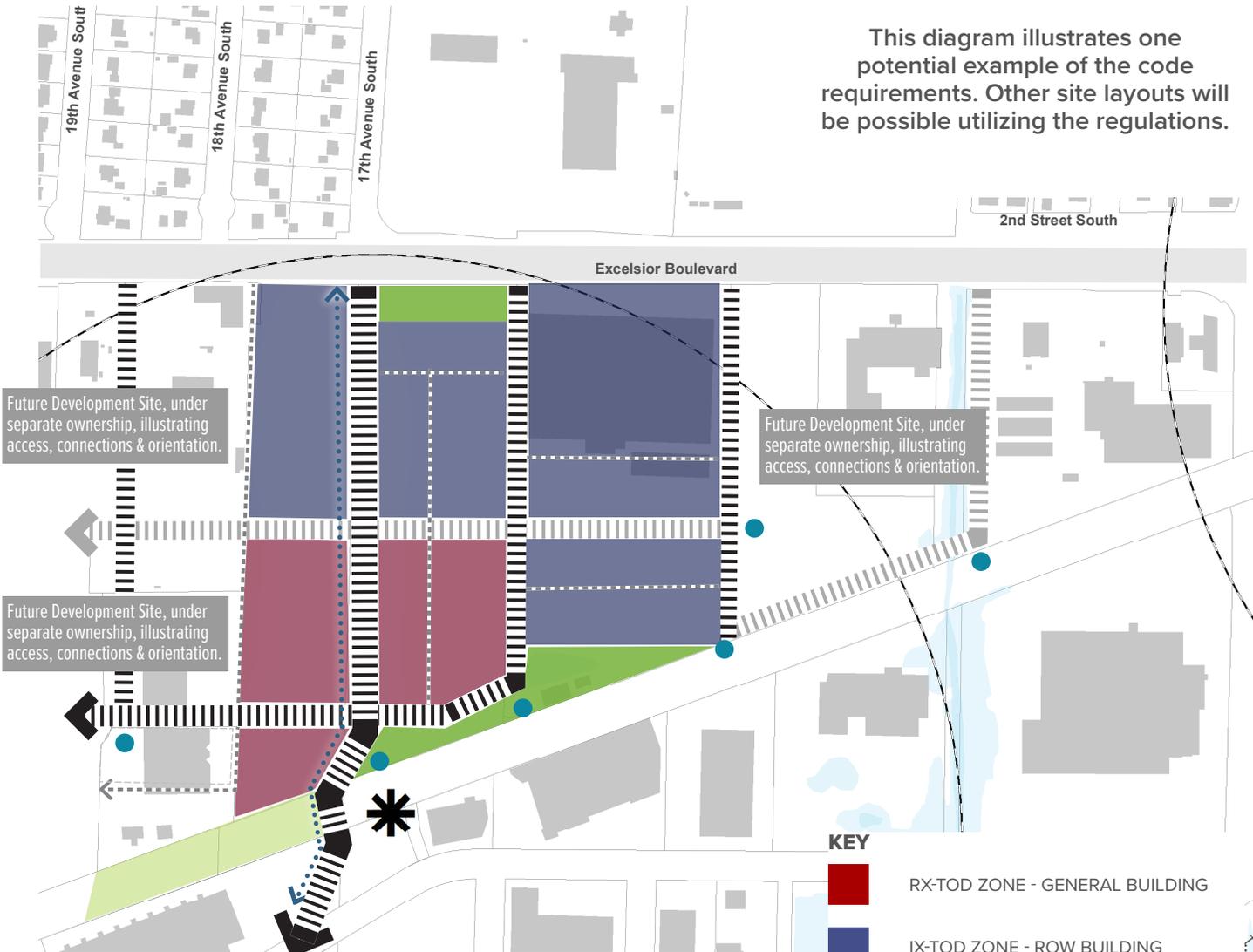


KEY

- CIVIC SPACE TYPES: PLAZA & GREEN
- REGIONAL TRAIL BY OTHERS
- EXISTING FRONT STREET
- EXISTING SIDE STREET
- NEW FRONT STREET
- NEW SIDE STREET
- NEW ALLEY, GARAGE ACCESS, SERVICE DRIVE
- TWO-WAY PROTECTED BIKE LANE
- VISTAS, SEE [102-440 \(F\) \(17\)](#)
- * FUTURE STATION

102-440 Planned Unit Development Overlay

This diagram illustrates one potential example of the code requirements. Other site layouts will be possible utilizing the regulations.



- KEY**
- RX-TOD ZONE - GENERAL BUILDING
 - IX-TOD ZONE - ROW BUILDING
 - CIVIC SPACE TYPES: PLAZA & GREEN
 - REGIONAL TRAIL BY OTHERS
 - EXISTING FRONT STREET
 - EXISTING SIDE STREET
 - NEW FRONT STREET
 - NEW SIDE STREET
 - NEW ALLEY, GARAGE ACCESS, SERVICE DRIVE
 - TWO-WAY PROTECTED BIKE LANE
 - VISTAS, SEE [102-440 \(F\) \(17\)](#)
 - * FUTURE STATION

Figure 4-F. Sample Regulating Plan Illustrating Re-zoning



102-440 Planned Unit Development Overlay

This diagram illustrates one potential example of the code requirements. Other site layouts will be possible utilizing the regulations.

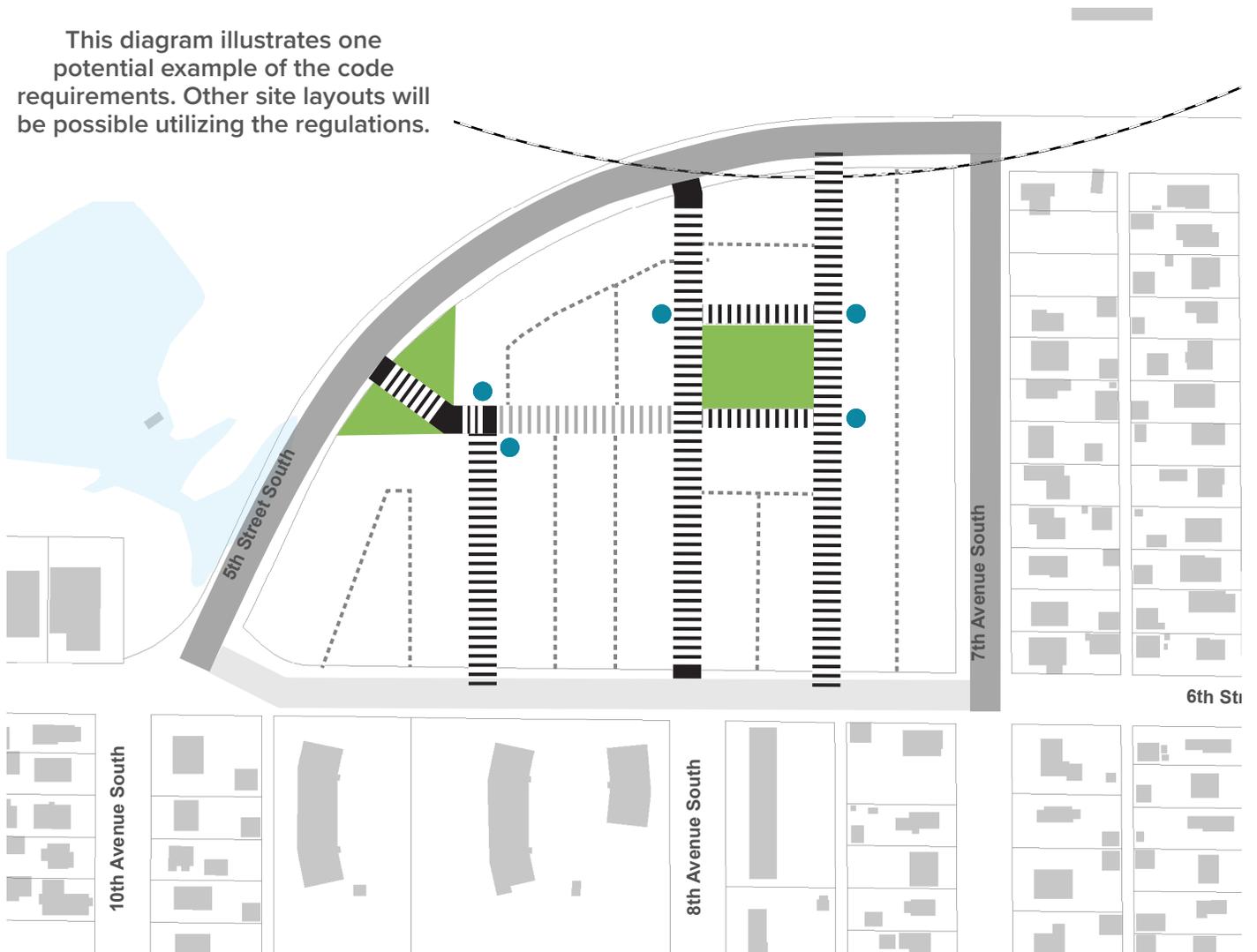


Figure 4-G. Sample Regulating Plan Illustrating Streets & Civic Space



KEY

- CIVIC SPACE TYPES: PLAZA & GREEN
- REGIONAL TRAIL BY OTHERS
- EXISTING FRONT STREET
- EXISTING SIDE STREET
- NEW FRONT STREET
- NEW SIDE STREET
- NEW ALLEY, GARAGE ACCESS, SERVICE DRIVE
- ← → TWO-WAY PROTECTED BIKE LANE
- VISTAS, SEE [102-440 \(F\) \(17\)](#)

102-440 Planned Unit Development Overlay

This diagram illustrates one potential example of the code requirements. Other site layouts will be possible utilizing the regulations.

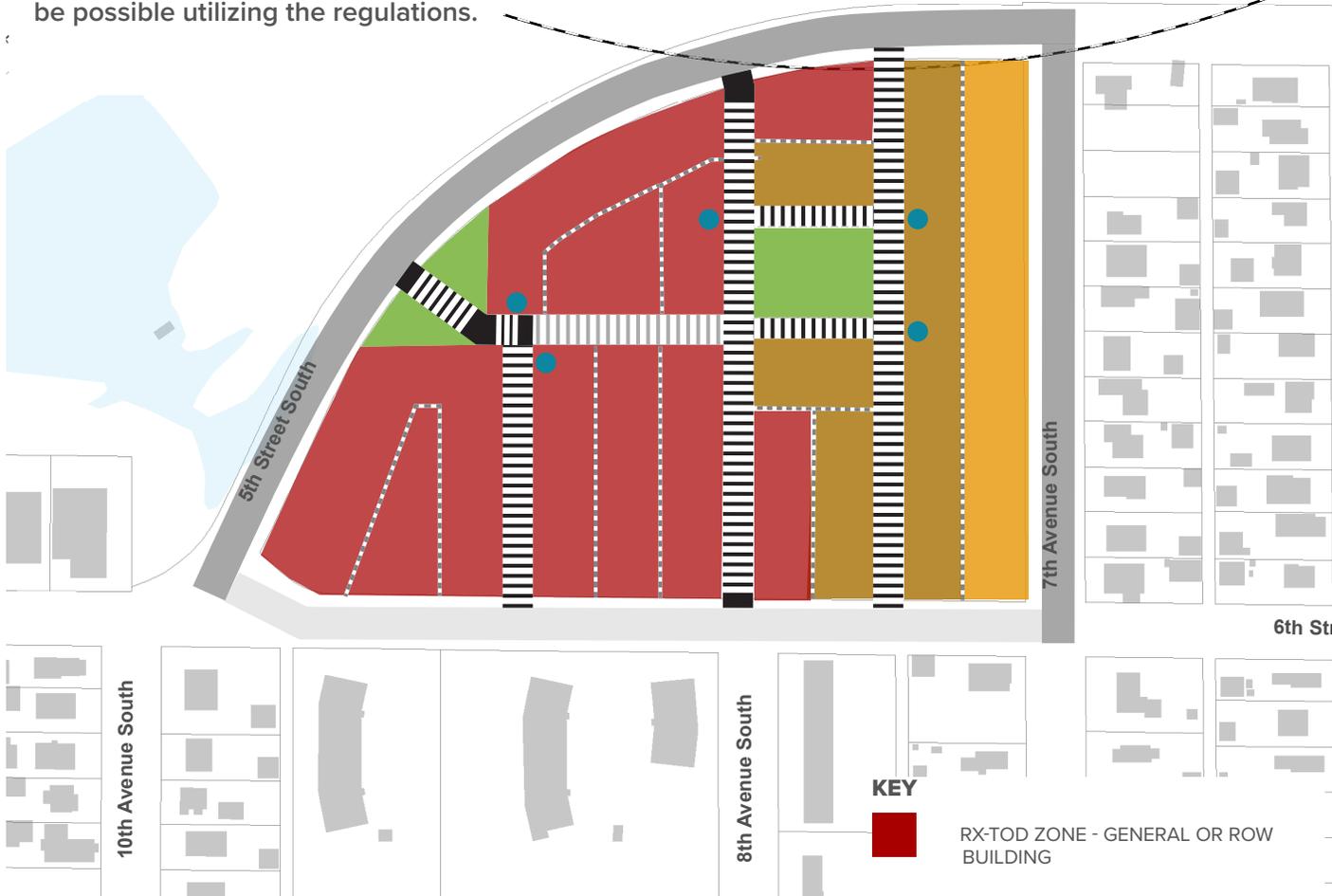


Figure 4-H. Sample Regulating Plan Illustrating Re-zoning



- KEY**
- RX-TOD ZONE - GENERAL OR ROW BUILDING
 - NX2 ZONE - ROW BUILDING
 - NX1 ZONE - ROW BUILDING
 - CIVIC SPACE TYPES: PLAZA & GREEN
 - REGIONAL TRAIL BY OTHERS
 - EXISTING FRONT STREET
 - EXISTING SIDE STREET
 - NEW FRONT STREET
 - NEW SIDE STREET
 - NEW ALLEY, GARAGE ACCESS, SERVICE DRIVE
 - TWO-WAY PROTECTED BIKE LANE
 - VISTAS, SEE [102-440 \(F\) \(17\)](#)

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ARTICLE 5 PRINCIPAL USES

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102-520 Use Classifications Generally 5-2
102-530 Residential Use Group 5-4
102-540 Commercial Use Group 5-4
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102-560 Civic & Institutional Use Group 5-8
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102-590 Performance Standards 5-18

Article 5 Principal Uses
102-510 Allowed Uses

102-510 Allowed Uses

102-510 (a) PRINCIPAL USE TABLE

Principal uses are allowed in accordance with [Table 5-1](#).
Note: Uses allowed in the CLR zone are identified in [102-430 \(c\)](#)

102-510 (b) INTERPRETING THE USE TABLE

- (1) Use Classification System.** Uses are listed in the first column of [Table 5-1](#). This code classifies uses into categories and subcategories, as explained in [102-520](#).
- (2) Permitted Uses.** Uses identified with a “●” are permitted as-of-right in the subject zone, subject to compliance with all other applicable regulations of this code.
- (3) Permitted in Upper Stories Only.** Uses identified with a “●” are permitted as-of-right in the subject zone but only when located above the ground-floor in upper stories of the building.
- (4) Permitted in Limited Portion of Building Area.** Uses identified with a “●” are permitted as-of-right in the subject zone but such use may not occupy more than 25% of the building area. Uses identified with a “●” are permitted as-of-right in the subject zone but such uses is limited on first floor to buildings on the interior of a block per [102-580 \(c\)](#).
- (5) Conditional Uses.** Uses identified with a “○” are allowed only if reviewed and approved in accordance with the conditional use procedures of [102-1390](#).
- (6) Prohibited Uses.** Uses identified with a “—” are expressly prohibited. Uses that are not listed in the use table and that cannot be reasonably interpreted (as stated in [102-520](#)) to fall within any defined use category or subcategory are also prohibited.
- (7) Reference.** The final (“Reference”) column of [Table 5-1](#) includes a cross-reference to the use category description and, in some cases, references to supplemental (use-specific) regulations that apply to the subject use.
- (8) Accessory Uses.** Many customary accessory uses and structures are allowed in conjunction with principal uses. See [Article 6](#) for regulations.

102-520 Use Classifications Generally

This section establishes and describes the use classification system used to categorize principal uses in this code.

102-520 (a) USE GROUPS

This code classifies principal land uses into 5 major

groupings. These are referred to as “use groups.” The use groups are as follows:

- (1)** Residential (see [102-530](#));
- (2)** Commercial (see [102-540](#));
- (3)** Manufacturing & Industry (see [102-550](#));
- (4)** Civic & Institutional (see [102-560](#)); and
- (5)** Other Uses (see [102-570](#)).

102-520 (b) USE CATEGORIES

Each use group is further divided into more specific categories. Use categories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, or relevant building or site conditions.

102-520 (c) USE SUBCATEGORIES

Some use categories are further broken down to identify specific subcategories of uses.

102-520 (d) CLASSIFICATION OF USES

The zoning administrator is authorized to classify individual uses on the basis of the use group, category, and subcategory descriptions of this article. When a use cannot be reasonably classified into a use group, category, or subcategory, or appears to fit multiple groups, categories, or subcategories, the zoning administrator is authorized to assign the use to the most similar and thus most appropriate group, category, or subcategory based on the actual or projected characteristics of the principal use or activity in relationship to the use group, category, or subcategory descriptions. In making such determinations, the zoning administrator must consider:

- (1)** The types of activities that will occur in conjunction with the use;
- (2)** The types of equipment and processes to be used;
- (3)** The existence, number and frequency of residents, customers or employees;
- (4)** Parking demands associated with the use; and
- (5)** Other factors deemed relevant to a use determination.
- (6)** If a use can reasonably be classified in multiple groups, categories, or subcategories, the zoning administrator is authorized to categorize each use in the category, subcategory that provides the most exact, narrowest and appropriate “fit.”
- (7)** Appeals of use classification determinations may be taken to the board of adjustments and appeals in accordance with the appeal procedures of [102-13150](#).

Article 5 Principal Uses
102-520 Use Classifications Generally

Table 5-1. Principal Use Table

	ZONES																Reference	
	MX-TOD	MX-D	MX-N	MX-S	RX-TOD	RX-D	RX-N	IX-TOD	I-TOD	IX-S	I1	N1, N2	N3-A	N3-B	NX1	NX2		P1
RESIDENTIAL																		102-530
Household Living, 1 unit	●	●	●	●	●	●	●	-	-	-	-	●	●	●	●	●	-	-
Household Living, 2 units	●	●	●	●	●	●	●	-	-	-	-	-	●	●	●	●	-	-
Household Living, 3–4 units	●	●	●	●	●	●	●	-	-	-	-	-	-	-	●	●	-	-
Household Living, 5+ units	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	●	-	-
Manufactured Home Park	-	-	-	-	-	-	-	-	-	-	-	-	○	○	○	○	-	-
Group Living (except as below)	●	●	●	●	●	●	●	-	-	-	-	-	-	-	○	○	-	-
Residential Facility, Small	●	●	●	●	●	●	●	-	-	-	-	●	●	●	●	●	-	-
Residential Facility, Large	○	○	○	○	○	○	○	-	-	-	-	-	-	-	○	○	-	-
COMMERCIAL																		102-540
Adult-Oriented Business	-	-	-	●	-	-	-	-	-	●	●	-	-	-	-	-	-	-
Animal Boarding	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-
Consumer Service	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	●
Day Care, Adult	●	●	●	●	●	●	●	●	●	●	-	-	-	-	○	○	-	●
Day Care, Small	●	●	●	●	●	●	●	●	-	-	-	●	●	●	●	●	-	-
Day Care, Large	●	●	●	●	●	●	●	●	-	-	-	-	-	-	○	○	-	-
Entertainment Venue, Large	-	-	-	●	-	●	-	●	-	●	-	-	-	-	-	-	○	●
Funeral & Mortuary Service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lodging (except as below)	●	●	●	●	●	●	●	-	-	●	-	-	-	-	-	-	-	-
Short-Term Rental	●	●	●	●	●	●	●	-	-	-	-	○	○	○	○	○	-	-
Office	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-
Personal Credit Establishment	○	-	-	○	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retail & Entertainment (except as below)	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	●
Brewpub	-	●	●	●	-	●	●	-	-	-	-	-	-	-	-	-	-	-
Firearms Sales Establishment	-	-	-	○	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Liquor Sales, Off-Sale	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-
Tobacco Sales Establishment	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-
Self-Service Storage	-	-	-	-	-	-	-	○	-	-	○	-	-	-	-	-	-	-
Vehicle Sales & Service (except as below)	-	-	-	○	-	-	-	-	○	○	○	-	-	-	-	-	-	-
Major Vehicle Repair & Maintenance	-	-	-	-	-	-	-	-	○	-	○	-	-	-	-	-	-	-
MANUFACTURING & INDUSTRY																		102-550
Manufacturing, Artisan	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-
Manufacturing, Limited	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-
High-Impact Industry	-	-	-	-	-	-	-	-	-	-	●	-	-	-	-	-	-	-
Urban Farm	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	●	-
Warehousing & Distribution	-	-	-	-	-	-	-	-	●	●	●	-	-	-	-	-	-	-
CIVIC & INSTITUTIONAL																		102-560
College	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	●
Community Assembly	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	○
Cultural Facility	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	●	●

KEY: ● = Permitted ● = Permitted in Upper Stories Only ● = Limited to No More than 25% of Building Area
 ○ = Limited on first floor to buildings on the interior of a block see [102-580 \(d\)](#) ○ = Requires Conditional Use Approval - = Prohibited

Article 5 Principal Uses
102-530 Residential Use Group

Table 5-1. Principal Use Table

	ZONES																Reference			
	MX-TOD	MX-D	MX-N	MX-S	RX-TOD	RX-D	RX-N	IX-TOD	I-TOD	IX-S	I1	N1, N2	N3-A	N3-B	NX1	NX2		P1	P2	
Community Garden	●	-	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	102-580 (c))
Detention or Correctional Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	○	
Hospital	-	-	-	-	○	○	-	-	-	-	-	-	-	-	-	-	-	-	●	
Parks and Open Space	-	-	●	●	●	●	●	●	●	●	●	○	-	-	-	-	-	●	●	102-580 (f)
School	○	○	○	○	●	●	●	-	-	-	-	-	-	-	-	-	-	-	○	
Utilities & Services, Minor	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	102-580 (m)
Utilities & Services, Major	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	102-580 (l)
OTHER	102-570																			
Wireless Communication Facility																			102-580 (o)	
Tower	-	-	-	-	-	-	-	-	-	-	○	-	-	-	-	-	-	-	-	102-580 (o)
Antenna	●	●	●	●	●	●	●	●	●	●	●				●	●	●	●	102-580 (o)	
Cannabis Businesses																				
Cannabis & Hemp Retail	●	●	●	●	◐	◐	◐	◐												102-580 (p)
Cannabis Cultivation, Small-scale	●	●	●	●	◐	◐	◐	●	●	●	●									102-580 (p)
Cannabis Cultivation, Large-scale								●	●	●	●									102-580 (p)
Cannabis & Hemp Product Manufacturing, Small-scale	●	●	●	●	◐	◐	◐	●	●	●	●									102-580 (p)
Cannabis & Hemp Product Manufacturing, Large-scale								●	●	●	●									102-580 (p)
Cannabis Wholesale & Transportation									●	●	●									

KEY: ● = Permitted ◐ = Permitted in Upper Stories Only ◑ = Limited to No More than 25% of Building Area
 ◒ = Limited on first floor to buildings on the interior of a block see 102-580 (d) ○ = Requires Conditional Use Approval - = Prohibited

102-530 Residential Use Group

The residential use group includes uses that provide for long-term residential occupancy by individual households or by groups of people living together in a non-household setting.

102-530 (a) HOUSEHOLD LIVING

(1) Description. The household living use category is characterized by a single household occupying a dwelling unit that is self-contained, with facilities for cooking, eating, sleeping, and hygiene. Tenancy is typically 30 days or longer. Examples of household living uses include living in houses, residential buildings containing multiple dwelling units, mixed-use buildings, and other buildings containing self-contained dwelling units. Housing that includes shared facilities (e.g., assisted living facilities, co-housing, and intentional communities) is considered household living if residents occupy self-contained dwelling units.

102-530 (b) MANUFACTURED HOME PARK

(1) Description. The manufactured home park use category includes any lot or multiple lots upon which manufactured homes or are available for lease or upon which spaces for placement of manufactured homes are available for lease.

102-530 (c) GROUP LIVING

(1) Description. The group living use category is characterized by residential occupancy of all or a portion of a building by a group other than a household. Individuals typically occupy rooms or areas that do not include separate cooking, eating, or bathroom facilities necessary to provide for self-contained living. Group living uses typically have a common eating area for residents. Tenancy is typically 30 days or longer. Examples of group living uses include convents, dormitories, monasteries, fraternity and sorority houses, nursing homes, rooming houses, and similar living arrangements, including the following subcategories:

- a. **Residential Facility.** A state-licensed residential facility or a housing with services establishment registered under Minnesota Statutes chapter 144D, except that residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses are classified in the detention or correctional facility use category (see [102-560 \(e\)](#)). "Small" residential facilities are those with 6 or fewer residents. "Large" residential facilities are those with 7 to 16 residents.

- c. **Business Support Service.** Establishments that provide personnel services, printing, copying, package (delivery) drop-off, photographic services or communication services to businesses or consumers. Examples include employment agencies, copy and print shops, delivery/courier service drop-off location for consumers, and photo developing labs.

- d. **Business Training.** Establishments and facilities, including classrooms, providing vocational, trade, business or professional training services in a completely enclosed building.

- e. **Consumer Maintenance & Repair Service.** Establishments that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Examples include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, gunsmiths, locksmiths, vacuum repair shops, electronics repair shops and similar establishments.

102-540 Commercial Use Group

The commercial use group includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public.

102-540 (a) ADULT-ORIENTED BUSINESS

The adult entertainment use category includes all business types defined in Sec. 10-495(b) of the Hopkins City Code. Such uses are subject to all applicable regulations of Part II, Article XIV, Chapter 10 of the Hopkins City Code.

102-540 (b) ANIMAL BOARDING

- (1) **Description.** Establishments that keep and care for companion animals for remuneration or profit. Typical uses include boarding kennels, pet resorts/hotels, doggy or pet day care facilities, pet foster care homes, dog training centers and animal rescue shelters.

102-540 (c) CONSUMER SERVICE

- (1) **Description.** The consumer service use category includes establishments that provide personal or small business-oriented services to individuals or small businesses.

- a. **Personal Improvement Service.** Establishments that provide personal grooming, cosmetic or health and well-being-related services. Typical uses include barbers, hair and nail salons, tanning salons, day spas, health clubs, body art services and fortune telling services.

- b. **Studio, Artist or Instructional Service.**

Establishments that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities. Also includes dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, artist studios and photography studios.

102-540 (d) DAY CARE

- (1) **Description.** The day care use category includes establishments licensed by the state that provide non-medical care to children or aged, infirm, or disabled adults for only part of a day, typically during normal working hours. Examples include adult day care centers, group family day care facilities, child care centers, and similar use types.

- a. **Adult Day Care.** A state-licensed center-based facility that provides adult day services to adults who have functional impairments on a regular basis for periods of fewer than 24 hours during the day in a setting that is not a residence.

- b. **Day Care, Small.** A state-licensed day care facility serving 12 or fewer persons or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children.

- c. **Day Care, Large.** All day care uses that do not meet the definition of a small day care or adult day care.

102-540 (e) ENTERTAINMENT VENUE, LARGE

- (1) **Description.** Large entertainment venue uses are characterized by activities and structures that draw large numbers of people to specific events or shows and in which the size of the venue is more than 25,000 square feet. Activities are generally of a spectator nature but can also include participant sports and entertainment.

102-540 Commercial Use Group

- (2) **Exceptions.** Entertainment-related uses with no more than 25,000 square feet of total gross floor area are classified as "general entertainment" uses (see [102-540 \(j\)](#)).

102-540 (f) FUNERAL & MORTUARY SERVICE

- (1) **Description.** The funeral and mortuary service use category includes establishments that provide services related to the death of a human or domestic, household pet, including funeral homes and mortuaries. May include cremation if approved in accordance with the conditional use procedures of [102-1390](#).

102-540 (g) LODGING

- (1) **Description.** Establishments that provide temporary lodging for less than 30 days to transient guests who maintain a permanent place of residence elsewhere. Examples include hotels and motels, and short-term rentals.

- a. **Short-Term Rental.** All or a portion of a residential dwelling unit offered for rent to overnight guests for fewer than 30 consecutive days. Short-term rentals are subject to compliance with all applicable supplemental use regulations of [102-580 \(j\)](#).

102-540 (h) OFFICE

- (1) **Description.** The office use category includes workplaces of private companies, organizations (for-profit and non-profit), and public agencies providing professional, executive, management, medical, administrative, or design services, including the following subcategories:

- a. **Business & Professional Office.** Workplaces of firms, organizations, or agencies providing professional, executive, management, administrative, financial, accounting, or legal services, but excluding walk-in offices. Examples of business and professional offices include accounting, architecture, computer software design, engineering, graphic design, interior design, investment, insurance, and law offices.
- b. **Broadcast or Recording Studio.** Establishments that provide for audio or video production, recording or broadcasting.
- c. **Financial Service.** Establishments involved in the exchange, lending, borrowing and safe-keeping of money. Examples include banks and credit unions. Automatic teller machines, kiosks and similar facilities that do not have on-site employees or amplified sound are not classified in the financial service subcategory if they meet the criteria for classification as an accessory use. This use subcategory does not

include personal credit establishments (see [102-540 \(i\)](#)).

d. Complementary and Alternative Health Care Practice.

Any establishment defined in [Minnesota Statutes Chapter 146A](#). Such establishments are subject to compliance with the regulations of [Minnesota Statutes Chapter 146A](#). Massage therapy establishments are also subject to the regulations in Part II, Chapter 10, Article XVII of the Hopkins City Code.

- e. **Medical or Dental Office.** Workplaces of medical doctors, dentists, and similar practitioners of medical and healing arts licensed for such practice by the state. This subcategory includes outpatient clinics, but excludes hospitals providing inpatient care. Veterinary offices and animal grooming businesses are classified as medical or dental offices, provided they have no outdoor animal boarding areas. Uses with outdoor animal boarding areas are classified in the animal boarding use category.

- f. **Research Service.** Establishments engaged in scientific research and testing services leading to the development of new products and processes. Licensed cannabis testing facilities that comply with all provisions in Minnesota Statute section 342.38 are classified as research service uses. Uses that involve the mass production, distribution or sale of products or that produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property are classified in the limited manufacturing use category (see [102-550](#)).

- g. **Walk-In Office.** Workplaces primarily providing direct services to patrons or clients, typically not requiring appointments. This subcategory classification includes employment agencies, insurance agencies, real estate agent offices, travel agencies, utility company offices, and offices for elected officials. It does not include medical or dental offices or uses more specifically classified as financial services.

102-540 (i) PERSONAL CREDIT ESTABLISHMENT

- (1) **Description.** The personal credit establishment use category any one or more of the following:

- a. **Bail Bond.** A use that provides surety and pledged money or property as bail for the appearance of persons accused in court.
- b. **Currency Exchange/Check Cashing Establishment.** Any person, except a bank, trust company, savings

bank, savings and loan association, credit union, industrial loan and thrift company, engaged in the business of cashing checks, drafts, money orders or traveler's checks for a fee. Persons who provide their services incidental to their principal business are not classified as check cashing establishments if the charge for cashing a check or draft does not exceed \$1.00 or one percent of the value of the check or draft, whichever is greater, in accordance with Minnesota Statutes § 53A.01

c. Pawnshop. An establishment that is engaged to any extent in any of the following business or activities:

1. The lending of money on the deposit or pledge of personal property, other than chosen in action, securities or written evidence of indebtedness;
2. The purchase of personal property either from an individual, another pawn business or any other business with an expressed or implied agreement or understanding to offer the property for sale to the public, and if that sale is unsuccessful, then to sell it back to the previous owner at a subsequent time at a stipulated price or negotiated price;
3. The purchase of precious metals with the intent to melt down, provided that such activity is not clearly incidental to the principal use of the establishment; or the lending of money upon personal property, goods, wares, or merchandise pledge, stored or deposited as collateral security.

d. Payday Lender. Any person or entity that is substantially in the business of negotiating, arranging, aiding, or assisting a consumer in procuring payday loans.

102-540 (j) RETAIL & ENTERTAINMENT

(1) Description. The retail and entertainment use category includes establishments involved in the sale, lease or rental of products or goods to the ultimate consumer and those that provide food, beverage, or entertainment services.

a. Retail Sales. Establishments that sell or otherwise provide pharmaceuticals, groceries, sundry goods, convenience goods, consumer shopping goods, household goods, plants and flowers, or hardware. Medical marijuana distribution facilities that comply with all provisions in Minnesota Statutes sections 152.22 through 152.37 and Minn. Admin. Rules ch. 4770 are classified as retail sales uses, as are

firearms sales establishments, off-sales liquor stores, and tobacco sales establishments.

1. **Firearms Sales Establishment.** Any establishment engaged in the sale, lease, or purchase of firearms or ammunition.
2. **Off-Sale Liquor Store.** Any establishment requiring an off-sale intoxicating liquor license pursuant to Chapter 4, Article II of the city code.
3. **Tobacco Sales Establishment.** Any establishment in which more than 25% of the gross floor is devoted to the sales and display of tobacco, tobacco products or tobacco-related devices, as those terms are defined in Chapter 1, Article XIII of the city code.

b. Eating and Drinking Places. Establishments that prepare and serve food or beverages for on- or off-premise consumption. Includes prepared food shops, take-out restaurants, brewpubs (as defined in Minnesota Statutes § 340A.101), sit-down (full-service) restaurants, banquet halls, bars, taverns, brewpubs, and off-street mobile food truck venues.

c. Entertainment, General. Establishments that provide gathering places for participant or spectator entertainment and that have no more than 25,000 square feet of total gross floor area. Typical general entertainment uses include cinemas, theaters, bowling centers, and experience-based entertainment establishments.

1. Experience-based Entertainment Establishment. An establishment offering group or team-based entertainment activities such as axe throwing, escape rooms, cooking or painting classes, and arts and crafts workshops. Does not include bingo or other forms of charitable gambling, live music venues, karaoke, arcade or video game centers, hookah lounges, art galleries, spas, oxygen bars, event centers, or adult-oriented businesses.

2. Exceptions. Entertainment-related uses with more than 25,000 square feet of total gross floor area are classified as "large entertainment venues" (see [102-540 \(e\)](#)). Senior centers, community centers, religious institutions and similar facilities are classified as "community assembly" uses (see [102-560 \(b\)](#)).

102-550 Manufacturing & Industry Use Group

102-540 (k) SELF-SERVICE STORAGE

(1) **Description.** The self-service storage facility use category includes enclosed, climate-controlled establishments providing separate, small-scale, self-service storage area leased or rented to individuals or small businesses. Such facilities are designed and used to accommodate only interior access to storage lockers or drive-up access only from passenger vehicles and two-axle non-commercial vehicles. Self-storage facilities with external entrances to storage spaces and outdoor storage areas for consumers or small businesses are classified under the warehouse and distribution use category (see [102-550 \(b\)](#)).

102-540 (l) VEHICLE SALES & SERVICE

(1) **Description.** The vehicle sales and service use category includes uses that provide for the sale, rental, ordinary maintenance, or limited repair of new or used passenger vehicles. Examples of vehicle sales and service uses include the following subcategories:

- a. **Vehicle Repair and Maintenance, Major.** General repair, rebuilding or reconditioning of engines, vehicles, trailers, including body work, frame work, welding and major painting service. Such uses are subject to the supplemental use regulations of [102-580 \(f\)](#). Note: servicing and repair of heavy trucks is classified as a high-impact industry use (see [102-550 \(c\)](#)). All
- b. **Vehicle Repair and Maintenance, Minor.** The replacement of any part or repair of any part that does not require the removal of the engine head or pan, engine, transmission or differential, incidental body and fender work, minor painting and upholstery service when such services are performed on passenger automobiles, motorcycles, snowmobiles, small engines and trucks not exceeding 9,000 pounds rated capacity. Also includes car washes, whether self-service or automatic. Such uses are subject to the supplemental use regulations of [102-580 \(f\)](#).
- c. **Personal Vehicle Sales and Rentals.** Establishments that provide for the sale or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes or recreational vehicles, including recreational watercraft. Typical examples include automobile dealers and car rental agencies. Car-share vehicles that are parked or stored when not being used by members of a car-share program are not regulated as personal vehicle sales and rental uses, but are instead considered accessory parking. Such uses are subject to the supplemental

use regulations of [102-580 \(f\)](#). Note: Personal vehicle sales and rental establishments that occur in completely enclosed buildings with no outdoor storage or display are classified as retail sales uses in the retail and entertainment use category (see [102-540 \(j\)](#)).

- d. **Fueling Station.** Establishments engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops. Fueling stations may dispense conventional vehicle fuels and/or alternative vehicle fuels. Fleet vehicle fueling facilities and truck stops are classified in the high-impact industry use category (see [102-550 \(c\)](#))

102-550 Manufacturing & Industry Use Group

The manufacturing and Industry use group includes established involved in the manufacturing, processing, fabrication, packaging or assembly of goods. Natural, human-made, raw, secondary or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of the principal use. Relatively few customers come to the site.

102-550 (a) MANUFACTURING, ARTISAN

(1) **Description.** The artisan manufacturing use category includes Indoor work spaces used by artists for creation of art or the practice of their artistic endeavors or by craftspeople that produce consumer goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations, storage or regular commercial truck parking/loading. Typical uses include woodworking; custom furniture shops; cabinet-making; ceramic studios; jewelry manufacturing; confections and custom-made food items; and artwork including painting, printmaking and sculpture. Also includes indoor accessory retail sales and service activities not exceeding 10% of the gross floor area of the principal building.

102-550 (b) MANUFACTURING, LIMITED

(1) **Description.** The general manufacturing use category includes uses with indoor work spaces used for processing, fabricating, assembling, recycling, treating, or packaging finished parts or products that customarily have limited external impacts in terms of nuisance, odors, noise, vibrations, heavy truck traffic, or other public safety impacts. Also includes a single accessory

102-560 Civic & Institutional Use Group

caretaker dwelling unit and indoor accessory retail sales and service activities not exceeding 10% of the gross floor area of the principal building.

102-550 (c) HIGH-IMPACT INDUSTRY

(1) Description. The high-impact industry use category includes establishments engaged in manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. It also includes Industrial service firms engaged in the repair or servicing of heavy trucks (exceeding 9,000 pounds rated capacity) industrial or commercial machinery, equipment, products, or by-products, such as welding shops; machine shops; industrial tool repair; and laundry, dry-cleaning and carpet cleaning plants. Few customers, especially the general public, come to the site.

102-550 (d) URBAN FARM

(1) Description. Privately owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs, by an individual, organization, or business with the primary purpose of growing flora and/or food for sale or donation. Urban Farms include, outdoor growing operations, indoor growing operations, greenhouses, vertical farms, aquaponics, aquaculture, hydroponics, and rooftop farms, but does not include cannabis cultivation. Retail sales of products cultivated on site is permitted as an accessory use.

102-550 (e) WAREHOUSING & DISTRIBUTION

(1) Description. The warehousing and distribution category includes wholesale sales establishments and other uses that store or distribute goods in large quantities, principally to other commercial, manufacturing, or industrial businesses (rather than the general public). It also includes self-service storage facilities (mini-warehouses) with external entrances to storage spaces and outdoor storage areas for consumers or small businesses Indoor-only self-service storage facilities are classified and regulated as self-service storage facilities (see [102-540 \(k\)](#)).

102-560 Civic & Institutional Use Group

The civic and institutional use group includes public, quasi-public, and institutional uses that provide services that benefit the public at-large.

102-560 (a) COLLEGE

(1) Description. The college use category includes institutions of higher learning that offer courses of general or specialized study and are authorized to

grant academic degrees. The college use subcategory includes classrooms and instructional spaces, as well as on-campus residence halls, fraternity and sorority houses, administrative buildings, auditoriums and other on-campus uses and facilities that provide customary accessory and support functions for college or university uses.

102-560 (b) COMMUNITY ASSEMBLY

(1) Description. The community assembly use category includes facilities for hosting public or private meetings including senior centers, community centers, City-owned performing arts centers, and religious institutions. It also includes fraternal organizations and similar not-for-profit clubs restricted to use by dues-paying members and their guests. It does not include uses classified as "large entertainment venues" or "general entertainment uses" (see [102-540 \(e\)](#) and [102-540 \(j\)](#)).

102-560 (c) COMMUNITY GARDEN

(1) Description. An area of land managed and maintained by a public or non-profit organization or a group of individuals to grow and harvest food crops and/or 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 gardens may be principal uses or accessory to other residential, public or semi-public uses, such as parks, schools, community centers, or community assembly uses. This classification does not include gardens that are accessory to residential uses when access is limited to those who reside on the subject property. Sales of products produced in association with a community garden is permitted as an accessory use in zones in which retail sales & entertainment uses are allowed.

102-560 (d) CULTURAL FACILITY

(1) Description. Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials operated by a public or quasi-public agency.

102-560 (e) DETENTION/CORRECTIONAL FACILITY

(1) Description. An institution operated by the City, the state, the federal government or a private party under contract with the City, the state or the federal government for the confinement and punishment and treatment or rehabilitation of offenders under the jurisdiction of a court.

Article 5 Principal Uses
102-570 Other Uses

102-560 (f) HOSPITAL

(1) Description. The hospital use category includes state-licensed public, private, and non-profit facilities providing inpatient medical, surgical, mental health, or emergency medical services. Hospitals may also provide outpatient treatment.

102-560 (g) PARKS & OPEN SPACE

(1) Description. The parks and open space use category includes recreational, social, or multi-purpose uses associated with public parks, public open spaces, public play fields, public or private golf courses, or other outdoor open space or recreation areas. The parks and open space use category includes the following subcategories:

- a. Cemetery.** Land or structures used for burial or permanent storage of the dead or their cremated remains. Typical uses include cemeteries and mausoleums. Also includes pet cemeteries.
- b. Natural Resource Preservation.** Undeveloped land left in a natural state for specific use as visual open space or environmental purposes. Typical uses include wildlife or nature preserves, arboretums, flood management projects and reservoirs.
- c. Parks and Recreation.** Parks, playgrounds, recreation facilities, and related open spaces that are open to the general public. This subcategory also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, boat docks, and golf courses, as well as related food concessions or clubhouses within a principal structure or in an accessory structure on the same site.

102-560 (h) SCHOOL

(1) Description. Public and private schools at the primary, elementary, middle school or high school level that provide basic, compulsory, state-mandated education.

102-560 (i) UTILITIES & SERVICES

(1) Description. The utilities and services use category includes utilities and essential public service uses and facilities. The utilities and services use category includes the following subcategories:

- a. Utilities & Services, Minor.** Facilities that need to be located in or close to the area where the service is provided. Minor utilities generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; gas regulating stations; underground electric

distribution substations; electric distribution lines and transformers; bus turnarounds and on-street transit stops, water conveyance systems; stormwater storage and conveyance systems; and emergency communication warning/broadcast facilities. Also includes establishments that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles.

- b. Utilities & Services, Major.** Facilities that typically have substantial visual or operational impacts on nearby areas. Typical uses include water and wastewater treatment facilities, high-voltage electric substations, regional electrical transmission lines, regional gas or oil pipelines, utility-scale power generation facilities (including wind, solar and other renewable and nonrenewable energy sources), and sanitary landfills.

102-570 Other Uses

102-570 (a) WIRELESS COMMUNICATION FACILITY

(1) Description. A facility for the provision of wireless communications services, as defined by the Telecommunications Act of 1996, including all hardware that provides wireless communication services including antennas, towers and all associated equipment (see also the supplemental regulations of [102-580 \(o\)](#)).

- a. Tower.** A self-supported lattice, guyed or monopole structure constructed from grade that supports wireless communication facilities.
- b. Antenna.** A physical device attached to and supported by a building or structure other than a tower through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from the term "wireless communications antenna."

102-570 (b) CANNABIS BUSINESSES

(1) Description. The cannabis business use group includes cannabis and hemp businesses, as defined in Minnesota State Section 342.01, involving the cultivation, propagation, transportation, manufacture, processing, extraction, creation, testing, packaging, labeling, wholesaling, and retail sale of products as authorized under Minnesota Statutes Chapter 342. Such cannabis and hemp establishments are subject to the requirements of State Law and regulations as established by the State of Minnesota Office of Cannabis Management.

102-580 Supplemental Use Regulations

a. Cannabis and Hemp Retail. A cannabis retailer and the retail location(s) of a mezzobusiness with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, or lower-potency hemp edible retailers, as defined under Minn. Stat. 342.01. Such uses are subject to the supplemental use regulations of [102-580 \(p\)](#).

b. Cannabis Production and Manufacturing. A licensed cannabis business involved in the cultivation, manufacture, transportation, and wholesaling of cannabis. The production and manufacturing use category includes the following subcategories:

1. Cannabis Cultivation. A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the Minnesota Office of Cannabis Management. Such uses are subject to the supplemental use regulations of [102-580 \(p\)](#). Cannabis cultivation includes the following:

- i. Large-Scale Cultivation.** A facility with greater than 5,000 sq. ft. of cannabis cultivation.
- ii. Small-Scale Cultivation.** A facility with up to 5,000 sq. ft. of cannabis cultivation.

2. Cannabis and Hemp Manufacturing. A cannabis business or hemp business that is licensed to manufacture products exclusive to such license type. Cannabis and Hemp manufacture are subject to the supplemental use regulations of [102-580 \(p\)](#) and include the following:

- i. Small-Scale Cannabis and Hemp Manufacturing.** A facility with up to 5,000 sq. ft. of cannabis manufacturing floor area, except for facilities that include extraction and concentration.
- ii. Large-Scale Cannabis and Hemp Manufacturing.** A facility with over 5,000 sq. ft. of cannabis manufacturing floor area. Also

includes any facility licensed or authorized to manufacture cannabis products that creates cannabis concentrate, hemp concentrate, or artificially derived cannabinoids.

3. Cannabis Wholesale and Transportation. A cannabis business licensed to transport, deliver, or wholesale cannabis and cannabis products.

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102-580 (a) BREWPUBS

Brewpubs are allowed only on lots with frontage on Mainstreet.

102-580 (b) FIREARMS SALES ESTABLISHMENTS

Firearms sales establishments are prohibited within 500 feet of a public park, public or private school, church, or day care.

102-580 (c) COMMUNITY GARDENS

Community gardens are subject to the following supplemental regulations:

- (1)** Keeping of animals is prohibited except as allowed in Section 6-30 of the City Code.
- (2)** The use shall not be located in a required side or a required rear yard not abutting an improved alley when such side or rear is abutting a property in the N zones.
- (3)** Prior to establishment, the property owner and/or garden manager shall ensure that community members have adequate access to water for the purpose of maintaining their plot(s).
- (4)** Compost and waste material must be properly stored away to prevent the spread of odor and/or pollution.
- (5)** The site must comply with ADA design standards for accessible entrance routes and accessible routes between different components of the garden.
- (6)** Tools, equipment and supplies shall be stored in an enclosed storage building/container.
- (7)** The site must be designed and maintained so that water and fertilizer will not drain onto adjacent property.

102-580 (d) OFFICE

In the MX-D zone, office uses are allowed on the first floor only if said use is within a building that does not have two street frontages along intersecting streets. In the MX-TOD zone office uses are allowed on the ground floor only if all portions of the space accommodating said use are at least 50 feet from the nearest street corner of the block in which the building fronts on. Office uses are allowed in upper stories only in buildings nearer to the street corner in the MX-D and MX-TOD zones.

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102-580 (e) OFF-SALE LIQUOR STORES

Off-sale liquor stores may not exceed 5,000 square feet in gross floor area.

102-580 (f) PARKS AND RECREATION

Parks and recreation uses that are not owned or operated by the City are subject to the following supplemental use regulations in N and P zones:

- (1) All accessory or ancillary structures must be set back at least 50 feet from all lot lines;
- (2) Golf courses and country clubs may not include driving ranges and must have an average hole length of at least 130 yards.
- (3) Outdoor game court and swimming pools abutting upon or in any N or NX zone must be fenced and screened by plantings or other suitable screening material, and may not be illuminated between the hours of 11:00 p.m. and 6:00 a.m. of the following day.

102-580 (g) PERSONAL CREDIT ESTABLISHMENTS

Personal credit establishments are subject to the following supplemental use regulations:

- (1) Personal credit establishment uses must be separated by:
 - a. At least 1,000 feet from another personal credit establishment use.
 - b. At least 200 feet from any N, NX, or P zone.
 - c. At least 350 feet from an off-sale liquor establishment.
- (2) Personal credit establishment uses may not be located on lots that abut Mainstreet.
- (3) Back-lighted signs, back-lighted awnings, portable signs, temporary signs and freestanding signs are prohibited.
- (4) Windows must be of clear, transparent glass and be free of obstruction for at least three feet into the store. Products may be displayed in the window, provided the display, including signage, does not occupy more than 30% of the window area.
- (5) The use of bars, chains or similar security devices that are visible from a public street or sidewalk is prohibited.
- (6) Personal credit establishment uses must be located entirely within a completely enclosed building. Outdoor storage, display or sales are prohibited.
- (7) Personal credit establishment uses are subject to compliance with all applicable licensing requirements from the City and state.

102-580 (h) RESIDENTIAL FACILITIES

Residential facilities and housing with services

establishments are prohibited on the ground floor of buildings in MX and RX zones.

102-580 (i) SELF-SERVICE STORAGE

Self-service storage facilities are allowed only on lots with frontage on an "A" minor arterial street.

102-580 (j) SHORT-TERM RENTALS

Short-term rentals are allowed in accordance with [Table 5-1](#), subject to compliance with the following supplemental use regulations:

- (1) Short-term rentals must comply with all applicable licensing and permit requirements of the City and Hennepin County.
- (2) No more than 6 adults and their dependent children may occupy rooms within a short-term rental.
- (3) Short-term rentals are not permitted on lots occupied by accessory dwelling units.
- (4) External structural alterations or site improvements that change the residential character of the lot upon which a short-term rental is located are prohibited. Examples of such prohibited alterations include the construction of a parking lot, the addition of commercial-like exterior lighting, and signage.
- (5) A register of short-term rental guests must be maintained and made available to the City upon request.
- (6) Short-term rentals may not be used for special events to be attended by individuals who are not registered guests of the short-term rental unit.

102-580 (k) TOBACCO SALES ESTABLISHMENTS

Tobacco sales establishments are prohibited within 500 feet of a public park, public or private school, church, day care, or the Hopkins Center for the Arts.

102-580 (l) URBAN FARMS

Urban farms are subject to the following supplemental regulations:

- (1) Keeping of animals is prohibited.
- (2) The use shall not be located in a required side or a required rear yard not abutting an improved alley when such side or rear is abutting a property in the N zones.
- (3) Tools, equipment and supplies shall be stored in an enclosed storage building/container.
- (4) Compost and waste material must be properly stored away to prevent the spread of odor and/or pollution.
- (5) The site must be designed and maintained so that water and fertilizer will not drain onto adjacent property.

102-580 (m) UTILITIES AND SERVICES

Utility and service uses are subject to the following supplemental use regulations:

- (1) All buildings and structures, including any fence, must conform to the yards, architectural style and landscaping of the immediate neighborhood.
- (2) Electric power transmission lines must be located along public street or railroad right-of-way.

102-580 (n) VEHICLE SALES AND SERVICE USES

(1) **Personal Vehicle Sales and Rental.** Personal vehicle sales and rental uses are subject to the following supplemental regulations:

- a. **Building to Parking/Display Area Ratio.** The parking or display area may not be larger in area than the floor area of the building devoted to the related business .
- b. **Setback.** A minimum 20-foot front yard setback is required, in which there may be no auto parking. Landscaping must be provided within this required setback area.
- c. **Exterior lighting.** Exterior lighting must be consistent in character, design and bulb type throughout the entire site:
 1. Lighting of the sales lot must be from indirect lighting;
 2. Light must be directed toward the ground. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. Lighting must be shielded to prevent direct glare;
 3. Light levels may not exceed 0.5 lumens at any residential property line or 1.0 lumens at any nonresidential property line;
 4. Exterior lighting may not exceed 30 feet in height. The height of any exterior lighting within 100 feet of a residential use or N zone may not exceed 20 feet; and
 5. All nonessential lighting must be turned off after business hours, leaving only the lighting necessary for site security.
- d. **Screening.** Lots that abut an N zone, must provide complete visual screening at least 6 feet in height along the lot line of abutting N-zoned lot:

- e. **Vehicle Size.** The vehicle sales/leasing lot may not include vehicles over a 9,000 pounds rated weight.
 - f. **Junk Vehicles.** Junk vehicles awaiting repair or pick up are subject to the regulations of [102-9100](#).
 - g. **Outdoor Storage.** Outdoor storage of parts, materials, or equipment is prohibited except vehicles for sale or lease with a valid license or dealer inventory control number.
 - h. **Public Address Systems.** Public address systems are prohibited.
 - i. **Test Driving.** Test driving of vehicles on local residential streets is prohibited.
 - j. **Sales Activity.** Used car sales are permitted only when an integral part of a new car dealership.
 - k. **Vehicle Parking or Display.** Vehicle sales and rental uses must designate on a site plan areas for required off-street parking including customer parking and areas for inventory vehicle display. Such required off-street parking areas must comply with [102-960](#). Sites may not contain more vehicles than can be placed in accordance with these standards. Vehicles may not be positioned in any way to interfere with access to any parking, loading, maneuvering or pedestrian area.
 - l. **Accessory Fueling.** An accessory fueling facility is allowed if it is not visible from a public right-of-way and it is secured so as to ensure its exclusive use by subject business for the fueling its inventory. Retail sale of gasoline to the general public is prohibited.
 - m. **Ancillary Automobile Repair.** Vehicle sales and rental uses require a separate conditional use permit for ancillary vehicle repair and maintenance. Ancillary automobile repair associated with an vehicle sales and rental use may include minor or major vehicle repair/maintenance uses. Vehicle sales and rental uses that include ancillary vehicle repair and maintenance may not be located on property that abuts a residential use or N zone.
- (2) **Minor Vehicle Repair and Maintenance.** Minor vehicle repair and maintenance uses are subject to the following supplemental regulations:
- a. **Building to Parking/Display Area Ratio.** The parking area may not be larger in area than the floor area of the building devoted to the related business.

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- b. Exterior Lighting.** Exterior lighting must be consistent in character, design and bulb type throughout the entire site.
 - 1.** Light must be directed toward the ground. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. Lighting must be shielded to prevent direct glare;
 - 2.** Light levels may not exceed 0.5 lumens at any residential property line or 1.0 lumens at any nonresidential property line;
 - 3.** Exterior lighting may not exceed 30 feet in height. The height of any exterior lighting within 100 feet of a residential use or N zone may not exceed 20 feet; and
 - 4.** All nonessential lighting must be turned off after business hours, leaving only the lighting necessary for site security.
- c. Screening.** Lots that abut an N zone, must provide complete visual screening at least 6 feet in height along the lot line of abutting N-zoned lot.
- d. Junk Vehicles.** Junk vehicles awaiting repair or pick up are subject to the regulations of [102-9100](#).
- e. Outdoor Activity.** All repair, assembly, disassembly or maintenance of vehicles must occur within an enclosed building, except minor maintenance including tire inflation, adding oil, wiper or battery replacement, glass repair or replacement, paintless dent repair and the like.
- f. Outdoor Storage.** Outdoor storage of parts, materials, or equipment is prohibited except licensed vehicles awaiting repair or repaired vehicles awaiting pick up.
- g. Public Address Systems.** Public address systems are prohibited.
- h. Test Driving.** Test driving of vehicles on local residential streets is prohibited.
- i. Vehicle Parking or Display.** Minor vehicle repair and maintenance uses must designate on a site plan areas for required off-street parking including customer parking, storage of inoperable vehicles awaiting repair and repaired vehicles awaiting pick up. Such required off-street parking areas must comply with [102-960](#). Sites may not contain more vehicles than can be placed in accordance with

these standards. Vehicles may not be positioned in any way to interfere with access to any parking, loading, maneuvering or pedestrian area.

- (3) Major Vehicle Repair and Maintenance.** Major vehicle repair and maintenance uses are subject to the following supplemental regulations:
 - a. Building to Parking/Display Area Ratio.** The parking area may not be larger in area than the floor area of the building devoted to the related business.
 - b. Exterior Lighting.** Exterior lighting must be consistent in character, design and bulb type throughout the entire site:
 - 1.** Light must be directed toward the ground. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. Lighting must be shielded to prevent direct glare;
 - 2.** Light levels may not exceed 0.5 lumens at any residential property line or 1.0 lumens at any nonresidential property line;
 - 3.** Exterior lighting may not exceed 30 feet in height. The height of any exterior lighting within 100 feet of a residential use or N zone may not exceed 20 feet; and
 - 4.** All nonessential lighting must be turned off after business hours, leaving only the lighting necessary for site security.
 - c. Screening.** Lots that abut an N zone, must provide complete visual screening at least 6 feet in height along the lot line of abutting N-zoned lot.
 - d. Junk Vehicles.** Junk vehicles awaiting repair or pick up are subject to the regulations of [102-9100](#).
 - e. Outdoor activity.** All repair, assembly, disassembly or maintenance of vehicles must occur within an enclosed building, except minor maintenance including tire inflation, adding oil, and wiper or battery replacement, glass repair or replacement, paintless dent repair and the like.
 - f. Outdoor Storage.** Outdoor storage of parts, materials, or equipment is prohibited except licensed vehicles awaiting repair or repaired vehicles awaiting pick up.
 - g. Public Address Systems.** Public address systems are prohibited.

- h. Test Driving.** Test driving of vehicles on local residential streets is prohibited.
- i. Vehicle Parking or Display.** Major vehicle repair and maintenance uses must designate on a site plan areas for required off-street parking including customer parking, storage of inoperable vehicles awaiting repair and repaired vehicles awaiting pick up. Such required off-street parking areas must comply with [102-960](#). Sites may not contain more vehicles than can be placed in accordance with these standards. Vehicles may not be positioned in any way to interfere with access to any parking, loading, maneuvering or pedestrian area.
- j. Painting.** All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation must thoroughly control the emission of fumes, dust, or other particulate matter in compliance with Minnesota Pollution Control Agency standards and applicable fire and building codes.

102-580 (o) WIRELESS COMMUNICATION FACILITIES

(1) Towers. Towers may be approved as a conditional use only in the I1 (Light Industrial) zone or on City-owned property and only if they comply with the wireless communications tower regulations of this subsection.

(2) Eligible Facilities Requests. The requirement for conditional use permit approval does not apply modifications to an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- a.** Co-location of new transmission equipment;
- b.** Removal of transmission equipment; or
- c.** Replacement of transmission equipment.
- d. Application Requirements.** The following are the application minimum application submittal requirements for tower requests:
 - 1.** A completed application including the following:
 - i.** Name, address, and telephone number of the applicant;
 - ii.** Name, address, and telephone number of the owners of the property on which the tower is proposed to be located;
 - iii.** Legal description of the parcel on which the tower is proposed to be located;

- iv.** Written evidence of approval, easement or license for the proposed tower from the property owners to the applicant;
- 2.** A surveyed site plan indicating the location, type and height of the proposed tower, the existing land uses and zoning of the subject parcel, all building uses within 300 feet of the proposed facility, adjacent roadways, proposed means of access, setbacks from property lines, drawings of the proposed tower showing elevation and other structures, topography, parking, and depicting the proposed tower design.
- 3.** Evidence demonstrating that the applicant has made written contact with all wireless service providers who supply service within a quarter mile of the proposed tower inquiring about potential collocation opportunities at all technically feasible locations. The contacted providers must respond in writing to the inquiry within 30 days. The applicant's letter as well as responses from contacted providers must be presented to the City as a means of demonstrating the need for a new tower.
- 4.** Documentation such as coverage maps showing the need for a tower at the proposed site in order to close a gap in the applicant's wireless telecommunication service or a gap in the service provided by a person intending to place wireless communications facilities on the tower.
- 5.** A structural engineering report certifying that the tower will have a wind load capability equaling three times the maximum wind load capacity necessary to support the first provider's wireless communications facilities, the ability of the tower to accommodate collocation totaling three wireless service providers wireless communications facilities and a statement by the applicant affirming its intent to accommodate the collocation of additional wireless communications facilities for future users.
- 6.** A landscape plan showing specific landscape material, method of fencing, finished color and, if applicable, the method of camouflage and lighting.
- 7.** Photographs taken from the periphery of the subject area from the north, south, east, and west of the proposed tower showing the proposed tower superimposed to show what will be seen after tower construction.

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8. The application fee established by City Council to cover the reasonable costs of application process and review (Note: The applicant must also reimburse the City for any technical reviews needed and/or legal counsel retained by the City).
9. Other information deemed by the planning department to be necessary.

(3) Performance Standards. The following are the minimum performance standards for associated antennas and equipment shelters:

- a. Security fencing at least 10 feet in height must surround the tower and equipment shelter, either completely or individually as determined by the City Council and approved in the site plan.
- b. Equipment shelters and structures accessory to a tower and antenna must be designed to blend in and be compatible with the surrounding environment and neighboring uses and to meet such setback requirements as are compatible with the actual placement of the tower. Ground-mounted equipment must be screened from view with suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. Equipment shelters must be placed underground if physically feasible.
- c. Existing vegetation (trees and shrubs) must be preserved to the maximum extent possible.
- d. The tower must be painted a non-contrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- e. The use of any portion of a tower for signs other than warning or equipment information is prohibited.
- f. Towers may be located closer to the property line of the parcel on which the tower is located than the height of the tower only if adjoining properties are used for a use that the City Council finds will not be affected by a tower collapse: (i.e., railroad right-of-way, lake, creek, unbuildable land).
- g. Towers must be built to structurally accommodate the maximum number of foreseeable uses technically practicable.
- h. No more than one tower is allowed per site.
- i. Towers must be designed to ensure that visual intrusiveness and impacts on nearby properties is mitigated to the greatest extent feasible.

- j. Towers must be designed and certified by an engineer to be structurally sound and in conformance with the Uniform Building Code, and any other standards set forth in this code.
- k. Towers may not be artificially illuminated except as required by the Federal Aviation Administration. If so required, lighting must be of a type, color, and intensity so as to minimize visual intrusiveness, particularly at night.
- l. Towers must be self-supporting without the use of guys, wires, cables, beams or other means. Towers must be a monopole design.

(4) Sole Use. Wireless communications facilities proposed as a sole use on any lot must comply with minimum lot area requirements for the subject zone and the following:

- a. The minimum distance from any tower to any N zone must be equal to the height of the tower plus 100 feet. Towers must be set back from any other zone a distance equal to the height of the tower plus 10 feet. Setbacks are measured from the base of the tower to the property line of the lot on which it is located.
- b. Equipment shelters must comply with the minimum setbacks for the subject zone.
- c. Maximum height limits are as follows:
 1. Tower: 75 feet measured from grade.
 2. Equipment shelter: 10 feet.
- d. Maximum size of equipment shelter: 200 square feet for a single shelter, or, if there is more than one, 400 total square feet. Equipment shelters must be placed under-ground if physically feasible.
- e. The wireless communications facility must be fully automated and unattended on a daily basis, and must be visited only for periodic and necessary maintenance (except during construction or an emergency).

(5) Combined with Another Use. Wireless communications facilities are permitted on a lot together with an existing use subject to the following conditions:

- a. The existing use on the lot may be any permitted use in the zone or any lawful nonconforming use, and need not be affiliated with the wireless telecommunications provider. The wireless communications facility will not be considered an addition to the structure or value of a non-conforming use.

- b. The wireless communications facility must be fully automated and unattended on a daily basis, and may be visited only for periodic and necessary maintenance (except during construction or an emergency).
- c. The minimum lot area must be adequate to accommodate the tower (and guy wires, if used), the equipment shelter, security fencing and buffer planting.
- d. The minimum distance from any tower to any N zone must be equal to the height of the tower plus 100 feet. Towers must be set back from any other zone a distance equal to the height of the tower plus 10 feet. Setbacks are measured from the base of the tower to the property line of the lot on which it is located.
- e. Equipment shelters must comply with the minimum setback requirements for zone.
- f. The service access to the equipment shelter must be provided along the circulation driveways of the existing use.
- g. Maximum height limits are as follows:
 - 1. Tower: 75 feet measured from grade.
 - 2. Equipment shelter: 10 feet.
- h. Maximum size of equipment shelter: 200 square feet for a single shelter, or if there is more than one, 400 square feet. Equipment shelters must be placed underground if physically feasible.
- i. All ground equipment must be housed within an existing structure whenever possible. If an equipment shelter is necessary, it must be situated as to be screened from view by landscaping.

(6) Wireless Telecommunications Antennas. Wireless telecommunications antennas attached to existing buildings or structures are permitted in Business, Institutional, Business Park, and Industrial zones. Wireless telecommunications antennas are not permitted in N zones. In applying for a building permit for a wireless telecommunications antenna, the applicant must present substantial evidence as to why it is not technically feasible to collocate. Once those efforts have been exhausted, a wireless telecommunications antenna may be located on an existing building or structure subject to the following conditions.

- a. Maximum height 20 feet above the existing building or structure.
- b. Wireless telecommunications antennas attached to a public facility, such as a water tower, must be integrated with the design, material, shape and color

of, and may not be visibly distinctive from, the public facility.

- c. If the applicant proposes to locate wireless communications facilities in an equipment shelter (not located in, attached to, or on top of the building), the shelter must comply with the following:
 - 1. The minimum setback requirements for the subject zone.
 - 2. Vehicular access to the shelter may not interfere with the parking or vehicular circulation on the site for the principal use.
 - 3. The maximum size of the equipment shelter may not exceed 200 square feet, or, if there is more than one, more than 400 square feet.
 - 4. Up to 4 providers may be allowed on an existing building or structure.
 - 5. Maximum height: 10 feet.
 - 6. Equipment shelters must be placed underground if physically feasible.

(7) Antennas in Residential Zones. Wireless communications facilities that include towers are not permitted in residential zones. Wireless telecommunications antennas are not permitted in N zones. Antennas attached to existing buildings or structures are permitted in NX zones. In applying for a building permit for a wireless telecommunications antenna in any NX zone, the applicant must present substantial evidence as to why it is not technically feasible to be located in a more appropriate mixed-use or nonresidential zone. Provided that is demonstrated, a wireless telecommunications antenna may be located in an NX zone subject to the following conditions:

- a. **Combined with a Nonresidential Use.** An antenna may be attached to a nonresidential building or a structure that is a permitted use in the zone, including, but not limited to a church, a municipal or governmental building or facility, and a building or structure owned by a utility. The following conditions must be met:
 - 1. Maximum height: 20 feet above the existing building or structure.
 - 2. If the applicant proposes to locate the wireless communications equipment in a separate equipment shelter, the equipment shelter must comply with the following:

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- i. The equipment shelter must comply with the minimum setback requirements for the subject zone.
- ii. The maximum size of the equipment shelter may not exceed 200 square feet, or if there is more than one, more than 400 total square feet.
- iii. Vehicular access to the equipment shelter may not interfere with the parking or vehicular circulation on the site for the principal.
- iv. The antenna must be fully automated and unattended on a daily basis, and may be visited only for periodic and necessary maintenance.
- v. Maximum height: Ten feet.
- vi. Equipment shelters must be placed underground if physically feasible.

b. Antennas Located on Residential or Mixed-Use Buildings. An antenna for a wireless communications facility may be attached to residential or mixed-use buildings subject to the following conditions:

1. Maximum height: 20 feet above the existing building.
2. If the applicant proposes to locate the wireless communications equipment in a separate equipment shelter (not located in, attached to, or on top of the building), the shelter equipment must comply with the following:
 - i. The equipment shelter must comply with the minimum setback requirements for the subject zone.
 - ii. The maximum size of the equipment shelter may not exceed 200 square feet, or if there is more than one, more than 400 total square feet.
 - iii. Vehicular access to the equipment shelter must, if all possible, use the existing circulation system.
 - iv. The antenna must be fully automated and unattended on a daily basis, and may be visited only for periodic and necessary maintenance.

- v. Up to four providers may be allowed on an existing building.
- vi. Maximum height: Ten feet.
- vii. Equipment shelters must be placed underground if physically feasible.

(8) Removal of Abandoned Antennas and Towers.

Abandoned or unused towers, antennas, and associated wireless communications facilities must be removed within ninety days of the cessation of operations of the wireless communications facility at the site unless an extension is approved by the City Council. Tower foundations must be removed to 18 inches below grade. Should the owner of any tower fail to remove the tower within 90 days of cessation of operation, such tower is declared to be a public nuisance and may be removed by the City, and the costs of removal, may be assessed against the lot on which the tower is located, pursuant to M.S.A. ch. 429 and the city code. The conditional use permit for any tower must establish an amount to be posted by bond, letter of credit, cash or equivalent by the applicant that will cover the projected cost of removal of towers, antennas, and equipment shelter/cabinet in the event of abandonment.

(9) Right-of-Way.

- a. **Placement.** Except by prior written approval of the City, no part of any tower or wireless communications facilities, nor any line, cable, equipment, accessory buildings, wires or braces may at any time extend across or over any part of the right-of-way, public street, highway, sidewalk or property line.
- b. **Height.** An antenna attached to an existing pole in the right-of-way cannot exceed a combined height of 40 feet.

(10) Structural Inspections. The City may conduct inspections at any time, upon reasonable notice to the property owner and the tower owner to inspect the tower for the purpose of determining if it complies with the Uniform Building Code and other construction standards provided by the city code, federal and state law. The City's expense related to such inspections will be borne by the tower owner or property owner. Based upon the results of an inspection, the building official may require repair, modification or removal of a tower.

(11) Radiation Emission Inspections. The owner of a tower or wireless communications facility must annually provide the City with current technical evidence of compliance with FCC (OET-65) radiation emission

requirements no later than December 31 of each calendar year.

(12) Maintenance. Towers and wireless communication facilities must be maintained in accordance with the following provisions:

- a. Tower owners must employ ordinary and reasonable care in construction and use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injuries, or nuisances to the public.
- b. Owners must install and maintain towers, wireless communications facilities, wires, cables, fixtures and other equipment in compliance with the requirements of the National Electrical Safety Code and all FCC, state, and local regulations, and in such a manner that they will not interfere with the use of other property.
- c. Towers, wireless communications facilities, and antenna support structures must be kept and maintained in good condition, order, and repair.
- d. Maintenance or construction on a tower, wireless communications facilities or antenna support structure must be performed by qualified maintenance and construction personnel.
- e. All users of any tower must comply with radio frequency emissions standards of the FCC (OET-65) and provide proof of compliance annually by written report certified by an engineer. If the permittee fails to submit timely proof of compliance annually, the City may retain its own engineer to test for compliance. The provider must reimburse the City for its costs in carrying out the tests.
- f. If the use of a tower is discontinued by the tower owner, the tower owner must provide written notice to the City of his intent to discontinue use and the date when the use will be discontinued.

(13) Failure To Comply; Permit Revocation.

- a. If the tower owner fails to comply with any provision of the city code, federal or state law, the applicable permit or conditional use permit requirements, the City may impose penalties for noncompliance, or it may revoke the conditional use permit in accordance with the following provisions.
- b. Except as provided in subsection (c) of this section, a conditional use permit revocation must be preceded by written notice to the permittee of the alleged violations, the opportunity to cure the violations during a period not to exceed 30 days following

receipt of the written notice and a hearing before the City Council at least 15 days after receiving written notice of the hearing. The hearing must provide the permittee with an opportunity to show cause why the conditional permit should not be revoked.

- c. If the City finds that exigent circumstances exist requiring immediate conditional use permit revocation, the City may revoke the permit and must provide a post-revocation hearing at least 15 days after permittee's receipt of written notice of the hearing.
- d. Any decision to revoke must be in writing and supported by substantial evidence contained in a written record.

(14) Insurance. The tower owner must provide evidence satisfactory to the City that its tower and wireless communication facilities thereon are adequately insured for injury and property damage. Upon request, the holder of a conditional use permit issued under this article must submit to the zoning administrator a photocopy of a certificate of insurance showing that the tower or wireless communications facility is insured for that calendar year.

(15) Variances.

- a. Variances from the wireless communications facilities regulations in this section may be granted by the City Council only as provided below:
 1. A variance may be granted if the applicant shows by clear and convincing evidence that the applicant, its tenants cannot meet reasonable service quality needs of wireless telecommunications users in the City without a variance from the requirements of this article.
 2. If the applicant makes the showing required by subsection (a)(1) of this section, the applicant must demonstrate and the City Council must consider the following additional factors in determining whether to grant a variance:
 - i. Whether there are exceptional or unique circumstances that apply to the property because of lot size or shape, or topography, or other circumstances over which the owners of the property have no control;
 - ii. Whether special conditions or circumstances exist that were not created by the applicant or the owner of the property or their predecessors;

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- iii. Whether the variance would be detrimental to the public or to the owners of other property in the vicinity; and
- iv. Whether the variance requested is the minimum variance that would alleviate the hardship.

b. A variance may be granted only in instances where the strict enforcement of the wireless communications facilities regulations in this section would cause undue hardship or a determination is made that denial of a variance under the facts presented would be contrary to law. Economic consideration alone does not constitute an undue hardship if reasonable use of the property exists under the terms of this code.

102-580 (p) CANNABIS BUSINESS USES

(1) **Cannabis and Hemp Retail.** Cannabis and Hemp Retail uses are subject to the following supplemental use regulations:

- a. Setbacks as established in City Code, section 10-653.
- b. Retailers are permitted to erect up to two fixed signs on the exterior of the building or property of the business, in compliance with the regulations of Article 10.
- c. Accessory Delivery of cannabis and cannabis products is allowed provided the business is licensed for such activity.
- d. An Accessory Lounge is allowed for a cannabis microbusiness business with an on-site consumption endorsement. An Accessory Lounge means a portion of the premise for consumption of edible cannabis products and lower-potency hemp edibles.
- e. Requirements established in City Code, Chapter 11, Article XVIII.

(2) **Cannabis Cultivation.** Cannabis cultivation uses are subject to the following supplemental use regulations:

- a. Submittal of a required cultivation plan and operation plan prior to commencement of activities.
- b. Artificial lighting utilized as part of the cultivation process shall not be illuminated in a manner that is visible from neighboring properties between sunset and sunrise.
- c. The facility shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold.

d. Disposal of waste must meet all State and Federal guidelines. Waste must be maintained in a secure location until removed from the location.

(3) **Cannabis and Hemp Manufacturing.** Large-Scale and Small-Scale Cannabis and Hemp Manufacturing uses are subject to the following supplemental use regulations:

- a. Submittal of a required manufacturing plan prior to commencement of activities.
- b. All operations of the business shall take place within an enclosed building. No exterior storage is allowed.
- c. The facility shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold.
- d. Disposal of waste must meet all State and Federal guidelines. Waste must be maintained in a secure location until removed from the location.

102-590 Performance Standards

The performance standards of this section apply to all uses.

102-590 (a) NOISE

Noises emanating from any use must comply with standards of the state pollution control agency. The City may also limit the hours of operation of outdoor noise if it is deemed necessary to reduce impact on surrounding areas.

102-590 (b) VIBRATION

Any use established or remodeled must be operated so as to prevent vibration discernible at any point beyond the lot line of the site upon which such use is located. Ground vibration and noise caused by motor vehicles, trains, or temporary construction or demolition are exempt from these regulations. However, the City may establish limits on the hours of operation of temporary construction or demolition operation to limit off-site impacts.

102-590 (c) SMOKE AND PARTICULATE MATTER

Uses may not produce or emit smoke, dust or particulate matter exceeding applicable regulations established by the state pollution control agency.

102-590 (d) RADIATION

No operation may be conducted that exceeds applicable regulations established by the state pollution control agency.

102-590 (e) TOXIC OR NOXIOUS MATTER

No use or operation may be conducted in a manner that emits concentrations of toxic or noxious matter across the subject property line in excess of applicable regulations established by the state pollution control agency.

102-590 (f) ELECTROMAGNETIC INTERFERENCE

Uses may not produce electromagnetic interference with normal radio or television reception in any N zone, or exceed limits established by any applicable federal or state regulations.

102-590 (g) ODORS

Uses may not produce unreasonable or disturbing odors beyond the property line exceeding applicable regulation established by the state pollution control agency.

102-590 (h) GLARE OR HEAT

Use may not produce any unreasonable, disturbing or unnecessary emission of heat or humidity beyond the property line which cause material distress, discomfort or injury to persons of ordinary sensitivity.

102-590 (i) EXPLOSIVES

All uses are subject to the fire prevention code of the City.

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Article 6 Accessory Uses and Structures
102-610 General

102-610 General

102-610 (a) USES AND STRUCTURES AUTHORIZED

Accessory uses and structures are allowed only in connection with lawfully established principal uses and principal structures. Allowed accessory uses and structures are limited to those expressly identified in this code as well as those that, in the determination of the zoning administrator, satisfy all of the following criteria:

- (1) They are customarily found in conjunction with the subject principal use and structure;
- (2) They are subordinate and clearly incidental to the principal use of the property;
- (3) They are operated and maintained by the owners or lessees of the principal use; and
- (4) They serve a necessary function for or contribute to the comfort, safety or convenience of the owners or lessees of the principal use.

102-610 (b) GENERALLY APPLICABLE REGULATIONS

The regulations of this section apply to all accessory uses and structures unless express provisions of this code establish more specific regulations for a particular type of accessory use or accessory structure.

- (1) **Location.** Accessory uses and structures must be located on the same lot as the principal use and principal structure to which they are accessory.
- (2) **Time of Establishment.** No accessory building or structure other than a fence or temporary construction office or may be placed on a lot before construction of the principal building.
- (3) **Size and Number of Buildings.**
 - a. **N1 Zone.** No more than 3 accessory buildings may be located on a single lot in an N1 zone. The total aggregate ground coverage (footprint) of all such accessory buildings may not exceed 1,400 square feet, and no single building may exceed a footprint of 1,000 square feet.
 - b. **N2 and N3 Zones.** No more than 2 accessory buildings may be located on a single lot in any N2 or N3 zone. The total aggregate ground coverage (footprint) of all such accessory buildings may not exceed 1,000 square feet.
 - c. **NX Zones.** In NX zones, the total aggregate ground coverage (footprint) of all accessory buildings may not exceed 528 square feet per dwelling unit, except lots with one (principal) house occupied by one household are subject to b above.

- (4) **Building Setbacks.** The accessory structure tables for each building type (see [Article 2](#) and [Article 3](#)) establish siting and setback regulations for accessory buildings.
- (5) **Design.** Accessory buildings with a building footprint of 200 square feet or more must be substantially similar to the principle building on the lot in terms of roof form, building materials, and overall appearance.

102-620 Backyard Cottages

102-620 (a) APPLICABILITY

The regulations of this section apply to backyard cottages.

102-620 (b) DESCRIPTION

Backyard cottages are small, habitable accessory buildings located on the same lot as a house building type. Backyard cottages are not contained in or attached to the principal building. See the secondary suite regulations for information regarding accessory dwelling units that are contained within the principal building (house).

102-620 (c) PURPOSE

The backyard cottage regulations of this section are intended to help advance the City's housing and planning policies by:

- (1) Accommodating additional housing units while at the same time preserving the physical form of existing neighborhoods;
- (2) Allowing efficient use of the City's existing housing stock and infrastructure;
- (3) Providing housing options and choices that respond to varying income levels, ages, household sizes, and lifestyle choices;
- (4) Providing a means for older residents to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance; and
- (5) Promoting a broader range of accessible and more affordable housing.

102-620 (d) WHERE ALLOWED

The table of regulations for each building type identified in [Article 2](#) and [Article 3](#) indicate the zones in which backyard cottages are allowed.

102-620 (e) ALLOWED USE

Backyard cottages may be occupied only by accessory dwelling units.

102-620 (f) NUMBER

No more than one backyard cottage is permitted on a single lot. Backyard cottages are not permitted on lots occupied by a secondary suite (see [102-640](#)).

102-620 (g) HOUSEHOLD SIZE

The total number of residents that reside in the backyard cottage and the principal building combined, may not exceed the number permitted for a household, plus 2.

102-620 (h) SITING ON LOT

The accessory structure tables for each building type (see [Article 2](#) and [Article 3](#)) establish siting and setback regulations for backyard cottages. In addition, backyard cottages must be separated from the principal building by a minimum distance of 15 feet.

102-620 (i) HEIGHT

- (1) Backyard cottages may not exceed 1.5 stories in height.
- (2) Floor-to-floor height regulations applicable to the principal building on the lot apply to backyard cottages.

102-620 (j) SIZE AND FLOOR AREA

The floor area of a backyard cottage may not exceed 800 square feet. Note: Lot coverage limitations for the subject zone and principal building type may further limit the size of a backyard cottage.

102-620 (k) PARKING

No additional parking is required for a backyard cottage, but all off-street parking requirements for the principal dwelling must continue to be met.

102-620 (l) DESIGN

The design regulations of this subsection apply to all newly constructed backyard cottages.

- (1) **Exterior Finish Materials.** The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the principal building on the lot.
- (2) **Roof Pitch.** The roof pitch must substantially similar as the predominant roof pitch of the principal building on the lot.
- (3) **Trim.** Type, size and location of trim elements must be the same or visually match those of the principal building on the lot.
- (4) **Entrances.** Entrances to backyard cottages may not face the nearest side or rear lot line of the subject lot unless there is an alley abutting that lot line.

102-620 (m) UTILITIES

All water and wastewater service for a backyard cottage must be tied to the principal building on the lot. Separate water and wastewater connections serving backyard cottages are prohibited.

102-620 (n) OWNER OCCUPANCY AND RENTAL

- (1) In all N1 and N2 zones, at least one of the dwelling units on a lot occupied by a backyard cottage must be occupied by an owner with at least a 50% interest in the subject lot. The owner must occupy either the principal dwelling unit or the accessory dwelling unit as their permanent residence for a majority of the days each calendar year.
- (2) Backyard cottages may not be used as short-term rentals and may not be rented for periods of less than 31 consecutive days.

102-620 (o) DEED RESTRICTION

Before issuance of a permit to establish a backyard cottage in any N1 or N2 zone, the owner of the subject lot must file an affidavit with the zoning administrator and record a deed restriction stating that the owners of the subject property agree to (1) comply with the owner occupancy, rental and other applicable restrictions of this code; and (2) notify all prospective purchasers of such requirements. The deed restriction runs with the land is binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The affidavit and deed restriction must be in a form prescribed by the zoning administrator.

102-620 (p) BUILDING PERMIT APPROVAL

Before the issuance of a building permit for the construction of any new backyard cottage, plans must be reviewed and approved by the building official to determine compliance with all applicable building and life safety codes.

102-620 (q) SALE OF BACKYARD COTTAGE

Backyard cottages may not be sold separately from the principal detached house and lots may not be divided so that a backyard cottage is located on its own lot or a separate tax parcel.

102-630 Outbuildings

102-630 (a) APPLICABILITY

The regulations of this section apply to completely enclosed accessory buildings, other than backyard cottages, that are detached from the principal building. Typical outbuildings include detached garages and carports, sheds, barns, workshops, and greenhouses. Note: Parking garages with more than one level or floor of parking are considered and regulated as "parking structures" (see [102-690](#)).

102-630 (b) BUILDING TYPE REGULATIONS

The accessory structure tables for each building type identify the zones in which outbuildings are allowed.

102-640 Secondary Suites

102-630 (c) ALLOWED USE

Outbuildings may be occupied by any allowed accessory use other than an accessory dwelling unit.

102-630 (d) HEIGHT

Outbuildings may not exceed 1.5 stories in height.

- (1) Floor-to-floor height regulations applicable to the principal building on the lot apply to backyard cottages.

102-630 (e) LOCATION

The accessory structure tables for each building type establish siting and setback regulations for outbuildings (see [Article 2](#) and [Article 3](#)).

102-630 (f) UTILITIES

Any water or wastewater service for an outbuilding must be tied to the principal building on the lot. Separate water and wastewater connections serving outbuildings are prohibited.

102-640 Secondary Suites

102-640 (a) APPLICABILITY

The regulations of this section govern all secondary suites.

102-640 (b) DESCRIPTION

Secondary suites are accessory dwelling units contained wholly within a (traditional or suburban) house building type.

102-640 (c) PURPOSE

The secondary suite regulations of this section are intended to help advance the City's housing and planning policies by:

- (1) Accommodating additional housing units while at the same time preserving the physical form of existing neighborhoods;
- (2) Allowing efficient use of the City's existing housing stock and infrastructure;
- (3) Providing housing options and choices that respond to varying income levels, ages, household sizes, and lifestyle choices;
- (4) Providing a means for older residents to remain in their homes and neighborhoods, and obtain extra income, security, companionship and assistance; and
- (5) Promoting a broader range of accessible and more affordable housing.

102-640 (d) METHODS OF CREATION

A secondary suite may be created through any of the following methods:

- (1) Converting existing floor area within the interior of a house (e.g., attic or basement) into an secondary suite;

- (2) Adding floor area to an existing house building type to accommodate an secondary suite; or
- (3) Constructing a new house with that contains an internal secondary suite.

102-640 (e) WHERE ALLOWED

Secondary suites are permitted by right only on lots occupied by a house building type containing a single principal dwelling unit.

102-640 (f) NUMBER

No more than one secondary suite is permitted on a single lot. Secondary suites are not permitted on lots occupied by a backyard cottage (see [102-620](#)).

102-640 (g) HOUSEHOLD SIZE

The total number of residents that reside in the secondary suite and the principal dwelling unit combined, may not exceed the number permitted for a household, plus 2.

102-640 (h) FLOOR AREA

The floor area of a secondary suite may not exceed 800 square feet.

102-640 (i) PARKING

No additional parking is required for a secondary suite, but all off-street parking requirements for the principal dwelling unit must continue to be met.

102-640 (j) DESIGN

Only one entrance to a principal building containing a secondary suite may be located on a façade that faces a street, unless the principal building contained an additional street-facing entrance before the secondary suite was created.

102-640 (k) OWNER OCCUPANCY AND RENTAL

- (1) In all N1 and N2 zones, at least one of the dwelling units on a lot occupied by a secondary suite must be occupied by an owner with at least a 50% interest in the subject lot. The owner must occupy either the principal dwelling unit or the secondary suite as their permanent residence for a majority of the days each calendar year.
- (2) Secondary suites may not be used as short-term rentals and may not be rented for periods of less than 31 consecutive days.

102-640 (l) DEED RESTRICTION

Before issuance of a permit to establish a secondary suite in any N1 or N2 zone, the owner of the subject lot must file an affidavit with the zoning administrator and record a deed restriction stating that the owners of the subject property agree to (1) comply with the owner occupancy, rental and other applicable restrictions of this code; and (2) notify all prospective purchasers of such requirements. The deed

restriction runs with the land is binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The affidavit and deed restriction must be in a form prescribed by the zoning administrator.

102-640 (m) BUILDING PERMIT APPROVAL

Before the issuance of a building permit for the construction of any new secondary suite, plans must be reviewed and approved by the building official to determine compliance with all applicable building and life safety codes.

102-650 Home Occupations

102-650 (a) APPLICABILITY

The regulations of this section apply to home occupations, which are jobs or professions conducted as an accessory use to an allowed household living use.

102-650 (b) PURPOSE

The home occupation regulations of this section are intended to allow residents to engage in customary home-based work activities, while also helping to ensure that neighbors are not subjected to adverse operational and land use impacts (e.g., noise levels, traffic patterns or public safety hazards) that are not typical of residential neighborhoods.

102-650 (c) TYPES OF HOME OCCUPATIONS

These regulations establish 2 types of home occupations: home offices and home-based businesses.

(1) Home Offices. Home offices are home occupations in which household residents use their home as a place of work, with no employees, customers or clients coming to the site. Typical examples include telecommuting office workers, writers, consultants, and artists.

(2) Home-Based Businesses. Home-based businesses are home occupations in which household residents use their home as a place of work and in which either employees or customers come to the site. Typical examples include tutors, teachers, barbers, stylists, photographers, counselors and real estate agents.

102-650 (d) EXEMPTIONS

Nonresidential uses that are expressly allowed in conjunction with residential uses (e.g., bed and breakfast inns and home-based day care uses) are not subject to home occupation regulations.

102-650 (e) ALLOWED USES

The home occupation regulations of this section establish performance standards for all home occupations rather than listing specific uses and activities allowed to be conducted as part of a home occupation.

102-650 (f) PROHIBITED USES

The following uses are expressly prohibited as home occupations:

- (1)** Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
- (2)** Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
- (3)** Equipment or supply rental businesses;
- (4)** Firearms and ammunition sales;
- (5)** Adult-oriented businesses (as defined in Sec. 10-495(b) of the Hopkins City Code);
- (6)** Taxi, limo, van or bus services;
- (7)** Tow-truck services;
- (8)** Restaurants;
- (9)** Funeral or interment services;
- (10)** Animal care, shelter or boarding establishments;
- (11)** Commercial food preparation;
- (12)** Massage therapy;
- (13)** Cannabis and hemp businesses
- (14)** Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and
- (15)** Any home-based work activity that does not comply with regulations of this section.

102-650 (g) HOME OFFICES

Home offices are allowed as of right as an accessory use to a principal use in the household living use category. Home offices are subject to the following regulations:

- (1)** Home offices must be accessory and subordinate to the principal residential use of the property.
- (2)** No clients, customers, patients, or students are allowed in conjunction with a home office.
- (3)** Only residents of the dwelling in which the home office is located may be engaged in a home office use. No nonresident owners, employees or contractors may be present on the property.
- (4)** Home offices that change the physical form of the residential building they occupy or that adversely affect the surrounding neighborhood are prohibited. Home offices may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential neighborhood. Home

102-650 Home Occupations

offices must be operated so as not to create or cause a nuisance.

- (5) External structural alterations or site improvements that change the residential character of the lot upon which a home office is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets or the exterior display of signs.
- (6) No outdoor display of any material or merchandise is allowed in conjunction with a home office.
- (7) Home offices and all related activities must be conducted entirely within the principal residential building or an allowed accessory structure.
- (8) Deliveries or pickups of supplies or products associated with a home office are allowed only between 8:00 a.m. and 8:00 p.m. Vehicles used for delivery and pickup are limited to those normally serving residential neighborhoods.
- (9) More than one home office is allowed, but the home office regulations of this section apply to the combined home office uses.

102-650 (h) HOME-BASED BUSINESSES

Home-based businesses are allowed as an accessory use to a principal use in the household living use category. Home-based businesses are subject to the following regulations.

- (1) Home-based businesses require approval of a home occupation permit. Home occupation permits may be revoked for uncorrected violations of applicable regulations.
- (2) Home-based businesses must be accessory and subordinate to the principal residential use of the property and may not occupy more than 49% of the gross floor area of the principal building, whether the home-based business is located in the principal residential building, an accessory building, or both.
- (3) At least one individual engaged in the home-based business must reside in the dwelling unit in which the home-based business is located as their primary place of residence.
- (4) Customers or clients may visit the site only from 8:00 a.m. to 8:00 p.m. No more than 2 clients or customers may be present at any one time, except that up to 3 students may be present at one time in a teaching-related home occupation (e.g., tutor or music/dance instructor).
- (5) A maximum of 2 nonresident employees are allowed with a home-based business if the business does not serve customers or clients on site. Home-based

businesses that serve customers or clients on site may not have nonresident employees. For the purpose of this provision, the term “nonresident employee” includes an employee, contractor, business partner, co-owner or any other person affiliated with the home-based business, who does not live at the site, but who visits the site as part of the home-based business.

- (6) Face-to-face or walk-in retail sales activities are prohibited as a principal home-based business activity. Any face-to-face or walk-in retail sales of goods must be entirely accessory to any services provided on the site. This retail sales restriction is not intended to prohibit on-line retail sales.
- (7) Home-based businesses that change the physical form of the residential building they occupy or that adversely affect the surrounding neighborhood are prohibited. Home-based businesses may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential neighborhood. Home-based businesses must be operated so as not to create or cause a nuisance.
- (8) External structural alterations or site improvements that change the physical residential form of the lot upon which a home-based business is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets or the exterior display of signs.
- (9) Any tools or equipment used as part of a home-based business must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
- (10) Home-based businesses and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory structure.
- (11) Deliveries or pickups of supplies or products associated with a home office are allowed only between 8:00 a.m. and 8:00 p.m. Vehicles used for delivery and pickup are limited to those normally serving residential neighborhoods.
- (12) No more than one home-based business is allowed on a single property, and a home-based business may not be conducted on a lot occupied by an accessory dwelling unit.

102-660 Fences

102-660 (a) PERMITS

- (1) Except as otherwise expressly stated in this section, a fence permit must be obtained before any fence is erected. Fence permit applications must be filed with the zoning administrator.
- (2) Temporary or seasonal fences (such as snow fences, erosion control fences, and fences to protect newly seeded areas) are allowed without a fence permit provided that:
 - a. No such fence may be left in place for more than 6 months without written City approval; and
 - b. Any such fence must be removed within 15 days of the City providing written notice to the landowner that the City has determined the fence no longer serves its originally intended, temporary or seasonal purpose.

102-660 (b) LOCATION

- (1) Boundary line fences must be located entirely upon the private property of the person constructing or causing the construction of such fence.
- (2) Fences must be set back a minimum 7 feet from any lot line abutting an alley.
- (3) The zoning administrator is authorized to require that any applicant for a fence permit or any property owner with an existing fence to establish the boundary lines of their property by means of a property survey produced by a registered land surveyor.
- (4) Fences located in recorded easements are at the sole responsibility and risk of the subject property owner, and the cost of any removal, relocation, or replacement caused by any activity permitted in the recorded easement is the sole responsibility of the property owner.

102-660 (c) CONSTRUCTION AND MAINTENANCE

- (1) All fences must be constructed in a substantial, workmanlike manner of substantial material widely accepted in the fencing industry and reasonably suitable for the purpose for which the fence is intended. No plywood boards, canvas, plastic sheeting, metal sheeting or similar materials may be used for any fence construction.
- (2) Link fences must be installed so that the barbed end is at the bottom of the fence and the knuckle end is at the top thereof Link fences must be constructed so that no barbed ends are exposed at the top of the fence. The finished side of all fences (i.e. the side of the fence without posts or visual structural support elements) must face outward toward the abutting lot or right-of-way.

- (3) All fences must be maintained in a condition of reasonable repair and may not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.

102-660 (d) NUISANCES

Any fence that is, or has become dangerous to the public safety, health or welfare, is a public nuisance. The zoning administrator is authorized to commence proper proceedings for the abatement such a nuisance.

102-660 (e) BARBED WIRE OR ELECTRIC FENCE

- (1) Electric boundary fences are prohibited in the City.
- (2) Barbed wire fences are permitted only in I zones.

102-660 (f) FENCES IN N AND NX ZONES

- (1) **Height.** The maximum allowed height of a fence in an N or NX zone depends on the fence's location in relationship to the front of the existing principal building, excluding porches or entry features. Fences located between the front of the principal building and the front property line may not exceed 4 feet in height subject to [102-810 \(b\)](#). Fences located between the front of the principal building and the rear property line may not exceed 6 feet in height. Fences enclosing swimming pools must have a minimum height of 4 feet.
- (2) **Opacity.** Any fence along the side of an N- or NX-zoned lot abutting a state or county road may be 100% opaque. In all other cases, fences up to 4 feet in height in N or NX zones may be 100 percent opaque. Fences greater than 4 feet in height in N or NX zones may not exceed 75% opacity, leaving at least 25% of the fence open. The opacity of a fence is determined by calculating the average openness from the top to the bottom of the fence structure over a distance of 50 feet.

102-660 (g) FENCES IN MX, RX, AND IX ZONES

Boundary line fences in MX, RX, and IX zones may not exceed 6 feet in height. Fences up to 8 feet in height may be approved as a conditional use in MX, RX, and IX zones for:

- (1) Approved or nonconforming open sales lots;
- (2) Commercial or industrial operations that require the storage of equipment outside an enclosed building;
- (3) Sites that pose a danger to the public; and
- (4) Uses that are an attractive nuisance.

102-660 (h) FENCES IN I ZONES

Boundary line fences in I zones may not exceed 8 feet in height except that:

- (1) Fences in I zones that are erected primarily as a security measure may have arms projecting toward

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the applicant's property on which barbed wire can be fastened commencing at a point at least 7 feet above the ground; and

- (2) A fence located in the front yard of premises in an I zone must comply with the setback requirements for principal buildings in the subject zone. The setback area must be landscaped in accordance with a plan approved by the City.

102-660 (i) FENCES IN P ZONES

Boundary line fences in P zones may not exceed 4 feet in height except that, fences adjacent to parking lots may be up to 6 feet in height.

102-660 (j) SPECIAL PURPOSE FENCES

Fences for special purposes and fences differing in construction, height or length may be approved through the conditional use procedures of [102-1390](#) upon a determination that such alternative fence is necessary to protect, buffer or improve the subject property. The conditional use permit must stipulate and provide for the allowed height, location, construction and type of fence.

102-670 Garage Sales

A maximum of 2 garage sales events may be conducted on any lot in N and NX zones per calendar year. Such sales events may not exceed 3 days in duration.

102-680 Vehicles and Equipment

- (1) A maximum of one non-passenger vehicle or one building for winter ice fishing may be parked or stored outside of a building in an N or NX zone, provided that such vehicle or building:
 - a. Does not exceed 22 feet in length;
 - b. Does not occupy a required parking space; and
 - c. Is not located in a street yard, except that a boat may be parked in driveway from May 1 to October 31.
- (2) A maximum of one non-passenger vehicle over 22 feet in length may be parked or stored outside of a building in an N or NX zone. This non-passenger vehicle must be set back at least 5 feet from interior side and rear lot lines and surrounded by a fence and shrubs or trees that will, upon maturity, provide complete visual screening of the vehicle when viewed from abutting lots and rights-of-way.
- (3) Any other provisions of this section notwithstanding, recreational vehicles may be parked on a driveway for up to 48 hours for loading, unloading or routine maintenance purposes. All loading, unloading and

maintenance activities must occur in a driveway, not the street.

102-690 Parking Structures

102-690 (a) APPLICABILITY

The regulations of this section apply to stand-alone, accessory structures occupied by decked, multi-level motor vehicle parking.

102-690 (b) BUILDING TYPE REGULATIONS

The accessory structure tables for each building type identify which zones allow accessory parking structures.

102-690 (c) LOCATION

Accessory parking structures must be located in the rear yard and be screened from view of any primary street by the principal building. Parking structures on lots with multiple primary street frontages must be screened from view of all primary streets.

102-690 (d) ADDITIONAL REGULATIONS

- (1) **Setbacks.** Parking structures may not be located closer to any street or interior side lot line than the principal structure.
- (2) **Height.** The overall height of a parking structure must be at least one story lower than the tallest principal structure.
- (3) **Facade Design.** On non-primary street frontages, accessory parking structures must meet the facade regulations of a principal parking structure (See [102-750 \(n\)](#)).

102-6100 Drive-Through Facility

102-6100 (a) APPLICABILITY

The regulations of this section govern accessory drive-through facilities, which are structures or portions of a building that permit customers to purchase goods or receive services while remaining in their motor vehicle.

102-6100 (b) BUILDING TYPE REGULATIONS

The accessory structure tables for each building type identify the zones in which drive-through facilities are allowed.

102-6100 (c) LOCATION

The drive-through facility must be located in the rear yard or be attached to the rear of the building and be completely fully screened from view of the primary street by the principal building, except in the MX2 zone. In the MX2 zone drive-through facilities may be located on any non-street-facing side of the building.

102-6100 (d) ADDITIONAL REGULATIONS

- (1) **Vehicle Stacking.** Vehicle stacking lanes must be located in the rear yard or the interior side yard.
- (2) **Accessory Structures/Signs.** The menu board and speaker must be located in the rear yard or the interior side yard.
- (3) **Rear Buffer.** When a drive-through facility is located on a lot that abuts an N zone to the rear, the drive-through facility, including the window, any canopy, and any stacking area for vehicles, must be set back at least 50 feet from the rear lot line.
- (4) **Structure.** Drive-through canopies and roofs must match the roof of the principal building. Materials used for the drive-through supports or other features must be repeated from the principal building design.
- (5) **Lighting.** See [102-8150](#).

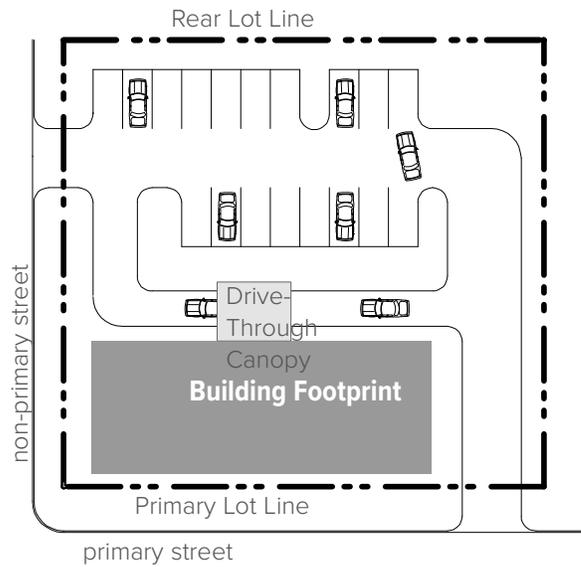


Figure 6-A. Drive-Through Facility

102-6110 Fuel Pumps

102-6110 (a) APPLICABILITY

The regulations of this section apply to motor vehicle fuel pumps and canopies. They do not apply to electric vehicle charging equipment.

102-6110 (b) WHERE ALLOWED

The accessory structure tables for each building type identify the zones in which fuel pumps are allowed.

102-6110 (c) PRINCIPAL BUILDING

Fuel pumps must be accessory to a principal building, a building type allowed in the subject zone. Fuel pumps on sites without a principal building may be approved in accordance with the conditional use approval procedures of [102-1390](#).

102-6110 (d) ADDITIONAL REGULATIONS

- (1) **Height.** Fuel pump canopies may not exceed 18 feet in height.
- (2) **Materials.** The roof of the canopy must match the principal building in type and material. Columns and supports must be clad in a major material used on the principal building facade.
- (3) **Lighting.** See [102-8150](#).
- (4) **Car Wash Facility.** Accessory car wash facilities are considered and regulated as outbuildings (see [102-630](#)).

102-6120 Electric Vehicle Charging

102-6120 (a) GENERAL

- (1) Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses in all zones.
- (2) Public EV charging stations are permitted as accessory uses to allowed nonresidential uses in all zones.
- (3) See the regulations of electric vehicle supply equipment requirements.

102-6120 (b) PARKING

- (1) Electric vehicle charging stations may be counted toward satisfying minimum off-street parking requirements.
- (2) Public electric vehicle charging stations must be reserved for parking and charging electric vehicles. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other motor vehicle.

102-6120 (c) EQUIPMENT

Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.

102-6120 (d) POSTED INFORMATION

- (1) Information must be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
- (2) Public electric vehicle charging stations must be posted with signs indicating that the space is reserved for

102-970 Accessory Uses and Structures
102-6130 Small Wind Energy Systems

electric vehicle charging purposes only. For purposes of this provision, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.

102-6120 (e) MAINTENANCE

Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number or other contact information must be provided on the equipment for reporting when it is not

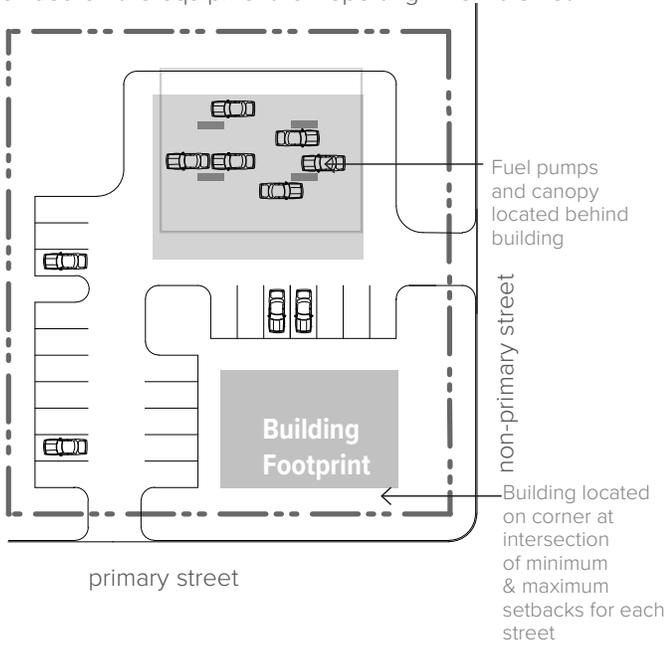


Figure 6-B. Fuel Station

functioning or other problems are encountered.

102-6130 Small Wind Energy Systems

102-6130 (a) APPLICABILITY

The regulations of this section govern accessory small wind energy systems.

102-6130 (b) WHERE ALLOWED

- (1) One small wind energy system is permitted per lot as an accessory use to a lawfully established principal use in all zones, provided that such systems comply with all applicable requirements of this section.
- (2) Up to 3 small wind energy systems may be allowed on a single lot if the lot is more than one acre in area and the systems are approved in accordance with the conditional use procedures of [102-1390](#).

102-6130 (c) HEIGHT

- (1) The maximum allowed height of a small wind energy system, measured as the distance from ground level at the base of the structure to the highest point of the structure, varies based on the size of the lot on which the system is located, as indicated in [Table 6-1](#). These regulations apply whether the system is ground-mounted or building-mounted.

Table 6-1. Wind Energy Systems Height

LOT AREA (SQ. FT)	MAXIMUM HEIGHT
10,000 or less	35
10,001 to 43,560	45
More than 43,560	65

- (2) The lowest point of any moving elements, such as blades or vanes, must be at least 10 feet above the ground level immediately beneath the moving element.

102-6130 (d) SITING

Small wind energy systems are subject to the setback regulations that apply to principal buildings. In addition, systems must be set back from all property lines by a distance at least equal to 110% of the overall height of the system, measured from grade at the base of the structure to the highest point of the system structure, which includes the tip of the top blade when the blade is in its highest position.

102-6130 (e) DESIGN AND OPERATION

All small wind energy systems must be equipped with manual and automatic over-speed controls to limit the blade rotation speed to within the design limits of the system.

- (1) The rotating turbine may not produce vibrations that are perceptible to humans standing at ground level outside the property lines of the subject lot.
- (2) Operational noise of a small wind energy system may not exceed 60 db(A) at the nearest property line except

during short-term high wind speed events such as storms.

- (3) Lattice-type towers and towers using guy wires are prohibited.
- (4) All power transmission and telemetry lines from a ground-mounted small wind energy system to any building or other structure must be placed underground.
- (5) Towers, rotors and turbines may not be illuminated unless required by a state or federal agency, such as the FAA.
- (6) All structures and equipment must maintain factory colors or be finished in a non-reflective, matte finished, neutral color.
- (7) No commercial messages may be placed or painted on the tower, rotor, turbine, generator or tail vane that is legible from off-site. This provision is not intended to prohibit warning signs or manufacturer's logos.
- (8) All climbing pegs, ladders and similar apparatus on ground-mounted small wind energy systems must be located at least 12 feet above the ground at the base of the structure.

102-6140 Solar Energy Systems

102-6140 (a) PURPOSE AND INTENT

It is the goal of the City Council, as expressed in the comprehensive plan, for Hopkins to become a more sustainable community by encouraging activities that conserve energy and result in less/no pollution. In accordance with this objective, the City finds that it is in the public interest to encourage the safe, effective and efficient use of alternative energy systems that have a positive impact on energy production and conservation while not having an adverse impact on the community. Therefore, the purposes of this section include:

- (1) Implement the solar resource protection element required under the Metropolitan Land Planning Act by promoting rather than restrict development of alternative energy sources, removing regulatory barriers and creating a clear regulatory path for approving alternative energy systems.
- (2) To create a livable community where development incorporates sustainable design elements such as resource and energy conservation and use of renewable energy.
- (3) Protect and enhance the environment, limit the effects of climate change and decrease the use of fossil fuels.
- (4) To encourage alternative energy development in locations where the technology is viable and

environmental, economic and social impacts can be mitigated.

- (5) Support additional energy choice for consumers and promote competition in the electricity and natural gas supply market.

102-6140 (b) ALLOWABLE USES

Solar energy systems shall be allowed as an accessory use in various zones throughout the City as prescribed below. Solar farms or solar gardens require conditional use permit approval.

- (1) Roof mounted solar energy systems are a permitted accessory use in all zones.
- (2) Roof mounted solar energy systems part of a Solar Garden are a permitted accessory use in all non-residential zones.
- (3) Ground mounted solar energy systems part of solar farms or solar gardens are a conditional accessory uses in the CLR zone, subject to:
 - a. Conformance with the standards of the CLR zone.
 - b. **Stormwater.** Solar farms are subject to the City's stormwater management and erosion and sediment control provisions and National Pollutant Discharge Elimination System (NPDES) permit requirements.
 - c. **Ground Cover and Buffer Areas.** The following provisions shall be met related to the clearing of existing vegetation and establishment of vegetated ground cover. Additional requirements may apply as required by the City.
 1. The project site design shall include the installation and establishment of ground cover meeting the beneficial habitat standard consistent with M.S.A. § 216B.1642, or successor statutes and guidance as set by the Minnesota Board of Water and Soil Resources.
 2. Beneficial habitat standards shall be maintained on the site for the duration of operation, until the site is decommissioned.
 3. The applicant shall submit a financial guarantee in the form of a letter of credit, or other form acceptable to the City attorney equal to 125 percent of the costs to meet the beneficial habitat standard. The financial guarantee shall remain in effect until vegetation is sufficiently established.
- (4) **Foundations.** A qualified engineer shall certify that the foundation and design of the solar panels racking and

102-970 Accessory Uses and Structures

102-6140 Solar Energy Systems

support is within accepted professional standards, given local soil and climate conditions.

- (5) **Power and Communication Lines.** Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the City in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.
- (6) **Aviation Protection.** For solar farms located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the solar glare hazard analysis tool (SGHAT) for the airport traffic control tower cab and final approach paths, consistent with the interim policy, FAA review of solar energy projects on federally obligated airports, or most recent version adopted by the FAA.
- (7) **Decommissioning.** A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan may include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The City may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

102-6140 (c) PERFORMANCE STANDARDS

- (1) **Height.** Solar energy systems shall comply with the following height requirements:
 - a. Roof mounted solar energy systems shall comply with the height standards of the applicable zone.
 - b. Ground mounted solar energy systems part of a solar farms or solar garden shall not exceed 15 feet in height when oriented at maximum tilt.
- (2) **Setback.** Solar energy systems shall comply with the following setback requirement.
 - a. Roof mounted solar energy systems shall comply with the setbacks requirement for the applicable zone and structure type (principal or accessory) on which they are mounted.
 - b. Ground mounted solar energy systems part of a solar farms or solar garden shall comply with the

principal front yard setback requirements of the abutting zone.

- c. Setback encroachments shall be permitted if the applicant demonstrates the collector and mounting system has been explicitly engineered to safely extend beyond the roof edge.
- (3) **Visibility.** Solar energy systems shall be designed to blend into their surroundings or the architecture of the associated building provided mitigating for visual impacts will allow the system to function within expected industry standards. The color of the solar collector is not required to be consistent with other roofing materials.
 - a. **Pitched Roofs.** Systems mounted on pitched roofs that are visible from the nearest edge of the right-of-way, other than an alley, shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted and shall be no higher than ten inches above the roof.
 - b. **Flat Roofs.** Systems mounted on flat roofs may be attached at an angle to improve their efficiency, provided the highest point of a solar panel is not visible from the nearest edge of the public right-of-way, other than an alley.
 - c. **Ground Mounted Solar Energy Systems.** Ground mounted solar energy systems part of a solar farm or solar gardens and visible from the public right-of-way shall include buffering features such as setback, berming, landscaping, fences, walls or a combination thereof to soften the appearance of the system and improve visual aesthetics.
 - d. **Reflectors.** All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
- (4) **Coverage.** Roof mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount systems shall be exempt from building coverage standards if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

- (5) Certifications.** Solar electric system components shall be certified by Underwriters Laboratories, Inc., and solar thermal systems shall be certified by the Solar Rating and Certification Corporation, or other appropriate certification(s) as determined by the City. The City reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.
- (6) Compliance with Building Code.** All solar energy systems shall meet approval of building officials, consistent with the State of Minnesota Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
- (7) Compliance with State Electric Code.** All photovoltaic systems shall comply with the Minnesota State Electric Code.
- (8) Compliance with State Plumbing Code.** Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements.
- (9) Utility Connection.** All grid intertie systems shall have an agreement with the local utility prior to the issuance of a building permit. A visible external disconnect must be provided if required by the utility. Off grid systems are exempt from this requirement.
- (10) Abandonment.** If the solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including transmission equipment.

102-6140 (d) REVIEW PROCESS AND MATERIALS

Except as provided below, no solar energy system shall be erected, altered, improved, reconstructed, maintained or moved in the City without first securing a permit from the City. Roof mounted solar energy systems that meet the design requirements of this code shall be granted administrative approval by the zoning administrator and shall not require Planning & Zoning Commission review or City Council approval. Roof mounted solar gardens or solar farms shall require a conditional use permit. Planning approval does not indicate compliance with building code or electric code.

- (1) Elevation Drawings Required.** All solar energy system applications shall include horizontal and vertical building elevation draw at an architects scale. The drawings must show the location of the system on the building and the applicable information detailed below.

a. Pitched Roof Mounted Solar Energy Systems. The drawings shall show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

b. Flat Roof Mounted Solar Energy Systems. The drawings must shows the distance to the roof edge and any parapets on the building. They shall also 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.

(2) Site Plan Required. All solar energy system applications shall include site plan drawn at an engineer's scale. The site plan must show the location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by City.

(3) Exemptions. The following solar energy systems are exempt from the requirements of this section.

(4) Deviations. Deviation from the required standards of this section may be allowed through a conditional use permit provided that request to reduce minimum setback requirements shall be by variance. In granting a conditional use permit, the City Council shall consider the conditional use permit approval criteria and the following additional criteria unique to solar energy systems:

- a. That the deviation is required to allow for the improved operation of the solar energy system.
- b. That the solar energy system has a net energy gain.
- c. That the solar energy system does not adversely affect solar access to adjacent properties.
- d. That the solar energy system complies with all other engineering, building, safety and fire regulations; and
- e. That the solar energy system is found to not adversely impacts on the surrounding area, including the health, safety and general welfare of occupants of neighboring properties and users of public rights of way.

102-6140 (e) RESTRICTIONS ON SOLAR ENERGY SYSTEMS LIMITED

As of July 28, 2022, new homeowners' agreements, covenant, common interest community standards, or other contract between multiple property owners within a subdivision of Hopkins shall not restrict or limit solar energy systems to a greater extent than Hopkins solar energy

102-6150 Chicken Keeping

standards.

102-6140 (f) SOLAR ACCESS

The City of Hopkins encourages protection of solar access. Solar access easements may be filed consistent with M.S.A. § 500.30. Any property owner can purchase an easement across neighboring properties to protect access to sunlight. The easement can apply to buildings, trees, or other structures that would diminish solar access.

102-6150 Chicken Keeping

The regulations governing chicken-keeping are set forth in Part II, Chapter 6, Article II of the Hopkins City Code.

102-6160 Swimming Pools

102-6160 (a) PERMITS

A permit must be obtained before any swimming pool is installed, repaired or modified. Swimming pool permit applications must be filed with the zoning administrator. Swimming pools must be constructed and maintained in accordance with this section and all other applicable City or state regulations.

102-6160 (b) SETBACKS AND OTHER RESTRICTIONS

Every permit issued under this code is subject to the following provisions, which govern the issuance and continued validity of all permits.

- (1) Swimming pools are prohibited in street yards.
- (2) Swimming pools must be set back at least 10 feet from side and rear property lines.
- (3) Filtering units, pumps, heating units, and any other noise-making equipment must be set back at least 10 feet from all side and rear lots lines and at least 20 feet from any adjacent residential building.
- (4) Outdoor swimming pools may not be located beneath overhead utility lines.
- (5) Underground utility lines may not be located under or within 15 feet of any swimming pool. Utility connections for swimming pool lighting and accessories are permitted if installed in accordance with the electrical code.
- (6) All lighting for outdoor swimming pools must be directed toward the swimming pool and away from adjacent properties.
- (7) A non-climbable structure or fence, with no hand or foot holds, at least 4 feet in height must completely surround outdoor swimming pools. All fence openings must be equipped with a keyed, self-locking, self-closing gate. Fence and gates must be installed so that there is no

more than a 5-inch distance beneath the bottom of the fence or gate and the ground below.

- (8) All swimming pools must be installed in conformance with all other applicable City and state laws.
- (9) A ground level deck at 3 three feet in width, measured from the swimming pool water's edge, must be provided and completely surround the swimming pool. Above-ground pools must be provided with decking of at least 4 feet by 4 feet in dimensions at all pool entry points. All ladders must be retractable.

102-6160 (c) PUBLIC SWIMMING POOLS

Public swimming pools require approval of a conditional use permit.

102-6170 Outdoor Display Areas

102-6170 (a) APPLICABILITY

The regulations of this section govern outdoor display of merchandise or other items offered for viewing and sale as an accessory use of the principal use of the property.

102-6170 (b) BUILDING AND SITE REGULATIONS

The following regulations apply to all outdoor display areas:

- (1) Outdoor displays are subject to all applicable setback regulations that apply to the principal building unless otherwise expressly stated in this code .
- (2) Outdoor displays on corner lots must be confined to a single frontage.
- (3) Merchandise or other items may be displayed only during hours of operation of the principal use.
- (4) Outdoor display areas may not interfere with pedestrian or automobile traffic on the subject lot or on public rights-of-way, and may not interfere with the enjoyment or operation of adjacent properties and uses.

102-6180 Outdoor Storage Areas

102-6180 (a) DESCRIPTION

The regulations of this section govern the outdoor storage of goods that are not typically stored or sold indoors.

102-6180 (b) GENERAL REGULATIONS

The following regulations apply to all outdoor storage areas:

- (1) Outdoor storage areas are subject to all applicable setback regulations that apply to the principal building unless otherwise expressly stated in this code.
- (2) Outdoor storage areas count toward maximum building coverage limitations.
- (3) All materials or wastes stored outdoors that cause fumes or dust or that constitute a fire hazard or that may be

edible by or otherwise attractive to rodents or insects must be stored in closed containers.

- (4) All outdoor storage areas must be enclosed by a durable, permanent fence that is at least 6 feet in height and maintained to prevent any unauthorized access. Such storage area must be screened from view of streets and neighborhood zones in accordance with the buffer and screening regulations of Sections 102-8110 & [102-8120](#).

102-6190 Temporary Family Health Care
.....

The City opts out of the temporary family health care dwelling regulations of Minnesota Statutes § 462.3593.

102-6200 Wireless Communication Facilities
.....

See regulations governing antennas and wireless communication facilities, as a principal or accessory use/structure.

102-6210 Portable Storage Units
.....

Portable storage units are allowed in all zones for temporary storage during building construction or remodeling. Such units must be removed immediately upon issuance of a certificate of occupancy or final building permit inspection, whichever applies. Portable storage units may also be used for a maximum of 30 days in conjunction with moving and relocation activities. Portable storage units may not be placed in the public right-of-way.

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ARTICLE 7 BUILDING DESIGN

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Article 7 Building Design

102-710 Generally

102-710 Generally

102-710 (a) APPLICABILITY

The regulations of this article apply to all buildings in all zones, unless otherwise stated.

102-710 (b) INTENT

The regulations of this [Article 7](#), along with the building type regulations in [Article 3](#), are intended to improve the physical quality of buildings, improve the long-term value and durability of buildings, enhance the pedestrian experience, and protect the historic form and scale of the City.

- (1) **Durable, High Quality.** Ensure the use of well-tested, high quality, durable, weather-resistant, exterior grade materials on the majority of finished building surfaces, while permitting a wider range of materials for details. High quality materials can improve how well buildings weather, reduce material failure rate, require lower maintenance, have a longer life cycle and sense of permanence, and maintain longer term value.
- (2) **Human-Scaled Facades.** Promote clearly articulated, well-organized facades that are easy to understand, have a clear hierarchy, and yield building proportions and details comfortable to and in line with the scale of people.

102-710 (c) FRANCHISE ARCHITECTURE

Franchise architecture is building design that is trademarked or identified with a particular franchise, chain or corporation, used in multiple locations without being specific to the context, and is generic or standard in nature.

- (1) **Not Allowed.** To maintain the unique character of the downtown, franchise architectural design is not allowed in any zone with the -D suffix.
- (2) **Unique Design.** Franchises or national chains must follow the building type regulations and design standards of this article to create a unique building compatible with the downtown.

102-720 Roof Types

102-720 (a) GENERAL REQUIREMENTS APPLICABLE TO ALL ROOF TYPES

- (1) Roof types apply to all mixed-use zones in [Article 3](#).
- (2) The major components of any roof must meet all the requirements of one of the roof types allowed per the building type regulations in [Article 3](#).
- (3) Roofs for bay or bow windows and dormers are not required to meet a roof type.
- (4) Terraces, green roofs, rooftop gardens, and other outdoor facilities are allowed on any roof and are not considered a roof type. However, any permanently covered area is considered a story and must meet the following:
 - a. Where a cover is visible from any public way or open space, the cover must comply with a roof type.
 - b. Any fully enclosed structure on a roof must meet the tower regulations.

102-720 (b) OTHER ROOF TYPES

Other cap designs not defined in this section may be approved by the zoning administrator with the following requirements:

- (1) **Special Building.** The building or portion of building receiving the roof type must warrant a separate status from the majority of buildings in the zone, with a correspondence between the form of the roof and the building use, such as a dome for a planetarium, a dome for a place of worship, or a unique, iconic roof for a more distinctive performing arts venue.
- (2) **Occupied Building Space.** The roof type must not create additional occupiable floor space beyond that permitted by the building type.
- (3) **Other Design.** The shape of the roof must be different from those defined in this section, [102-720](#), such as a dome, spire, or vault and not a gabled roof, hipped roof, parapet roof, or flat roof.

102-720 (c) PARAPET ROOF TYPE

A parapet is a low wall projecting above a building's roof along the perimeter of the building on all street facades and other front facades. See [Figure 7-A](#) Example of a Parapet Roof.

- (1) **Parapet Height.** Height is measured from the top of the upper story to the top of the parapet.
 - a. Minimum height is 1.5 feet with a maximum height of 6 feet. Up to 2 additional feet of height may be approved for screening of mechanical equipment.

- b. A shadow line must be located within 2 feet of the top of the uppermost story. See [102-16210](#) for definition of shadow line.
 - c. A shadow line must be located at the top of the parapet. See [102-16210](#) for definition of shadow line.
- (2) **Occupied Building Space.** Occupied building space must not be incorporated behind this roof type. See [102-16170](#) for definition of occupied building space.
- (3) **Rooftop Appurtenances.** With the exception of solar panels and small wind, any rooftop appurtenances must be located towards the rear or interior of the parapet roof. Rooftop appurtenances should be located such that the parapet blocks their view from the sidewalk across the street or may be located within a tower per [102-720 \(f\)](#). See [102-760](#) for additional regulations of mechanical and utility equipment.

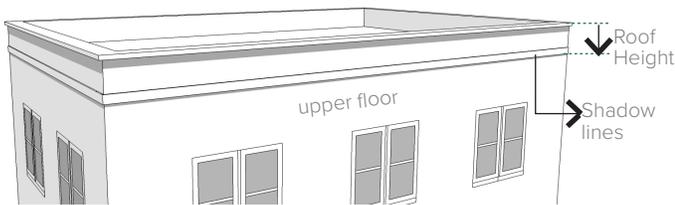


Figure 7-A. Example of a Parapet Roof type

102-720 (d) FLAT ROOF TYPE

This roof type is a visibly flat roof with overhanging eaves. See [Figure 7-B](#) Example of a Tower.

- (1) **Maximum Slope.** The maximum slope is 2:12; however, the roof must not appear to be visibly sloped from the street or other front frontages.
- (2) **Eaves.** Eaves are required on all street and other front frontages.
 - a. **Eave Depth.** Eaves must have a depth of at least 14 inches. Eave depth is measured from the building facade to the outside edge of the eave.
 - b. **Eave Thickness.** Eaves must be a minimum of 6 inches thick. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave.
- (3) **Interrupting Vertical Walls.** Vertical walls may interrupt the flat roof and extend above the top of the eave with no discernible roof type.
 - a. No more than one-third or 30 feet, whichever is less, of any front facade may consist of an interrupting vertical wall.
 - b. Vertical walls shall extend no more than 8 feet above the top of the eave.
- (4) **Occupied Building Space.** Occupied building space must not be incorporated behind this roof type, including the flat roof and vertical wall. See [102-16170](#) for definition of occupied building space.
- (5) **Rooftop Appurtenances.** With the exception of solar panels, rooftop appurtenances may not be located on the flat portion of this roof type. Any rooftop appurtenances may be located behind the interrupting vertical wall with no visibility from the sidewalk across the street or may be located within a tower per [102-720 \(f\)](#).

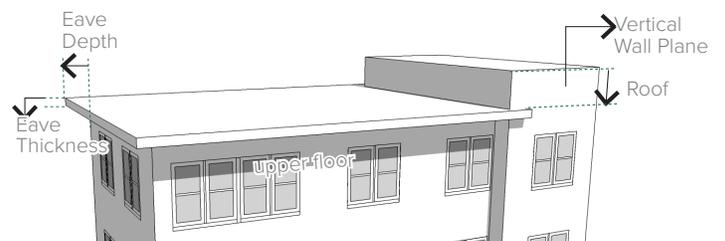


Figure 7-B. Example of a Flat Roof type

Article 7 Building Design
102-720 Roof Types

102-720 (e) PITCHED ROOF TYPE

This roof type is a sloped or pitched roof, where the slope occurs on all street and other front facades. Slope is measured with the vertical rise divided by the horizontal span or run. See [Figure 7-C](#) Examples of a Pitched Roofs.

(1) Pitch Measure. The roof may not be sloped less than a 4:12 (rise:run) or more than 14:12. Slopes less than 4:12 are permitted to occur on second story or higher roofs.

(2) Configurations.

a. Hipped, gabled, and a combination of hips and gables with or without dormers are allowed. When the ridge line runs parallel to any street or other front frontage, one of the following must occur:

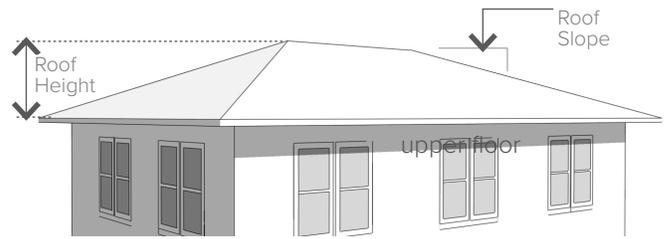
1. A gabled end or perpendicular ridge line must occur at least every 100 feet of roof; or
2. One dormer must be provided for every 15 feet of ridge line on any street or front frontage with at least one dormer per frontage.
3. Occupied building space within the roof is allowed and counts as a half or full story. See [102-16210](#) definition of half story and any half story limitations per the building type regulations. See [102-16170](#) for definition of occupied building space.

b. Butterfly (or inverted gable or V-shaped roof) and shed roofs are not allowed, except per the following:

1. The butterfly or shed roof must not exceed 8 feet in total height, inclusive of overhang.
2. The portion of the building footprint below the butterfly roof may not be greater than 5,000 square feet.
3. Occupied building space within the roof is allowed and counts as a half or full story. See [102-16210](#) definition of half story and any half story limitations per the building type regulations. See [102-16170](#) for definition of occupied building space.

c. Mansard roofs are not allowed. Gambrel roofs are allowed, provided the following are met:

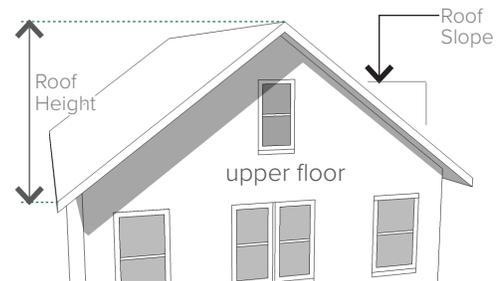
1. The main ridge line of the gambrel roof must be perpendicular to the front street.
2. Gambrel roofs with the ridge parallel to a side street must include one dormer for every 15 feet of ridge line with at least one dormer per frontage.



Low Pitched Roof Roof type (Hip Roof)



Parallel Pitched



Pitched Roof type (Gable Roof)

Figure 7-C. Examples of Pitched Roof type

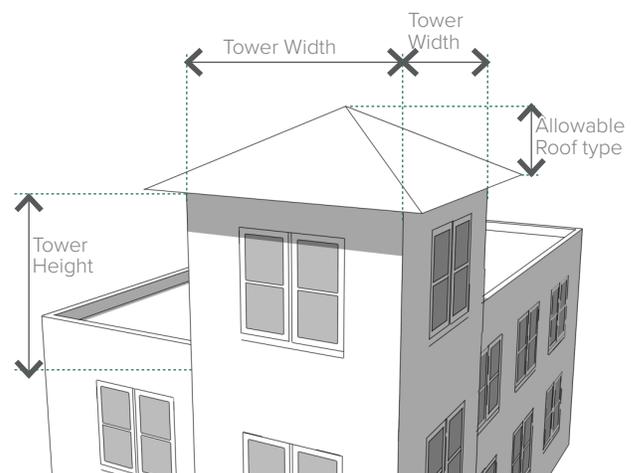


Figure 7-D. Example of a Tower

3. The steepest portion of the roof must be no greater than the tallest permitted height of one upper story.
4. Occupied building space is required beneath the gambrel roof and counts as a half or full story, based upon the percentage of footprint allowed for a half story within the building type regulations. See [102-16210](#) definition of half story and any half story limitations per the building type regulations. See [102-16170](#) for definition of occupied building space.

(3) Maximum Roof Height. Roofs without occupied building space and/or dormers must have a maximum height on front and non-front frontage facades equal to no more than 1.5 times the upper story floor to floor height utilized on the building.

(4) Rooftop Appurtenances. With the exception of solar panels, antennae, and wind turbines, any rooftop appurtenances must be recessed within the pitched roof with no visibility on any street elevation drawing. See [102-760](#) for additional regulations of mechanical equipment.

102-720 (f) TOWERS

A tower is a vertical element that must be used with other roof types. See [Figure 7-D](#) Example of a tower.

- (1) Degree of Enclosure.** A street facade tower must be fully enclosed. Any interior building tower may be partially or fully enclosed. A fully open structure, such as a rooftop gazebo is not a tower.
- (2) Quantity.** Unless otherwise defined in the building type regulations, the following is allowed:
 - a. Street Facade Towers. A maximum of 2 towers located within 15 feet of any street facade is permitted on any building. Street facade towers enhance the facade design.
 - b. Interior Building Towers. Two additional towers are permitted provided the towers are located a minimum of 30 feet from any street facade. Interior towers are typically functional, providing housing for utilities or access to the roof.
- (3) Tower Height**
 - a. Maximum height, measured from the top of the uppermost floor of the building to the top of the tower shaft, not including the tower roof, is the equivalent of the height of one upper floor of the building to which the tower is applied.

- b. A tower allows for up to one additional story of height within the tower footprint to any building type where permitted.

(4) Tower Footprint

- a. A tower footprint may be polygonal (simple, e.g. hexagonal or octagonal), rectilinear, or cylindrical in plan.
- b. The maximum width in any direction of the footprint of any tower is 1/3 the width of any street or front facade or 30 feet, whichever is less.

(5) Tower Spacing. Street facade towers, within 15 feet of any street facade, must be spaced a minimum of 120 feet from other street facade towers. Interior building towers must be located a minimum of 60 feet from any other tower.

(6) Transparency. Towers that meet the minimum floor-to-floor to height of the building type and are located within 30 feet of a street facade shall meet the minimum front street facade transparency requirements of an upper story of the building type to which the tower is applied.

(7) Horizontal Shadow lines. If the tower extends the building up to a 5th or higher story, a shadow line is required between the 4th and 5th stories on any tower. Shadow lines required by the roof type used on the tower also apply.

(8) Occupied Building Space. Towers may be occupied by the same uses allowed in upper stories of the building type to which it is applied. See [102-16170](#) for definition of occupied building space.

(9) Rooftop Appurtenances. No rooftop appurtenances are permitted on tower roofs. Roof appurtenances may be housed within a tower.

(10) Tower Roof. The tower may be roofed by the parapet, pitched, or flat roof types.

Article 7 Building Design
102-730 Entrance Types

102-730 Entrance Types

102-730 (a) APPLICABILITY

The following entrance type regulations apply to buildings in the mixed-use and public-institutional zones. The facade regulations for each building type regulate which entrance types are allowed on the building types. See [Article 2](#) and [Article 3](#) for building types.

102-730 (b) STOREFRONT ENTRANCE TYPE

- (1) Recessed Entrance.** Where the sidewalk outside the storefront is less than 7 feet in width, measured perpendicular to the facade, entrances must be recessed as follows:
 - a. The door must be recessed a minimum of 3 feet and a maximum of 8 feet deep, measured from the main building facade, and may exceed the maximum setback regulation.
 - b. The maximum width of the recess is 10 feet.
- (2) Transparency.** A minimum amount of ground story storefront glass is required per the building type regulations.
 - a. The storefront glass must turn the corner of any recessed entry as shown in [Figure 7-E](#).
 - b. Transom windows above doors are encouraged. Transom windows are encouraged to extend along all storefront windows.
- (3) Clear Windows.** Windows must be unobstructed during the daytime and evening hours. Displays inside the building, viewable from outside the window, may be included, but the area on the other side of the window display must be occupied building space with daylight extending into the space. See [102-10100](#) for window signs.
- (4) Bulkhead.** Where a bulkhead is incorporated, the maximum height is 24 inches. A bulkhead is the lower set of panels or low wall upon which the storefront windows rest. See [Figure 7-E](#). The bulkhead may be constructed of wood, metal, stained concrete, spandrel glass, or masonry. Concrete masonry units may not be exposed.

102-730 (c) STOOP ENTRANCE TYPE

A stoop is a small, open platform that may include a canopy or roof cantilevered off the building and may or may not be elevated above the sidewalk.

- (1) Stoop Size.** Stoops must be a minimum of 4 feet wide and 3 feet deep.

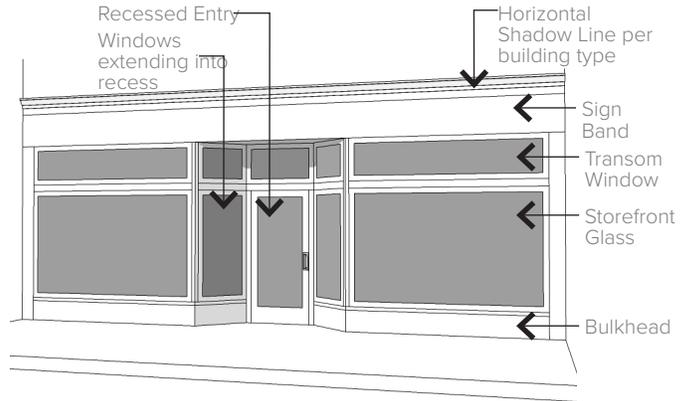


Figure 7-E. Example of a Storefront Entrance

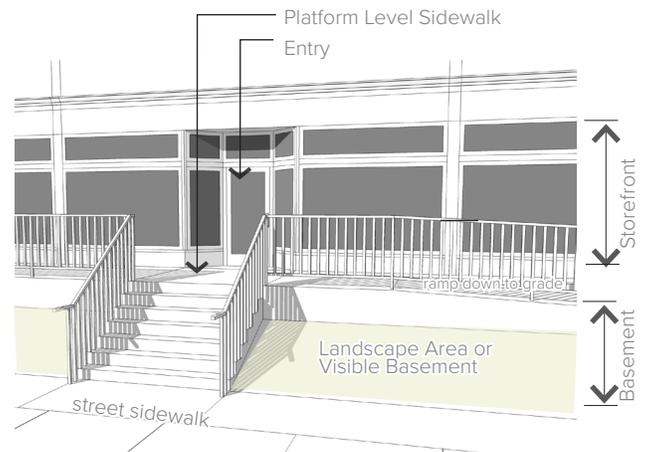


Figure 7-F. Example of Elevated Storefront

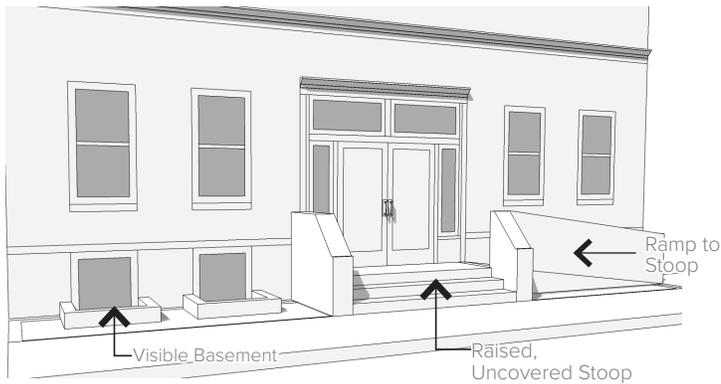


Figure 7-G. Example of Stoop Entrance

- (2) **Ramps.** Where feasible, ramps should be incorporated at the principal building entrance and designed as an integrated part of the stoop, with rails matching any provided on steps.

102-730 (d) PORCH ENTRANCE TYPE

A porch is a raised, roofed platform that may or may not be enclosed on all sides and may or may not be elevated above the sidewalk.

- (1) **Transparency.** If a porch is enclosed, refer to the building type for minimum transparency requirements.
- (2) **Porch Size.** The porch shall be a minimum of 5 feet deep and 8 feet wide.
- (3) **Height.** Porch may be 2 stories to provide a balcony on the second floor.
- (4) **Ramps.** Where feasible, ramps should be incorporated at the principal building entrance and designed as an integrated part of the stoop, with rails matching any provided on steps.

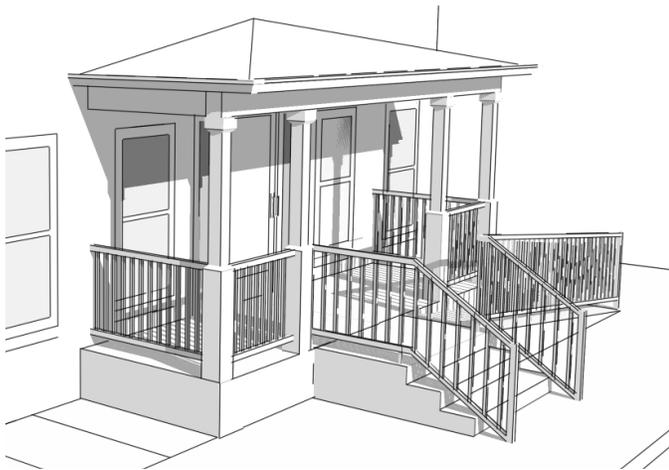


Figure 7-H. Example of Porch Entrance

Article 7 Building Design
102-740 Facade Materials

102-740 Facade Materials

102-740 (a) APPLICABILITY

All facades on all buildings in any zone except N zones must meet the regulations for facade materials in this section.

102-740 (b) MAJOR STREET FACADE MATERIALS

Major facade materials are intended to serve as the primary surface material of street facades and other highly visible front facades.

- (1) **Street and Other Front Facades.** Allowed major facade materials, listed in [Table 7-1](#), must be applied to a minimum of 65% of all street or other front facades, not including window and door areas. Other front facades include those facing civic spaces, as defined in [102-350 \(e\)](#).
- (2) **Simplicity of Facade Materials.** A single major facade material must be used for each building facade segment, 60-foot or larger. See [Figure 7-1](#).
- (3) **Exception.** For IX-S zone, street facades located more than 100 feet from the street are exempt from the major facade material requirements.
- (4) **Side and Rear Facades.** When side yards between two buildings are a total of 5 or more feet in width, major materials must be applied along that side facade from the front of the building a distance equal to the width of

the side yard, as measured perpendicularly between the two side facades.

- (5) **Original Facade Materials.** Where brick or stone is an existing building's original facade material, the following applies:
 - a. The original brick or stone may be maintained if in good condition or repaired, or the brick or stone may be replaced by new brick or stone.
 - b. A different major material may not be installed over the original brick or stone.

102-740 (c) MINOR STREET FACADE MATERIALS

- (1) **Maximum Minor Materials for Street Facades.** A maximum of 35% of each street or other front facade surface, not including window and door areas, may be composed of minor facade materials per [Table 7-2](#). Other front facades include those facing civic spaces, as defined in [102-350 \(e\)](#).
- (2) **Accents and Details.** Additional materials are allowed for trim, accents, and details per [Table 7-4](#), not included in the maximum surface area.

102-740 (d) SIDE & REAR FACADE MATERIALS

- (1) **Rail and Trail Facades.** Interior side and rear (non-street) facades along any rail line and along any trail, such as the Minnesota River Bluffs Trail, must be faced in a major facade material, a minor facade material (unless



Figure 7-1. Major vs. Minor Materials

otherwise noted in [Table 7-3](#)), or a material as allowed in [Table 7-3](#).

- (2) All Other Side and Rear Facades.** All interior side and rear (non-street) facades not located on a rail or trail line must be faced in a major facade material, a minor facade material (unless otherwise noted in [Table 7-3](#)), or a material as allowed in [Table 7-3](#).

102-740 (e) PITCHED ROOF MATERIALS

Allowed pitched roof materials include dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, ceramic tile, engineered wood or slate.

102-740 (f) APPROPRIATE GRADE OF MATERIALS

All doors, windows, and hardware must be of commercial grade quality with the exception of those on Row and House buildings.

102-740 (g) MATERIALS INSTALLATION

The following materials installation requirements are intended to advance the quality of construction, durability, and aesthetics of new buildings, specifically related to application and detailing of facade materials.

- (1) Changes in Facade Materials.** Changes in facade materials, whether major materials or minor materials, should occur mainly at concave corners or changes in facade planes.
- (2) Materials Hierarchy.** A hierarchy of materials must be maintained on the building facade, where "heavier", articulated unit materials (brick, concrete masonry units, stone) are located at the base of the facade and "lighter", constant surface materials with fewer seams (stucco, panels) are located above those on the facade.
- (3) Shadow Lines on Surfaces.** Shadow lines must delineate changes in materials with solid materials of a thickness that is greater than 1.5 inches, such as cast stone, masonry, or stone. For example, cast stone elements or brick may be offset to create a shadow.

Article 7 Building Design
102-740 Facade Materials

Table 7-1. Allowed Major Facade Materials

MAJOR FACADE MATERIAL (alphabetical)	BUILDING TYPES & ZONES					
	STOREFRONT, GENERAL BUILDINGS			COMMERCIAL HOUSE, ROW BUILDING, TRADITIONAL HOUSE	WORKSHOP- WAREHOUSE	CIVIC BUILDING
	MX-D, MX-N, RX-D, RX-N, NX2	MX-TOD, RX-TOD, MX-S	IX-TOD, IX-S	MX-N, RX-N, NX1, NX2	IX-TOD, IX-S, I-TOD	ALL
A Brick full dimensional, economy, unit, face brick	●	●	●	●	●	●
B Concrete Masonry Units architectural, minimum 3” depth, “artisan stone” look, varied sizes, (Eschelon Masonry or approved equal), “stone” face, “hewn stone”, rock cut	–	●	●	–	●	●
C Fiber Cement Board panels, finished lap siding or shingles	–	–	–	●	–	●
D Glass curtain wall	–	–	●	–	●	●
E Metal, Architectural architectural panel, cladding system (steel, titanium, zinc)	–	–	●	–	●	●
F Stone natural, units	●	●	●	●	●	●
Stucco cement-based, 2-3 layer hard coat	–	●	●	–	●	●
G Vinyl & PVC Siding minimum .040 in. thick	–	–	–	●	–	–
H Wood or Composite Wood painted, stained, charred, or treated lap siding, shingles, board & batten, rainscreen	–	–	–	●	–	–

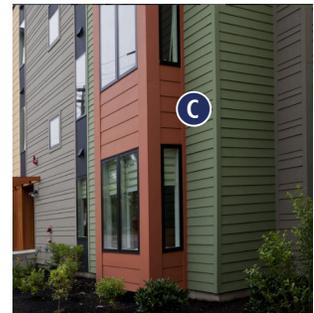
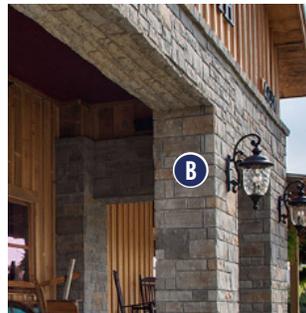
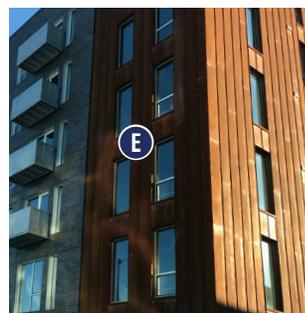
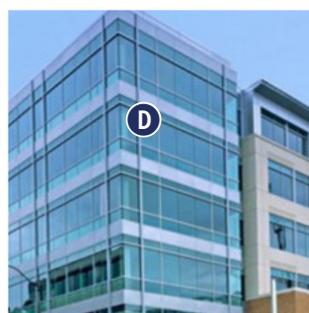


Table 7-2. Allowed Street Facade Minor Materials

All major facade materials allowed on the building type in the zone per [Table 7-1](#) may be used for minor facade materials, unless otherwise listed as prohibited.

MINOR FACADE MATERIAL (alphabetical)	ALLOWED ON BUILDING TYPES	OTHER LIMITATIONS	MAXIMUM AMOUNT ON STREET & OTHER FRONT FACADES
Concrete Surfaces finished, stained, painted, treated	All	Below ground floor only	15%
B Concrete Masonry Units architectural, minimum 3” depth, “artisan stone” look, varied sizes, (Eschelon Masonry or approved equal), “stone” face, “hewn stone”, rock cut	All	–	35%
J Concrete Masonry Units minimum 3” depth, split-faced, burnished/ground face, glazed, or honed	Workshop-Warehouse	–	35%
C Fiber Cement Board finished panels	All	Major material is required at grade up to 2 feet and adjacent to entrances	35%
D Glass curtain wall	All except Traditional and Commercial House	–	35%
E Metal Architectural architectural panel, cladding system (steel, titanium, zinc)	All, except buildings in MX-D, RX-D and all Commercial House, Traditional House	Major material is required at grade up to 2 feet and adjacent to entrances	35%
L Stucco synthetic or with elastomeric finishes	All	Only 3rd or higher stories	35%
Stucco cement-based, 2-3 layer hard coat	All	–	35%
Terracotta or Ceramic tiles or panels	All	–	35%
H Wood painted, stained, treated, natural, or aged lap siding, shingles, board & batten	All	–	35%
I Wood, Composite lap siding, shingles, board & batten, rainscreen system	All	–	35%



Article 7 Building Design
102-740 Facade Materials

Table 7-3. Allowed Non-Street Facade Materials

All allowed major facade materials and minor facade materials may be used on 100% of non-street facade, unless otherwise indicated below or unless listed as prohibited in [Table 7-5](#).

MINOR FACADE MATERIAL (alphabetical)	ALLOWED ON BUILDING TYPES	OTHER LIMITATIONS	MAXIMUM AMOUNT ON NON-STREET FACADES	MAXIMUM AMOUNT ON RAIL & TRAIL FACADES
Brick thin, veneer	All	–	100%	100%
P Concrete Surfaces unfinished, untreated, unstained, unpainted	General and Workshop-Warehouse buildings in IX and I zones only	–	100%	35%
Concrete Surfaces finished, stained, painted, treated	All	–	100%	35%
I Concrete Masonry Units minimum 3” depth, split-faced, burnished/ground face, glazed, or honed	All except Traditional and Commercial House, Row	–	100%	100%
K Glass Block clear or patterned units without color	All	–	35%	15%
L Metal, Aluminum Composite aluminum composite materials (ACM) or panels (ACP)	All except Traditional and Commercial House	Only 3rd or higher stories	35%	35%
Metal, Corrugated, Other ribbed, corrugated, sheet	Workshop-Warehouse	–	100%	100%
Stucco synthetic or with elastomeric finishes	All	Only 3rd or higher stories	35%	35%

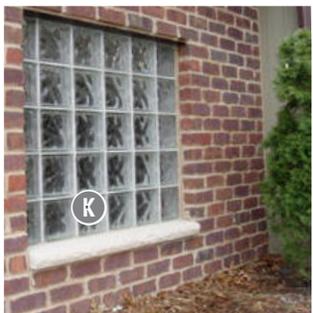
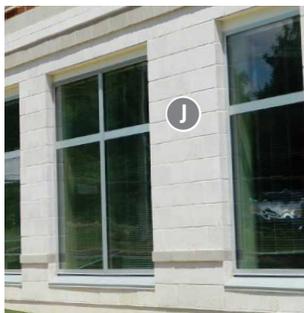


Table 7-4. Allowed Detail & Accent Materials

All allowed major and minor facade materials may be used for details, trim, and accents.

M	Concrete Details precast stone ornamentation, lintels, sills, banding, columns, beams
	Fiber Cement Details trim, soffits
N	Metal Details trim, ornamentation, lintels, beams, columns
	Wood and Wood Composite Details painted/treated trim, soffits, other approved details
O	Vinyl Details limited to soffits, window trim; minimum .04 inches thick

Table 7-5. Prohibited Materials

	Fiberglass and Acrylic Panels all
Q	Plastic Panels all, including high-density polyethylene and polycarbonate panels
R	Stucco Moldings or Synthetic Stucco Moldings trim, sills, cornices, banding, columns, pilasters or other 3 dimensional details
	Wood Unfinished, untreated plywood siding or panels



Article 7 Building Design

102-750 Facade Elements

102-750 Facade Elements

102-750 (a) APPLICABILITY

The facade element regulations in this section, [102-750](#), apply to all buildings in any zone except N zones.

102-750 (b) WINDOWS

Windows on all street and other front facades of all buildings shall be constructed consistent with the following requirements:

- (1) **Amount.** Each building must meet the transparency requirements per the building regulations. See [Article 3](#).
- (2) **Recessed.** All windows, with the exception of ground story storefront systems and glass curtain wall systems, shall be recessed with the glass a minimum of 2 inches from the facade surface material or adjacent trim.
- (3) **Vertically Oriented.** A minimum of 70% of street facade windows must be vertically oriented. An abutting series of individually vertically oriented windows creating a horizontally oriented bank of windows is acceptable.
- (4) **Visibility Through Glass.** Reflective glass and glass block are prohibited on street and other front facades. Windows shall meet the transmittance and reflectance factors established in the transparency definition (see [102-1620 \(m\)](#)).
- (5) **Operable Windows.** A minimum of 70% of all street facade upper story windows on all buildings, except the Workshop-Warehouse, must be operable. Ground story storefront glass and glass curtain wall systems are not required to be operable.
- (6) **Expressed Lintels.** For masonry construction, the expression of lintels must be included above all windows and doors by a change in brick coursing or by a separate detail or element. See [Figure 7-J](#) for illustrations of expressed lintels.
- (7) **Glass Overhead Doors.** Glass overhead doors utilized for patio access, open air dining, or display and not utilized for vehicular access, may be used for storefronts or other window requirements on any building type, provided all other regulations are met, and health department licensing is obtained as required.

102-750 (c) AWNINGS & CANOPIES

Removable awnings and canopies attached to buildings shall be constructed consistent with the requirements of this section. See [Figure 7-K](#) for examples of awnings.

- (1) **Material.** All awnings and canopies shall be canvas or metal. Plastic awnings are prohibited.



Figure 7-J. Vertically Oriented Windows with Expressed Lintels



Metal Awning



Canvas Awning

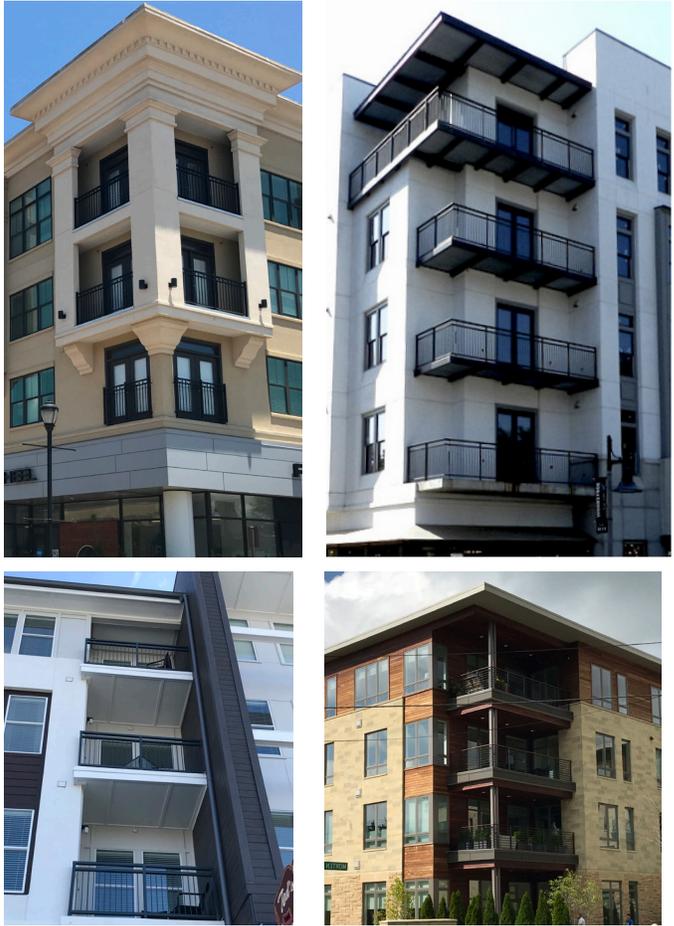
Figure 7-K. Examples of Awnings

- (2) **Lighting.** Backlighting is allowed only on metal awnings.
- (3) **Structures.** Frames must be metal and wall mounted. Support poles from the ground are prohibited except where the awning is over 8 feet in depth and utilized for outdoor eating areas or entrances.
- (4) **Canopies & Light Shelves.** Permanent canopies, projections, or overhangs used as architectural features, light shelves, or shading devices are allowed and not intended to be regulated by this subsection [102-750 \(c\)](#).
- (5) **Clearance.** All portions of any awning or canopy shall provide at least 8 feet of clearance over any walkway and 15 feet of clearance over vehicular areas.
- (6) **Signs.** Refer to [Article 10](#) for signs on awnings and canopies.

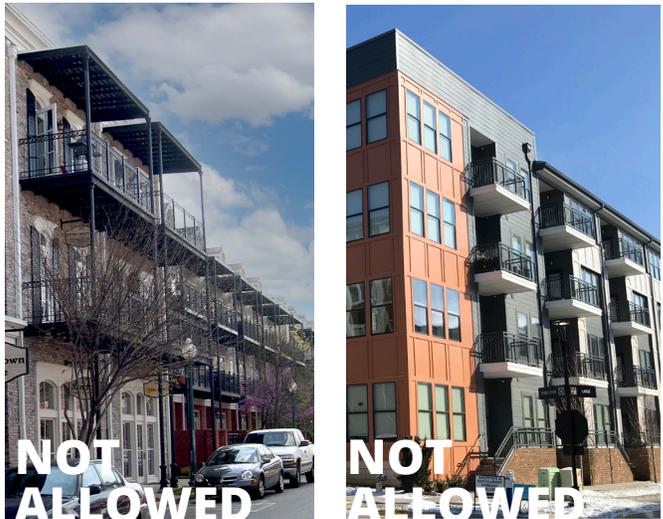
102-750 (d) BALCONIES

Balconies on street facades, facades of courtyard open to the street or civic space, and facades on civic space shall be consistent with the requirements of this subsection. See [Figure 7-L](#) for examples of balconies.

- (1) **Definition.** For the purpose of this subsection, balconies shall include any roofed or unroofed platform that projects from the wall of a building above grade and is enclosed only by a parapet or railing. This definition does not include false balconies, juliet balconies, or balconettes.
- (2) **Balconettes.** Sometimes referred to as juliet balconies, balconettes are false balconies consisting of a rail and door, either without an outdoor platform or with an outdoor platform less than 18 inches in depth. Balconettes are allowed and do not count towards the maximum permitted amount of balcony on a street facade.
- (3) **Size.** Balconies must be a minimum of 4 feet deep and 5 feet wide.
- (4) **Facade Coverage.** A maximum of 35 percent of street facades, calculated separately for each facade, may be covered by balconies. The balcony area is calculated by drawing a rectangle on the facade elevation around the following: the platform or floor of the balcony; any rails, walls, columns or indentations; and any ceiling, roof, or upper balcony.
- (5) **Integrated Design.** Balconies are intended to be integrated with the design of the facade, avoiding tacking the balconies onto the facade after the elevation has been designed.



Balconies Appropriately Attached to or Incorporated into Facade.



NOT ALLOWED
 Balconies: Covers More than 35 Percent of Facade

NOT ALLOWED
 Balconies: Extending Off Facade

Figure 7-L. Examples of Balconies

Article 7 Building Design

102-750 Facade Elements

- a. A minimum of 50 percent of the perimeter of each balcony must abut an exterior wall of the building, partially enclosing the balcony.
 - b. The balcony support structure must be integrated with the building facade; separate columns or posts supporting any balcony from the ground are not allowed.
- (6) **Platform.** The balcony platform must be at least 3 inches thick and any underside of a balcony that is visible from any street or public way shall be finished.
- (7) **Maximum Setback.** When the balcony is located within the minimum and maximum setback area, the portion of the facade behind the balcony is exempt from meeting the maximum setback requirement.

102-750 (e) SHUTTERS

When shutters, whether functional or not, are utilized on a street or other front facade of any building type except a House building type, the shutters shall meet the following requirements. See [Figure 7-N](#).

- (1) **Size.** All shutters must be sized for the windows, so that, if the shutters were to be closed, they would not be too small for complete coverage of the window.
- (2) **Materials.** Shutters must be wood, metal, or fiber cement. Other synthetic and engineered woods may be approved provided that the applicant submits a sample and examples of high quality, local installations of the material.

102-750 (f) SECURITY GRILLS & BARS

- (1) Exterior bars and security grills are prohibited on any street facade opening.
- (2) Security grills must be fully retractable and completely located within the interior of the building. When retracted, the grills must not be visible from the exterior of the building.

102-750 (g) PRINCIPAL ENTRYWAY

See [Figure 7-M](#) for examples of defined principal entryways. Principal entrances to all buildings or units, except storefronts, must be clearly delineated through one or more of the following design features:

- (1) **Roof or Canopy.** The entryway is covered by a roof or canopy differentiating it from the overall building roof type.
- (2) **Porch.** The entryway is through a porch.
- (3) **Sidelights and Transom.** Sidelights or transom windows are included around the entryway.



Inappropriately Scaled Shutters.



Figure 7-N. Examples of Shutters



Figure 7-M. Examples of Defined Principal Entryways

- (4) **Extended Articulation.** The entryway is included in a separate bay of the building that extends up at least 2 stories.

102-750 (h) ARCADE DESIGN

The following requirements apply to arcades. An arcade is a covered pedestrian walkway within the recess of a ground story. See [Figure 7-O](#).

- (1) **Depth.** An open-air public walkway may be recessed from the principal facade of the building a minimum of 8 feet and a maximum of 16 feet.
- (2) **Height.** The height of the interior space of the arcade, measured floor to ceiling, must not exceed 16 feet.
- (3) **Maximum Setback.** When the arcade is utilized, the outside face of the arcade shall be considered the front facade, located within the required minimum and maximum setback area.
- (4) **Column Spacing.** Columns must be spaced between 10 feet and 12 feet on center.
- (5) **Column Width.** Columns must be a minimum of 1.5 feet 6 inches and a maximum 2 foot 6 inches in width.
- (6) **Arcade Openings.** Openings must not be flush with interior arcade ceiling and may be arched or straight.
- (7) **Horizontal Facade Division.** A horizontal shadow line shall define the ground story facade from the upper stories.

- (8) **Visible Basement.** A visible basement is not allowed.

102-750 (i) GROUND STORY AT SLOPING FACADES

Grade transitions on any building along a significantly slope sidewalk or street should be designed to minimize blank walls and maximize pedestrian-scale frontages between waist and eye level. See [Figure 7-P](#) for examples of positive facades along slopes.

- (1) **Storefronts.** The following regulations apply to storefront facades along sloping streets:
- a. The interior floor level must step to match the exterior grade within 3 feet.
 - b. Knee wall and retaining walls must not exceed 30 inches in height except a maximum 9-foot section of length may be up to 48 inches in height.
 - c. If grade change is more than 9 feet along a single block face, the following applies:
 - 1. Entrance requirements may be increased to one entrance per 90 feet of building frontage.

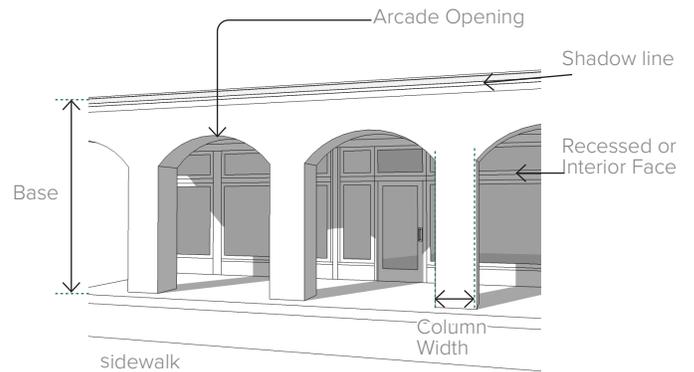


Figure 7-O. Example of Arcade.



Figure 7-P. Examples of Ground Story along Slopes.

102-750 Facade Elements

2. Entrances adjacent to the street must be within 3 feet of the elevation of the adjacent sidewalk.

(2) Non-Storefronts. The following regulations apply to all non-storefront facades along sloping streets:

- a. Grade transitions at the building along the sidewalk shall be designed to minimize blank walls. Multiple front entrances along the street should activate each segment of building section at each grade.
- b. The interior floor level must step to match the changes in exterior grade within a 3-foot range.
- c. Changes can be accommodated by terraced planters and retaining walls at the lowest heights practicable. Retaining walls shall not exceed 30 inches in height except along a maximum 8-foot section of frontage.
- d. When the elevation of the first floor is more than 3 feet above grade, the elevation is considered a visible basement and windows must be provided into the basement or lower floor elevation.

102-750 (j) BUILDING VARIETY

See [Figure 7-Q](#) for examples of building facade variety with intent of providing interest and variety along street and open space frontages.

- (1) MX Zones.** Buildings must treat that frontage in segments of 50 feet or less with the building variety standards in [102-750 \(j\)\(3\)](#), below.
- (2) RX, IX, and NX Zones.** For buildings 90 feet in length or greater, as measured along any street or front facade, must treat that frontage in segments of 50 feet or less with the building variety standards in [102-750 \(j\)\(3\)](#), below.
- (3) Standards.** Each facade segment must vary by at least 2 of the following:
 - a. The type of dominant facade material or by color, scale, or orientation of that material;
 - b. The proportion of recesses and projections within the minimum and maximum setback area;
 - c. The location of the entrance and window placement, unless storefronts are utilized;
 - d. Roof type, plane, or material, unless otherwise stated in the building requirements;
 - e. Building height.

102-750 (k) ARTICULATION OF STORIES

Stories must be articulated on street and other front facades.



Figure 7-Q. Examples of Building Articulation



Figure 7-R. Example of a Terminated Vista.

- (1) **Fenestration.** Fenestration or window placement on street facades must be organized by stories per the building type facade transparency regulations.
- (2) **Shadow Lines.** Horizontal shadow lines and lintels over openings may be used to delineate stories with minimum shadow lines required per building type.
- (3) **Mezzanines.** Mezzanines that fall within the range of floor to floor heights of the building type shall be articulated on the facade and require separate calculation for transparency per [102-1620 \(m\) \(7\) Tall Stories](#).
- (4) **Taller Spaces.** Spaces exceeding the allowable floor to floor heights of the building type shall be articulated as multiple stories on the street facade.

102-750 (l) VISTAS

Views down streets must be considered when locating open space, parking, and buildings on sites and designing building facades. [Figure 7-R](#).

- (1) **Rears of Buildings.** Rears of buildings must not be visible at the termination of a street vista.
- (2) **Parking.** Parking structures and surface parking lots are not permitted at the termination of a street vista.
- (3) **Building Design.** When a street terminates at a parcel, the facade of a building, whether facing a front street or not, must terminate the view and the building must incorporate one of the following treatments to terminate the view: a tower, a bay, or a courtyard. That portion of the facade shall be treated as a front facade.

102-750 (m) GARAGE DOORS

The following requirements apply to garage doors included on any street facade.

- (1) **Location.** Allowed locations for garage doors on street and non-street facades are regulated by the building type regulations.
- (2) **Recessed from Facades.** Garage doors located on street facades must be recessed a minimum of 5 feet from the dominant facade of the principal building facing the same street.
- (3) **Design.** Garage doors facing a street or visible from a street must meet the following:
 - a. The doors must be clad with materials consistent with the design of the building.
 - b. Upgraded architectural doors or carriage-style doors are required on all Row buildings.

102-750 (n) PARKING STRUCTURE FACADES

Parking structure facades visible from any street or abutting any pedestrianway or open space shall meet the following standards. See [Figure 7-R](#) for one illustration of a parking structure facade.

- (1) **Materials.** Major and minor material requirements, per [102-740](#), above, shall be met on all street and other front facades. An additional permitted minor material is stained, finished concrete.
- (2) **Ramps and Slopes.** Ramps and slopes shall not be located on any front or street facades.
- (3) **Vertical Divisions.** Vertical divisions extending the full height of the structure are required every 30 feet to deemphasize the horizontal decks. Divisions shall be a minimum of 2 feet in width with a minimum projection of 2 inches.
- (4) **Blank Wall Limitations.** No rectangular area greater than 30 percent of any story's facade, as measured from



Figure 7-S. One Example of a Parking Structure

102-760 Utility Equipment

floor to floor, and no horizontal segment of a story's facade greater than 15 feet in width may be solid wall without an opening.

- (5) **Entry Tower.** A pedestrian entrance directly into the parking structure from the street is required to be separate from the vehicular entrance and directly accessed from the sidewalk. The pedestrian entrance must meet the principal entryway regulations in [102-750 \(g\)](#). Stairwells must be located inside a tower per [102-720 \(f\)](#) with windows at a transparency rate of 65%.
- (6) **Cap.** The top story of the parking structure shall include a parapet or other roof type along the public way facades. Refer to roof types defined in [102-720](#).
- (7) **Vehicular Entrances.** Driveways shall be no wider than 22 feet and the entrance and exit should be split by a median. Access shall be located on a non-front street, unless the lot does not abut a non-front street. No more than 2 access points shall be located on any one street, totaling no more than 24 feet of drives crossing sidewalk.

102-760 Utility Equipment

Mechanical and utility equipment and appurtenances are necessary for any building design, but can have a negative visual impact and detract from the quality of the design of a building. The purpose of the regulations of this section, [102-760](#), is to ensure that the visual impact of mechanical equipment and appurtenances is minimized.

102-760 (a) "MECHANICAL EQUIPMENT" DEFINED

When the following regulations refer to "mechanical equipment", any mechanical equipment or utility appurtenance, such as but not limited to HVAC systems, boilers, condensers, transformers, vents, meters, ducts, are being referenced, except the following:

- (1) Solar and wind energy systems are allowed, subject to [102-6140](#) in accessory structure regulations.
- (2) Rainwater cisterns are allowed.

102-760 (b) MECHANICAL EQUIPMENT IN BUILDING

Mechanical equipment shall be located within the building, unless the applicant demonstrates that locating the equipment within the building would conflict with the equipment's function.

102-760 (c) ROOFTOP MECHANICAL EQUIPMENT

Any rooftop mechanical equipment, such as but not limited to vents, ducts, condensers, and ventilators, and not including solar panels or wind turbines, shall be located consistent with one of the following methods:

- (1) Incorporate equipment into the roof design consistent with the applicable standards of roof types in [102-720](#).
- (2) Set the equipment back a minimum of 10 feet from any street or public way facade.
- (3) To the extent practicable, all rooftop mechanical shall be painted to blend with the structural roof and limit its visibility.

102-760 (d) MECHANICAL EQUIPMENT ON STREET FACADES

Mechanical equipment and utility appurtenances shall not be located on a street facade unless the applicant demonstrates that locating the equipment in a different location would conflict with the equipment's function. Any equipment or appurtenance approved on a facade shall be located consistent with the following standards:

- (1) **Street Facade.** The mechanical equipment may be located on a street facade only if the following requirements are met:
 - a. The equipment is located on a surface perpendicular to the adjacent street and not parallel to the adjacent

street, unless there is no other option, provided all other requirements of this subsection, [102-760 \(d\)](#), are met.

- b. The equipment extends from the facade surface no more than 3 inches; and
 - c. The equipment is screened from the sidewalk by landscape, railings, other facade walls, or other designs.
- (2) Air Vents or Grills.** Air vents and grills may be successfully incorporated into storefront window systems, provided the transparency requirements are met by the actual windows in the system.
- (3) Alignment.** Multiple pieces of mechanical equipment must be organized on the facade in a regular pattern and aligned. Compliance with this standard must be illustrated on the drawing elevations submitted as part of the application.
- (4) Material Coordination.** To the extent practicable, facade-mounted mechanical appurtenances shall be located on a material that limits their visibility. For example, dark colored vents will be more visible on light colored fiber cement panels than a textured, darker surface such as brick.

102-760 (e) MECHANICAL EQUIPMENT ON OTHER HORIZONTAL SURFACES

Mechanical equipment, such as electrical transformers and air conditioners, located on the ground, decks, or horizontal surfaces other than the roof shall be located consistent with the following standards:

- (1) No Encroachment.** Mechanical equipment shall not extend into any right-of-way or easement, unless otherwise approved by the City.
- (2) Allowed Yard Location.** See [102-16270](#) for definition of yards.
 - a. **Front Street Yard.** Mechanical equipment and appurtenances shall not be located in the front street yard.
 - b. **Non-Front Street Yard.** Mechanical equipment may be approved in the non-front street yard, provided the equipment is screened from the street per the following regulations.
 - c. **Rear and Side Yard.** Mechanical equipment may be located in any rear or side yard.

- (3) Screening from streets, open spaces, or civic spaces.** All equipment must be screened from view from any streets, open space, or civic space per the following:

- a. Walls for screening must be consistent with the building design, colors, and materials, faced with an allowed major facade material.
- b. Where landscaping only is employed, the following must be met:
 - 1. Where landscaping only is employed, the utility must be located in a larger landscape area and the landscape screen must be designed as part of the large planting bed design.
 - 2. A single row of evergreen shrubs shall fully screen the equipment within 1 year of installation.
 - 3. The zoning administrator may require additional landscape materials.

- (4) Street Frontage or Front Yard Location.** Equipment located in a street yard or other front yard may approved only if all of the following are met:

- a. The applicant demonstrates that the equipment cannot be located in a rear yard, street side yard, or in a side yard.
- b. Equipment may be located in a front street yard only if the applicant demonstrates that the equipment cannot be located in a non-front street yard.
- c. No other utility cabinets, boxes, or other appurtenances are within 200 feet along the same side of the street as the proposed utility appurtenance.
- d. The appurtenance is located a minimum of 35 feet from a street intersection, measured from the intersection of the curb line, and does not impact the sight vision clearance at intersections.
- e. The appurtenance is fully screened in a manner that is consistent with the building design, colors, and materials and of a height that is the minimum to adequately screen the appurtenance and that does not prevent the facade from fulfilling any transparency requirements. See [Figure 5.03\(8\)](#) for examples of poorly located, unscreened equipment on front streets.

Article 7 Building Design
102-760 Utility Equipment



Figure 7-U. Rooftop Utilities Screened from the Public Way by a Parapet

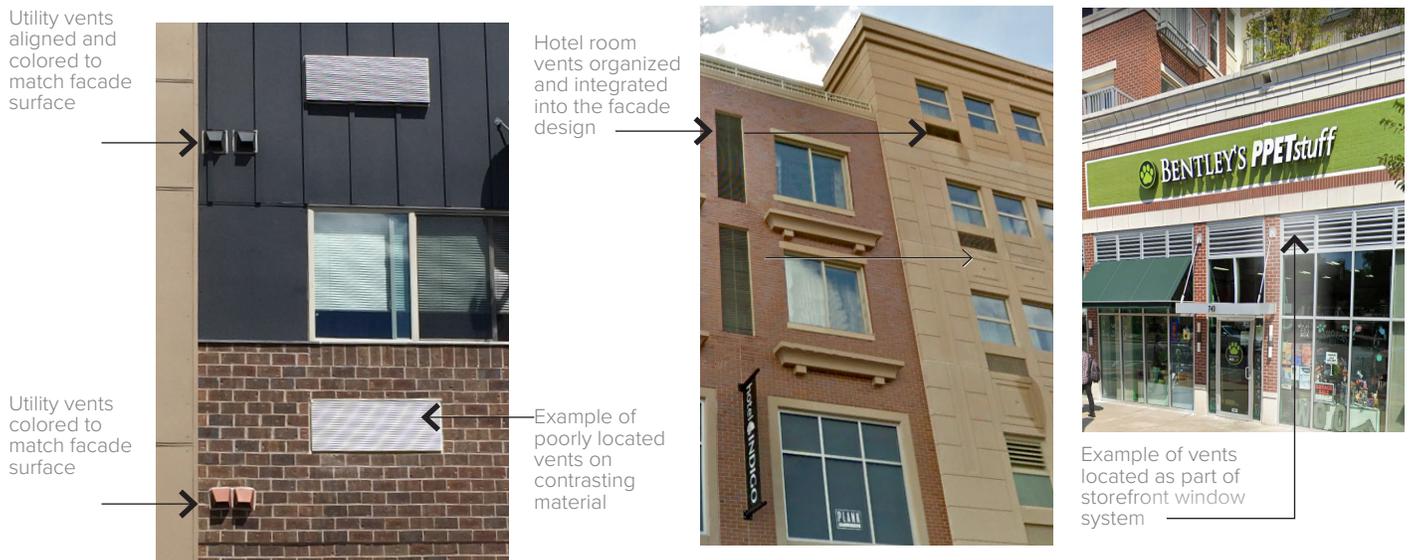


Figure 7-T. Utility Appurtenances located on Facades



Figure 7-V. Examples of Poorly Located Utility Appurtenances on Primary Streets: NOT PERMITTED

ARTICLE 8 LANDSCAPE & SITE DESIGN

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Article 8 Landscape & Site Design
102-810 Generally

102-810 Generally

102-810 (a) PURPOSE

The landscape and site design regulations of this article are intended to provide the following:

- (1) To protect property values and the appearance of neighborhoods and commercial zones through appropriate landscape and fencing.
- (2) To provide for healthy, long-lived trees within all public ways to improve the appearance of streets and create a buffer between pedestrian and vehicular travel lanes.
- (3) To increase the urban tree canopy throughout the City.
- (4) To increase the compatibility of adjacent uses and minimize the adverse impacts created by adjoining or neighboring uses.
- (5) To promote the prudent use of water through sustainable, functional landscapes.
- (6) To reduce energy demands through the shading of buildings and pavement, reducing urban heat island effects.

102-810 (b) VISIBILITY AT INTERSECTIONS

At street intersections in all zones except MX-D and MX-N, walls, fences, plants, or trees in excess of 30 inches above the abutting curb line shall not be located within a triangular area bounded by the following 3 lines:

- (1) From the intersection of the projected curb lines of two intersecting streets, extending 30 feet along one curb line;
- (2) From the intersection of the project curb lines of two intersecting streets, extending 30 feet along the other curb line;
- (3) Connecting those 2 lines diagonally from the extended endpoints.

102-820 Landscape Installation

102-820 (a) INTENT

The following provisions aid in ensuring that all required landscaping is installed and maintained properly.

102-820 (b) APPLICABILITY

These provisions apply to landscape installation required by this article.

102-820 (c) GENERAL INSTALLATION REQUIREMENTS

- (1) **National Standards.** Best management practices and procedures according to the nationally accepted standards must be practiced. All landscape and trees must be installed in conformance with the practices and procedures established by the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen.
- (2) **Letter of Credit.** A letter of credit in a form acceptable to the City attorney is required for all landscape installation. All landscape materials must be fully installed prior to the issuance of a certificate of occupancy, except when seasonal conditions preclude the complete installation. Complete installation is required within 9 months of the issuance of a temporary certificate of completeness or occupancy permit or the letter of credit may be forfeited. Landscape must be fully established a minimum of one year before the letter of credit is released.
- (3) **Tree Measurement.** Caliper is the measured diameter (inches) of the tree trunk as follows:
 - a. Caliper measurement of the trunk must be taken 6 inches above the ground or top of the rootball up to and including 4 inch caliper size.
 - b. If the caliper at 6 inches above the ground exceeds 4 inches, the caliper should be measured at 12 inches above the ground or top of the rootball.
- (4) **Plant Size Requirements.** Plant material must be sized according to [Table 8-1](#) unless otherwise noted in this section.
- (5) **Condition and Selection of Planting Materials.** The plant materials used must be free from visible signs of disease, infestation, or physical defect at the time of planting. Plant materials must:
 - a. Be appropriate for the conditions of the location, including sun and wind exposure, air quality, salt exposure, soil type, expected moisture content of soil, and slope.

102-830 General Landscape Maintenance

- b. Not be an invasive or a potentially invasive species.
- c. Be, wherever possible, native or naturalized to the Bridgeport region.

(6) Compost, Mulch, and Organic Matter. Compost, mulch, and organic matter must be utilized within the soil mix to reduce the need for fertilizers and increase water retention.

(7) Establishment. All installed plant material must be fully maintained until established, including watering, mulching, fertilizing, and replacement as necessary.

102-820 (d) TREE INSTALLATION

(1) Permeable Surface. For each tree planted, a minimum amount of permeable surface area is required, unless otherwise stated in this code. See [Table 8-2](#) for estimated tree canopy sizes at maturity. See [Table 8-3](#) for soil volumes and permeable area recommended per tree.

- a. At least 70% of the limits of the mature canopy must have a permeable surface.
- b. Permeable area for one tree cannot count toward that of another tree.

(2) Suspended Pavement System. When the required soil surface area of a tree (see [Table 8-3](#)) will extend below any pavement, a modular suspended pavement system (Silva Cells, Root Space, or an approved equivalent), must be used below that pavement to ensure root growth and access to air and water.

Table 8-1. Plant Material Size at Installation

PLANT MATERIAL TYPE	MINIMUM SIZE
Street Tree	2 in. caliper
Deciduous Shade/Overstory Tree	1.5 in. caliper/ 8 ft. height
Evergreen Tree	8 ft. height
Understory Tree	6 ft. height
Ornamental Tree	1.5 in. caliper
Shrubs - Deciduous	5 gallon container or 18 in. balled & burlapped
Shrubs - Evergreen	5 gallon container or 18 in. balled & burlapped
Groundcover	3 in. height

102-830 General Landscape Maintenance

102-830 (a) INTENT

All landscaping must be maintained in good condition at all times to ensure a healthy and orderly appearance.

102-830 (b) APPLICABILITY

All landscape required by this article must be maintained in healthy condition per this section, [102-830](#).

102-830 (c) GENERAL MAINTENANCE

(1) National Standards. All landscaping and trees must be maintained according to the most recent edition of the American National Standards Institute, including its provisions on pruning, fertilizing, support systems, lighting protection, and safety

(2) Replacing Unhealthy Landscaping. Unhealthy landscaping must be replaced with healthy, live plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over a minimum of 25 percent of the normal branching pattern.

Table 8-2. Canopy Coverage by Tree Size

TREE SIZE	MATURE CANOPY SIZE
Small	300 sq. ft.
Medium	700 sq. ft.
Large	1,000 sq. ft.

Table 8-3. Soil Volumes & Permeable Area

TREE SIZE	SOIL VOLUME	APPROX. SOIL SURFACE AREA 2.5-FT. SOIL DEPTH	REQUIRED PERMEABLE SURFACE AREA
Small	736 cu. ft.	294 sq. ft. (17 ft. x 17 ft.)	100 sq. f.t (4 ft. x 25 ft.)
Medium	2,852 cu. ft.	1,141 sq. ft. (34 ft. x 34 ft.)	225 sq. f.t (4 ft. x 56.25 ft.)
Large	6,532 cu. ft.	2,681 sq. ft. (34 ft. x 34 ft.)	400 sq. f.t (4 ft. x 100 ft.)

Article 8 Landscape & Site Design
102-840 Existing Trees

- (3) **Maintenance Responsibility.** The owner is responsible for the maintenance, repair, and replacement of all landscaping.
- (4) **Maintain Quality and Quantity.** Maintenance must preserve at least the same quantity, quality, and screening effectiveness as initially installed or required by this article.
- (5) **City Inspection.** All landscaped areas regulated by this code may be inspected by the City.
- (6) **Tree Maintenance**
 - a. **Arborist.** Tree trimming, fertilization, and other similar work must be performed by or under the management of an ISA certified arborist.
 - b. **Tree Topping.** Tree topping is not allowed. When necessary, crown reduction thinning or pruning is permitted. Refer to [102-8100](#) for clear branch height of street trees.

102-840 Existing Trees
.....

102-840 (a) TREE SURVEY SUBMITTAL

A survey of existing trees on the site is required for all developments requiring a PUD or a site plan approval per [Article 13](#). The survey must illustrate the following:

- (1) All existing trees 4 inches or greater.
- (2) All trees to be removed.
- (3) All significant and contributing trees to be retained.
- (4) Tree protections to be installed for all significant and contributing trees.
- (5) The footprint of any existing and proposed structures, fences, and paving.
- (6) Existing and proposed topography, including cut and fill diagrams.

102-840 (b) MEASURING EXISTING TREES

Existing trees must be measured as the diameter of trunk, at breast height, 4 feet above grade at the base of the tree.

102-840 (c) SIGNIFICANT AND CONTRIBUTING TREES

Trees of significant size, type, or meaning must be retained on the site, unless otherwise replaced in accordance with this section.

- (1) **Definition.s** A significant tree is one of the following:
 - 1. A tree with a diameter at breast height of 13 inches or more.
 - 2. A grove of trees totaling 13 inches and as determined by the municipal arborist.
 - 3. Any specific tree type designated significant by the municipal arborist, based upon the tree's age, species, health, meaning within the community, and/or historical importance.
 - 4. Aspen, Cottonwood, or Silver Maple are considered significant if they are at least 20 inches in diameter.
 - a. Contributing trees are existing trees that are not significant trees, measuring greater than 6 inches, contributing to the City's overall tree canopy cover.
 - b. Boxelder, Siberian Elm, Black Locust, Mulberry, a fruit tree species, or a tree that is defined as an invasive species by the Minnesota Department of Natural Resources are not considered significant or contributing trees.

- (2) Removal of Significant and Contributing Trees.** A significant or contributing tree may be removed with approval of the municipal arborist under the following conditions:
- a. The tree is in poor health or diseased with an expected life span less than 2 years.
 - b. The tree poses a danger to human safety, health and welfare.
 - c. If approved by the municipal arborist, the removal is mitigated by one of the following:
 1. Planting of replacement trees per the following:
 - i. Trees with a total of caliper inches equal to the diameter of the removed significant and contributing tree(s), or
 - ii. Trees with a total of caliper inches equal to three times the diameter of the removed significant trees and equal to the diameter of removed contributing trees if the site is located within 500 feet of Blake Road and Excelsior Boulevard, identified as having the highest relative surface temperature in the Hopkins Heat Vulnerability Study.
 2. When planting of replacement trees is determined impracticable by the municipal arborist and the zoning administrator, a fee in-lieu of replacement trees will be assessed and paid into the City's Tree Planting Fund in accordance with the City's fee schedule. The fee must include a cost per diameter inch of tree not replaced.
 3. A combination of replacement trees and fee-in-lieu per this subsection.
 4. Replacement trees may be planted on the site approved by the municipal arborist and the zoning administrator.

102-840 (d) TREE PROTECTION DURING CONSTRUCTION

During construction, all available precautions must be undertaken to prevent damage to existing trees, 6" in diameter or larger, to be retained on the site.

- (1) Protection Fencing.** Tree protection fencing and trunk protection must be performed on existing trees per ANSI guidelines.
- (2) Prevention of Injury.** Protection must include prevention of injury to the trunk, branches, and root systems of existing trees to be retained on the site and any trees

on adjacent sites with root systems extending onto the site.

- (3) Regrading within Dripline.** No soil removal, trenching, or regrading must occur within the root system or beneath the dripline of any tree to be retained on the site without mitigation of the impact of the activity on the tree per a certified arborist's recommendation.
- (4) Compaction of Soil.** No parking of vehicles or machinery, or storage of materials must occur within the dripline of any existing tree to be retained to avoid the compaction of soil around roots.
- (5) Inspection.** Before, during, and after the start of construction activity, the municipal arborist may inspect the site and impose additional procedures to ensure the health of existing trees to be retained.
- (6) Mitigation of Damage.** The municipal arborist may assess mitigation of trees damaged during or as a result of construction activities. Mitigation may include replacement trees or fees paid into the tree fund.

102-840 (e) PENALTIES

Any person who removes a significant tree without prior permission from the municipal arborist or causes the death of a significant tree through other means as determined by the municipal arborist must be subject to a fine equivalent to the value of the tree. The tree value must be established using the Trunk Formula Method set forth in the latest edition of Guide for Plant Appraisal authored by the Council of Tree and Landscape Appraisers.

Article 8 Landscape & Site Design
102-850 Ground Vegetation

102-850 Ground Vegetation

102-850 (a) APPLICABILITY

All unpaved areas of any lot in any other zone must be covered by planting bed per [102-850 \(b\)](#) or grass per [102-850 \(c\)](#) or a combination of planting bed and grass.

102-850 (b) PLANTING BEDS

- (1) Allowed Materials.** All planting beds may include shrubs, ornamental grasses, ground cover, vines, annuals, or perennials.
- a. A minimum of 60% of the bed area must be covered in plant material at maturity. The remaining portion of the bed may be covered with non-living permeable materials, such as mulch or pine straw.
 - b. Annual beds must be maintained seasonally, replanting as necessary.
- (2) Required Plant Beds.** In all zones except N zones, where any street yard is greater than 10 feet deep, planting beds must cover a minimum of 30% of the area.

102-850 (c) GRASS

Seeded, plugged, or sodded grass may be planted throughout landscaped areas. Grass must be established within 90 days of planting or the area must be reseeded, replugged, or resodded.

102-860 Site Trees

102-860 (a) INTENT

Trees must be planted on all lots with sufficient space to ensure that tree canopy, when mature, contributes to a significant canopy over the City as a whole.

102-860 (b) APPLICABILITY

In all zones except any N zone or the MX-D zone, site trees are required on all lots with any street, rear, or side yard area totaling 3,000 square feet or more.

- (1) Trees That Count.** The area of canopies of the following trees overhanging applicable yard areas may be removed from the yard area calculation. See [Table 8-2](#) to determine the canopy area at maturity.
- a. **Street Trees.** Any street tree canopy overhanging the yard may be removed from the calculation of available yard area for site trees.
 - b. **Credit for Existing Trees.** Canopy areas of existing, healthy trees of appropriate species and location, subject to the approval of the zoning administrator, may be removed from the area calculation.
 - c. **Buffer and Parking Lot Trees.** Mature canopies of buffer and parking lot trees located within the yard area may be counted.
- (2) Yard Area Uses.** The area of the following permanent uses may be removed from the required site tree yard area:
- a. Sports fields or other outdoor recreational use areas
 - b. Urban farm plots
 - c. Plazas, patios, terraces, and other outdoor open space areas designed for people

102-860 (c) REQUIRED TREES

One medium or large tree is required per 3000 square feet of yard area. See [Table 8-2](#) for canopy coverage areas.

102-860 (d) ALTERNATIVE COMPLIANCE

Where existing conditions or other provisions of this section make it impracticable to meet the site tree requirement on or adjacent to the site, the applicant must plant sufficient trees to make up the shortfall with the location to be determined by the municipal arborist.

102-860 (e) NEGATIVE IMPACTS

To the extent practicable, new trees should be located with the canopy fully on the site, avoiding shading an adjacent property.

102-860 (f) TREE TYPES

- (1) A list of allowed tree types is available from the City.
- (2) Planted trees must be a combination of permitted species, where possible.

102-870 Streetscape Design
.....

102-870 (a) INTENT

To establish attractive, contiguous streetscape with amenities along all corridors and streets throughout the City.

102-870 (b) APPLICABILITY

The regulations of this section, [102-870](#), apply to all zones, unless otherwise stated.

- (1) The requirements of this section apply to development of new streets and development on all lots with 200 feet or more of street frontage on existing streets or the zoning administrator may assess a fee-in-lieu of streetscape for deposit in the City's streetscape fund.
- (2) For developments with less than 200 feet of street frontage, a fee-in-lieu of streetscape will be assessed by the zoning administrator for deposit in the City's streetscape fund.
- (3) All locations where streetscape area is required by this code.

102-870 (c) GENERALLY

- (1) **Streetscape Location.** Streetscape occupies the full pedestrian area of any street right-of-way (back of curb to edge of street right-of-way) and the front yard of all developments as defined by the type of development in [102-870 \(h\)](#), below.
- (2) **Planned Streetscapes.** Proposed or planned streetscape designs must be considered when determining the applicable area and design elements.
- (3) **Streetscape Design Continuation.** The approved streetscape design for each street may be utilized by the City for the extension of any street outside the development to provide district continuity.
- (4) **Standard Specifications.** Streetscape must meet any standards defined by the City for sidewalk, curb, access, and parkway construction. The zoning administrator may request additional streetscape requirements or waive any streetscape requirements.
- (5) **Additional Elements.** Additional streetscape elements beyond those required in this section may be required, based on plans in place for the street, neighborhood, or City.
- (6) **Existing Streetscape Improvements.** Where streetscape has been installed within the last 10 years, the applicant must coordinate with the zoning administrator to replace or repair any existing streetscape improvements.

Article 8 Landscape & Site Design
102-880 Street Sidewalks

102-870 (d) SIDEWALKS

Sidewalks must be provided per [102-880](#).

102-870 (e) STREET TREES

Street trees must be planted within all streetscape areas per [102-8100](#).

102-870 (f) LIGHTING

Both pedestrian and vehicular lighting must be specified and locations and quantities noted. All lighting must meet any requirements of the Department of Public Works and samples must be submitted upon request of the zoning administrator.

102-870 (g) STORMWATER

Stormwater accommodations, such as bioswales or rain gardens, may be located in any streetscape area, as determined appropriate by the zoning administrator.

102-870 (h) ACTIVE STREETScape

Active streetscapes are those locations where significant pedestrian activity is anticipated, especially where multiple building entrances are provided along a street and where on-street parking will have multiple turnovers in a day.

- (1) Applicable Building Types.** Active streetscape is required for all storefront buildings in all zones, but may be utilized in part or for all streetscape area of any other building type.
- (2) Streetscape Area.** The pedestrian realm and the street yard for the building must be designed as one space, extending from the building face to the back of curb or edge of pavement.
 - a. Pedestrian Realm.** The pedestrian realm spans from the edge of the right-of-way to the back of curb of the street.
 - b. Street Yards.** All street yard must be designed in conjunction with the pedestrian realm to create a cohesive streetscape. See [102-16270](#) for definition of street yard.
- (3) Design.** The full active streetscape area must be designed as a combination of hardscape, tree wells, and/or bed areas.
- (4) Landscape Design.** Ground plane vegetation per [102-850](#) must be designated for any landscape bed areas, planter areas, and open tree wells.
- (5) Sidewalk Cafes.** Sidewalk cafes may be incorporated into the active streetscape where eating and drinking uses are allowed per [Article 5](#). In the pedestrian realm within the right-of-way, a sidewalk cafe permit is required

in accordance with the sidewalk cafe policy in chapter 5 of the Legislative Policy Manual.

- (6) Pavement Design.** Paving materials and a pattern is required for each street. Pavement design must include all required minimum sidewalks, other hardscape defined by the base or storefront streetscape, and connections to on-site sidewalks.
- (7) Street Furnishings.** For each block face, a minimum of 2 benches and 1 trash receptacle is required. Benches and/or seatwalls, planters, planter fences, tree grates, tree guards, and trash receptacles must be specified and quantities and locations listed for each street.
- (8) Bicycle Parking.** Short-term bicycle parking as required per [102-990](#) must be incorporated into the streetscape design.

102-870 (i) PASSIVE STREETScape

Passive streetscapes are those locations that are not anticipated to be as active, where less hardscape and more landscape is appropriate.

- (1) Applicable Building Types.** Passive streetscape is required in all locations where active streetscape is not required or used.
- (2) Streetscape Area.** The passive streetscape includes only the pedestrian realm, spanning from the edge of the right-of-way to the back of curb of the street.
- (3) Design.** The passive streetscape area must include the following:
 - a.** Minimum required sidewalk per [102-870 \(d\)](#).
 - b.** Street trees must be located in a buffer area between the back of curb or edge of pavement and the sidewalk.
 - c.** The buffer area between the back of curb and the sidewalk, where unpaved, must be planted with street trees and ground vegetation per [102-850](#).

102-880 Street Sidewalks
.....

102-880 (a) INTENT

Sidewalks or multi-use paths must be provided along all street frontages, located within the public right-of-way or any other required pedestrianway.

102-880 (b) APPLICABILITY

Street sidewalks must be provided on all lots in all zones except N1.

102-880 (c) SIZE

Sidewalks must be a minimum of 5 feet in width. Multi-use paths must meet the minimum size required by any trail or bicycle plan, unless otherwise defined by the zoning administrator.

102-880 (d) LOCATION

Sidewalks must be located a minimum of 4 feet off the back of curb or edge of pavement to accommodate street trees in a buffer area.

102-880 (e) ADA COMPLIANCE

All sidewalks and pathways must meet the American Disabilities Act requirements, including crossings at street intersections.

102-890 Internal Site Sidewalks

102-890 (a) INTENT

An internal circulation system is intended to provide a permanent pathway for pedestrians between public streets and building entrances throughout larger sites.

102-890 (b) APPLICABILITY

Internal site sidewalk regulations must be met on all lots except in N and NX1 zones.

102-890 (c) SIDEWALKS

(1) Size. Sidewalks must be a minimum of 5 feet in width.

(2) Materials. Sidewalks must be constructed of a permanent hard surface material, such as concrete, brick, or asphalt, unless part of a City-approved trail system.

(3) Designation. Sidewalks must be permanently and clearly demarcated through a change in material or edging. Painted striping marking sidewalks edges is not allowed.

(4) Crossings. The pavement of all sidewalks must continue at any crossing with any street, driveway, or parking drive aisle.

(5) Direct Routes. Required connections must follow a direct route and not involve significant out-of-direction travel for system users.

102-890 (d) LOCATIONS

(1) Connection to Public Sidewalks. Continuous sidewalks must connect between all building entrances to all public sidewalks, including at least one connection to each street-frontage sidewalk abutting the site.

- a. Building entrances located in the rear of MX-D, RX-D, AND MX-N lots may be excepted from this

requirement when directly opening onto a public alleyway.

(2) Connection Through Parking Lots. All parking lots with 25 or more motor vehicle parking spaces must provide at least one pedestrian walkway through the lot, located outside of a motor vehicle driving lane.

- a. Parking lots with more than 3 parking aisles must provide at least one walkway per 3 parking aisles.
- b. Parking area walkways must be at least 8 feet in width, but may be reduced to 5 feet in width if designed as a grade-separated walkway with landscape buffers on either side.
- c. Walkways must be located within the parking area to serve the maximum number of parking stalls.

Article 8 Landscape & Site Design
102-8100 Street Trees

102-8100 Street Trees
.....

102-8100 (a) INTENT

To line all streets with a consistent and appropriate planting of trees to establish tree canopy for environmental and aesthetic benefits.

102-8100 (b) APPLICABILITY

The requirements of this section apply to all new development or redevelopment of lots in all zones except N1.

102-8100 (c) REQUIRED STREET TREES

Street trees must be installed along all new or existing streets, not including alleys, where street trees or streetscape do not exist. The zoning administrator may exempt locations where streetscape or street trees have been installed within the last 10 years or may require streetscape improvements if in disrepair.

102-8100 (d) REQUIREMENTS

- (1) Street Tree Type.** A list of permitted street tree types is available from the zoning administrator. Where more than 4 trees are planted, a combination of permitted species should be considered.
- (2) Street Tree Spacing.** Each lot is required to have one tree for every 40 feet of street frontage with a minimum of one street tree per street frontage.
- (3) Location.** Street trees must be located between the curb and sidewalk, a minimum of 2 feet and a maximum of 10 feet off the back of curb, measured perpendicular to the curb.
 - a. Limited Space.** Where a minimum 4-foot sidewalk and minimum 3-foot landscape area will not fit between an existing street and existing building, the street tree requirement may be waived by the zoning administrator.
- (4) Tree Wells.** For trees not installed in a planted parkway (see [102-870](#) for streetscape), the tree well must meet the following requirements:
 - a. Size.** The tree well must be a minimum of 4 feet wide (the distance perpendicular to the curb) and 8 feet in length.
 - b. Opening.** The opening of such tree well must include one of the following:
 - 1.** The tree well opening must be covered with an expandable iron tree grate.

- 2.** The tree well opening must be fenced with an ornamental steel or iron fence 18 inches in height above sidewalk grade.
 - c.** The tree well opening must be rimmed with a continuous curbing approximately 4 inches wide and 6 inches above the height of the sidewalk.
 - d.** Other durable, long-lasting protective fencing or materials appropriate given site conditions and approved by the zoning administrator.
- (5) Clear Branch Height.** Minimum clear branch height is 8 feet for the portion of trees overhanging sidewalks and 15 feet for the portions of trees overhanging streets. The clear branch height of a tree is the distance between the ground plane and the lowest branch of the tree at maturity.
- (6) Permeable Surface and Suspended Pavement System.** See [102-820 \(d\)](#) for permeable surface requirements and recommendations for tree root support systems under pavement.

102-8110 Frontage Buffer

102-8110 (a) INTENT

To lessen the visual impact of on-site vehicular parking, loading, and other activities from the street.

102-8110 (b) APPLICABILITY

The frontage buffer is required on all lots for all building types in all zones, except N and NX1 zones, in accordance with the following:

- (1) **Vehicular Areas along Street Frontages.** Along the perimeter of any off-street surface parking, driveway, loading, or other vehicular areas fronting a street right-of-way, not including along any alley.
- (2) **Vehicular Areas along Open Space.** Along the perimeter of any off-street surface parking, driveway, or loading areas fronting or within a P1 zone or other open or civic space.
- (3) **Outdoor Storage in Street Yards.** Along the perimeter of any outdoor storage areas defined in [102-6180](#) located in a street yard or a yard facing an open or civic space. See [102-8110 \(c\)](#) for exceptions to requirements specific to this use.
- (4) **Vehicle Sales Lots.** Along the perimeter of any vehicle sales lots defined in [102-540 \(j\)](#) fronting a street right-of-way or open or civic space. See [102-8110 \(c\)](#) for exceptions to requirements specific to this use.

102-8110 (c) REQUIREMENTS

Refer to [Figure 8-A](#) for illustration of these requirements.

- (1) **Buffer Depth.** The required buffer area must be a minimum 7 feet in depth, measured from the street-facing lot line into the lot. When a building is located on the lot adjacent to the vehicular area, the buffer depth must be measured 7 feet from the street facade of the building back.
- (2) **Buffer Location.** The required buffer area must extend the width of the vehicular area, but may allow for the perpendicular crossing of driveways and walkways.
- (3) **Fence.** A continuous fence is required in the frontage buffer for all uses except for vehicle sales uses.
 - a. **Fence Location.** A continuous fence is required, located 2 feet from the back of curb or edge of the vehicular area into the buffer. One pedestrian opening, maximum 4 feet in width, is permitted for every 30 feet of fence.

- b. **Fence Materials.** The fence must be black, gray, or dark green aluminum, steel or colored PVC. Masonry columns (maximum 2.5 feet in width) and base (maximum 18" in height) are allowed, but not required.
 - c. **Fence Height.** The fence must be a minimum of 3 feet and a maximum of 4 feet in height. For outdoor storage uses in I zones, up to 6 feet in height is allowed.
 - d. **Fence Opacity.** The fence must be a minimum of 25 percent and a maximum of 60 percent opaque.
- (4) **Buffer Landscape.** The following landscape is required within the buffer.

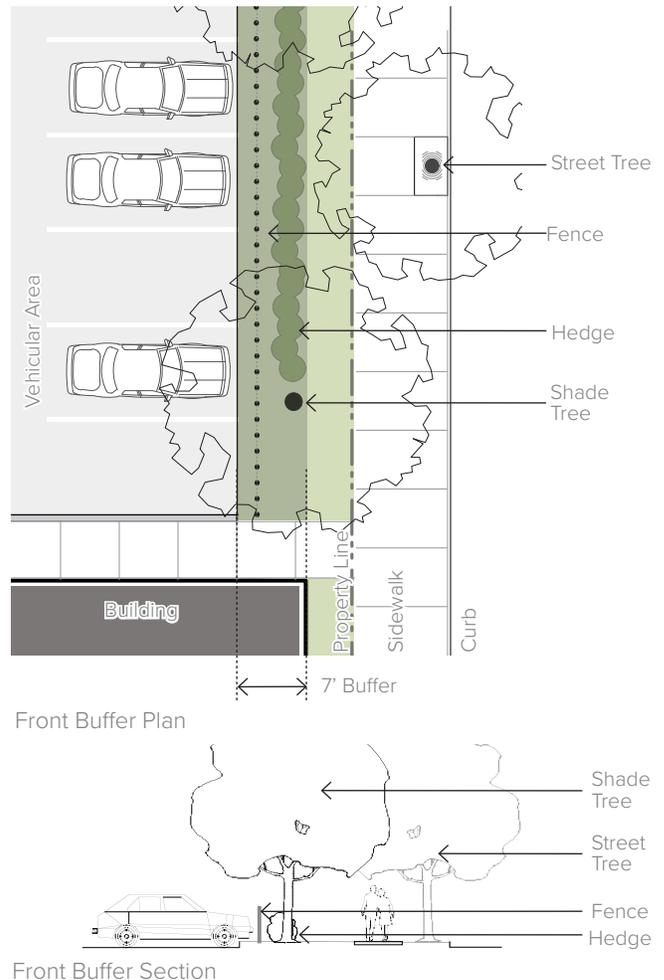


Figure 8-A. Frontage Buffer Plan & Section

Article 8 Landscape & Site Design
102-8120 Side and Rear Buffers

- a. Shade Trees.** Medium or large shade trees are required at a minimum of 40 feet on center, with at least one shade tree required for each segment of buffer. Where feasible, spacing of the buffer trees should alternate with street trees.
- b. Hedge.** A single row hedge is required on the street-side, along a minimum of 80% of the fence. The hedge must consist of shrubs with a minimum mature width of 24 inches each, spaced no more than 36 inches on center, and height maintained no more than 42 inches.
 - 1.** For outdoor storage uses, the hedge must consist of a double row of shrubs.
 - 2.** For vehicle sales uses, a single row of lower shrubs, minimum 12 inches in height, is allowed instead of a hedge.
- c. Existing Vegetation.** The zoning administrator is authorized to credit existing vegetation toward meeting buffer requirements.

102-8120 Side and Rear Buffers
.....

102-8120 (a) INTENT

To minimize the impact that one zone may have on a neighboring zone and to provide a transition between zones.

102-8120 (b) APPLICABILITY

A side and rear buffer is required along the side and rear lot lines of all lots for all building types per this section, [102-8120](#).

102-8120 (c) EXCEPTIONS

The buffer width may be reduced in accordance with the following:

- (1) Existing Landscape.** Where the buffer will interfere with existing mature, healthy landscape, the zoning administrator shall determine the extent of the needed buffer.
- (2) Existing Topography.** Where existing topography either reduces the need for or increases the visibility of the buffering or the use being buffered, the zoning administrator shall determine the extent of needed buffering.

102-8120 (d) BUFFER LOCATIONS

- (1)** Side and rear buffers are required where the following occurs in the rear or side yards of a lot:
 - a.** Any vehicular areas, abutting or adjacent to zones designated in [Table 8-4](#). Vehicular areas include such areas as parking spaces, drives, drive-through uses, fueling stations, auto sales or rental lots, truck parking, and structured parking.
 - b.** Any loading areas abutting or adjacent to zones designated in [Table 8-4](#). Loading areas include such areas as loading bays, loading docks, service bays, garage doors, other outdoor trucking facilities.
 - c.** Any service areas abutting or adjacent to zones designated in [Table 8-4](#). Service areas include such areas as delivery doors, refuse and recycling areas, outdoor employee break areas.
 - d.** Any outdoor storage areas as allowed in the zone abutting or adjacent to zones designated in [Table 8-4](#). See [102-6180](#) for outdoor storage uses.
 - e.** Other outdoor activities emitting sounds, smells, or other by-products, such as outdoor dining, as determined by the zoning administrator.
- (2)** Side and rear buffers must be installed along the lot line or the buffer may be located at the edge of the activity being buffered, provided the area between the buffer

Article 8 Landscape & Site Design
102-8120 Side and Rear Buffers

and the lot line is landscaped with ground vegetation per [102-850](#) and one tree per every 2,000 square feet.

- (3) Access Points.** Driveways and other access points may interrupt buffers as necessary.

102-8120 (e) FENCE BUFFER

See [Table 8-4](#) where required. See [Figure 8-B](#) for illustration.

- (1) Intent.** The fence buffer is intended to provide a physical and visual separation for uses of different intensities where limited buffer area is available.
- (2) Buffer Depth.** A minimum 2-foot width buffer, measured from the lot line onto the subject lot, is required.
- (3) Privacy Fence.** A minimum 6-foot, maximum 8-foot high, opaque, privacy fence screening the activity must be located in the buffer adjacent to the lot line. Allowed materials include PVC, composite wood, FSC wood (cedar, redwood, or other approved by the zoning administrator), stone, or brick. Concrete panels and concrete masonry units are not allowed, except faced on all sides with brick or stone.
- (4) Curbs or Wheel Stops.** A curb or wheel stops must be provided along the buffer edge at any vehicular area to prevent motor vehicles from damaging the fence. Parking may not overhang into the buffer.

- (5) Landscape.** The buffer area must be landscaped as planting bed. See [102-850](#) for required ground vegetation regulations.

102-8120 (f) LIGHT BUFFER

See [Table 8-4](#) where required. See [Figure 8-C](#) for illustration.

- (1) Intent.** The light buffer is intended to provide physical and visual separation for uses of different intensities.
- (2) Buffer Depth.** A minimum 5-foot width landscaped buffer, measured from the lot line onto the subject lot, is required.
- (3) Privacy Fence.** See [102-8120 \(e\)](#) for the requirements of the privacy fence.
- (4) Shade Trees.** Medium or large shade trees are required at a minimum of 40 feet on center, with at least one shade tree required for each segment of buffer.
- (5) Landscape.** The buffer area must be landscaped as planting bed. See [102-850](#) for required ground vegetation regulations.

102-8120 (g) HEAVY BUFFER

See [Table 8-4](#) where required. One of the following options must be included within the buffer.

Table 8-4. Side & Rear Buffer Required

BUFFER REQUIRED ON LOTS ZONED:	ABUTTING ZONES:									
	I	IX	MX-S	MX-D, MX-N	RX-TOD, RX-D	NX2	RX-N	NX1, N	P1	P2, P3
I	-	LIGHT	HEAVY	HEAVY	HEAVY	HEAVY	HEAVY	HEAVY	HEAVY	HEAVY
IX	-	-	HEAVY	HEAVY	HEAVY	HEAVY	HEAVY	HEAVY	HEAVY	HEAVY
MX-S	-	-	-	-	-	LIGHT	LIGHT	LIGHT	LIGHT	LIGHT
MX-D, MX-N	-	-	-	-	-	FENCE	FENCE	FENCE	FENCE	FENCE
RX-TOD, RX-D	-	-	-	-	-	LIGHT	LIGHT	LIGHT	LIGHT	FENCE
NX2	-	-	-	-	-	-	LIGHT	LIGHT	LIGHT	-
RX-N	-	-	-	-	-	-	-	LIGHT	LIGHT	LIGHT
NX1, N	-	-	-	-	-	-	-	-	-	-
P1	-	-	-	-	-	-	-	-	-	-
P2, P3	-	-	-	-	LIGHT	LIGHT	LIGHT	LIGHT	LIGHT	-

See [102-8120 \(d\)](#) for activities triggering buffer requirement.

Article 8 Landscape & Site Design
102-8120 Side and Rear Buffers

- (1) **Intent.** The heavy buffer is intended for use in special instances where extensive screening of both visual and noise impacts is needed to protect abutting uses.
- (2) **Buffer Depth.** A minimum 7.5-foot width buffer, measured from the lot line onto the subject lot, is required. See [102-850](#) for required ground vegetation.
- (3) **Privacy Wall Option.** A minimum 6-foot, maximum 8-foot high opaque, masonry wall screening the activity. Concrete panels and concrete masonry units are not allowed, except faced on all sides with brick or stone. See [102-850](#) for required ground vegetation.
- (4) **Landscape Option.** The following elements must be included within the buffer. See [Figure 8-D](#) for illustration.

a. Fence and Hedge. An open picket steel or PVC fence, minimum 6-foot in height, black, gray, or dark green in color. The fence must be a minimum of 25 percent and a maximum of 60 percent opaque. Masonry columns (maximum 2.5 feet in width) and base (maximum 18 inches in height) are allowed, but not required.

b. Shade Trees. Medium or large shade trees are required at a minimum of 40 feet on center, with at least one shade tree required for each segment of buffer.

c. Hedge. A continuous hedge is required, consisting of a double row of evergreen shrubs with a minimum mature width of 24 inches each, spaced no more than 36 inches on center, and height maintained between 48 and 72 inches.

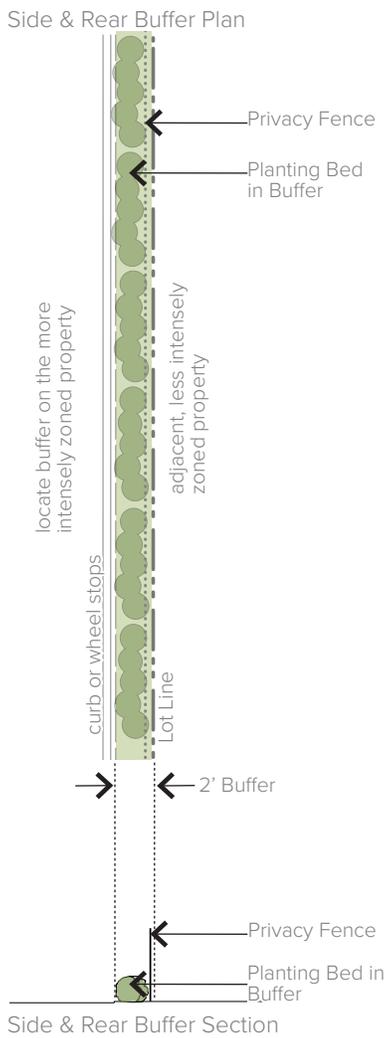


Figure 8-B. Fence Buffer

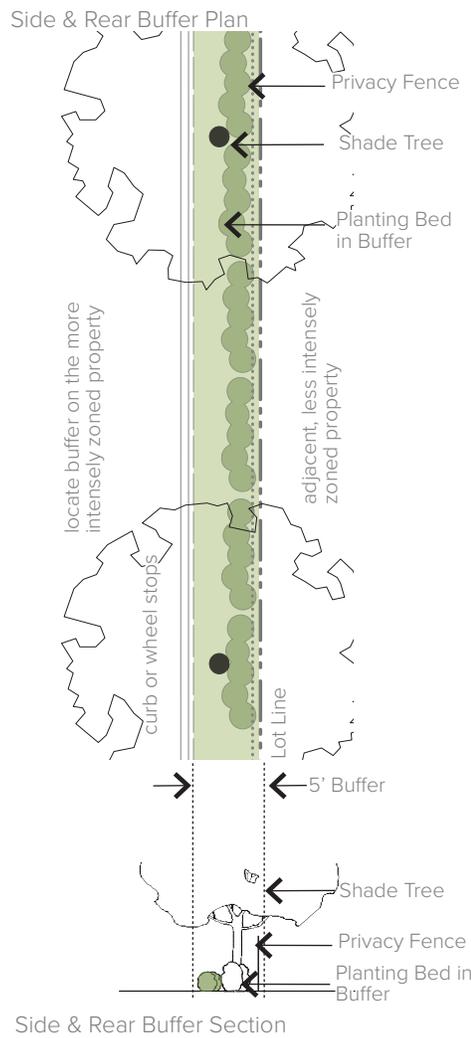


Figure 8-C. Light Buffer

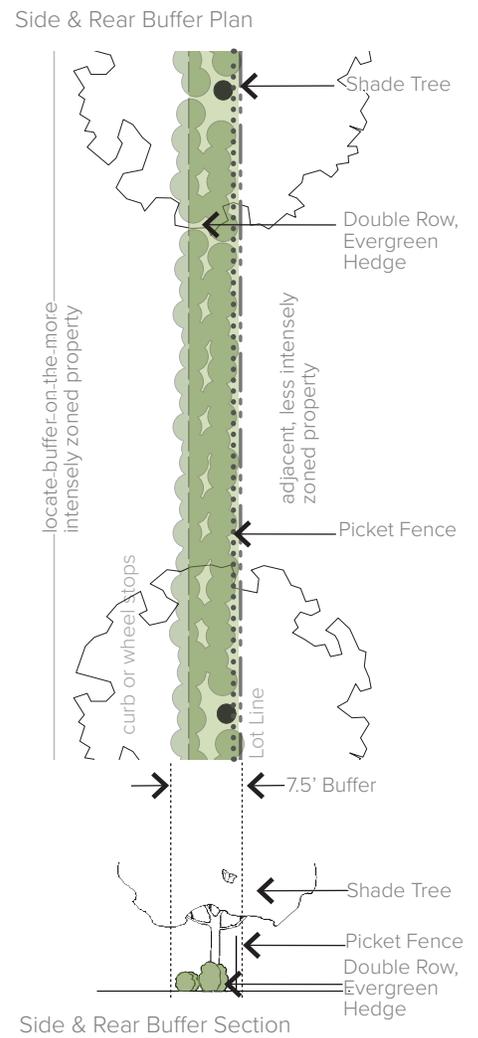


Figure 8-D. Heavy Buffer

102-8130 Interior Parking Lot Landscape

Parking lot interior is the area dedicated to parking on a given parcel as measured from edge of pavement to edge of pavement, and including any islands or medians. See [Figure 8-E](#) for illustration of these requirements.

102-8130 (a) INTENT

To provide shading of pavement surfaces to reduce heat island effects and to improve the appearance of parking lots by breaking up the large expanses of pavement with trees and landscaped islands.

102-8130 (b) APPLICABILITY

All off-street surface parking lots in all zones with more than 10 spaces and/or more than one drive aisle must meet the interior parking lot regulations.

- (1) See [102-8110](#) for perimeter buffer along street frontages and [102-8120](#) for perimeter buffers at side and rear lot lines.
- (2) When the number of required off-street parking spaces on a lot conflicts with the provision of the required landscape islands, the landscape islands shall be supplied and the number of off-street parking spaces reduced by the least amount possible.

102-8130 (c) EXISTING VEGETATION

Existing vegetation may be credited toward these requirements by the zoning administrator.

102-8130 (d) REQUIRED LANDSCAPE ISLANDS

- (1) **Terminal End Islands.** Landscape islands are required at the terminal ends of freestanding rows or bays of parking. Freestanding rows or bays of parking are those not abutting the parking lot perimeter or building face, and may have a single or double row of parking.
- (2) **Row Islands.** For rows of parking with more than 8 spaces, a landscape island is required for every 9th parking space with result of no more than 8 continuous parking spaces in a row without a landscape island.
- (3) **Island Width.** The minimum width for an island is 5 feet.
 - a. Islands less than 15 feet in width must utilize suspended pavement system per [102-820 \(d\)](#) under any paved surface within a tree’s critical root zone.
 - b. Islands less than 9 feet in width must install an aeration system and utilize permeable paving within the mature tree canopy area.
- (4) **Required Island Trees.** A minimum of 1 medium or large shade tree is required within each island.
- (5) **Stormwater.** Islands may accommodate stormwater detention or retention areas, rain gardens, or other infiltration systems.
- (6) **Tree Requirements**

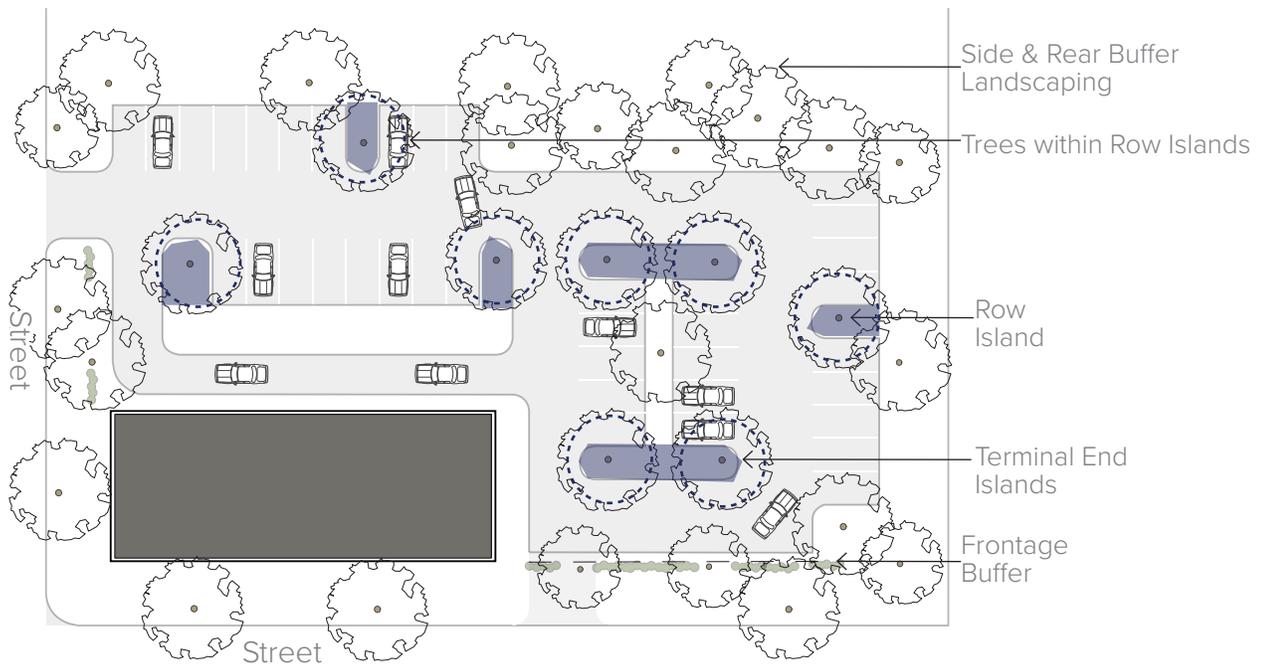


Figure 8-E. Interior Parking Lot Landscape

102-8140 Screening of Refuse & Utility Areas

- a. **50-foot Rule.** Each parking space must be located within 50 feet of a tree planted within the parking lot interior.
- b. **5-Space Rule.** For parking lots with more than 40 spaces, a minimum of 1 shade tree for every 5 parking spaces must be planted within the parking lot interior or within 4 feet of the parking lot's edge.
- c. **Buffer Trees.** Trees within any required buffer area may not be utilized to meet these requirements.
- d. **Shading Requirement.** At maturity, tree canopies must shade a minimum of 30 percent of the interior of the parking lot. Refer to [Table 8-2](#) for mature canopy sizes.

102-8130 (e) LANDSCAPE AREAS

Areas in the parking lot not specifically designed for use as drive aisles, parking spaces, loading, refuse, or sidewalks must be unpaved, landscape areas. See [102-850](#) for required ground vegetation.

102-8140 Screening of Refuse & Utility Areas

102-8140 (a) INTENT

To reduce the visibility of open storage, refuse areas, loading, and utility appurtenances from public areas and adjacent properties.

102-8140 (b) APPLICABILITY

All dumpsters, loading areas, open storage, refuse areas, mechanical equipment, and utility appurtenances in all zones must be screened as follows.

102-8140 (c) LOCATION

- (1) **Refuse and Recycling.** See [Article 2](#) and [Article 3](#) for building type regulations, for the allowed location of refuse and recycling areas,
- (2) **Loading.** See [Article 2](#) and [Article 3](#) for building type regulations, for the allowed location of loading areas.
- (3) **Utility Equipment.** See [102-760](#) for the allowed location of mechanical and utility equipment and appurtenances.

102-8140 (d) LOADING AND REFUSE AREAS

- (1) **Concrete Pad.** For all loading, refuse and recycling areas, a concrete pad is required.
- (2) **Opaque Screen.** An opaque screen wall is required around 3 sides of the area to be screened of the following materials:
 - a. If visible from the street or public space, the screen wall must be masonry construction matching any masonry from the building's street facade design.
 - b. If fully screened from the street, the screen wall may be constructed of wood fencing.
- (3) **Screen Height.** The height of the screen wall must be tall enough to screen the use inside, and a minimum of 6 feet. The zoning administrator may request additional height as needed for complete screening.
- (4) **Visible Openings.** Openings visible from the public way or adjacent properties must include opaque gates.
- (5) **Landscape.** If the area is located within a larger paved area, such as a parking lot, the following applies:
 - a. A landscape buffer of at least 5 feet must be located on 3 sides; and
 - b. One shade tree must be provided within the landscape buffer. This tree may counted towards minimum interior parking lot requirements.

102-8140 (e) UTILITIES

(1) Large Private Mechanical Equipment.

- a. **Definition.** Large private mechanical equipment includes ground-mounted equipment at least 4 feet in height.
- b. **Fence or Wall.** An opaque wood fence or brick-faced masonry screen wall is required on all sides facing street right-of-way.
- c. **Shade Trees.** Medium or large shade trees are required at a minimum of 40 feet on center, with at least one shade tree required for each segment of buffer.
- d. **Shrubs.** Planting beds consisting of a double row of mixed shrubs with a minimum mature width of 24 inches each, spaced no more than 36 inches on center, and height maintained between 30 and 72 inches.

(2) Small Private Mechanical Equipment.

- a. **Definition.** Small private mechanical equipment includes ground-mounted equipment less than 4 feet in height.
- b. **Screening.** Landscape screening with shrubs spaced no more than 30" on center must be utilized, and the equipment must be fully screened within 2 years.

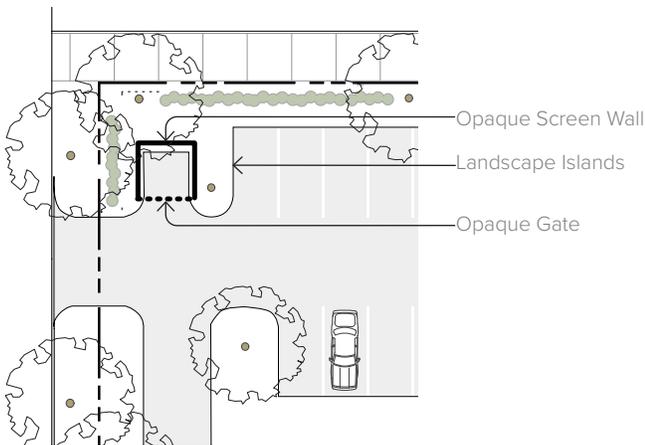


Figure 8-F. Screening of Refuse Area

102-8150 Outdoor Lighting

102-8150 (a) APPLICABILITY AND EXEMPTIONS

The outdoor lighting regulations of this section apply to all outdoor lighting installed after the effective date specified in [102-110 \(b\)](#), except that they do not apply to any of the following:

- (1) Outdoor lighting on lots occupied by residential buildings containing fewer than 4 dwelling units;
- (2) Public street lights;
- (3) Lights required by the FAA (e.g., warning lights on radio, communication and navigation towers);
- (4) Spotlighting of official government flags, provided that spotlighting is contained within the area of the flag;
- (5) Outdoor lighting used exclusively for and during public recreational activities, sporting events at stadiums and ball fields or other outdoor public spaces or venues;
- (6) Outdoor lighting used for emergency equipment and work conducted in the interest of law enforcement or for public health, safety or welfare;
- (7) Outdoor lighting in association with special events approved by the City Council;
- (8) Lighting fixtures with a light output of no more than 1,000 lumens; and
- (9) Temporary holiday light displays.

102-8150 (b) GENERAL STANDARDS

All outdoor lighting must comply with the following general standards:

- (1) **Canopy-Mounted Lights.** Recessed fixtures must be used in all under-canopy lighting. No lamps, reflectors, refractors or focusing or diffusing may extend below the underside of the canopy surface.
- (2) **Shielding.** Light sources must be concealed or shielded with cutoffs so that no more than 2.5% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle of more than 90 degrees above nadir and no more than 10% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle of more than 80 degrees above nadir (see [Figure 8-G](#)).
- (3) **Spillover Light.** Light trespass along the lot line of the subject property may not exceed 0.5 foot-candles when abutting an N or NX zone and may not exceed 2.0 foot-candles when abutting any other zone or public right-of-way.

Article 8 Landscape & Site Design
102-8150 Outdoor Lighting

102-8150 (c) LIGHTING PLANS

(1) General. Where outdoor lighting is proposed, outdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. Applicants have 2 options for the format of the required lighting plan:

- a. **Option 1.** Submit a lighting plan that complies with the maximum fixture heights of [102-8150 \(d\)](#); or
- b. **Option 2.** Submit a photometric plan demonstrating that compliance will be achieved using taller fixture heights, in accordance with [102-8150 \(e\)](#).

102-8150 (d) MAXIMUM FIXTURE HEIGHTS

Applicants who elect to comply with the maximum fixture heights of this section (Option 1) are not required to submit a detailed photometric plan, but must instead comply with the regulations of this subsection.

- (1) Maximum Fixture Heights.** Allowable heights of light fixtures must be measured from the light-emitting surface to finished grade at the base of the pole. Maximum allowed light fixture heights are based on the (ground-level) horizontal distance between the light fixture and any N zone, NX zone, and public right-of-way, as established in [Table 8-5](#).
- (2) Additional Information Required.** The following information must be submitted with all plans following the maximum fixture height regulations of this subsection:

- a. A scale drawing of the site with all outdoor lighting locations shown;
- b. Fixture specifications, including catalog cut-sheets or generic standards;
- c. Pole type and height of fixture;
- d. Lamp type and size; and
- e. Fixture mounting orientation.

102-8150 (e) PHOTOMETRIC STUDY

Applicants who elect to submit a photometric study are not subject to maximum fixture heights, but are required to submit a photometric study in sufficient detail to demonstrate that all applicable outdoor light regulations will be met. The photometric study must include at least the following:

- (1)** A scale drawing of the site with all outdoor lighting locations shown;
- (2)** Fixture specifications, including catalog cut-sheets or generic standards;
- (3)** Lamp type and size;
- (4)** Fixture mounting heights, mounting orientation, and tilt angles if applicable; and
- (5)** A representative point-by-point illumination array for the site showing property lines and all off-site lighting impacts.

102-8150 (f) MEASUREMENT OF ILLUMINATION

Light levels must be measured with a direct-reading, portable light meter, calibrated by an independent laboratory regularly engaged in the calibration of such instruments. The meter's sensor must be located at the top of any visual screening fence or wall along on the property line (or at a height of 3 feet above finished grade at the property line if there is no fence or wall), aimed towards the subject property in horizontal position. Readings must be recorded

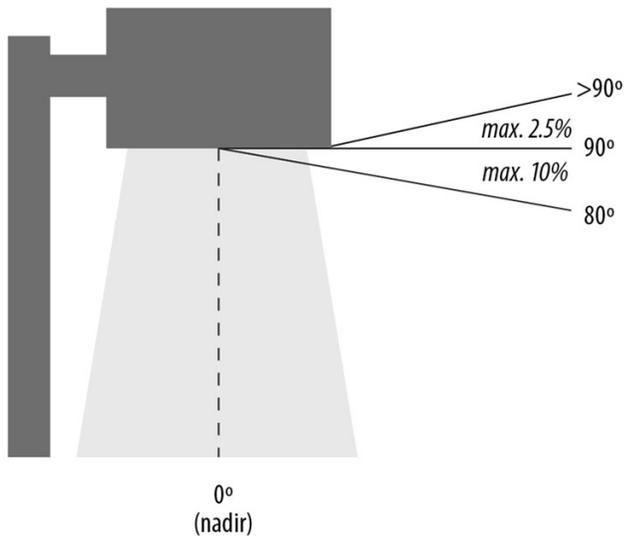


Figure 8-G. Required Shielding

DISTANCE FROM N ZONE, NX ZONE OR RIGHT-OF-WAY (FEET)	MAXIMUM FIXTURE HEIGHT (FEET)
0 – 50	16
50.01 – 150	20
More than 150	25

after the value has stabilized. Measurements are made after establishment of darkness with the light sources to be measured illuminated, and then with those light sources extinguished. The difference between these 2 readings must then be compared to the maximum allowed illumination at the property line. In this way, contributions to light levels by the moon and other ambient light sources are eliminated and the light intensity from the subject light sources can be accurately determined.

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ARTICLE 9 PARKING AND MOBILITY

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102-910 General

102-910 (a) PURPOSE

- (1) The regulations of this article are intended to help ensure that off-street parking and loading facilities are provided to meet the basic day-to-day needs of shoppers, employees, visitors and residents while also avoiding the negative impacts that can result from requiring excessive quantities of off-street parking.
- (2) The provisions of this article are also intended to help protect the public health, safety and general welfare by:
 - a. Promoting economically viable and beneficial use of land; and
 - b. Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the City.

102-910 (b) APPLICABILITY

- (1) **General.** Off-street parking and loading must be provided and maintained in accordance with the provisions of this article. Unless otherwise expressly stated, the regulations apply to all zones and uses.
- (2) **New Uses and Development.** The parking regulations of this article apply to all new buildings constructed and all new uses established in all zones.
- (3) **Change of Use.** If a newly established use on a lot requires more off-street parking than the use that most recently occupied that lot, additional off-street parking is required in an amount equal to the difference between the parking required for the new use and the parking that would have been required for the previous use if the parking requirements of this article had been applicable.
- (4) **Enlargements and Expansions**
 - a. The parking regulations of this article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity or other units of measurement used in establishing off-street parking requirements.
 - b. In the case of enlargements or expansions that trigger requirements for additional parking, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. There is no requirement to address parking deficits associated with existing, lawfully established buildings or uses.
- (5) **Damage or Destruction.** When a use that has been damaged or destroyed is re-established, off-street parking or loading facilities must also be re-established

or continued in operation in an amount equal to the number maintained at the time of such damage or destruction. It is not necessary, however, to restore or maintain parking facilities in excess of those required by this code.

- (6) **Maintenance.** Off-street parking spaces required by this code must be maintained for the life of the principal use.

102-910 (c) USE OF OFF-STREET PARKING AREAS

- (1) Required off-street parking spaces are intended to serve residents, tenants, patrons, employees, or guests of the principal use. Required off-street parking areas may be used solely for the temporary parking of licensed motor vehicles in operating condition.
- (2) Required off-street parking spaces may not be used for the storage, display or sale of goods equipment or materials, except that the city clerk is authorized to permit temporary use of off-street parking areas for transient merchants in accordance with Chapter 10, Article XI of the City Code.
- (3) No motor vehicle repair work of any kind is permitted in a required parking space.
- (4) Required parking spaces may be used for electric vehicle charging.

102-920 Parking Ratios

102-920 (a) MINIMUMS

Off-street parking spaces must be provided in accordance with the minimum ratios established in [Table 9-1](#). All uses for which minimum bicycle parking requirements are established must provide at least 2 bike parking spaces.

102-920 (b) MAXIMUMS

Nonresidential uses in the MX-D, RX-D, MX-TOD, and RX-TOD zones may not provide parking in excess of 125% the minimum motor vehicle parking ratios established in [Table 9-1](#) for "all other zones."¹

102-930 Calculation of Required Parking

In determining the number of parking spaces required, the following calculation rules apply:

102-930 (a) MULTIPLE USES

Lots containing more than one use or tenant must provide parking in an amount equal to the total aggregate number of spaces required for each use or tenant on the lot except when a shared parking arrangement is approved in accordance with [102-940 \(h\)](#).

Table 9-1. Parking Ratios

	MINIMUM MOTOR VEHICLE PARKING SPACES [1]		MINIMUM BIKE PARKING		
	MX-TOD AND RX-TOD	ALL OTHER ZONES	ALL ZONES	NOTES	
RESIDENTIAL					
Household Living, 1–4 units	1 (enclosed) per dwelling unit	2 per dwelling unit	None		
Household Living, 5+ units	1.2 (enclosed) per dwelling unit	1 per studio/1 BR dwelling unit 2 per 2B or larger dwelling unit	1.1 per unit	Min. 90% long-term	
Manufactured Home Park	NA	1 per dwelling unit	None		
Group Living	1 per 10 beds	1 per 6 beds	1 per 6 beds	Min. 90% long-term	
COMMERCIAL					
Adult-Oriented Business	No minimum requirement; parking study and TDM plan required if use exceeds 25,000 sq. ft. or seating capacity exceeds 125 persons (see 102-940 (j))	1 per 400 sf or 1 per 5 seats, whichever is less	1 per 5,000 sf	Min. 50% short-term	
Animal Boarding		1 per 400 sf	1 per 20,000 sf	Min. 75% long-term	
Consumer Service		1 per 400 sf	1 per 5,000 sf	Min. 50% short-term	
Day Care		1 per 6 enrollees	1 per 6 enrollees	Min. 75% long-term	
Entertainment Venue, Large		1 per 5 seats	1 per 25 seats	Min. 50% short-term	
Funeral & Mortuary Service		1 per 5 seats	1 per 25 seats	Min. 50% short-term	
Lodging		1 per guest room if more than 4 rooms	1 per 25 guest rooms in hotels	Min. 75% long-term	
Office		1 per 400 sf	1 per 4,000 sf	Min. 75% long-term	
Personal Credit Establishment		1 per 400 sf	1 per 5,000 sf	Min. 50% short-term	
Retail & Entertainment		1 per 400 sf or 1 per 5 seats, whichever is less	1 per 5,000 sf	Min. 50% short-term	
Self-Service Storage		1 per 10 storage units	1 per 20 units	Min. 50% short-term	
Vehicle Sales & Service		4, plus 1 per service bay/stall	4 spaces	Min. 50% short-term	
MANUFACTURING & INDUSTRY					
Manufacturing, Artisan		No minimum requirement	1 per 1,000 sf	1 per 5,000 sf	Min. 75% long-term
Manufacturing, Limited	1 per 20,000 sf			Min. 75% long-term	
High-Impact Industry	1 per 40,000 sf			Min. 75% long-term	
Warehousing & Distribution	1 per 50,000 sf			Min. 75% long-term	
CIVIC & INSTITUTIONAL					
College	No minimum requirement; parking study and TDM plan required if use exceeds 25,000 sq. ft. or seating capacity exceeds 125 persons (see 102-940 (j))	Parking study required	3 per classroom	Min. 50% short-term	
Community Assembly		1 per 400 sf or 1 per 5 seats, whichever is less	1 per 2,000 sf	Min. 50% short-term	
Cultural Facility		1 per 400 sf	1 per 5,000 sf	Min. 50% short-term	
Detention or Correctional Facility		Parking study required	Parking study required		
Hospital		Parking study required	Parking study required		
Parks and Open Space		None	Parking study required		
School		1 per 10 high students for high schools; 1 per classroom for all other schools	3 per classroom	Min. 50% short-term	
Utilities & Services, Minor		None	None		
Utilities & Services, Major		Parking study required	1 per 20,000 sf	Min. 75% long-term	

[1] See [102-940 \(a\)](#) for motor vehicle parking in MX-D and RX-D zones
 sf = square feet of floor area (see [102-930 \(c\)](#))

102-940 Parking Reductions and Credits

102-930 (b) ROUNDING

When calculating off-street parking requirements, any fractional result of less than one-half is rounded down to the next lower whole number and any fractional result of one-half or more is rounded up to the next higher whole number.

102-930 (c) FLOOR AREA (SQUARE FEET)

For purposes of calculating off-street parking requirements based on floor area (sf), the sum of the gross horizontal areas of the several floors of the building or portion of building devoted to such use are counted, measured to the centers of all partitions, are counted. However, the following are not counted:

- (1) Areas devoted primarily to dead storage, building maintenance, or utilities;
- (2) Restrooms and dressing rooms;
- (3) Window show cases;
- (4) Employee lunch areas and conference rooms;
- (5) Area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; and
- (6) Basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

102-930 (d) BENCH SEATING

In stadiums, sport arena, religious institutions, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 22 inches of such seating are counted as one seat.

102-930 (e) UNLISTED USES

Upon receiving a permit or development application, the zoning administrator is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a minimum off-street parking requirement for the proposed use in accordance with [102-930 \(f\)](#).

102-930 (f) ESTABLISHMENT OF PARKING RATIOS

The zoning administrator is authorized to establish required minimum parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted. Such ratios must be established on the basis of (1) a similar use determination, as described in [102-520 \(d\)](#); (2) parking data provided by the applicant; or (3) other information available to the zoning administrator. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable local uses or on external data from credible research organizations, such as the Urban Land Institute (ULI) and the Institute of Transportation Engineers (ITE). Comparability will be determined by density, scale, bulk, area, type of activity

and location. Parking studies must document the source of all data used to develop recommended requirements.

102-940 Parking Reductions and Credits

102-940 (a) DOWNTOWN ZONES

- (1) **Residential Uses.** Residential uses must provide motor vehicle parking in accordance with the minimum ratios that apply to MX-TOD and RX-TOD zones, in accordance with [Table 9-1](#).
- (2) **Nonresidential Uses.** Minimum motor vehicle parking ratios do not apply to nonresidential uses in MX-D and RX-D zones.
- (3) **Bicycle Parking.** The minimum bicycle parking ratios established in [Table 9-1](#) apply to all uses in MX-D and RX-D zones.

102-940 (b) AFFORDABLE HOUSING

Off-street parking requirements are reduced by 50% for housing units restricted to occupancy by households earning no more than 80% of the area median income, as defined by the U.S. Department of Housing and Community Development.

102-940 (c) PUBLIC PARKING

Nonresidential uses are credited for parking spaces within a nearby public parking lot or public parking garage, as follows:

- (1) Minimum parking requirements for the subject use are reduced by one parking space for every 4 parking spaces within the public parking lot or garage, not to exceed a total reduction of more than 25 spaces;
- (2) The nearest pedestrian entrance to the public parking lot or garage must be located within 1,500 feet of the lot on which the subject use is located; and
- (3) The parking facility must be open to the general public from at least 6:00 a.m. to 10 p.m.

102-940 (d) ON-STREET PARKING

Nonresidential uses in MX-N and RX-N zones are credited for on-street parking spaces on public street rights-of-way abutting the subject property. One on-street parking space credit may be taken for each 20 linear feet of abutting right-of-way where on-street parallel parking is allowed, and one on-street parking space credit may be taken for each 10 linear feet of abutting right-of-way where on-street diagonal parking is allowed. Only space on the same side of the street as the subject use may be counted, except that the opposite side of the street may be counted if the property on that side of the street does not have the potential for future development. In calculating credit for on-street

parking, the rounding rules of [102-930 \(b\)](#) apply.

102-940 (e) LANDSCAPE REGULATIONS

If compliance with the landscape regulations of [Article 8](#) would result in the loss of required motor vehicle parking spaces, the amount of motor vehicle parking required is automatically reduced by the amount needed to accommodate the required landscape area.

102-940 (f) CAR-SHARE AND BIKE-SHARE SERVICE

Car-share and bike-share parking credits apply to nonresidential uses that are required to provide 10 or more motor vehicle parking spaces and to residential projects that are required to provide 25 or more motor vehicle parking spaces, as follows:

- (1) The number of required motor vehicle parking spaces is reduced by 4 spaces for each parking space that is leased by a City-approved car-share program for use by a car-share vehicle.
- (2) The number of required motor vehicle parking spaces is reduced by 2 spaces for uses that provide space for a city-approved bike-share program facility with a minimum of 8 bicycle parking docks.

102-940 (g) MOTORCYCLE AND SCOOTER PARKING

In parking lots containing more than 10 parking spaces, the provision of motorcycle or scooter parking spaces may be credited toward satisfying the minimum off-street parking ratios of [Table 9-1](#) at the rate of one motor vehicle parking space for each 2 motorcycle or scooter parking spaces. The maximum credit allowed under this provision is 2 spaces or 10% of the total minimum motor vehicle parking requirement for the subject property, whichever is greater. To receive credit, each motorcycle and scooter space must have a concrete surface and minimum dimensions of 4 feet by 8 feet. Areas restricted to motorcycle and scooter parking must be identified by signs.

102-940 (h) SHARED PARKING

- (1) **General.** Shared parking refers to the practice of 2 or more users who need parking at different times making use of the same motor vehicle parking spaces. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas, and improving community appearance.
- (2) **Eligibility.** The zoning administrator is authorized to approve shared parking for uses that have different periods of peak parking demand. Required accessible parking spaces (for people with disabilities) may not be shared.

(3) **Submittal Requirements and Methodology.** Applicants proposing to use shared parking as a means of reducing overall motor vehicle parking requirements must submit:

- a. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
- b. The location and number of parking spaces that are being shared;
- c. An explanation of any technology or other techniques that will be employed to track parking utilization by various users and to help ensure that parking inventories are adequate to serve the off-street parking needs participants in the shared parking arrangement;
- d. A shared parking study conducted in accordance with accepted methodology approved by the City, prepared by an independent traffic engineering professional under the supervision of the City and paid for by the applicant, demonstrating that the hours, size, and mode of operation of the respective uses does not create a substantial conflict in the peak parking demands of the uses for which shared parking facilities is proposed, and there is adequate parking to meet the parking needs for each use; and
- e. A properly drawn legal instrument, which must be filed as a deed restriction on all impacted properties, guaranteeing access to the parking for the shared parking users. The agreement is subject to approval by the City and must be recorded in the county recorder's office.

102-940 (i) ALTERNATIVE COMPLIANCE AND TDM

- (1) The motor vehicle and bicycle parking ratios of [102-920](#) are not intended to be a barrier to development or redevelopment or to make development and redevelopment economically impractical or negatively impact the viability of businesses. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, the City Council is authorized to approve alternatives to the minimum and maximum parking ratios of [102-920](#) in accordance with the conditional use permit procedures of [102-1390](#).
- (2) To request approval, the applicant must submit a parking study and travel demand management (TDM) plan prepared by an independent traffic engineering professional that includes the following information:
 - a. The anticipated travel demand for the project.
 - b. How the anticipated travel demand for the project will be met on-site or off-site, including:

102-950 Location of Off-Street Parking

1. Number of on-street motor vehicle parking spaces, off-street motor vehicle parking spaces, or shared vehicle parking arrangements.
 2. Number of short-term and long-term bicycle parking spaces.
 3. Accommodations for pedestrians, cyclists, motorists, transit riders, and the mobility-impaired.
- c. The parking and access strategies that will be employed to reduce single-occupancy motor vehicle trips and promote transportation alternatives such as walking, cycling, ride-sharing, and transit.
- (3) Alternative access strategies identified in the parking study and TDM plan may include one or more of the following:
- a. Walking, cycling, ride-sharing, and transit promotion and education;
 - b. Parking cash-out programs or unbundled parking;
 - c. Shared parking arrangements;
 - d. Enhanced bicycle parking (above minimum requirements) and bicycle commuter amenities, such as shower, locker, and repair facilities;
 - e. On-site accommodation of or proximity to car-share and bike-share facilities;
 - f. Location within convenient walking distance of public parking facilities;
 - g. Location within convenient walking distance of a public transit stop;
 - h. Guaranteed ride home service;
 - i. Carpooling or vanpooling programs or incentives;
 - j. Free or subsidized transit passes, transit-to-work shuttle service from transit facilities or satellite parking lots, or enhanced transit facilities (such as bus shelters);
 - k. Alternative work schedules (e.g., flextime, compressed work week, staggered shifts, telecommuting);
 - l. Off-site roadway or transportation improvements that will improve traffic conditions or promote transportation alternatives;
 - m. Designation of an on-site employee and/or resident transportation coordinator; or
 - n. Similar approaches that will help promote walking, cycling, ride-sharing, transit and other alternatives to single-occupant motor vehicle trips.

102-950 Location of Off-Street Parking

102-950 (a) GENERAL

Except as otherwise expressly stated in this article, required off-street parking areas must be located on the same lot as the building or use they are required to serve.

102-950 (b) OFF-SITE PARKING

- (1) **When Allowed.** All or a portion of required off-street parking for nonresidential uses may be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces and required parking for residential uses may not be located off-site.
- (2) **Location.** Off-site parking areas must be located within 500 feet of the use served by such parking, measured between the nearest public entrance door of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot. Off-site parking lots are allowed only in zones that permit non-accessory parking or that allow the principal use to be served by the off-site parking spaces.
- (3) **Design.** Off-site parking areas must comply with all applicable parking area design regulations of [102-960](#).
- (4) **Control of Off-Site Parking Area.** The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if a legal instrument is provided guaranteeing the long-term availability of the off-site parking. The agreement is subject to approval by the City and must be recorded with the county recorder's office. Any proposed changes to the agreement must also be submitted to the City for review and approval.

102-950 (c) RESIDENTIAL AREAS

- (1) **Side Yard Parking.** Parking is prohibited in side yards except that up to one vehicle may be parked on the garage side yard on a N-zoned lot if the vehicle is set back at least 5 feet from the side property line.
- (2) **Rear Yard Parking.** Parking is prohibited in rear yards except that:
- a. Up to one vehicle may be parked next to a garage on an improved parking space in the rear yard; and
 - b. If the subject lot does not have a garage in the rear yard, up to one vehicle may be parked on an improved parking space in the rear yard.

102-960 Parking Area Layout and Design

102-960 Parking Area Layout and Design

102-960 (a) APPLICABILITY

The parking layout and design regulations of this section apply to all off-street parking lots for motor vehicles, whether containing required or non-required parking spaces.

102-960 (b) INGRESS AND EGRESS

All parking areas must be designed to allow vehicles to enter and exit a street and cross public sidewalks in a forward motion, except that this requirement does not apply when motor vehicle access is to a local street.

102-960 (c) PARKING STALL SIZE

(1) Standard Spaces. Except as expressly allowed for compact spaces or as expressly required for accessible parking spaces, parking spaces must be designed as “standard” size spaces, in accordance with [Table 9-2](#). Up to 2 feet of the front of a standard parking space, as measured from a line parallel to the direction of the bumper of a vehicle using the space, may be landscaped area instead of paved. Such areas counts toward interior parking lot landscaping requirements.

(2) Compact Spaces. Up to 25% of the parking spaces in parking lots containing more than 25 parking spaces may be designated, designed, and marked as compact parking spaces. Compact parking spaces must be designed in accordance with [Table 9-2](#).

102-960 (d) PARKING LOT GEOMETRICS

Parking areas must be designed in accordance with [Table 9-2](#), which shows minimum dimensions for various parking layouts (angles). Requirements for layouts or angles not

Table 9-2. Parking Lot Geometrics

STALL TYPE	A STALL ANGLE	B STALL WIDTH	C STALL LENGTH	D AISLE WIDTH
Compact	0°	8.0	16.0	12.0
Standard		9.0	20.0	12.0
Compact	45°	8.0	16.0	12.0
Standard		9.0	17.0	11.0
Compact	60°	8.0	16.0	16.0
Standard		9.0	17.0	15.0
Compact	75°	8.0	16.0	21.0
Standard		9.0	17.0	20.0
Compact	90°	8.0	16.0	24.0
Standard		9.0	17.0	22.0

shown in [Table 9-2](#) may be interpolated from the layouts shown, as approved by the zoning administrator.

102-960 (e) VERTICAL CLEARANCE

All required parking spaces must have overhead vertical clearance of at least 7 feet.

102-960 (f) MARKING

In off-street parking areas for more than 6 vehicles, the location of each parking space must be identified by surface markings at least 4 inches in width and be maintained so as to be readily visible at all times.

102-960 (g) SURFACING

(1) All off-street parking areas and access drives for more than 6 vehicles must be surfaced and maintained with an asphaltic or Portland concrete pavement. All other parking areas must provide an improved surface consisting of bituminous, concrete or other hard-surface material approved by the City to control dust and drainage. The improved surface must be below the entire vehicle.

(2) Pavement areas are limited to only necessary drives, walkways and parking spaces; all other areas must be landscaped.

102-960 (h) DRAINAGE

Driveways may not exceed a grade of 4% and all parking lots except those for less than 4 vehicles must be graded according to a drainage plan that has been approved by the city engineer and the governing watershed district. Catchbasins, sumps, and underground storm sewers may be required.

102-960 (i) SETBACKS

All off-street parking areas must be so designed and constructed that parked vehicles are set back at least one foot from lot lines and at least 2 feet from principal buildings.

102-960 (j) LIGHTING

Lighting used to illuminate an off-street parking area must be shielded or diffused to reflect the light away from the adjoining property and away from abutting rights-of-way.

102-960 (k) TANDEM AND STACKED PARKING

(1) Tandem parking spaces that involve the placement of one parking space behind another may be used to satisfy parking requirements for household living uses when the parking spaces are assigned to the same dwelling unit.

(2) Stacked or in-line parking spaces that involve the placement of 2 or more parking spaces in a row directly behind one another so that one parking space is blocking access for other parking spaces may be used to satisfy off-street parking requirements for non-

Article 9 Parking and Mobility

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household living uses when an attendant is on duty during all hours of operation of the subject use.

102-960 (l) CURBS AND BARRIERS

Curbs or similar barriers approved by the zoning administrator must be provided to prevent motor vehicles from encroaching into required setbacks and landscape areas, as follows:

- (1) All open off-street parking areas must provide a 6-inch curb or approved wheel barrier when abutting required setbacks, landscape areas and adjoining property lines.
- (2) Wheel barriers must be located at least 2 feet from the edge of pavement or the area to be protected from encroachment.

102-960 (m) STREET YARD PARKING IN N ZONES

- (1) Parking of motor vehicles is prohibited in street yards of lots in N zones except when such parking is on a permanent driveway that complies with the regulations of this article and leads to a garage or parking area located outside of the street yard.
- (2) Vehicles must be parked in such a manner so that all wheels are within a garage or on the surface of an approved driveway.
- (3) The portion of a driveway located within the abutting street right-of-way (i.e., driveway approach) may not exceed 16 feet in width.
- (4) That portion of a driveway located outside the street right-of-way may not exceed 20 feet in width or the width of the garage served by the driveway, whichever width is greater. When a garage served by a residential driveway exceeds 20 feet in width the portion of the driveway allowed to exceed 20 feet in width is limited to a depth of 24 feet, measured from the garage opening.

102-960 (n) NUMBER OF VEHICLES

No more than 3 passenger vehicles may be parked or stored outside an enclosed building on a lot occupied by a detached house. For a two-unit house, no more than 6 passenger vehicles may be parked or stored outside an enclosed building. If there are 3 or more persons residing in a detached house who have valid Minnesota driver's licenses showing the residence address, then the total number of passenger vehicles allowed to be parked outside is increased to a number equal to the number of licensed drivers residing at the property, plus one passenger vehicle. The provisions of this section do not apply during snow emergencies. If a detached house has a commercial vehicle, non-passenger vehicle or RV, the total number of vehicles parked outside an enclosed building may not exceed the limits listed above. No more than one truck not to exceed a 9,000-pound rated capacity may be parked on a lot in an N zone.

102-970 Electric Vehicle Supply Equipment

102-970 (a) PURPOSE

The regulations of this section are intended to accommodate and promote the use of electric vehicles, to expedite the establishment of convenient, cost-effective electric vehicle supply equipment, and establish minimum requirements for provision of such equipment.

102-970 (b) CHARGING STATIONS REQUIRED

(1) **Off-street parking Areas with 14 or Fewer Parking Spaces.** Electric vehicle charging stations (EVCS) are not required in any off-street parking area containing 14 or fewer parking spaces.

(2) **Off-street parking Areas with 15 to 49 Parking Spaces.** All new or reconstructed off-street parking areas with at least 15 but no more than 49 spaces, or expanded off-street parking areas that result in a parking area with 15 to 49 parking spaces, must provide electric vehicle charging stations as follows:

- a. **Residential.** Residential land uses must provide Level 1 or Level 2 electric vehicle charging stations for at least 5% of provided parking spaces. At least one of the electric vehicle charging stations provided must be accessible to a vehicle parked in an accessible parking space.
- b. **Nonresidential.** Nonresidential land uses with parking spaces available for use by the general public must provide at least one Level 2 electric vehicle charging station. At least one of the electric vehicle charging stations provided must be accessible to a vehicle parked in an accessible parking space. DC charging stations may be used to satisfy minimum EVCS requirements on a one-for-one basis.

(3) **Off-street parking Areas with 50 or More Parking Spaces.** All new or reconstructed off-street parking areas with 50 or more parking spaces, or expanded off-street parking areas that result in a parking area with 50 or more parking spaces, must provide electric vehicle charging stations as follows:

- a. **Residential.** Residential land uses must provide at least one Level 2 electric vehicle charging station plus at least one Level 1 or Level 2 electric vehicle charging station for a minimum of 10% of provided parking spaces. At least one of the electric vehicle charging stations provided must be accessible to a vehicle parked in an accessible parking space.

102-970 Electric Vehicle Supply Equipment

b. Nonresidential. Nonresidential land uses with parking spaces available for use by the general public must provide at least 2 Level 2 electric vehicle charging stations or electric vehicle charging stations for at least 1% of provided parking spaces, whichever results in a higher number of electric vehicle charging stations. At least one of the electric vehicle charging stations provided must be accessible to a vehicle parked in an accessible parking space. DC charging stations may be used to satisfy minimum EVCS requirements on a one-for-one basis.

(4) Fueling Stations. Notwithstanding the requirements of paragraphs (1), (2) and (3) of this subsection, all new or reconstructed vehicle fueling stations must provide at least one Level 2 electric charging station. A DC charging station may be installed to meet this requirement.

102-970 (c) EV-READY SPACES REQUIRED

EV-ready parking spaces are required to accommodate anticipated future growth in market demand for electric vehicle supply equipment, as follows:

- (1)** In addition to the number of electric vehicle charging stations required, at least of 10% of parking spaces in off-street parking areas with 15 or more more parking spaces must be EV-ready.
- (2)** Required EV-ready parking spaces must be provided with electrical panel capacity and space to support a minimum 40-ampere, 208/240-volt branch circuit, and the installation of underground and surface-mounted raceways to support the future installation of an electric vehicle charging station to serve the parking space.

102-970 (d) ALLOWED REDUCTIONS

When the cost of installing electric vehicle charging stations or EV-ready parking spaces required by this section would exceed 5% of the total project cost, the property owner or applicant may submit cost estimates for City consideration and request a reduction of applicable requirements that limit installation costs to not more than 5% of the total project cost. When City Council approval of the project is not required, the zoning administrator is authorized to approve such reductions.

102-970 (e) PERMITTED LOCATIONS

- (1)** Level 1 and Level 2 electric vehicle charging stations are permitted in all zones when accessory to the primary permitted use. When such stations are accessory to residential uses, they must be designated as private restricted use charging stations.
- (2)** DC electric vehicle charging stations are permitted as accessory uses to principal nonresidential uses in all zones.

- (3)** If the principal use of the subject property is electric vehicle charging, then the use is considered a vehicle fueling station for zoning purposes and restricted to zones in which fueling stations are allowed.

102-970 (f) ACCESSIBLE SPACES

An electric vehicle charging station is considered accessible if it is located adjacent to, and can serve, an accessible parking space (for persons with disabilities). It is not necessary to designate the charging station for the exclusive use of vehicles parked in the accessible parking space.

102-970 (g) PUBLIC USE EV CHARGING STATIONS

Public use electric vehicle charging stations are subject to the following requirements:

- (1)** The electric vehicle charging stations must be located in a manner that will be easily seen by the public for informational and security purposes.
- (2)** The electric vehicle charging stations must be located in desirable and convenient parking locations that will serve as an incentive for the use of electric vehicles.
- (3)** The electric vehicle charging stations must be operational during the normal business hours of the use served. Electric vehicle charging stations may be de-energized or otherwise restricted after normal business hours of the associated use.
- (4)** Site lighting must be provided unless charging is for daytime purposes only.

102-970 (h) EQUIPMENT DESIGN STANDARDS

- (1)** Battery charging station outlets and connector devices must be mounted to comply with all applicable codes and must comply with all relevant Americans with Disabilities Act (ADA) requirements. Equipment mounted on pedestals, bollards, and other devices must be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
- (2)** Electric vehicle supply equipment may not encroach into the required dimensions of the parking space (length, width, and height clearances).

102-970 (i) USAGE FEES

The property owner may collect a service fee for the use of electric vehicle charging stations.

102-970 (j) MAINTENANCE

Electric vehicle supply equipment must be maintained in all respects, including the functioning of the equipment. A phone number or other contact information must be provided on the equipment for reporting problems with the equipment or access to it.

Article 9 Parking and Mobility
102-980 Stacking Spaces

102-980 Stacking Spaces

102-980 (a) SPACES REQUIRED

In addition to the parking required for each use, stacking spaces must be provided in accordance with [Table 9-3](#).

- [1] Includes banks, restaurants, pharmacies and similar uses with drive-up or drive-through service.
- [2] Includes car washes and all forms of motor vehicle, boat, and trailer repair

102-980 (b) DIMENSIONS

Each lane of stacking spaces must be at least 8 feet in width and at least 17 feet in length. Stacking lanes for drive-up windows must be delineated with pavement markings.

102-980 (c) LOCATION AND DESIGN

Stacking lanes must be located on the subject property.

Table 9-3. Stacking Space Requirements

USE	MINIMUM SPACES (PER LANE)
Drive-up Windows [1]	5
Vehicle Repair [2]	4

They may not be located within required driveways, drive aisles, parking spaces, or loading areas and may not interfere with access to parking and ingress and egress from the street.

102-980 (d) PEDESTRIAN ACCESS

The principal pedestrian access to the entrance of the use from a public sidewalk may not cross stacking lanes.

102-990 Bicycle Parking

102-990 (a) PURPOSES

- (1) **Short-term Bicycle Parking.** Short-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for fewer than 3-hour time periods, including customers, clients, messengers, and other short-term visitors.
- (2) **Long-term Bicycle Parking.** Long-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for more than 2- to 3-hour periods, including employees, residents, students, and commuters.

102-990 (b) SPACES REQUIRED

Short-term and long-term bicycle parking spaces must be provided in accordance with the minimum bicycle parking ratios of [Table 9-1](#).

102-990 (c) LOCATION AND DESIGN

(1) **General.** All required bicycle parking spaces must:

- a. Consist of bike racks or lockers that are anchored so that they cannot be easily removed;
- b. Be of solid construction, resistant to rust, corrosion, hammers, and saws;
- c. Allow both the bicycle frame and at least one wheel to be locked with the bicycle in an upright position using a standard U-lock;
- d. Be designed and installed so as not to cause damage to the frame, wheels, or components;
- e. Be accessible without interference from or moving adjacent bicycles and not result in a parked bicycle obstructing a required walkway; and
- f. Have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

(2) **Short-Term Bicycle Parking Spaces.** Short-term bicycle parking spaces must be at least as conveniently located as the most convenient non-disabled motor vehicle parking provided for the subject use. If no motor vehicle parking is provided, short-term bicycle parking spaces must be located within 50 feet of a building entrance. Short-term bicycle parking must be located on the subject lot, unless the City approves a proposal to allow private bicycle parking facilities to be located in the right-of-way. Public bicycle parking spaces may be credited toward meeting short-term bicycle parking requirements if such bicycle parking spaces comply with the location requirements of this paragraph.

(3) **Long-Term Bicycle Parking and Storage Spaces.** Long-term bicycle parking spaces must:

- a. Be located with direct access by the bicycle rider, with no more than 50% of the required spaces requiring the use of stairs or elevators;
- b. May not be located in dwelling units or on dwelling unit balconies;
- c. Must protect the entire bicycle, its components and accessories against theft and inclement weather, including wind-driven rain and snow.
- d. Must be designed to allow bicycles to be securely locked to a bicycle rack in:
 - 1. A bike storage room that is accessible only to authorized users and has at least 2 electrical outlets;
 - 2. A bicycle locker with a separate access door for each bike; or
 - 3. An attended bike storage room.

102-9100 Junked or Inoperable Vehicles
.....

It is unlawful for any person to park, store or leave any junked or inoperable motor vehicle, whether attended or not, upon any public or private property within the City, or for any person, as an owner of or an occupant having control of private property within the City to permit the parking, storing or leaving of any junked or inoperable vehicle upon such private property, unless such vehicle is within an enclosed building or structure lawfully situated upon private property or is so parked, stored or left upon private property lawfully zoned and operated as a recycling operation.

102-9110 Loading
.....

- (1) All uses engaged in receiving or shipping goods by truck or large delivery vehicles must provide loading and unloading facilities, as determined by the Planning & Zoning Commission.
- (2) Loading spaces must have a minimum width of 10 feet and a minimum length of 25 feet, with a minimum overhead clearance of 15 feet.
- (3) Loading spaces may not be located on a front facade unless otherwise expressly allowed by the building type regulations of [Article 3](#).
- (4) Except as expressly allowed in City-designated commercial loading zones, vehicle maneuvering areas and loading and unloading activities must occur on-site, not within the public right-of-way.
- (5) All loading spaces must be posted with signs prohibiting engine idling for more than 5 minutes.
- (6) All loading areas and access drives must be surfaced and maintained with an asphaltic or Portland cement binder concrete or other dustless, all-weather surface approved by the City.
- (7) All off-street loading areas adjacent to N zones must be completely screened from view by building walls, fences, or plant material at least 8 feet in height.

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ARTICLE 10 SIGNS

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Article 10 Signs
102-1010 General

102-1010 General

102-1010 (a) FINDINGS

In conjunction with the adoption of the sign regulations of this article, the City Council finds as follows:

- (1) Exterior signs have a substantial impact on community appearance and quality of the environment.
- (2) Signs provide an important medium through which individuals may convey a variety of messages.
- (3) Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
- (4) The City's zoning regulations have, since as early as 1966, included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the City and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community.
- (5) The regulation of the physical characteristics of signs within the City has had a positive impact on traffic safety and the appearance of the community.

102-1010 (b) PURPOSE

- (1) The purpose and intent of this article is to:
 - a. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety and welfare.
 - b. Maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.
 - c. Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.
 - d. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the City.
- (2) It is not the purpose or intent of this article to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign that cannot be viewed from outside a building.

102-1010 (c) EFFECT

A sign may be erected, mounted, displayed or maintained in the City if it is in conformance with the provisions of this article. The effect of this article, as more specifically set forth

herein, is to:

- (1) Allow a wide variety of sign types in mixed-use zones, and a more limited variety of signs in other zones, subject to the standards set forth in this article.
- (2) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this article.
- (3) Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and when communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
- (4) Provide for the enforcement of the provisions of this article.

102-1010 (d) SCOPE AND APPLICABILITY

All signs on private property are subject to the sign regulations of this article and all other applicable provisions of this code. Official signs are not subject to the regulations of this article.

102-1010 (e) SUBSTITUTION

- (1) The owner of any sign that is otherwise allowed by this article may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting
- (2) The purpose of this "substitution" provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

102-1010 (f) SIGN-RELATED DEFINITIONS

The definitions of this section apply in administering and interpreting the sign regulations of this development code. These definitions are in addition to those set forth in [Article 16](#), except that in the event of a conflict between the sections, the definitions in this article shall apply.

- (1) **Abandoned sign.** Any sign and/or its supporting sign structure that remains without a message or whose display surface remains blank for a period of one year or more, or any sign that pertains to a time, event or purpose that no longer applies. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business is not deemed abandoned unless the property remains vacant for a period of one year or more. Any sign remaining after demolition of a principal structure is also deemed to be abandoned. Signs that are present because of being established nonconforming signs or signs which

have required a conditional use permit or a variance are also subject to the definition of "abandoned sign."

- (2) Area (of a sign).** See "sign area."
- (3) Awning.** A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and that projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning that also projects over a door is counted as an awning.
- (4) Awning sign.** A building sign or graphic printed on or in some fashion attached directly to the awning material.
- (5) Balloon sign.** A sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air that is greater than 24 inches in diameter.
- (6) Building sign.** Any sign attached or supported by any building.
- (7) Cabinet sign.** Any wall sign that is not of channel or individually mounted letter construction.
- (8) Canopy.** A roof-like cover, often of fabric, plastic, metal, or glass on a support, that provides shelter over a doorway.
- (9) Canopy sign.** Any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs.
- (10) Changeable copy sign.** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Changeable copy signs do not include signs upon which characters, letters or illustrations change or rearrange only once in a 24-hour period.
- (11) Commercial speech.** Speech advertising a business, profession, commodity, service or entertainment.
- (12) Drive-through sign.** A sign located on the site of an allowed drive-through use.
- (13) Driveway sign.** A sign located near a driveway entrance from a street or near an internal site driveway or drive aisle.
- (14) Dwell Time.** The duration or interval of time during that each individual advertisement or message is displayed on any dynamic sign.
- (15) Dynamic Sign.** Any element of a sign or sign structure capable of displaying words, symbols, figures, images or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input or any other method or technology that allows a sign to present a series of images, messages or displays.
- (16) Elevation.** The view of the side, front, or rear of a given structure.
- (17) Elevation area.** The area of all walls that face any lot line.
- (18) Erect.** Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.
- (19) Flag.** Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and that contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.
- (20) Flashing sign.** A directly or indirectly illuminated sign that exhibits changing light or color effect by any means, so as to provide intermittent illumination that includes the illusion of intermittent flashing light by means of animation. The term "flashing sign" also means mode of lighting that resembles zooming, twinkling, or sparkling.
- (21) Freestanding sign.** Any sign that has supporting framework that is placed on, or anchored in, the ground and that is independent from any building or other structure.
- (22) Grade.** The final ground elevation after construction. Earth mounding for landscaping and screening is not part of the final grade for sign height computation.
- (23) Height (of sign).** The vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.
- (24) Illuminated sign.** Any sign that contains an element designed to emanate artificial light internally or externally.
- (25) Interior sign.** A sign that is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.

Article 10 Signs
102-1010 General

- (26) Nonconforming sign.** Any sign and its support structure that was lawfully erected prior to the effective date of the regulations of this article that fails to conform to the requirements of this article. A sign that was erected in accordance with a variance granted before the adoption of the ordinance from which this chapter is derived and that does not comply with this code is deemed to be a nonconforming sign. A sign that was unlawfully erected is deemed to be an illegal sign.
- (27) Marquee.** Any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.
- (28) Marquee sign.** Any building sign painted, mounted, constructed or attached in any manner, on a marquee.
- (29) Monument sign.** Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and that has a height exceeding 8 feet.
- (30) Multiple tenant site.** Any site that has more than one tenant, each of which (tenant) has a separate ground level exterior public entrance.
- (31) Noncommercial speech.** Dissemination of messages not classified as commercial speech, that includes, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.
- (32) Off-premises sign.** A commercial speech sign that directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. For the purposes of this article, easements and other appurtenances are considered to be outside such lot and any sign located or proposed to be located in an easement or other appurtenance is deemed an off-premises sign.
- (33) On-premises messages.** Messages that identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.
- (34) Owner (of a lot).** The legal owner of the lot as officially recorded by the county, and including fee owners, contract for deed purchasers and ground lessees.
- (35) Owner (of a sign).** The owner of the sign, including any lessees.
- (36) Pole sign.** See Pylon sign.
- (37) Portable sign.** Any sign that is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.
- (38) Porte cochere.** A roofed structure or roof-like cover, extending from the entrance of a building and that provides shelter over a doorway.
- (39) Projecting sign.** Any sign that is affixed to a building or wall in such a manner that its leading edge extends more than one foot beyond the surface or such building or wall face.
- (40) Public notices.** Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.
- (41) Public street right-of-way.** The entire right-of-way of any public street.
- (42) Pylon sign.** Any freestanding sign that has its supportive structures anchored in the ground and that has a sign face elevated above ground level by poles or beams and with the area below the sign face open.
- (43) Residential zone.** Any N or NX zone.
- (44) Roof.** The exterior surface and its supporting structure on the top of a building or structure. The structural make-up of that conforms to the roof structures, roof construction and roof covering sections of the Uniform Building Code.
- (45) Roof line.** The upper-most edge of the roof or in the case of an extended facade or parapet, the upper-most height of the facade.
- (46) Roof sign.** Any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- (47) Roof sign, integral.** Any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than 6 inches.

(48) Rotating sign. A sign or portion of a sign that turns about on an axis.

(49) Shimmering signs. A sign that reflects an oscillating sometimes distorted visual image.

(50) Sign. Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, that is displayed for informational or communicative purposes.

(51) Sign area. A measurement of the area (size/square footage) within the frame of the sign, excluding any structural elements outside the limits of such sign and not forming an integral part of the display. When letters or graphics are mounted directly on a wall, canopy, or awning without a frame, the calculation of the sign's area shall be the smallest rectangle which encloses the sign message or logo. Each surface utilized to display a message or to attract attention must be measured as a separate sign. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating total sign area.

(52) Sign face. The surface of the sign upon, against, or through which the message of the sign is exhibited.

(53) Sign structure. Any structure including the supports, uprights, bracing and framework that supports or is capable of supporting any sign.

(54) Site. A lot or combination of contiguous lots that are intended, designated, and/or approved to function as an integrated unit.

(55) Stringer. A line of string, rope, cording, or an equivalent to which is attached a number of pennants.

(56) Suspended sign. Any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

(57) Total site signage. The combined area of all freestanding and wall identification signs on a specific property.

(58) Visible. Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

(59) Wall. Any structure that defines the exterior boundaries or courts of a building or structure and that has a slope of 60 degrees or greater with the horizontal plane.

(60) Wall sign. Any building sign attached parallel to, but within 2 feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, that is supported by such wall or building, and that displays only one sign surface.

(61) Walkway sign. A sign located near an internal site sidewalk circulation network that provides a permanent pathway for pedestrians between public streets and building entrances.

(62) Window sign. Any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

102-1020 Permits

102-1020 (a) REQUIRED

Except as expressly stated in [102-1020 \(c\)](#), no sign may be erected, altered, reconstructed, maintained or moved without first securing a permit from the City. The content of the message or speech displayed on the sign may not be reviewed or considered in determining whether to approve or deny a sign permit. Permit applications must be submitted to the zoning administrator and include at least the following:

- (1)** The applicable application/permit fee;
- (2)** Name and address of the applicant, and the owners of the sign and the subject lot;
- (3)** The address at which any signs are to be erected;
- (4)** The lot, block and addition at which the signs are to be erected and the street on which they are to front;
- (5)** A complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and placement of the sign;
- (6)** The cost of the sign;
- (7)** Type of sign (i.e., wall sign, monument sign, etc.);
- (8)** Certification by the applicant indicating the application complies with all requirements of this article; and
- (9)** If the proposed sign is along state trunk highway or interstate highway, the application must be accompanied by proof that the applicant has obtained a permit from the state.

102-1030 Prohibited Signs

102-1020 (b) PROCESSING

The zoning administrator must act to approve or deny the sign permit in an expedited manner no later than 30 days from the receipt of the complete application. Permits not approved or denied within 30 days are deemed approved. If the permit is denied, the zoning administrator must provide a written notice of denial describing the applicant's appeal rights under [102-13150](#), and send such notice to the applicant by certified mail, return receipt requested.

102-1020 (c) EXEMPTIONS

The following signs do not require a permit. These exemptions, however, are not to be construed as relieving the owner of the sign from the responsibility of compliance with the provisions of this article or any other law or ordinance regulating signs in the City.

- (1) The changing of the display surface on a painted or printed sign. This exemption applies only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.
- (2) Signs 6 square feet or less in size.

102-1030 Prohibited Signs

The following signs are prohibited in all zones:

- (1) Any sign, signal, marking or device that purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signs, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal;
- (2) Signs over 250 square feet in area;
- (3) Off-premises signs;
- (4) Back-lit awnings;
- (5) Flashing signs;
- (6) Inflatable signs;
- (7) Portable signs;
- (8) Changeable copy signs;
- (9) Roof signs;
- (10) Rotating signs;
- (11) Shimmering signs;
- (12) Signs painted on, attached to or in any other manner affixed to trees or similar natural surfaces, or attached to utility poles, bridges, towers, transit shelters, benches or similar public structures, except for official signs; and

- (13) Signs containing content classified as "obscene" as defined by Minnesota statutes, section 617.241.

102-1040 Noncommercial Speech Signs

Notwithstanding any other provisions of this article to the contrary, all signs of any size containing noncommercial speech may be posted in any zone from August 1 in any general election year until 10 days following the general election and 13 weeks before any special election until 10 days following the special election.

102-1050 Illumination

External illumination for signs must be constructed and maintained so that the source of light is not visible from the public right-of-way or property used or zoned for residential purpose.

102-1060 Electric Signs

Electric signs must be installed in accordance with the current electrical code and a separate permit from the building official must be obtained before placement of such a sign.

102-1070 Vertical Clearance

All signs mounted above sidewalks and other pedestrian walking surfaces must be mounted to ensure at least 8 feet vertical clearance above the walking surface directly below.

102-1080 Sign Placement

Signs mounted on buildings may not block or obstruct design details, windows or cornices of the building to which they are attached.

102-1090 Freestanding Signs

102-1090 (a) NUMBER

A maximum of one freestanding sign is allowed per lot except that lots with more than 300 feet of street frontage are allowed one additional per freestanding sign.

102-1090 (b) AREA

Freestanding signs are subject to the sign area limitations of [102-10190](#).

102-1090 (c) ILLUMINATION

Freestanding signs, if illuminated, may use only indirect light, with the light source fully diffused and aimed toward the ground.

102-1090 (d) DECORATIVE BASE

All permanent freestanding signs must have a base made of decorative materials compatible with the exterior materials of the principal building on site. The width of the decorative sign base must be least 50% of the greatest width of the sign face.

102-10100 Window Signs

Temporary or permanent window signs must be on the inside of the window. Temporary or permanent window signs are limited to 33% of the surface area of the window to which they are affixed. Such signs are not counted against the maximum limits established in [Table 10-4](#).

102-10110 Driveway and Walkway Signs

102-10110 (a) ENTRANCES AND EXITS

One driveway sign may be installed at each vehicle entrance and exit to any lot occupied by an allowed nonresidential use or multi-unit residential building. Such signs must be located within 10 feet of the intersection of the driveway and the street right-of-way. Driveway signs may be illuminated but may not exceed 4 square feet in area or 3 feet in height.

102-10110 (b) INTERNAL

- (1) Off-street parking areas with a capacity of more than 4 vehicles, multi-tenant developments and uses on lots exceeding 50,000 square feet in area may display internal site driveway signs. Such signs must be located within 10 feet of an internal site driveway or drive aisle and may not exceed 8 square feet in area or 6 feet in height.
- (2) Developments containing multiple buildings on a lot, or lots exceeding 50,000 square feet in area may display internal walkway signs. Such signs must be located within 10 feet of an internal walkway and may not exceed 6 square feet in area or five feet in height.

102-10120 Canopies, Marquees, and Awnings

102-10120 (a) WHERE ALLOWED

Canopies, marquees and fixed awnings are considered an integral part of the structure to which they are attached. They are allowed in mixed-use zones, subject to compliance with the applicable sign area limitations of [102-10190](#) and the following regulations.

102-10120 (b) REGULATIONS

- (1) Awnings, canopies or marquees may not project into the public right-of-way closer than 30 inches to the street curb or curb line;

- (2) Awnings, canopies or marquees may have no part of the structure other than supports nearer the ground surface than 7 feet;
- (3) The architectural style of the awning, canopy or marquee must be consistent with the building being served;
- (4) Awnings, canopies or marquees projecting into the required setbacks may not be enclosed except with a transparent material permitting through vision;
- (5) Awnings, canopies or marquees built over the public right-of-way must be included in a liability insurance policy holding the city free of all responsibility; and
- (6) Sign may not project below a marquee.

102-10130 Sidewalk Signs

102-10130 (a) GENERAL

Sidewalk signs are allowed in mixed-use zones without a sign permit. Such signs are not counted against the maximum limits established in Table 10-4.

102-10130 (b) REGULATIONS

Sidewalk signs are subject to the following regulations:

- (1) Signs shall be limited to 2 feet in width and 3.5 feet in height, including support members.
- (2) No sign shall have more than 2 faces.
- (3) Signs may not limit the normal pedestrian use of the sidewalk, and a minimum passable contiguous space of 3 feet must be maintained at all times.
- (4) One sign is permitted for each building adjacent to the public right of way For buildings with multiple occupants, additional sidewalk signs are allowed only if such signs are spaced at least 30 feet apart.
- (5) All sidewalk signs must be removed from the sidewalk at the end of each business day.
- (6) No sidewalk may be internally or externally illuminated.

102-10140 Projecting Signs

102-10140 (a) WHERE ALLOWED

Projecting signs are allowed in mixed-use zones, subject to compliance with the regulations of this section. Such signs are not counted against the maximum limits established in Table 10-4.

102-10140 (b) MAXIMUM AREA

Projecting signs may not exceed 12 square feet in area or 3 feet in width.

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102-10150 Drive-through Signs

102-10140 (c) PROJECTION

- (1) Projecting signs may not project more than 2 feet from the surface of the wall to which they are attached and no closer than 12 inches from the curbline.
- (2) Proof of liability insurance and a hold harmless agreement indemnifying the City must be provided to the zoning administrator before the issuance of any permit for sign projecting into the public right-of-way.

102-10150 Drive-through Signs

Drive-through signs are permitted in conjunction with drive-through uses, in accordance with the following regulations.

102-10150 (a) LOCATION

Drive-through signs must be located within 10 feet of a drive-through lane.

102-10150 (b) NUMBER AND DIMENSIONS

- (1) One primary drive-through sign not to exceed 36 square feet in area or 8 feet in height is allowed per order station up to a maximum of 2 primary drive-through signs per lot.
- (2) One secondary drive-through sign not to exceed 15 square feet in area or 6 feet in height is allowed per lot.

102-10150 (c) RESIDENTIAL SEPARATION

Drive-through signs must be set back at least 50 feet from N and NX zoning districts.

102-10150 (d) VISIBILITY

Drive-through signs must be oriented to be visible by motorists in allowed drive-through lanes.

102-10160 Sign Setbacks

Freestanding signs must be set back from lot lines in accordance with the minimum requirements of [Table 10-1](#).

Table 10-1. Minimum Setback from Lot Lines

ZONE	STREET	SIDE	REAR
N & NX	5	5	5
MX-TOD, MX-N, RX-TOD, RX-N	5	5	5
MX-S	10	5	5
IX-TOD I-TOF IX-S	5	5	5
I-1 CLR	10	10	10

Table 10-1. Minimum Setback from Lot Lines

ZONE	STREET	SIDE	REAR
P	5	5	5

Note: Freestanding signs are prohibited in MX-D and RX-D zones.

102-10170 Sign Height

102-10170 (a) WALL SIGNS

The top of any wall sign, including any superstructure, may not extend higher than the roof of the building to which such sign is attached.

102-10170 (b) FREESTANDING SIGNS

Freestanding signs may not exceed the maximum height limits stated in [Table 10-2](#).

Table 10-2. Maximum Sign Heights

ZONE	MAXIMUM HEIGHT (FEET)
N, NX, RX-N, & MX-N	6
MX-TOD & RX-TOD	10
IX-TOD, I-TOD, & IX-S	10
I-1 & CLR	10
P	6

102-10180 Signs in N and NX Zones

102-10180 (a) MAXIMUM SIGN AREA

The area of permitted signs in N and NX zones may not exceed the maximum limits established in [Table 10-3](#).

Table 10-3. Signs in N and NX Zones

ZONE	SINGLE SIGN MAXIMUM AREA	MAXIMUM CUMULATIVE SIGN AREA
N1, N2, N3	8 sq ft	8 sq ft
NX	12 sq ft	24 sq ft

102-10190 Signs in Mixed-Use Zones

102-10190 (a) MAXIMUM SIGN AREA

The area of permitted signs in mixed-use zones may not exceed the maximum limits established in [Table 10-4](#).

Table 10-4. Signs in Mixed-Use Zones

ZONE	SINGLE SIGN MAXIMUM AREA	MAXIMUM CUMULATIVE SIGN AREA
MX-TOD, MX-D, MX-N, RX-TOD, RX-D, RX-N	60 sq ft	2 sq ft per foot of building frontage [1]
MX-S	80 sq ft	3 sq ft per foot of building frontage [1]

102-10200 Signs in Special Purpose Zones

Table 10-4. Signs in Mixed-Use Zones

ZONE	SINGLE SIGN MAXIMUM AREA	MAXIMUM CUMULATIVE SIGN AREA
IX-TOD I-TOD IX-S	80 sq ft	3 sq ft per foot of building frontage [1]

[1] On corner lots building frontage is measured along narrowest frontage

102-10190 (b) ILLUMINATION

Signs in the MX-D zone may employ only "Halo" lighting or lighting sources that are external to the sign (e.g. Goose neck lighting). Any other form of internal sign illumination is prohibited.

102-10200 Signs in Special Purpose Zones

102-10200 (a) MAXIMUM SIGN AREA

The area of permitted signs in special zones may not exceed the maximum limits established in [Table 10-5](#).

Table 10-5. Signs in Special Zones

ZONE	SINGLE SIGN MAXIMUM AREA	MAXIMUM CUMULATIVE SIGN AREA
I-1 CLR	80 sq ft	3 sq ft per foot of building frontage [1]
P	60 sq ft	3 sq ft per foot of building frontage [1]

[1] On corner lots building frontage is measured along narrowest frontage

102-10210 Dynamic Signs

102-10210 (a) GENERAL

All dynamic signs are subject to all regulations of this section [\(102-10210\)](#).

102-10210 (b) ZONE LIMITATIONS

- (1) **N and NX Zones.** Dynamic signs may be approved in N or NX zones through the conditional use permit process on any lot occupied by a public, civic, or institutional use, provided that such signs will be located along a principal arterial, minor reliever or major collector road as designated in the comprehensive plan.
- (2) **Mixed-Use and Special Zones.** Dynamic signs are prohibited in MX-D, RX-D, MX-N, and I zones. Dynamic signs may be located on properties within other mixed-use and special zones, provided the proposed dynamic sign will be located along a principal arterial or minor reliever road as designated in the comprehensive plan. Dynamic signs in mixed-use and special zones

are permitted as of right, except that conditional use permit approval is required for any dynamic sign located on a property abutting an N- or NX-zoned lot or a lot occupied by a residential use.

102-10210 (c) LOCATION

Dynamic signs must be located on the site of the use identified or advertised by the sign.

102-10210 (d) ORIENTATION

Dynamic signs must be positioned so as to limit their impact on adjacent residential uses. At a minimum, such signs must be positioned perpendicular to the adjacent public right-of-way.

102-10210 (e) TYPE OF SIGN

Dynamic signs are limited to freestanding signs only.

102-10210 (f) TEXT SIZE AND LEGIBILITY

The following minimum text size requirements apply to all dynamic signs. If a sign is located on a corner with streets that have differing speed limits, the minimum required text size is based on the standard for the higher speed limit to ensure maximum legibility.

Table 10-6. Dynamic Sign Text Size

SPEED LIMIT OF ABUTTING STREET (MPH)	MINIMUM TEXT SIZE (INCHES)
25–34	7
35–44	9
45–54	11
55 or higher	15

102-10210 (g) MODE

Dynamic signs may only operate in a static mode. Animation, motion or video displays are prohibited. Any change from one static display to another must be instantaneous and may not include any distracting effects, such as dissolving, spinning or fading. The images and messages displayed must be complete in and of themselves, without continuation in content to the next image or message or to any other sign.

102-10210 (h) SIZE AND NUMBER OF DISPLAYS

The dynamic portion of any sign may not exceed 80% of the total allowable area of the subject sign. The remaining 20% of the allowable sign area may not include dynamic capabilities even if it is not used. Each site can have only one dynamic sign and such dynamic signs may include only one dynamic display.

102-10210 (i) MINIMUM DISPLAY TIME

The images and messages displayed on a dynamic sign

102-10220 Temporary Signs

must have a minimum dwell time of at least 20 minutes, except for time, date and temperature signs. Time, date and temperature information must have a dwell time of at least 2 seconds, provided that the display of this information remains for at least 20 minutes before changing to another display.

102-10210 (j) BRIGHTNESS

Dynamic signs may not exceed a maximum illumination of 5,000 nits during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness. All dynamic sign applications shall include certification from the sign manufacturer that the sign has been preset to conform to the luminance levels noted above and these settings are protected from end users' manipulation by password protected software.

102-10210 (k) COLOR

Dynamic signs may use multiple colors within the display but the use of color must not create distraction or a hazard to the public health, safety or welfare. No portion of the display may change in color or color intensity in any manner. Each line of text in any direction must be uniform in color.

102-10210 (l) OPERATION

All dynamic signs must be equipped with a means to immediately discontinue the display if it malfunctions. The owner of a dynamic sign must immediately cease operation of their sign when notified by the City that it fails to comply with the regulations of this article. The dynamic sign must remain inoperable until such time that the owner demonstrates to the City that the device is in satisfactory working condition and conforms to the regulations of this article. The City's decision regarding the operation of a dynamic sign may be appealed in accordance with the appeal procedures of [102-13150](#).

102-10210 (m) APPLICATION TO EXISTING SIGNS

The dynamic sign standards of this article apply to all existing and future dynamic signs, unless otherwise determined by the City that an existing sign qualifies as a nonconforming use under state statute or this development code. Any existing dynamic sign that cannot meet the minimum text size as required by the speed limit must use the largest size possible for one line of copy to fit in the available display space.

102-10220 Temporary Signs

102-10220 (a) PERMITS

Applications for on-premises temporary sign permits are subject to the sign permit provisions of [102-1020](#). Temporary signs are not counted against the maximum limits

established in [Table 10-4](#).

102-10220 (b) NUMBER AND DURATION OF PERMIT

Each property is allowed a maximum of one temporary sign permit at any one time. Permits for temporary signs may be issued a maximum of 6 times per year for no more than 14 days per permit. Permits may run consecutively. Businesses open to customers on an intermittent basis may assign the 14-day permits to the days such businesses are actually open to customers.

102-10220 (c) LOCATION AND EXCEPTIONS

Temporary signs are allowed in any mixed-use, industrial, or public and institutional district.

102-10220 (d) TYPE, SIZE AND PLACEMENT

Temporary signs may not exceed 32 square feet in area, and may not be placed in such a way as to effect public safety or necessary ingress or egress of a building.

102-10230 Nonconforming Signs

It is recognized that signs exist within the City that were lawful before these sign regulations were adopted, but are prohibited under the regulations of this article. Such nonconforming signs are allowed to continue as nonconforming signs provided that such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed. Nonconforming signs are subject to compliance with the following provisions:

- (1) Nonconforming signs may not be enlarged or altered in a way that increases the sign's nonconformity.
- (2) If the use of the nonconforming sign or sign structure is discontinued for a period of one year, the sign or sign structure may not be reconstructed or used except in compliance with the provisions of this article.
- (3) Should a nonconforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than 50% of its market value and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was damaged, it may not be reconstructed or used except in compliance with the provisions of this article.
- (4) If a nonconforming sign or sign structure is moved for any reason for any distance whatsoever, it must thereafter comply with the regulations of this article.
- (5) Existing signs on the site of a use that is not permitted in the zone in which the use is located may not be enlarged, expanded or moved except in changing the sign to a sign permitted in the subject zone.

- (6) When a building loses its nonconforming status all signs devoted to the building must be removed and all signs painted directly on the building must be repainted in a neutral color or a color that matches the building.

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Article 11 Subdivision Design & Improvements
102-1110 General

102-1110 General

The regulations of this article constitute the minimum design and improvement standards for subdivisions within the City.

102-1120 Comprehensive Plan

All proposed subdivisions must conform to the comprehensive plan.

102-1130 Improvements

102-1130 (a) GENERAL

Whenever a subdivision is intended for residential use, the subdivider shall at the subdivider's expense do or perform one or more of the actions specified in this subsection with relation to the preliminary plat.

102-1130 (b) PLANS AND SPECIFICATIONS

The subdivider must submit detailed plans, data specifications and other information indicating the intended method of installation of all required public improvements. Such plans and specifications are subject to review and approval by the engineer.

102-1130 (c) PUBLIC IMPROVEMENTS

- (1) In any proposed subdivision that is intended or zoned for any residential use, the subdivider must at the subdivider's expense, under the supervision and subject to the approval of the city engineer, cause the extension, construction and installation of all required public improvements to every parcel resulting from such subdivision intended for present development.
- (2) The subdivider may petition the City Council for such installation under the appropriate state statutes or under the City Charter and cause the land benefited from such public improvements to be specially assessed for the cost of such improvements.
- (3) In both cases the subdivider or developer must deposit with the city clerk, either a cash amount or a surety bond approved by the city attorney equal to at least 150 percent of the total cost of such required public improvements including all engineering, legal and other fees and expenses in connection therewith to guarantee the installation of such improvements. The amount of cash or of the surety bond required must be based on an estimate made by the city engineer in the same manner as the method provided by statute in such cases in the engineer's preliminary report necessary for the installation of such utilities by the City, pursuant to the statutes in such cases. The cash amount or surety bond will not be released until one year after final

acceptance as a means to provide a guaranteed one-year maintenance period.

102-1130 (d) INSTALLATION BY SUBDIVIDER

- (1) In all proposed subdivisions other than those intended for residential use, the subdivider may be permitted at the subdivider's expense to install, or cause to be installed, any or all such required public improvements in any part, or all of the subdivision, provided that such construction conforms in all respects with applicable City standards, including applicable statutes and requirements of this development code, and such plans are prepared at the expense of the subdivider by a competent engineer and thereafter submitted to and approved by the city engineer.
- (2) Thereafter, prior to the issuance of any building permit upon any part of such subdivision, the subdivider or the developer must deposit with the clerk either cash or a surety bond approved by the city attorney in an amount determined by the city engineer by the same method as set forth in [102-1130 \(c\)](#), such deposit to guarantee the payment of the entire cost of such proposed installation designed to serve that part of such subdivision covered by the application for such building permit, pursuant to the approved plans on file.
- (3) One year after installation of all such required public improvements, pursuant to such approved plan, such deposit or bond will be returned or canceled by the City in accordance with [102-1130 \(c\)](#) upon proof furnished by such subdivider or developer that the entire cost of such installation and construction as required by the City has been paid in full, and that such installation and construction was completed pursuant to plan and approved by the city engineer

102-1140 Streets

102-1140 (a) ARRANGEMENT

The arrangement of all streets shall conform to the city plan and provide a continuation of existing and planned streets within and adjacent to the City, provide for a reasonable circulation of traffic and shall be appropriately located in relation to topography, run-off of stormwater and to proposed uses of the land to be served. Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets shall make provision for the proper projection of streets into adjoining areas.

102-1140 (b) RIGHT-OF-WAY AND PAVEMENT WIDTH

- (1) **Dimensions.** Streets must comply with the minimum right-of-way and pavement widths established in [Table 11-1](#).

Table 11-1. Right-of-Way and Pavement Widths

CLASSIFICATION	MIN. RIGHT-OF-WAY	MIN. PAVEMENT
Marginal Access	60 ft	32 ft
Minor	66 ft	36 ft
Collector	74 ft	48–52 ft
Cul-de-Sac	50 ft (Radius)	40 ft (Radius)
Major Thoroughfare and Arterial	As shown on plan	

(2) **Deflections.** All centerline gradients shall be at least 0.3 percent and shall not exceed the maximum established in [Table 11-2](#).

Table 11-2. Maximum Grades

CLASSIFICATION	MAXIMUM GRADIENT (%)
Major Thoroughfare, Arterial, Collector, Marginal Access	4
Minor and Service	6

(3) **Vertical Curves.** Different connecting street gradients must be connected by vertical curves. The minimum length of these curves (in feet) must be at least 20 times the algebraic difference in the percent of grade of the 2 adjacent slopes.

(4) **Street Jogs.** Street jogs of minor and service streets must have a minimum centerline offset of 150 feet. Street jogs of all other streets are prohibited.

(5) **Cul-de-Sacs.** Cul-de-sac streets may not exceed 500 feet in length, measured along the cul-de-sac street center line from the intersection of origin to end of right-of-way.

(6) **Service Streets.** When a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, the City Council may require a street approximately parallel to and on each side of such right-of-way for adequate protection of properties and to afford separation of through and local traffic. Such service streets must be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in neighborhood (residential) zones, or for mixed-use, commercial, or industrial purposes in other zones. Such distances must be determined with due regard for the requirements of approach grades and future grade separations.

(7) **Half Streets.** Half streets are prohibited, except when the City deems them essential to the reasonable

development of the subdivision in conformity with the other requirements of this article or when the City finds it will be practicable to require the dedication of the remaining half street when the adjoining property is subdivided. Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street must be platted within such tract prior to the granting of access.

(8) **Reserve Strips.** Reserve strips controlling access to rights-of-way are prohibited.

(9) **Private Rights-of-Way.** Private rights-of-way are prohibited and public improvements are prohibited in private rights-of-way.

102-1140 (c) ALLEYS

(1) **Location.** A public alley may be required in any block where industrial, commercial, mixed-use, or multi-unit residential property abuts only on one major thoroughfare or a major street. Alleys in N-zoned areas are optional.

(2) **Widths.** Alley right-of-way widths must be at least 20 feet.

(3) **Grades.** All centerline gradients must be at least 0.5% and may not exceed 6%.

102-1140 (d) INTERSECTIONS

(1) **Angle.** The angle formed by the intersection of streets may not be less than 60 degrees, with 90 degree intersections preferred.

(2) **Corners.** Intersections of more than 4 corners shall not be approved.

(3) **Rounding**

- a. Street intersections must have a minimum radius of 15 feet, unless otherwise expressly stated in this development code.
- b. Alley-street intersections must have a minimum radius of 6 feet.
- c. Corners at the entrances to the turnaround portions of cul-de-sacs must have a minimum radius of 15 feet.

102-1140 (e) CURBS AND GUTTERS

Curb and gutter must be provided on both sides of all streets as a part of the required street surface improvement in accordance with the standards of the City.

102-1140 (f) BOULEVARD LANDSCAPE

Boulevard sodding or other City-approved landscape treatment must be included as a part of the required street

Article 11 Subdivision Design & Improvements
102-1150 Sidewalks

improvements along all boulevard streets.

102-1150 Sidewalks

102-1150 (a) WIDTH

Sidewalks required to be included as part of all required street improvements. Sidewalks must comply with the minimum width standards of [Table 11-3](#) and all other applicable state and federal standards.

Table 11-3. Sidewalk Widths

ZONE	MINIMUM WIDTH (ft)
N, NX, P, and I	6
ALL OTHER	10

102-1150 (b) GRADES

Sidewalks must have a slope of at least one quarter-inch per foot away from the property line. The maximum profile grade may not exceed 6%.

102-1160 Pedestrian Ways

In blocks of over 900 feet in length, pedestrian crosswalks through the blocks, and at least 10 feet in width, may be required by the City Council when deemed necessary to public health, convenience and welfare. Pedestrian ways must be surfaced in accordance with standards determined by the city engineer.

102-1170 Water Supply

102-1170 (a) PUBLIC

Extensions of the public water supply system must be designed to provide public water service to each lot within the subdivision. The design of such extensions must be in accordance with the standards of the City.

102-1170 (b) PRIVATE

The design and installation of any private water system is subject to approval of the Council. Private water systems and community well systems, where allowed, must be constructed and maintained according to state laws and this development code.

102-1180 Sewage Disposal

102-1180 (a) PUBLIC

Extensions of the public sanitary sewer system must be designed to provide sewer service to each lot within the subdivision. The design of such extensions must be in accordance with the standards of the City and all applicable state codes.

102-1180 (b) PRIVATE

Private or group sewage systems are subject to approval by the City Council. When approved, such private systems must comply with state laws and this development code.

102-1190 Drainage

A complete and adequate design drainage system is required for all subdivisions. Such systems must be designed in conformity with all applicable standards of the City and are subject to the approval of the city engineer and other governing agencies.

102-11100 Easements

102-11100 (a) UTILITIES

Easements at least 12 feet wide, centered on rear and other lot lines, must be provided for utilities where necessary. Such easements must be dedicated to the City by appropriate language in the owner's certificate. Utility easements must have continuity of alignment from block to block. Deflection point easements for pole-line anchors must also be provided where necessary. Easements shall be provided along property lines from utility easements on rear lot lines to rights-of-way so as to provide for a street light interval not to exceed 500 feet or as may be required by the City.

102-11100 (b) DRAINAGE

Easements must be provided along each side of the center line of any water course or drainage channel whether or not shown on city plans, to a width sufficient to provide proper maintenance and protection and to provide for stormwater run-off and installation and maintenance of storm sewers. Required drainage easements shall be dedicated to the City by appropriate language in the owner's certificate.

102-11110 Street Trees

At least one street tree must be provided per lot. Street tree sizes and species must comply with the provisions of this development code.

102-11120 Street Names

Names of new streets may not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street, in which event such street extension must bear the same name of the existing or platted street that is being extended.

102-11130 Blocks

102-11130 (a) LENGTH

Block lengths may not exceed 600 feet in length.

102-11130 (b) ARRANGEMENT

Blocks must be so designed as to provide 2 tiers of lots, unless the block adjoins a railroad, major thoroughfare, limited access highway, river or park, in which case the block may have a single tier of lots.

102-11140 Lots

102-11140 (a) LOCATION

All lots shall have frontage on a publicly dedicated street or a street that has received legal status as such.

102-11140 (b) SIZE

The lot dimensions in subdivisions designed shall not be less than the minimum dimensions required to secure the minimum lot area specified in chapter 102. For the purposes of complying with the lot size requirements of the city's subdivision and zoning regulations, no portion of any wetlands in excess of 50 percent of the total area of a lot will be taken into account.

102-11140 (c) BUTT LOTS

Butt lots shall be platted at least five feet wider than the average width of interior lots in the block.

102-11140 (d) CORNER LOTS

Corner lots shall be platted in width to compensate for the increased side yard required over an interior lot for the district in which the land is located.

102-11140 (e) SIDE LOT LINES

Side lines of lots shall be substantially at right angles to the street line.

102-11140 (f) WATERCOURSES

Lots abutting upon a watercourse, drainage way, channel or stream shall have an additional depth or width, as required, to assure house sites that are not subject to flooding.

102-11140 (g) NATURAL FEATURES

In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, watercourses, historic spots or similar conditions, which if preserved will add attractiveness and stability to the proposed development.

102-11140 (h) LOT REMNANTS

All remnants of lots below minimum size after subdividing any tract must be added to adjacent lots, or a plan shown on the plat restricting the purpose and use thereof.

102-11140 (i) LOT SHAPE

Lots shall be substantially square, rectangle or triangular. Lots shall have a minimum of three sides and a maximum of six sides to allow for utilities and drainage easements. The shape of the lots shall generally conform to the lot shapes in the area.

102-11140 (j) FLAG LOTS

Flag lots are prohibited in all subdivisions.

102-11150 Parkland Dedication

102-11150 (a) GENERAL REQUIREMENTS

- (1) The parkland dedication requirements of this section apply to all plats, replats and subdivision of land, including waivers of platting (except simple lot line adjustment), and including plats, replats, subdivision and waivers of platting which combine previously subdivided or platted parcels of land into larger or fewer parcels of land.
- (2) These parkland dedication provisions require that reasonable portion of such land be set aside and dedicated by the owner to the general public as open space for parks, playgrounds, trails, or usable open space. This required parkland dedication is in addition to the property dedicated for streets, alleys or other public ways.
- (3) It is hereby declared that, as a general rule, it is reasonable to require dedication of land equal in area to the amounts specified in [102-11150 \(b\)](#).
- (4) Land dedicated pursuant to these parkland dedication provisions must be suitable for public use for parks, playgrounds, trails, or usable open space and the city is not required to accept land that will not be usable for such purposes or that would require extensive expenditure on the part of the public to make them usable.

102-11150 (b) DEDICATION FORMULA

- (1) **Residential.** The parkland dedication requirements established in [102-11150 \(b\)](#) apply to all residential subdivisions.

Table 11-4. Parkland Dedication (Residential)

DENSITY (Dwelling Units per Acre)	REQUIRED LAND DEDICATION (Percent)
0–5	10
6–10	11
11–15	12
16 or more	13

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(2) Nonresidential. Commercial, mixed-use, industrial and other subdivisions must dedicate at least 5% of the total land area.

102-11150 (c) CASH IN LIEU OF LAND DEDICATION

- (1)** Cash in lieu of land dedication may be accepted for residential subdivisions in an amount set by City Council resolution.
- (2)** Cash in lieu of land dedication may be accepted for nonresidential subdivisions in an amount determined by the estimated fair market value of the property to be dedicated to the City as calculated by the county assessor, as of the date of the approval of the final plat, replat, subdivision or waiver of plating. The estimate of fair market value must include value added to the property by utilities, streets, and other public improvements serving the land, but excludes value added by other improvements to the land.
- (3)** The City has the option to require cash contributions in lieu of accepting dedication of land or the City may require a combination of land dedication and cash payment.
- (4)** Any cash contribution received pursuant to subsection (g) of this section shall be placed in a separate City fund and used only for park, playground, trail, open space, urban forestry purposes, or for public recreational or cultural facilities as defined and outlined on M.S.A. § 471.191.
- (5)** Gifts of real or personal property dedicated for park, playground, trail, open space or urban forestry purposes, that are accepted in accordance with M.S.A. § 465.03 be placed in the same fund established in subsection (i) of this section.

102-11150 (d) CREDITS

In establishing a reasonable portion to be dedicated, the City may give credit, for open space, park, recreational or common areas and facilities reserved for the subdivision.

102-11150 (e) COMPREHENSIVE PLAN

Land dedicated under these provisions must reasonably conform to the City's comprehensive plan. The Planning & Zoning Commission and park board must review proposed land dedications and proposed cash in-lieu payments and recommend to the City Council appropriate action.

102-11150 (f) CONVEYANCE

Prior to the dedication of the required property, the subdivider must provide the City with an acceptable title opinion or title insurance policy addressed to the City to ensure the title and the City's proposed interest in the property. In any dedication of required land, the subdivider must record all deeds for conveyance of the property to the

City at the same time as the final plat or other appropriate division documents.

102-11150 (g) APPLICABILITY; TIMING

The requirements of this section apply at the time of the final approval of the plat, replat, subdivision or waiver of platting and apply to any plat, replat, subdivision or waiver of platting receiving final approval after the effective date of the ordinance from which this article is derived.

102-11150 (h) WAIVERS AND REDUCTIONS

The City Council, at its sole discretion, is authorized to waive or reduce the parkland dedication requirements of this section upon determining that extraordinary, site-specific circumstances exist to justify the waiver or reduction. .

102-11160 Environmental Review Program

102-11160 (a) ENVIRONMENTAL REVIEW PROGRAM

The provisions of the rules for the environmental review program, Min. Admin. Rules ch. 4410, one copy of which is on file in the office of the clerk, are hereby adopted, together with the other provisions of this article, as the environmental review operating procedures this City will follow in implementing the provisions of M.S.A. ch. 116D relating to the environmental review program and any rules adopted thereunder by the state environmental quality board. All terms used in this article shall have the same meaning as the terms used in M.S.A. ch. 116D and the rules adopted thereunder.

102-11160 (b) COST OF PREPARATION AND REVIEW

- (1) Information to be Provided.** The applicant for a permit for any action for which environmental documents are required either by state law or rules or by the Council shall supply in the manner prescribed by the manager all unprivileged data or information reasonably requested by the City that the applicant has in his possession or to which he has reasonable access.
- (2) Environmental Assessment Worksheets.** The applicant for a permit for any action for which an environmental assessment worksheet (EAW) is required either by state law or rules, or by the City Council, shall pay all costs of preparation and review of the EAW, and upon the request of and in the manner prescribed by the manager shall prepare a draft EAW and supply all information necessary to complete that document.
- (3) Environmental Impact Statement.** The City and the applicant for a permit for any action for which an environmental impact statement (EIS) is required shall comply with the provisions of the rules governing

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assessment of costs for environmental impact statements, one copy of which is on file in the office of the clerk, unless the applicant and the council provide otherwise by a written agreement.

- (4) Payment of Costs.** No permit for an action for which an EAW or an EIS is required shall be issued until all costs of preparation and review which are to be paid by the applicant are paid, and all information required is supplied, and until the environmental review process has been completed as provided in this article and the rules adopted by reference by this section, and pursuant to any written agreement entered into by the applicant for the permit or permits and the Council under the provision of subsection (e) of this section.
- (5) Agreements Concerning Cost of Preparation and Review.** The applicant for a permit for any action for which an EAW or EIS is required and the City Council may, in writing agree as to a different division of the costs of preparation and review of any EAW or EIS as provided in Minn. Admin. Rules ch. 4410.

102-11160 (c) ADMINISTRATION

- (1) Duty of Manager.** The manager is responsible for the administration of the environmental review program, and the rules adopted by reference by this article.
- (2) Action Required.** The manager is responsible for determining whether an action for which a permit is required is an action for which an EAW is mandatory under Minn. Admin. Rules ch. 4410. The manager shall also determine those proposed actions for which an optional EAW may be required under the provisions of the article and shall notify the Planning Commission and the Council of these proposed actions.
- (3) Preparation.** All EAE's and EIS's shall be prepared under the supervision of the manager, reviewed by the Planning Commission and reviewed and approved by the City Council.
- (4) Alterations.** When reviewing an EAW or EIS, the manager and the Planning Commission may suggest design alterations which would lessen the environmental impact of the action. The City Council may require these design alterations to be made as a condition for issuing the permit when it finds that the design alterations are necessary to lessen the environmental impact of the action.
- (5) Planning and Zoning Commission Review.** After an EAW is prepared, the Planning Commission shall review the EAW and recommend to the council whether or not it should require the preparation of an EIS. The Council

shall require an EIS when it finds under Min. Admin. Rules ch. 4410 that an action is major and has potential for significant environmental effects.

102-11160 (d) OPTIONAL EAW

- (1)** The Council may, upon recommendation by the manager, require that an optional EAW be prepared on any proposed action if the action may be a major action and appears to have the potential for significant environmental effects. The following guidelines shall also be considered in determining whether an optional EAW shall be required:
- Is the action to be in or near an area that is considered to be environmentally sensitive or aesthetically pleasing?
 - Is the action likely to have disruptive effects such as generating traffic and noise?
 - Are there public questions or controversy concerning the environmental effects of the proposed actions?

102-11160 (e) ENFORCEMENT AND PENALTY

- (1) General Rule.** No permit shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this section are completed.
- (2) Compliance.** No work shall commence and any work in progress on any project for which environment documents are required shall cease until the environmental review procedures established by this section are fully complied with.
- (3) Violations.** Each day that the violation of this section is permitted to exist constitutes a separate offense.

102-11170 Demolition of Dwelling Units

102-11170 (a) DEMOLITION PERMITS IN N-ZONED DISTRICTS

No permit shall be issued for the demolition of any structure containing a dwelling unit in any N zone until the permit applicant has complied with the following:

- (1)** The applicant must submit an approved building permit application for the construction of a replacement structure containing one or more dwelling units, including:
- Four full-size site plans drawn to scale showing all existing buildings that will be demolished with setback distances to property lines and streets.
 - State pollution control agency (MPCA) approval and permits (if applicable).
 - Watershed district approval and permit (if applicable).

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- d. Two copies of floor plans for the existing buildings for SAC federal credit union determination.
 - e. Two copies of soil erosion control plan.
 - f. Two copies of de-watering disposal and discharge plans and permits (if applicable).
 - g. Two sets of grading plans.
 - h. Two sets of shoring plans (if applicable).
 - i. Two copies of dust control plan.
 - j. Two copies of existing sewer and water termination plans.
 - k. Two copies of soil tests.
 - l. Two copies of hazardous material survey and removal plans for contaminated soil, lead paint, asbestos, fluorescent lamps, and polychlorinated biphenyl (PCB) ballasts (if applicable).
 - m. Any other requirement mandated or imposed by local, state, or federal law, or otherwise reasonably required by City staff.
- (2) The applicant must obtain all necessary zoning approvals for replacement structure prior to application for demolition permit.

102-11170 (b) RESIDENCE REQUIREMENT

- (1) As part of the permit application, applicant shall agree to construct and complete the new residential structure in accordance with the separate building permit issued for such construction.
- (2) If the separate building permit issued for construction of the new residential structure is revoked, terminates or expires before issuance of an occupancy certificate for such new residential structure the applicant shall be in violation of this development code.

102-11170 (c) VIOLATION AND PENALTY

Failure to comply with the provisions of this section is a misdemeanor and is also subject to enforcement and penalties under the administrative citations provisions set forth in article VII of chapter 2. The civil penalty for violation of this section is established as \$2,000.00. This civil penalty is subject to adjustment by the City Council pursuant to the provisions of article VII of chapter 2.

102-11170 (d) EXCEPTIONS

Buildings or structures exempt from permits by the building code are exempt from permit requirements for demolition.

- (1) The City, the Housing and Redevelopment Authority in and for the City (the HRA), and those acting in their direction are exempt from the requirements of this article.

- (2) Demolition performed in accordance with the terms of an approved development agreement with the City or the HRA is exempt from the requirements of this article.
- (3) An applicant seeking to demolish two structures containing dwelling units on separate adjoining lots need only submit an approved building permit application for the construction of a single replacement structure containing one or more dwelling units, provided the applicant has obtained prior approval for the combination of the two lots in accordance with the provisions of this development code.
- (4) This article shall not apply to demolitions conducted pursuant to M.S.A. §§ 463.15 to 463.26.

102-11170 (e) APPLICABILITY

The provisions and requirements of this article are in addition to those stated in article III of chapter 8, all of which shall continue to be applicable to the demolition of dwelling units.

ARTICLE 12 STORMWATER MANAGEMENT AND FLOOD PROTECTION

102-1210 Stormwater Management 12-2
102-1220 Flood Protection 12-8

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102-1210 (a) GENERAL PROVISIONS

(1) Findings. The City Council finds that uncontrolled stormwater runoff and construction site erosion from land development and land disturbing activities can have significant adverse impacts upon local and regional water resources, diminishing the quality of public health, safety, public and private property and natural resources of the community.

(2) Purpose

- a. The general purpose of the stormwater management regulations of this article is to establish regulatory requirements for land development and land disturbing activities aimed at minimizing the threats to public health, safety, public and private property and natural resources within the City resulting from construction site erosion and post-construction stormwater runoff.
- b. These regulations are further intended to meet the current construction site erosion and sediment control and post-construction stormwater management regulatory requirements for construction activity and small construction activity (NPDES permit) as defined in 40 CFR part 122.26(b)(14)(x) and (b)(15), respectively.

(3) Statutory Authorization. The stormwater management regulations of this article are adopted pursuant to the authorization and policies contained in M.S.A. chs. 103B and 462; Minn. Admin. Rules 6120.2500—6120.3900, Minn. Admin. Rules chs. 8410, 8420.

(4) Applicability, Exemptions, Waivers

- a. **Approval Required Prior to Permit.** Every application for a conditional use permit that involves construction of a building, subdivision approval or a permit to allow land disturbing activities must be accompanied by a stormwater pollution prevention plan (SWPPP) and a stormwater management plan pursuant to this chapter. No conditional use permit, subdivision approval or permit to allow land disturbing activities shall be issued until approval of the SWPPP and the stormwater management plan or a waiver of the requirements has been obtained in strict conformance with the provisions of this article. The provisions of [102-1210 \(g\)](#) apply to all land, public or private, located within the City.
- b. **State Pollution Control Agency (MPCA).** The MPCA is the permitting authority for land disturbing activities requiring an NPDES permit for construction activity.

Where required, the NPDES permit is in addition to permits required by the City.

- c. **Exemptions.** The stormwater management regulations of article do not apply to:
 - 1. Any part of a subdivision if a plat for the subdivision has been approved by the City Council on or before the effective date of the ordinance from which this article is derived;
 - 2. Any land disturbing activity for which plans have been approved by the watershed management organization and the City within 6 months prior to the effective date of the ordinance from which this article is derived;
 - 3. A lot for which a conditional use permit or building permit has been approved on or before the effective date of the ordinance from which this article is derived;
 - 4. Installation of fence, sign, telephone and electric poles and other kinds of posts or poles;
 - 5. Waiver of plat, re-plat, platting of a developed lot, or a single lot division;
 - 6. Construction of a single-unit to four-unit house;
 - 7. An addition to an existing building that does not require a conditional use permit;
 - 8. Construction of a detached accessory building that does not require a conditional use permit;
 - 9. Emergency work to protect life, limb or property; or
 - 10. The improvements involve the enlargement of a building that is less than ten percent of the total floor area of the existing building or 5,000 square feet, whichever is less.
- d. **Waivers.** The City Council, upon recommendation of the Planning & Zoning Commission, may waive any requirement of this article upon making a finding that compliance with the requirement will involve an unnecessary hardship or the project does not have any significant alterations of existing stormwater conditions and the waiver of such requirement will not adversely affect the standards and requirements set forth in [102-1210 \(b\)](#). The City Council may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct

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as may be necessary to adequately meet the standards and requirements set forth in [102-1210 \(b\)](#).

102-1210 (b) STORMWATER POLLUTION PREVENTION PLAN

(1) General. Development and implementation of the SWPPP shall comply with the standards established by the Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit MNR100001 (CSW Permit), the MPCA's Small Municipal Separate Storm Sewer Systems General Permit MNR040000 (MS4 Permit), Minnehaha Creek Watershed District (MCWD) Rules, and Nine Mile Creek Watershed District (NMCWD) Rules, all as applicable and as now constituted and from time to time amended.

102-1210 (c) STORMWATER MANAGEMENT PLANS

(1) General. If permanent stormwater management facilities are required for improvements pursuant to this chapter, a written application for stormwater management plan approval, along with the proposed stormwater management plan, shall be filed with the planning department, and shall include a statement indicating the grounds upon which the approval is requested, that the proposed use is permitted by right or as an exception in the subject zone and adequate evidence showing that the proposed use will conform to the standards set forth in this article. Prior to applying for approval of a stormwater management plan, an applicant may have the stormwater management plan reviewed by the appropriate department of the City.

102-1210 (d) APPLICATION PROCEDURES

(1) Required Information.

- a. One set of clearly legible digital copies of drawings and required information shall be submitted to the planning department and shall be accompanied by a receipt from the City evidencing the payment of all required fees for processing and approval as set forth in [\(2\) f](#). A bond will be required in accordance with [\(2\) e](#) if the improvements have not been completed at the time the certificate of occupancy has been completed. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum the scale shall be one inch equals 100 feet.
- b. Unless otherwise exempted by this article, an application for stormwater management approval shall include the following as a condition for its consideration:
 1. A stormwater management plan; and
 2. A maintenance agreement.

- c. The stormwater management plan shall be prepared to meet the approval standards of [102-1210 \(f\)](#); the maintenance agreement shall be prepared to meet the requirements of [102-1210 \(e\)](#).

(2) Process

- a. **Plan Submittal.** All required plans, calculations, and other pertinent design information shall be submitted by the planning department to the Planning & Zoning Commission. The Commission shall recommend approval, recommend approval with conditions or recommend denial of the stormwater management plan. Following Planning & Zoning Commission action, the stormwater management plan along with the conditional use permit and/or subdivision approval shall be submitted to the City Council at its next available meeting. City Council action on the stormwater management plan must be accomplished within 120 days following the date the application for approval is filed with the planning department unless there has been a delay caused or requested by the applicant.
- b. **Duration.** Approval of a plan submitted under the provisions of this article shall expire one year after the date of approval unless construction has commenced in accordance with the plan; however, if prior to the expiration of the approval the applicant makes a written request to the planning department for an extension of time to commence construction, setting forth the reasons for the requested extension, the planning department may grant one extension of not greater than one single year. Receipt of any request for an extension shall be acknowledged by the planning department within 15 days. The planning department shall make a decision on the extension request within 30 days of receipt. Any plan may be revised in the same manner as originally approved.
- c. **Conditions.** A stormwater management plan may be approved subject to compliance with reasonable conditions necessary to ensure that the requirements contained in this article are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to ensure buffering, and require the conveyance to the City or other public entity of certain lands or interests therein.

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- d. Financial Security.** The owner shall provide the City with financial security to ensure the performance of the owner's obligations for construction site management during construction. The financial security may be a letter of credit in a form acceptable to the City or cash. The financial security must be provided to the City before issuance of the permit. The City may use the financial security to assure that the work is completed in accordance with the stormwater pollution prevention plan and the provisions of this chapter. The financial security may also be used by the City to eliminate any hazardous conditions associated with the work and to repair any damage to public property or infrastructure that is caused by the work. The amount of security shall be 125 percent of the estimated cost to accomplish compliance with the approved stormwater pollution prevention plan. This shall be in addition to any other security performance required by any other regulations in this code. The estimated cost shall be subject to approval by the city engineer. If at any time during the course of the work this amount of security falls below 50 percent of the required security deposit, the developer shall make another deposit in the amount necessary to restore the cash deposit to the required amount. If the developer does not bring the financial security back up to the required amount within seven days after notification by the City that the amount has fallen below 50 percent of the required amount the City may withhold scheduling of inspections and certificate of occupancy or revoke the permit.
- e. Performance Bond.** Prior to approval of any stormwater management plan, the applicant shall submit an agreement to construct such required physical improvements, to dedicate property or easements, or to comply with such conditions as may have been agreed upon. If the improvements have not been constructed at the time the certificate of occupancy is issued, the applicant shall provide a bond to cover the established cost of complying with the agreement. The agreement and bond shall guarantee completion and compliance with conditions within a specific time, which time may be extended in accordance with [102-1210 \(e\)](#). The adequacy, conditions and acceptability of any agreement and bond shall be determined by the City Council or any official of the City as may be designated by resolution of the City Council.
- f. Fees.** All applications for stormwater management plan approval shall be accompanied by a process and approval fee, as established in chapter 14.

102-1210 (e) MAINTENANCE AGREEMENTS

(1) Agreement

- a.** The responsible party shall enter into a maintenance agreement with the City that documents all responsibilities for operation and maintenance of all stormwater management and treatment practices constructed to meet governmental requirements. Such responsibility shall be documented in a maintenance plan and executed through a maintenance agreement. The maintenance agreement shall be executed and recorded against the parcel.
- b.** The stormwater maintenance agreement shall be in a form approved by the City and shall describe the inspection and maintenance obligations of this section and, at a minimum:
- 1.** Designate the responsible party, which shall be permanently responsible for maintenance of the structural or nonstructural measures.
 - 2.** Pass responsibility for such maintenance to successors in title.
 - 3.** Grant the City and its representatives the right of entry for the purposes of inspecting all stormwater treatment practices as described in [\(1\)](#) and [\(3\)](#).
 - 4.** Allow the City the right to repair and maintain the facility if necessary maintenance is not performed after proper and reasonable notice to the responsible party.
 - 5.** Include a maintenance plan that contains, but is not limited to, the following:
 - a.** Identification of all structural stormwater treatment practices.
 - b.** A schedule for regular inspection, monitoring and maintenance for each practice. Monitoring shall verify whether the practice is functioning as designed, and may include, but is not limited to, quality, temperature and quantity of runoff.
 - c.** Identification of the responsible party for conducting the inspection, monitoring and maintenance for each practice.
 - d.** Identify a schedule and format for reporting compliance with the maintenance plan to the City.

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(2) Inspections

- a. Inspection programs shall be established on any reasonable basis, including, but not limited to, routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the National Pollutant Discharge Elimination System (NPDES) stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.
 - b. When any new stormwater treatment practice is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the City has a reasonable basis to believe that a violation of this article is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.
 - c. A designated City representative shall inspect stormwater management facilities during construction, during and post-construction per the schedule outlined in the City's MS4 Stormwater Pollution Prevention Program. The inspection records will be kept on file at the public works department for a period of six years. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purposes.
- (3) Record-Keeping.** The responsible party shall make records of the installation and of all maintenance and repairs of the stormwater treatment practices, and shall retain the records for at least three years. These records

shall be made available to the City during inspection of the stormwater treatment practice and at other reasonable times upon request.

- (4) Failure to Maintain.** If a responsible party fails or refuses to meet the requirements of the maintenance agreement, the City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the stormwater treatment practice in proper working condition. In the event that the stormwater treatment practice becomes a danger to public safety or public health, the City shall notify the responsible party in writing. Upon receipt of that notice, the responsible party shall have 30 days to perform the maintenance and repair of the facility in an approved manner. After proper notice, the City may specially assess the owners of the stormwater treatment practice for the cost of repair work and any penalties; and the cost of the work shall be assessed against the property and collected along with ordinary taxes by the county.

102-1210 (f) DESIGN STANDARDS

- (1) General.** Plans that fail to meet the approval standards of this subsection may not be approved by the City Council.
- (2) Land Disturbing Activities.** Projects with land disturbing activities of one acre or greater or that of a common plan of development or sale that ultimately will disturb greater than one acre shall meet the current requirements for stormwater management as specified by the Minnesota Pollution Control Agency (MPCA) NPDES permits. This includes compliance with the standards established by the Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit MNR100001 (CSW Permit) and the MPCA's Small Municipal Separate Storm Sewer Systems General Permit MNR040000 (MS4 Permit). All land disturbing activities within the City disturbing less than one acre and down to 10,000 square feet, or which will result in more than 200 cubic yards of cut or fill are required to follow the construction site stormwater runoff control standards set forth in the NPDES General Construction Permit for the following items:
- a. Erosion prevention practices.
 - b. Sediment control practices.
 - c. Inspection and maintenance.
 - d. Pollution management measures.
- (3) Performance Criteria.** Unless determined by the City to be exempt or granted a waiver, all site designs shall establish stormwater management practices to

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control the peak flow rates and pollutants of stormwater discharge as follows:

- a. Rate control. The peak rates for proposed improvements shall not increase from existing conditions for the 2-, 10-, 100-year storm events, and the 100-year, 10-day snowmelt event. Peak rates shall be calculated using Atlas 14 precipitation depths and storm distributions. The storm sewer conveyance system shall be designed for a 10-year, 24-hour storm event. The pond and pond outlet structure shall handle the 100-year, 24-hour storm event.
 - b. Water quality. At a minimum, proposed improvements must treat the water quality volume as outlined in the MPCA's Small Municipal Separate Storm Sewer Systems General Permit MNR040000 (MS4 Permit).
- (4) Stormwater Management Facility Design Standards.** Stormwater management facilities shall be designed according to the most current technology, to comply with the City's Engineering Design Guidelines, and to comply with the standards established by the Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit MNR100001 (CSW Permit), the MPCA's Small Municipal Separate Storm Sewer Systems General Permit MNR040000 (MS4 Permit), Minnehaha Creek Watershed District (MCWD) Rules, and Nine Mile Creek Watershed District (NMCWD) Rules, all as applicable and as now constituted and from time to time amended.
- (5) Wetlands.**
- a. Runoff shall not be discharged directly into wetlands without pre-settlement of the runoff.
 - b. A protective buffer strip of natural vegetation must be retained in accordance to the standards established by Minnehaha Creek Watershed District (MCWD) Rules or Nine Mile Creek Watershed District (NMCWD) Rules, as applicable and as now constituted and from time to time amended.
 - c. Wetlands may not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value. Replacement must be guided by the following principles in descending order of priority:
 1. Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
 2. Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;
 4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and
 5. Compensating for the impact by replacing or providing substitute wetland resources or environments.
- (6) Steep Slopes.** No land disturbing or development activities shall be allowed on slopes of 18 percent or more.
- (7) Catchbasins.** All newly installed and rehabilitated catchbasins directly upstream of an outfall or stormwater management facilities shall be provided with a sump area for the collection of coarse-grained material.
- (8) Drain Leaders.** All newly constructed and reconstructed buildings will route drain leaders to pervious areas wherein the runoff can be allowed to infiltrate. The flow rate of water exiting the leaders shall be controlled so no erosion occurs in the pervious areas.
- (9) Methodologies & Computations.** Hydrologic models and design methodologies used for the determination of runoff and analysis of stormwater management structures shall be approved by the Director of Public Works. Plans, specification and computations for stormwater management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computation shall appear on the plans submitted for review, unless otherwise approved by the Director of Public Works.
- (10) Watershed & Groundwater Management Plans.** Stormwater management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with M.S.A. §§ 103B.23, subd. 1 and 103B.255 respectively, and as approved by the state board of water soil resources in accordance with state law.
- (11) Easements.** If a stormwater management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.
- 102-1210 (g) DRAINAGE FACILITY PROTECTION**
- (1) General.** No person shall apply fertilizer to or deposit grass clippings, leaves, or other vegetative material on impervious surfaces, or within stormwater drainage

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systems, natural drainage ways, or within wetland buffer areas.

- (2) Unimproved Land Areas.** Except for driveways, sidewalks, patios, areas occupied by structures or areas which have been improved by landscaping, all areas shall be covered by plants or vegetative growth.
- (3) Fertilizer Content.** Except for the first growing season for newly established turf areas, no person shall apply liquid fertilizer which contains more than one-half percent by weight of phosphorus, or granular fertilizer which contains more than three percent by weight of phosphorus, unless the single application is less than or equal to one-tenth pound of phosphorus per 1,000 square feet. Annual application amount shall not exceed one-half pound of phosphorus per 1,000 square feet of lawn area.
- (4) Buffer Zone.** Fertilizer application shall not be made within one rod (16½ feet) of any wetland or water resource.

102-1210 (h) ENFORCEMENT

(1) Notification of SWPPP Non-Compliance

- a. Notice of Violation.** If the City inspector notices any non-compliance with the SWPPP, correspondence will be provided to the responsible party indicating items requiring correction and a date to complete corrective actions. The notice shall be in accordance with (4)b of this section.
- b. Notification of action on Financial Security.** The City shall notify the applicant when the City is going to act on the financial securities part of this ordinance. The initial contact will be to a party listed on the application and/or the SWPPP. Forty-eight hours after notification by the City or 72 hours after the failure of the erosion control measures, whichever is less the City, at its discretion, may begin corrective work.
- c. Erosion off-site.** If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within 48 hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the City, shall more than seven calendar days go by without corrective action being taken. If in the discretion of the City, the applicant does not repair the damage cause by the erosion, the City may do

remedial work required and charge the cost to the applicant.

- d. Erosion into streets, wetlands or water bodies.** If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, prevention strategies, cleanup and repair must be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during cleanup operations.
- e. Failure to do corrective work.** When an applicant fails to conform to any provision of this policy within the time stipulated, the City may take the following actions:
 - 1.** Issue a stop work order, withhold the scheduling of inspections, and/or the issuance of a certificate of occupancy.
 - 2.** Revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites within the City's jurisdiction.
 - 3.** Direct the correction of the deficiency by City forces or by a separate contract. The issuance of a permit constitutes a right-of-entry for the City or its contractor to enter upon the construction site for the purpose of correction deficiencies in erosion control.
 - 4.** All costs incurred by the City in correcting stormwater pollution control deficiencies must be reimbursed by the applicant. If payment is not made within 30 days after costs are incurred by the City, payment will be made from the applicant's financial securities as described in section [1210 \(f\)](#)
 - 5.** If there is an insufficient financial amount, in the applicant's financial securities as described in section [1210\(f\)](#), to cover the costs incurred by the City, then the City may assess the remaining amount against the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the City, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of M.S.A. § 429.081 to challenge the amount or validity of assessment.

(2) Post-Construction Operation and Maintenance

- a. Notice of Violation.** If a responsible party fails or refuses to meet the requirements of the maintenance

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agreement, the City may issue a Notice of Violation. The notice shall be in accordance with (4)b of this section.

- b. Action by City.** If, after deadline set for completion of corrective action in Notice of Violation, the responsible party still fails or refuses to meet the requirements of the maintenance agreement, the City may correct a violation of the design standards or maintenance needs by performing all necessary work to place the stormwater treatment practice in proper working condition. After proper notice, the City may specially assess the owners of the stormwater treatment practice for the cost of repair work and any penalties; and the cost of the work shall be assessed against the property and collected along with ordinary taxes by the county.
- c. Emergency action.** If circumstances exist such that noncompliance with this ordinance poses an immediate danger to the public health, safety and welfare, as determined by the City, the City may take emergency preventative action. The City shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the community may be recovered from the applicant's financial security.

(3) Right of Entry

- a. Permit grants right-of-entry.** The issuance of a permit constitutes a right-of-entry for the City or its contractor to enter the construction site. The applicant shall allow the City and its authorized representatives to:
 - 1. Enter the permitted site for the purpose of obtaining information, examining records, or conducting investigations or surveys;
 - 2. Bring such equipment on the site as is necessary to conduct such surveys and investigations;
 - 3. Examine and copy any books, papers, or digital files pertaining to activities or records required to be kept under the terms and conditions of the permitted site;
 - 4. Inspect the stormwater pollution control measures;
 - 5. Sample and monitor any items or activities pertaining to stormwater pollution control measures;

- 6. Correct deficiencies in stormwater and erosion and sediment control measures consistent with the City's ordinances and the engineering guidelines.

- b. Search Warrants.** If City employees have been refused access to any part of the premises from which stormwater is discharged, and the employees are able to demonstrate probable cause to believe that there may be a violation of this article or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder or to protect the overall public health, safety, and welfare of the community, the City may seek issuance of a search warrant from any court of competent jurisdiction.

(4) Penalties

- a. General.** Any person, firm or corporation violating any provision of this article shall be fined not less than \$5.00 or more than \$500.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- b. Notice of Violation.** When the City determines that an activity is not being carried out in accordance with the requirements of this article, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:
 - 1. The name and address of the owner or applicant.
 - 2. The address when available or a description of the land upon which the violation is occurring.
 - 3. A statement specifying the nature of the violation.
 - 4. A description of the remedial measures necessary to bring the development activity into compliance with this article and a time schedule for the completion of such remedial action.
 - 5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.
 - 6. A statement that the determination of violation may be appealed to the City by filing a written notice of appeal within 15 days of service notice of violation.
- c. Stop Work Orders.** Persons receiving a notice of violation will be required to halt all construction

activities. This stop work order will be in effect until the City confirms that the land disturbance activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this article.

- d. Civil and Criminal Penalties.** In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a misdemeanor and subject to prosecution. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.
- e. Restoration of Lands.** Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which may, after notice and opportunity for hearing, be specially assessed against the property and collected along with the ordinary taxes by the county.

(5) Appeals. Any person aggrieved by the action of any official charged with the enforcement of this article as the result of the disapproval of a properly filed application for approval, issuance of a written notice of violation, or an alleged failure to properly enforce this code in regard to a specific application, shall have the right to appeal the action to the City.

- a.** The applicant shall submit the appeal in writing and include supporting documentation.
- b.** City staff shall make a decision on the appeal within 15 business days of receipt of a complete appeal application.
- c.** The applicant may appeal the decision of City staff to the City Council. This appeal must be filed with the City within 30 days of City staff's decision.

102-1220 Flood Protection

102-1220 (a) GENERAL PROVISIONS

(1) Statutory Authorization. The flood hazard area regulations of this article are adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, Parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations, Parts 59 -78; and the planning and zoning enabling legislation in Minnesota Statutes Chapter 462.

(2) Purpose

- a.** The flood hazard area regulations of this article regulate development in the flood hazard areas of the City. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of the flood hazard area regulations of this article to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
- b.** The flood hazard area regulations of this article are adopted to maintain the community's eligibility for participation in the National Flood Insurance Program.
- c.** The flood hazard area regulations of this article are also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

(3) Applicability

- a.** The flood hazard area regulations of this article apply to all lands within the jurisdiction of the City lying within the boundaries of the Floodway, Flood Fringe and General Floodplain districts.
- b.** The standards imposed in the flood districts are in addition to any other requirements in the flood hazard area regulations of this article. In case of a conflict, the more restrictive standards will apply.
- c.** Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the base flood elevations shall be the governing factor in locating the outer boundaries of the 1-percent annual chance floodplain.
- d.** The regulatory limits of the district boundaries shall be further extended outward based on the horizontal extension of the regulatory flood protection elevation (RFPE).
- e.** Persons contesting the location of district boundaries will be given a reasonable opportunity to present their case to the City and to submit technical evidence.

(4) Maps. The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this

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development code. The attached material includes the flood insurance study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016 and the flood insurance rate map panels enumerated below, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file in the office of the city clerk. Effective flood insurance rate map panels:

- a. 27053C0333F;
- b. 27053C0334F;
- c. 27053C0341F;
- d. 27053C0342F;
- e. 27053C0343F;
- f. 27053C0344F; and
- g. 27053C0361F.

- (5) **Warning and Disclaimer.** The flood hazard area regulations of this article do not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. The flood hazard area regulations of this article do not create liability on the part of the City or its officers or employees for any flood damages that result from reliance on the flood hazard area regulations of this article or any administrative decision lawfully made hereunder.
- (6) **Detachments.** The flood insurance rate map panels adopted by reference above will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of the flood hazard area regulations of this article. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of City after the date of adoption of the flood hazard area regulations of this article, the newly detached floodplain lands will be subject to the provisions of the flood hazard area regulations of this article immediately upon the date of detachment.
- (7) **Definitions.** The following definitions apply in administering, interpreting and enforcing the flood hazard area regulations of this article. If these definitions conflict with the general definitions of terms in [Article 16](#), the definitions of this section govern.
- a. **Accessory Use or Structure.** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
 - b. **Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year.

“Base flood” is synonymous with the term “regional flood” used in Minnesota Rules, Part 6120.5000.

- c. **Base Flood Elevation (BFE).** The elevation of the base flood or one-percent annual chance flood. The term “base flood elevation” is used in the flood insurance study.
- d. **Basement.** Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- e. **Conditional Use.** A specific type of structure or land use listed in this development code that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in this development code and upon a finding that:
 - 1. Certain conditions as detailed in this development code exist, and
 - 2. The structure and/or land use conform to the comprehensive land use plan and are compatible with the existing neighborhood.
- f. **Critical Facilities.** Facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.
- g. **Development.** Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- h. **Equal Degree of Encroachment.** A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- i. **Farm Fence.** An open type of fence posts and horizontally run wire, further defined by Minnesota Statutes, Section 344.02, Subd. 1(a-d), and is not considered to be a structure under the flood hazard area regulations of this article. Fences that have the

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potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under the flood hazard area regulations of this article.

- j. Flood.** A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- k. Flood Frequency.** The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- l. Flood Fringe.** The portion of the one - percent annual chance floodplain located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study.
- m. Flood Hazard Areas.** A general term, referring to any of the Floodway, Flood Fringe, or General Floodplain districts.
- n. Flood Insurance Rate Map.** An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the City. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- o. Flood Insurance Study.** The study referenced in (3), which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.
- p. Flood Prone Area.** Any land susceptible to being inundated by water from any source.
- q. Floodplain.** The beds and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the base flood.
- r. Floodproofing.** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- s. Floodway.** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the base flood discharge.
- t. Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.
- u. Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”
- v. New Construction.** Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of the flood hazard area regulations of this article.
- w. Obstruction.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- x. Principal Use or Structure.** All uses or structures that are not accessory uses or structures.
- y. Reach.** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- z. Recreational Vehicle.** A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self- propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of the flood hazard area regulations of this article , the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”
- aa. Regulatory Flood Protection Elevation (RFPE).** An elevation not less than one foot above the elevation of the base flood plus any increases in

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flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

ab. Repetitive Loss. Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

ac. Special Flood Hazard Area. A term used for flood insurance purposes, and synonymous with the term base flood or 1-percent annual chance floodplain.

ad. Start of Construction. Includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

ae. Structure. Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, decks manufactured homes, recreational vehicles not considered travel ready as defined in [102-1220 \(j\)](#).

af. Substantial Damage. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

ag. Substantial Improvement. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair

after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of the flood hazard area regulations of this article, "historic structure" is as defined in 44 Code of Federal Regulations, Part 59.1.

102-1220 (b) DISTRICTS ESTABLISHED

- (1) **Floodway District.** Those areas within Zones AE delineated within floodway areas as shown on the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps adopted in [\(3\)](#).
- (2) **Flood Fringe District.** Those areas within Zones AE on the Flood Insurance Rate Map and Flood Boundary and Floodway Maps adopted in [\(3\)](#), but located outside of the floodway.
- (3) **General Floodplain District.** Those areas within Zone A and AE areas that do not have a floodway delineated as shown on the Flood Insurance Rate Maps adopted in [\(3\)](#).
- (4) **Applicability.** When Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in [102-1220 \(d\)](#) or [102-1220 \(e\)](#) will apply, depending on the location of a property. Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district and are subject to compliance with the standards in [102-1220 \(f\)](#).

102-1220 (c) GENERALLY APPLICABLE REGULATIONS

- (1) **Minimum Development Standards.** All new development must be:
 - a. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement

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of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

- b. Constructed with materials and equipment resistant to flood damage;
 - c. Constructed by methods and practices that minimize flood damage;
 - d. Constructed with electrical, heating, ventilation, duct work, plumbing, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;
 - e. Reasonably safe from flooding and consistent with the need to minimize flood damage within the flood-prone area;
 - f. Assured to provide adequate drainage to reduce exposure to flood hazards; and
 - g. Designed so that it is not detrimental to uses in adjoining areas.
- (2) Hydraulic Capacity.** Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
- (3) Storage of Hazardous Materials.** Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the flood protection elevation, floodproofed, or protected by structural measures consistent with the standards set forth herein. Furthermore, storage of materials likely to cause pollution of the waters, as defined in Minnesota Statutes, Section 115.01, if subject to flooding are prohibited unless adequate safeguards approved by the state water pollution control agency are provided.
- (4) Location of Critical Facilities.** Critical facilities must be located so that the lowest floor is not less than 2 feet above the base flood elevation, or the 0.2% annual chance flood elevation, whichever is higher.

102-1220 (d) FLOODWAY DISTRICT (FW)

- (1) Permitted Uses.** The following uses are permitted in the floodway district if allowed in the underlying zone. Such uses are subject to the permitted use standards set forth in [\(2\)](#).
- a. General farming, pasture, grazing, farm fences, outdoor plant nurseries, horticulture, forestry, sod farming, and wild crop harvesting.

- b. Loading areas, parking areas, streets, trails, airport landing strips, railroads, bridges, culverts, utility transmission lines and pipelines.
 - c. Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
 - d. Residential yards, lawns, gardens, parking areas, and play areas, provided these uses do not include associated accessory structures.
 - e. Grading or land alterations associated with stabilization projects.
- (2) Standards for Permitted Uses.** Permitted uses must comply with the standards of this subsection as well as all other applicable standards of this development code:
- a. The use must have a low flood damage potential.
 - b. The use must not involve structures.
 - c. The use must not obstruct flood flows, or increase velocities, stages, or flood damages, as certified by a registered professional engineer.
 - d. Development that will change the course, current or cross section of protected wetlands or public waters is required to obtain a public waters work permit in accordance with Minnesota Statutes, Section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, Section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.
 - e. Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the base flood.
- (3) Conditional Uses.** The following uses may be approved as conditional uses in the floodway district if allowed in the underlying zone. Such uses are subject to the conditional use standards of [\(4\)](#).
- a. Structures accessory to permitted use and approved conditional uses.
 - b. Grading, extraction, fill and storage of soil, sand, gravel, and other materials for purposes other than stabilization projects.

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- c. Marinas, boat rentals, permanent docks, piers, wharves, water control structures, and navigational facilities.
 - d. Storage yards for equipment, machinery, or materials.
 - e. Fences that have the potential to obstruct flood flows.
 - f. Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.
- (4) Standards for Conditional Uses.** Conditional uses in the floodway district must comply with the standards of this subsection as well as all other applicable standards of this development code:
- a. **Fill; Storage of Materials and Equipment**
 - 1. Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by the use of mulches or similar materials, with permanent vegetative cover established as soon as possible. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
 - 2. Temporary placement of fill, other materials, or equipment that would cause an increase to the stage of the base flood may only be allowed if the City has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.
 - b. **Accessory Structures.** Accessory structures may be approved, provided that:
 - 1. Structures are not intended for human habitation;
 - 2. Structures will have a low flood damage potential;
 - 3. Structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;
 - 4. Structures must be elevated on fill or structurally dry floodproofed and watertight to the regulatory flood protection elevation. Floodproofing certifications are required.
 - 5. As an alternative, an accessory structure may be floodproofed in a way to accommodate internal flooding. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention. A floodproofing certification consistent with [\(4\)](#) is required.
 - c. **Levees, Dikes, and Floodwalls.** A levee, dike or floodwall constructed in the floodway must not cause an increase to the base flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.
- 102-1220 (e) FLOOD FRINGE DISTRICT (FF)**
- (1) Permitted Uses.** Permitted uses in the flood fringe district are those uses of land or structures allowed in the underlying zone that comply with the standards in [\(2\)](#).
 - (2) Standards for Permitted Uses.** Permitted uses must comply with the standards of this subsection as well as all other applicable standards of this development code:
 - a. All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation (RFPE). The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation (RFPE). Fill for residential structures must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the City.
 - b. **Accessory Structures.** As an alternative to the fill requirements of paragraph (2)(a) of this subsection, any enclosed structures accessory to a permitted use must comply with the following provisions:
 - 1. Accessory structures shall constitute a minimal investment not to exceed 576 square feet in size, and only be used for parking and storage.
 - 2. Accessory structures must allow for the equalization of hydrostatic pressure by accommodating for the inundation of floodwaters. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a

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minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.

- c. The cumulative placement of fill or similar material on a parcel may not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with paragraph (2)(a) of this subsection.
 - d. All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
 - e. All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City.
 - f. Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the base flood.
 - g. Manufactured homes and recreational vehicles must also meet the standards of [102-1220 \(j\)](#).
- (3) Conditional Uses.** The following uses may be approved as conditional uses in the flood fringe district if allowed in the underlying zone. Such uses are subject to the conditional use standards of [\(4\)](#).
- a. The placement of floodproofed nonresidential basements below the regulatory flood protection elevation.
 - b. The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with the flood hazard area regulations of this article.
- (4) Conditional Use Standards.** Conditional uses in the flood fringe district must comply with the standards of this subsection as well as all other applicable standards of this development code:
- a. The standards for permitted uses in the flood fringe district apply to all conditional uses.

- b. Residential basements are not allowed below the RFPE.
- c. All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be structurally dry floodproofed, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A floodproofing certification consistent with [\(4\)](#) is required.
- d. The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
 - 1. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the base flood event.
 - 2. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City.
 - 3. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

102-1220 (f) GENERAL FLOODPLAIN DISTRICT (GF)

(1) Permitted Uses

- a. The uses listed as permitted uses in the floodway district are allowed in the general floodplain district.
- b. All other uses are subject to the floodway/flood fringe evaluation criteria specified in paragraph [\(2\)](#), below. If the proposed use is determined to be located in the floodway district, the permitted uses of the floodway district are permitted. If the proposed use is determined to be located in the flood fringe district, the permitted uses of the flood fringe district are permitted.

(2) Determining Boundaries and BFE

- a. **Requirements for Detailed Studies.** Developments greater than 50 lots or 5 acres, or as requested by the zoning administrator, shall be subject to a detailed study to determine the regulatory flood protection elevation and the limits of the Floodway District. The determination of the floodway and flood fringe must be consistent with accepted hydrological and hydraulic engineering standards, and must include the following components, as applicable:

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1. Estimate the peak discharge of the base flood.
2. Calculate the water surface profile of the base flood based upon a hydraulic analysis of the stream channel and overbank areas.
3. Compute the floodway necessary to convey or store the base flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless development or geographic features warrant other analysis, as approved by the Department of Natural Resources.

b. Alternative Methods. For areas where a detailed study is not available or required, the base flood elevation must be determined using best available data. Until a floodway determination can be completed, the entire floodplain must be treated as floodway, with allowable activities restricted to those identified as permitted or conditional uses in the floodway district.

1. Development allowed in floodways (e.g. bridges, culverts, grading, filling, stabilization projects) may not cumulatively increase flood stages more than one-half foot during a base flood event, as determined by a professional engineer or by using accepted engineering practices approved by the Department of Natural Resources. A stage increase less than one-half foot must be used if increased flood damages would result.
2. Development prohibited in floodways (e.g. buildings) require a floodway/flood fringe determination to verify the development is within the flood fringe. The floodway/flood fringe determination must be conducted by a professional engineer or utilize other accepted engineering practices approved by the Department of Natural Resources. Any such proposal must assume a one-half foot stage increase for the purposes of determining the regulatory flood protection elevation to accommodate for future cumulative impacts.

c. Review by Zoning Administrator. The zoning administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe

District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The zoning administrator may seek technical assistance from an engineer or other expert person, or agency, including the Department of Natural Resources.

d. Permits. Once the Floodway and Flood Fringe District boundaries have been determined, the zoning administrator must process the permit application.

102-1220 (g) SUBDIVISIONS AND DEVELOPMENTS

(1) Subdivisions. No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under the flood hazard area regulations of this article.

- a. All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
- b. All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the base flood has been approved by the City. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
- c. For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
- d. In the General Floodplain District, applicants must provide the information required for determination of flood district boundaries to determine the base flood elevation, the floodway district and flood fringe district boundaries and the regulatory flood protection elevation for the subdivision site.

102-1220 (h) UTILITY & TRANSPORTATION FACILITIES

(1) Utilities. All utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated to the regulatory flood protection elevation (RFPE) or located and constructed to minimize or eliminate flood damage.

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(2) Other Service Facilities. Where public utilities are not provided:

- a. On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules, Part 4725.4350, as amended; and
- b. New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules, Part 7080.2270, as amended.

(3) Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the floodplain must comply with applicable floodway and flood fringe district standards. Such transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

102-1220 (i) MANUFACTURED HOMES AND RVS

(1) Manufactured Homes. Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:

- a. New and replacement manufactured homes must be elevated in compliance with the regulations of [102-1220 \(e\)](#) and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- b. New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in [102-1220 \(g\)](#). New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in [102-1220 \(g\)](#).

(2) Recreational Vehicles. New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in

existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:

- a. Meet the requirements for manufactured homes, or
- b. Be travel ready, meeting the following criteria:
 1. The vehicle must have a current license required for highway use.
 2. The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
 3. No permanent structural type additions may be attached to the vehicle.
 4. Accessory structures may be permitted in the flood fringe district, provided that they constitute a minimal investment, do not hinder the removal of the vehicle should flooding occur, and comply with the accessory structure standards of [\(2\)](#).

102-1220 (j) ADMINISTRATION

(1) Administrator. The zoning administrator or other official must administer and enforce the flood hazard area regulations of this article.

(2) Permit Requirements. A permit must be obtained from the zoning administrator to verify if a development meets all applicable standards outlined in the flood hazard area regulations of this article prior to conducting the following activities:

- a. The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in the flood hazard area regulations of this article.
- b. The construction of a dam, on-site septic system, or any fence not meeting the definition of a farm fence
- c. The change or extension of a nonconforming use.
- d. The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
- e. The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
- f. Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement culverts and bridges), unless a public

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waters work permit has been obtained from the Department of Natural Resources.

- g.** Any other type of “development” as defined in the flood hazard area regulations of this article.
- (3) Permit Applications.** Permit applications must be submitted to the zoning administrator on forms provided by the zoning administrator. The permit application must include the following as applicable:

 - a.** A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
 - b.** Location of fill or storage of materials in relation to the stream channel.
 - c.** Copies of any required municipal, county, state or federal permits or approvals.
 - d.** Other relevant information requested by the zoning administrator as necessary to properly evaluate the permit application.
- (4) Floodproofing Certification.** The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of the flood hazard area regulations of this article. Floodproofing measures must be certified by a registered professional engineer or registered architect as being in compliance with applicable floodproofing standards in the State Building Code. Accessory structures designed in accordance with the accessory structure standards of [102-1220 \(e\)](#) are exempt from certification, provided sufficient assurances are documented. A registered professional engineer is required to certify that any development in established floodways will not cause any increase in flood elevations, and development in the general floodplain district will not cumulatively increase flood stages more than one-half foot, or less if increased damages would result.
- (5) Zoning Compliance Certificate.** No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the zoning administrator stating that the use of the building or land conforms to the requirements of the flood hazard area regulations of this article.
- (6) Record-keeping.** The zoning administrator must maintain records in perpetuity documenting:

 - a.** All floodproofing certifications, as applicable.
 - b.** Records of the elevation to which structures and alterations to structures are constructed or floodproofed.
- (7) Notification of Alterations.** Before authorizing any alteration or relocation of a river or stream, the zoning administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- (8) Notification to FEMA.** As soon as is practicable, but not later than six months after the date such supporting information becomes available, the zoning administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.
- (9) Variances**

 - a. Applications.** An application for a variance to the provisions of the flood hazard area regulations of this article will be processed and reviewed in accordance with applicable state statutes and the zoning variances procedures of this development code.
 - b. State Standards.** A variance may not be approved to allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
 - c. Additional Variance Criteria.** The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

 - 1.** Variances may not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - 2.** Variances may only be issued by a community upon:

 - (a)** A showing of good and sufficient cause,
 - (b)** A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

- (c)** A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - 3.** Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - d. Flood Insurance Notice.** The zoning administrator must notify the applicant for a variance that:

 - 1.** The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - 2.** Such construction below the base flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
 - e. General Considerations.** The City may consider the following variables, and consider imposing conditions on variances and conditional uses:

 - 1.** The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
 - 2.** The danger that materials may be swept onto other lands or downstream to the injury of others;
 - 3.** The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
 - 4.** The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
 - 5.** The importance of the services to be provided by the proposed use to the community;
 - 6.** The requirements of the facility for a waterfront location;
 - 7.** The availability of viable alternative locations for the proposed use that are not subject to flooding;
 - 8.** The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
 - 9.** The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
 - 10.** The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 11.** The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
 - f. Submittal of Hearing Notices to DNR.** The zoning administrator must submit hearing notices for proposed variances to the Department of Natural Resources sufficiently in advance to provide at least 10 days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective area hydrologist.
 - g. Submittal of Final Decisions to DNR.** A copy of all decisions granting variances must be forwarded to the Department of Natural Resources within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective area hydrologist.
 - h. Record-Keeping.** The zoning administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.
- (10) Conditional Uses**
- a. Administrative Review.** An application for a conditional use permit under the provisions of the flood hazard area regulations of this article will be processed and reviewed in accordance with the conditional use permit procedures of this development code.
 - b. Factors Used in Decision-Making.** In passing upon conditional use applications, the City must consider all relevant factors and applicable standards in the flood hazard area regulations of this article.
 - c. Conditions Attached to Conditional Use Permits.** In addition to the standards identified in the flood hazard area regulations of this article, the City may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the

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purposes of the flood hazard area regulations of this article. Such conditions may include, but are not limited to, the following:

1. Limitations on period of use, occupancy, and operation.
 2. Imposition of operational controls, sureties, and deed restrictions.
 3. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- d. Submittal of Hearing Notices to DNR.** The zoning administrator must submit hearing notices for proposed conditional uses to the Department of Natural Resources sufficiently in advance to provide at least 10 days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective area hydrologist.
- e. Submittal of Final Decisions to DNR.** A copy of all decisions granting conditional uses must be forwarded to the Department of Natural Resources within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective area hydrologist.

102-1220 (k) NONCONFORMITIES

(1) Continuance. A use, structure, or occupancy of land which was lawful before the passage or amendment of the flood hazard area regulations of this article but which is not in conformity with the provisions of the flood hazard area regulations of this article may be continued subject to the following conditions. Historic structures are subject to the provisions below.

(2) Expansions and Alterations

- a. A nonconforming use, structure, or occupancy may not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in paragraph (2)b below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
- b. Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the

State Building Code, except as further restricted in paragraph (3)(b) below.

(3) Loss of nonconforming Status

- a. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to the flood hazard area regulations of this article.
- b. If any structure experiences a substantial improvement, then the entire structure must meet the applicable district standards for new structures. If the proposed development, including maintenance and repair during the previous 365 days, plus the costs of any previous alterations and additions since the first Flood Insurance Rate Map exceeds 50% of the market value of any nonconforming structure, the entire structure must meet applicable district standards.
- c. If any nonconformity is substantially damaged, as defined in the flood hazard area regulations of this article, it may not be reconstructed except in conformity with the provisions of the applicable flood hazard area regulations of this article.
- d. If any nonconforming use or structure experiences a repetitive loss, it shall be considered substantially damaged and must not be reconstructed except in conformity with the provisions of the flood hazard area regulations of this article.

102-1220 (l) VIOLATIONS AND PENALTIES

- (1) Misdemeanor.** Violation of the provisions of the flood hazard area regulations of this article or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.
- (2) Other Lawful Action.** Nothing in the flood hazard area regulations of this article restricts the City from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the zoning administrator within the specified period of time, each additional day that lapses will constitute an additional violation of the flood hazard area regulations of this article and will be prosecuted accordingly.
- (3) Enforcement.** Violations of the provisions of the flood hazard area regulations of this article will be investigated and resolved in accordance with the provisions of [102-1420](#). In responding to a suspected violation of this code, the City may utilize the full array of enforcement

actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

102-1220 (m) AMENDMENTS

- (1) Map Revisions.** The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in this article.
- (2) Required Approval.** All amendments to the flood hazard area regulations of this article must be submitted to and approved by the Department of Natural Resources prior to adoption.

ARTICLE 13 PROCEDURES

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102-1310 Common Provisions

102-1310 Common Provisions

102-1310 (a) APPLICABILITY

The common provisions of this section apply to all of the procedures in this development code.

102-1310 (b) MINNESOTA STATUTES

These review and approval procedures are intended to comply with applicable provisions of the Minnesota Statutes. If any provision of this development code is in conflict with any provision of the Minnesota Statutes or if this development code fails to incorporate a provision required for implementation of the statutes, the Minnesota Statutes take precedence and govern.

102-1310 (c) DECISION-MAKING SUMMARY

Table 13-1 provides a summary of review and decision-making authority under this development code. If this summary table conflicts with the detailed, written procedures contained elsewhere in this development code, the detailed, written procedures govern.

102-1310 (d) APPLICATIONS AND FEES

- (1) **Applicability.** The application and fee provisions of this subsection apply to zoning applications filed by “eligible applicants.”
- (2) **Eligible Applicants.** When the procedures of this article allow an application to be filed by an “eligible applicant,” such application must be submitted by a person, firm, corporation or organization that has a legal property interest in the land that is the subject of the application, including owners, lessees, and holders of development rights. Applications may also be submitted by an authorized agent acting on behalf of such person, firm, corporation, or organization.
- (3) **Form of Application.** Applications required under this development code must be submitted in a form and in such numbers as required by the official responsible for accepting the application. Applications must include materials and information to assist authorized review and decision-making bodies in their consideration of the application, including at least the following:
 - a. A list of the names and addresses of all owners of record of the property that is the subject of the application; and
 - b. Maps, plats, surveys, dimensioned site plans, engineering documents, environmental reports, traffic studies, and other materials and information, as required by this development code or application checklists established by the official responsible for accepting the application.

Table 13-1. Review and Decision-Making Summary

PROCEDURE	ZA	BOAA	PZC	CC
Dev't Code Text Amendments	○	–	○	●
Zoning Map Amendments	○	–	○	●
Major Subdivisions				
Preliminary Plat	○	–	○	●
Final Plat	○	–	○	●
Administrative Subdivisions	●	–	–	–
Conditional Use Permit	○	–	○	●
Interim Uses	○	–	○	●
Planned Unit Developments				
Development Plan + Rezoning	○	–	○	●
Site Plan	○	–	○	●
Site Plans				
Administrative Site Plan	●	–	–	–
Major Site Plan	○	–	○	●
Variances	○	○	–	●
Certificates of Occupancy	○	–	–	–
Building Permits	○	–	–	–
Appeals of Staff Decisions	○	●	–	⓪

Table notes:

- = review and recommendation | ● = final decision
- ⓪ = appeals of BoAA decisions
- ZA = Zoning Administrator
- BOAA = Board of Appeals and Adjustments
- PZC = Planning & Zoning Commission
- CC = City Council

- (4) **Additional Information.** Review and decision-making bodies are authorized to request supplemental information from applicants concerning operational factors and to require expert testimony with the consent and at the expense of the applicant concerning operational factors when such additional information is deemed necessary to evaluate the request or to establish conditions of approval. Failure on the part of the applicant to supply such supportive information may constitute grounds for denial of an application.
- (5) **Base Fees and Escrow Amounts.** All applications filed by property owners must be accompanied by the required base fee and escrow amount. Base fees and escrow funds are intended to cover the cost of providing public hearing notices and other costs related to reviewing and processing applications.

(6) Completeness, Accuracy and Sufficiency

- a. An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required application filing and notification fees. Required time-frames for acting on applications under section 15.99 of the Minnesota Statutes do not begin until receipt of a complete application.
- b. The official responsible for accepting the application is authorized to refuse acceptance of an incomplete application. If an application is determined to be incomplete, the official responsible for accepting the application must, within 15 days of receipt of the application, provide notice to the applicant along with an explanation of the application's deficiencies. Notice of an incomplete application may be provided by personal service, electronic mail, or first-class mail.
- c. No further processing of incomplete applications will occur and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, any state-mandated time-frames for decision-making will begin. If the deficiencies are not corrected by the applicant within 90 days, the application will be deemed to have been withdrawn.
- d. Applications deemed complete will be placed in the first available application processing cycle and will be reviewed by staff and other review and decision-making bodies, in accordance with applicable review and approval procedures of this development code.
- e. The official responsible for accepting the application may require that applications or plans be revised before being placed on an agenda for possible action if the official determines that:
 - 1. The application or plan contains one or more significant inaccuracies or omissions that will hinder timely or competent evaluation of the plan's/application's compliance with development code requirements or other regulations;
 - 2. The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's or application's compliance with development code requirements or other regulations; or
 - 3. The decision-making body does not have legal authority to approve the application as filed.

102-1310 (e) APPLICATION PROCESSING CYCLES

City officials responsible for accepting applications are authorized to promulgate reasonable cycles and timelines for processing applications, including deadlines for receipt of complete applications.

102-1310 (f) PUBLIC HEARING NOTICES

(1) Published Notice. When the procedures of this development code require that published notice be provided, the notice must be published in the City's official newspaper. Required newspaper notices must be published at least 10 days before the day of the public hearing,

(2) Mailed Notice to Property Owners

- a. When the procedures of this development code require that mailed notice be provided, such notices must be sent to all owners and occupants of property within 500 feet of the subject property via United States Postal Service and postmarked at least 10 days before the day of the public hearing. The zoning administrator is authorized to increase the otherwise applicable 500-foot notification radius based on project size, geographic considerations, or other relevant factors aimed at providing adequate notice to affected properties.
- b. Property owner and occupant addresses must be obtained from the latest address information maintained by the city assessor. When the assessor's records show a mailing address for an owner of property to be different than the address of the property owned, then notification must also be mailed to the address of the property itself.
- c. The person responsible for providing mailed notices must file an affidavit of mailing or equivalent affirming that mailed notice has been provided in accordance with these regulations. A copy of the notice and the addresses to which the notice was sent must be made a part of the records of the proceedings.

(3) Posted Notice. When the procedures of this development code require that posted notice be provided:

- a. At least one sign must be posted on each public street frontage abutting the subject property in locations plainly visible to passers-by.
- b. Signs must be posted and remain visible and in sound condition for at least 10 consecutive days before the day of the public hearing.

(4) Courtesy Notices. In addition to the forms of notice required to be provided by this development code, the

102-1320 Preapplication Meetings

City may elect to provide additional forms of courtesy notification by, for example, posting notices in City Hall or other government buildings, or providing notice via the City's website.

(5) Content of Notices. All required hearing notices must:

- a. Indicate the date, time and place of the hearing or date of action that is the subject of the notice;
- b. Describe any property involved in the application by address or by a commonly understood description of the location;
- c. Describe the general nature of the application or proposal; and
- d. Indicate where additional information on the matter can be obtained.

(6) Constructive Notice

- a. When the records of the City document the publication, mailing, or posting of notice, as required by this article, required notice of the public hearing will be presumed to have been given. Failure of mailed notice to reach any intended recipient does not invalidate any action taken on the subject matter of the notice.
- b. Minor defects in required notices will not be deemed to impair the notice or invalidate proceedings pursuant to the notice. Minor defects in notice are limited to errors in a legal description or typographical or grammatical errors that do not impair communication of the notice to affected parties. If questions arise at the hearing regarding the adequacy of notice, the body conducting the hearing must make a formal finding about whether there was substantial compliance with the notice requirements of this development code.

102-1310 (g) PUBLIC HEARINGS

(1) General. The body conducting the hearing is authorized to establish reasonable rules and regulations governing the conduct of hearings and the presentation of information and comments.

(2) Continuances. Once commenced, a public hearing may be continued by the hearing body. No re-notification is required if the continuance is set for specified date and time and that date and time is announced at the time of the continuance. If a public hearing is continued or postponed for an indefinite period of time from the date of the originally scheduled public hearing, new public hearing notice must be given before the rescheduled public hearing. If the applicant requests and is granted a continuance or postponement requiring renotification,

the body conducting the hearing is authorized to require that the applicant pay any costs of renotification.

102-1310 (h) REVIEW AND DECISION-MAKING

(1) Authorized Actions. Review and decision-making bodies may take any action that is consistent with:

- a. The regulations of this development code and state law;
- b. Any rules or by-laws that apply to the review or decision-making body; and
- c. The notice that was given.

(2) Burden of Proof or Persuasion. In all cases, the burden is on the applicant to show that an application or proposal complies with all applicable review or approval criteria.

(3) Continuance or Deferral. Decision-making bodies are authorized to continue a public hearing or defer action in order to receive additional information or further deliberate.

(4) Conditions of Approval

- a. Review bodies are authorized to recommend conditions and decision-making bodies are authorized to approve the subject application with conditions, including a requirement that the applicant enter into a development agreement with the City.
- b. Any conditions recommended or approved must relate to a situation likely to be created or aggravated by the proposed use or development and must be roughly proportional to the impacts of the use or development.

102-1310 (i) SUCCESSIVE APPLICATIONS

Decision-making bodies are authorized to decline to consider any application relating to the same or substantially the same matter for 6 months from the date of denial of the previous application.

102-1320 Preapplication Meetings

102-1320 (a) GENERAL

Preapplication meetings provide an early opportunity for staff and applicants to discuss application submittal requirements, approval procedures, regulations, design standards, and other issues before submitting a formal application for review and approval under this development code.

102-1320 (b) APPLICABILITY

(1) Elective. Preapplication meetings are encouraged before filing any application for approval under this development code.

(2) Mandatory. Preapplication meetings are required before filing an application for approval of any of the following:

- a. Zoning map amendments;
- b. Major subdivision preliminary plats;
- c. Conditional use permits;
- d. PUD development plans; and
- e. Variances.

102-1320 (c) GUIDELINES

The zoning administrator is authorized to establish guidelines for preapplication meetings, including information that must be provided and available alternatives to in-person meetings.

102-1330 Concept Plans

Any applicant for approval under the procedures of this development code may request a preliminary (pre-application) concept plan meeting with applicable review and decision-making bodies to explore the concept ideas and all other pertinent general information related to a possible application. Requests for concept plan meetings must be accompanied by the required fee and data that will provide review and decision-making bodies with adequate information to allow for a preliminary examination of the anticipated application, as determined by the zoning administrator. Recommendations and opinions expressed by review and decision-making bodies as part of a concept plan review are for guidance only and are not to be considered binding.

102-1340 Neighborhood Meetings

102-1340 (a) PURPOSE

It is the City's intent to expand and enhance the dissemination of information to the residents and to encourage involvement by residents in the planning process. For these reasons, applicants for conditional use permits or zoning map amendments that are located adjacent to or within any portion of a N zone must facilitate and host a neighborhood meeting in accordance with the procedures of this section. The City may also require a neighborhood meeting for other land use applicants, as determined necessary and appropriate. Required neighborhood meetings are separate and distinct from any public hearing that is required pursuant to state law.

102-1340 (b) SCHEDULING

(1) Applicants must schedule required neighborhood meetings to take place only after the City has accepted an application under this development code and at least

one week before the statutorily required public hearing on the subject application.

(2) Meetings must be scheduled Monday through Thursday evenings after 6:30 p.m., although meetings may not take place on any of the following dates:

- a. On a holiday, as that term is defined in Minnesota Statutes, Section 645.44;
- b. On October 31;
- c. On the evening of a major political party caucus; or
- d. On the date of an election being held within the City's boundaries.

(3) The applicant must host the meeting and present the proposed project for questions and comments from those in attendance.

102-1340 (c) NOTICE AND INVITATION

(1) Notice of required neighborhood meetings must be mailed at least 10 days before the meeting to those names and addresses listed on the public hearing notice list provided by the Planning & Economic Development Department. The area of notification may be modified by City staff based on the specific project.

(2) The applicant must make available to the public a complete description of the proposed project necessitating the application, including copies of printed materials and maps, where appropriate. The notice and invitation must include at least the following:

- a. Date, time, and location of the meeting;
- b. Project location map; and
- c. Contact information for the applicant, including an email address and a telephone number.

(3) The applicant must provide a sign-in sheet at the meeting to be signed at the option of those in attendance. The applicant must also take minutes at the meeting. A copy of this information must be provided to City staff no more than one day following the neighborhood meeting.

(4) The schedule of meeting dates for Planning & Zoning Commission, Park and Recreation Commission, and City Council to consider the application, as applicable, must be provided to those in attendance at the meeting, if those dates are known.

(5) A copy of the meeting invitation must also be emailed to the members of the Planning & Zoning Commission, the City Council, and the city planner. A list of these individuals and their email addresses must be provided to the applicant by the City Planning & Economic Development Department.

Article 13 Procedures
102-1350 Text Amendments

(6) If the applicant desires to use a room in City Hall for the meeting, this needs to be coordinated with the city clerk.

102-1340 (d) MODIFICATION OF REQUIREMENTS

The City recognizes that not all land use applications or circumstances are similar in nature and certain situations may warrant deviating from the express requirements of this section for reasons that cannot necessarily be predicted or contemplated within a rigid set of policy provisions. To that end, the city manager is authorized to permit deviations from any of the neighborhood meeting requirements of this section upon determining that such deviation is reasonable under the circumstances. This subsection is not to be interpreted to act as a mechanism through which an applicant may request or apply for deviations, but rather is intended solely to provide City staff with the flexibility to initiate a deviation when circumstances warrant.

102-1350 Text Amendments

102-1350 (a) GENERAL

Amendments to the text of this development code must be processed in accordance with the development code text amendment procedures of this section.

102-1350 (b) INITIATION

Development code text amendments applications may be initiated by private parties, the zoning administrator, the Planning & Zoning Commission or the City Council.

102-1350 (c) NOTICE OF HEARING

Notice of the Planning & Zoning Commission’s required public hearing on a development code text amendment must be published in accordance with [102-1310 \(f\)](#).

102-1350 (d) COMMISSION PUBLIC HEARING

The Planning & Zoning Commission must hold a public hearing on the proposed development code text amendment. Following the close of the public hearing, the Planning & Zoning Commission must act to recommend that the proposed text amendment be approved as proposed, approved with modifications, or denied and transmit its report and recommendations to the City Council. The Planning & Zoning Commission may also act to continue the matter for further consideration and deliberation. Motions to approve, approve with modifications, or deny development code text amendments may be approved by a simple majority vote. If the Planning & Zoning Commission arrives at a tie vote, the application must be forwarded to the City Council with a notation of the tie vote.

102-1350 (e) CITY COUNCIL ACTION

Following receipt of the Planning & Zoning Commission’s recommendation, the City Council must act to approve the development code text amendment, approve the

Figure 13-A. Development Code Text Amendments



development code text amendment with modifications, or disapprove the text amendment. The City Council is also authorized to continue the matter or remand the proposed text amendment back to the Planning & Zoning Commission for further consideration. Development code text amendments may be approved by a simple majority vote of the City Council.

102-1350 (f) REVIEW AND APPROVAL CRITERIA

The decision to amend the development code text is not controlled by any one standard. In making decisions about development code text amendments, the Planning & Zoning Commission and City Council must consider all relevant factors, including at least the following:

- (1) Whether the proposed development code text amendment is in conformity with the comprehensive plan; and
- (2) Whether the proposed development code text amendment corrects an error or inconsistency or will help meet the challenge of a changed or changing condition.

102-1360 Zoning Map Amendments

102-1360 (a) GENERAL

Amendments to the zoning map that change the zoning classification of property or that modify zoning overlay zone boundaries must be processed in accordance with the zoning map amendment procedures of this section.

Figure 13-B. Zoning Map Amendments



102-1360 (b) INITIATION

Zoning map amendments applications may be filed by an eligible applicant, as defined in [102-1310 \(d\)](#), or be initiated by the City Council, Planning & Zoning Commission, or the zoning administrator. Applications initiated by private parties must be filed with the zoning administrator.

102-1360 (c) NOTICE OF HEARING

Notice of the Planning & Zoning Commission's required public hearing on a zoning map amendment must be published, mailed, and posted in accordance with [102-1310 \(f\)](#), except that mailed and posted notice is not required for City-initiated rezonings affecting multiple properties with a combined area of 5 acres or more.

102-1360 (d) COMMISSION PUBLIC HEARING

The Planning & Zoning Commission must hold a public hearing on the proposed zoning map amendment. Following the close of the public hearing, the Planning & Zoning Commission must act to recommend that the proposed zoning map amendment be approved as proposed, approved with modifications, or denied and transmit its report and recommendations to the City Council. The Planning & Zoning Commission may also act to continue the matter for further consideration and deliberation. Motions to approve, approve with modifications or deny zoning map amendments may be approved by a simple majority vote. If the Planning & Zoning Commission arrives at a tie vote, the application must be forwarded to the City Council with a

notation of the tie vote.

102-1360 (e) CITY COUNCIL ACTION

Following receipt of the Planning & Zoning Commission's recommendation, the City Council must act to approve the zoning map amendment, approve the zoning map amendment with modifications, or disapprove the zoning map amendment. The City Council is also authorized to continue the matter or remand the proposed zoning map amendment back to the Planning & Zoning Commission for further consideration. Zoning map amendments may be approved by a simple majority vote of the City Council, except that zoning map amendments from a residential zone to a commercial, mixed-use, or industrial zone requires a two-thirds majority vote of all members of the City Council.

102-1360 (f) REVIEW AND APPROVAL CRITERIA

The decision to amend the zoning map is a matter of legislative discretion that is not controlled by any one criterion or standard. In making recommendations and decisions about zoning map amendments, the Planning & Zoning Commission and City Council must consider all relevant factors, including at least the following:

- (1) Whether the proposed zoning map amendment is in conformity with the comprehensive plan; and
- (2) Whether the proposed zoning map amendment corrects an error or inconsistency or will help meet the challenge of a changed or changing condition.

102-1360 (g) TIME-FRAME FOR FINAL ACTION

In accordance with section 15.99 of the Minnesota Statutes, if the City Council does not take action on a zoning map amendment application filed by a private party within 60 days of receipt of a complete application, the application is deemed approved, unless:

- (1) The City notifies the applicant that the 60-day rule is being extended; or
- (2) The applicant agrees in writing to waive the 60-day rule.

102-1370 Major Subdivisions

102-1370 (a) GENERAL

The major subdivision approval procedures of this section govern the subdivision of unplatted land and resubdivision of previously platted lands, except as expressly authorized by the administrative subdivision procedures of [102-1380](#). The major subdivision approval process entails review and approval of a preliminary plat followed by review and approval of a final plat. No property to which the subdivision regulations or other official controls of this development code apply may be transferred by metes and bounds description

102-1370 Major Subdivisions

Figure 13-C. Major Subdivision Preliminary Plats



102-1370 (b) PRELIMINARY PLATS

- (1) **Application Filing.** Applications for preliminary plat approval must be submitted to the zoning administrator.
- (2) **Notice of Hearing.** Notice of the Planning & Zoning Commission’s required public hearing on a preliminary plat must be published and posted in accordance with [102-1310 \(f\)](#).
- (3) **Commission Public Hearing.** The Planning & Zoning Commission must hold a public hearing on the proposed preliminary plat. Following the close of the public hearing, the Planning & Zoning Commission must act to recommend that the proposed preliminary plat be approved as proposed, approved with modifications, or denied and transmit its report and recommendations to the City Council. The Planning & Zoning Commission may also act to continue the matter for further consideration and deliberation. Motions to approve, approve with modifications or deny preliminary plats may be approved by a simple majority vote. If the Planning & Zoning Commission arrives at a tie vote, the application must be forwarded to the City Council with a notation of the tie vote.
- (4) **City Council Action.** Following receipt of the Planning & Zoning Commission’s recommendation, the City Council must act to approve the preliminary plat, approve the preliminary plats with modifications, or disapprove the preliminary plat. The City Council is also authorized to continue the matter or remand the proposed preliminary plat application back to the Planning & Zoning

Figure 13-D. Major Subdivision Final Plats



Commission for further consideration. Preliminary plats may be approved by a simple majority vote of the City Council.

(5) Review and Approval Criteria

- a. In reviewing and acting on preliminary plat applications, review and decision-making bodies must consider whether the proposed preliminary subdivision plat is consistent with the comprehensive plan and complies with all applicable regulations of this development code.
 - b. If the subdivision plat is approved with conditions, the final plat and any other required submittals related to the subdivision review process must demonstrate compliance with the imposed conditions.
- (6) Time-Frame for Final Action.** In accordance with section 462.358 of the Minnesota Statutes, if the City Council does not take action on a preliminary plat application within 120 days of receipt of a complete application, the application is deemed approved, unless the applicant agrees in writing to waive the 120-day rule.

102-1370 (c) FINAL PLATS

- (1) **Application Filing.** Following approval of a required preliminary plat, applicants may file an application for final plat approval for all or a portion of the proposed subdivision. Applications for final plat approval must be submitted to the zoning administrator.
- (2) **Commission Review and Recommendation.** Following receipt of a complete application, the Planning & Zoning Commission must consider the proposed final

102-1380 Administrative Subdivisions

plat conformance with the approved preliminary plat and compliance with all applicable development code regulations and act to recommend that the proposed final plat be approved as proposed, approved with modifications, or denied and transmit its report and recommendations to the City Council. The Planning & Zoning Commission may also act to continue the matter for further consideration and deliberation. Motions to approve, approve with modifications or deny final subdivision plats may be approved by a simple majority vote. If the Planning & Zoning Commission arrives at a tie vote, the application must be forwarded to the City Council with a notation of the tie vote.

- (3) City Council Action.** Following receipt of the Planning & Zoning Commission's recommendation, the City Council must act to approve the final plat or disapprove the final plat. The City Council is also authorized to continue the matter or remand the proposed final plat application back to the Planning & Zoning Commission for further consideration. Final plats may be approved by a simple majority vote of the City Council.
- (4) Time-Frame for Final Action.** In accordance with section 462.358 of the Minnesota Statutes, if the City Council does not take action on a final plat application within 60 days of receipt of a complete application, the application is deemed approved, unless the applicant agrees in writing to waive the 120-day rule.
- (5) Recording of Final Plat.** If the final plat is approved by the City Council, the subdivider must record it with the county recorder within 100 days of the date of approval; otherwise, the approval of the final plat is void. Immediately upon recording, the subdivider must furnish the clerk with four prints of the recorded plat and proof of recording. Three copies of the certified plan showing the improvements as built or as they are to be built within the subdivisions must also be submitted with the final plat.

102-1380 Administrative Subdivisions

102-1380 (a) APPLICABILITY

The administrative subdivision approval procedures of this section apply to:

- (1)** Lot line adjustments that combine multiple, existing abutting lots into a fewer number of lots than existed before the lot line adjustment occurred;
- (2)** Lot line adjustments that alter the boundary between or reconfigure the shapes of existing abutting lots without creating additional lots;

- (3)** Resubdivision of previously platted land that result in no more than one additional lot being created; and
- (4)** Other minor land division activities authorized by the Planning & Zoning Commission.

102-1380 (b) APPLICATION FILING

Applications for administrative subdivision approval must be submitted to the zoning administrator.

102-1380 (c) ZONING ADMINISTRATOR ACTION

Following receipt of a complete application, the zoning administrator must review the administrative subdivision application and act to approve the subdivision, approve the subdivision with modifications or conditions, or disapprove the subdivision.

102-1380 (d) REVIEW AND APPROVAL CRITERIA

In order to approve an administrative subdivision application the zoning administrator must determine that all of the following criteria are met:

- (1)** The proposed subdivision will not create more than one additional lot;
- (2)** The proposed subdivision or consolidation conforms to all applicable zoning regulations of zone in which the property is located;
- (3)** The proposed subdivision or consolidation provides all necessary drainage and utility easements;
- (4)** No public improvements or dedications of right-of-way will be required; and
- (5)** The proposed subdivision or consolidation meets all subdivision design standards of this development code.

102-1390 Conditional Use Permits

102-1390 (a) GENERAL

Conditional use permit approval is required whenever a requirement for such approval is expressly stated by the provisions of this development code. Applications of conditional use permit approval must be processed in accordance with the conditional use permit procedures of this section.

102-1390 (b) APPLICATION FILING

Conditional use permit applications may be filed by an eligible applicant, as defined in [102-1310 \(d\)](#). Applications must be filed with the zoning administrator.

102-1390 (c) NOTICE OF HEARING

Notice of the Planning & Zoning Commission's required public hearing on a conditional use permit application must be published, mailed, and posted in accordance with [102-1310 \(f\)](#).

102-1390 Conditional Use Permits

Figure 13-E. Conditional Use Permits



102-1390 (d) COMMISSION PUBLIC HEARING

The Planning & Zoning Commission must hold a public hearing on the proposed conditional use permit. Following the close of the public hearing, the Planning & Zoning Commission must act to recommend that the proposed conditional use permit be approved as proposed, approved with modifications or conditions, or denied and transmit its report and recommendations to the City Council. The Planning & Zoning Commission may also act to continue the matter for further consideration and deliberation. Motions to approve, approve with modifications or conditions, or deny conditional use permits may be approved by a simple majority vote. If the Planning & Zoning Commission arrives at a tie vote, the application must be forwarded to the City Council with a notation of the tie vote.

102-1390 (e) CITY COUNCIL ACTION

Following receipt of the Planning & Zoning Commission's recommendation, the City Council must act to approve the conditional use permit, approve the conditional use permit with modifications, or disapprove the conditional use permit. The City Council is also authorized to continue the matter or remand the proposed conditional use permit back to the Planning & Zoning Commission for further consideration. Conditional use permits may be approved by a simple majority vote of the City Council.

102-1390 (f) REVIEW AND APPROVAL CRITERIA

A conditional use permit may be approved only if the City

Council determines that:

- (1) The proposed conditional use is consistent with the comprehensive plan and the purposes of this development code;
- (2) The proposed conditional use complies with all applicable provisions of this development code; and
- (3) The proposed conditional use will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

102-1390 (g) TIME-FRAME FOR FINAL ACTION

In accordance with section 15.99 of the Minnesota Statutes, if the City Council does not take action on a conditional use permit application within 60 days of receipt of a complete application, the application is deemed approved, unless:

- (1) The City notifies the applicant that the 60-day rule is being extended; or
- (2) The applicant agrees in writing to waive the 60-day rule.

102-1390 (h) EXPIRATION

- (1) An approved conditional use permit expires and is void one year after it is approved by the City Council unless a building permit has been issued and the project has commenced and is diligently pursued to completion. If no building permit is required, the use, improvement or activity that is the subject of the conditional use permit must be in place within the one-year period.
- (2) The City Council is authorized to extend the expiration period by up to one year at the time of approval of the conditional use permit or any time before expiration of the approval. Requests for extensions after the conditional use permit is approved must be processed in accordance with the conditional use permit procedures of this section, including applicable fees, notices and public hearings.

102-1390 (i) AMENDMENTS

Amendments to approved conditional use permits must be processed as new conditional use permit applications, including all requirements for fees, notices and public hearings, provided that the zoning administrator is authorized to approve the following:

- (1) Any structures or uses authorized to be approved by the zoning administrator at the time of conditional use permit approval; and
- (2) Other changes that the zoning administrator determines are insignificant and not likely to result in external impacts that exceed those of the original approval.

102-13100 Interim Uses

102-13100 (a) GENERAL

The City Council is authorized to approve an interim use in any zone subject to the procedures of this section.

102-13100 (b) APPLICATION FILING

Interim use applications may be filed by an eligible applicant, as defined in [102-1310 \(d\)](#). Applications must be filed with the zoning administrator.

102-13100 (c) NOTICE OF HEARING

Notice of the City Council's required public hearing on an on an interim use request must be published and posted in accordance with [102-1310 \(f\)](#).

102-13100 (d) CITY COUNCIL HEARING/DECISION

The City Council must hold a public hearing on the proposed interim use. Following the close of the public hearing, the city council must act to approve the proposed interim use, approve the proposed use with modifications or conditions, or deny the interim use request. The City Council may also act to continue the matter for further consideration and deliberation. Motions to approve, approve with modifications or conditions, or deny interim uses may be approved by a simple majority vote.

102-13100 (e) REVIEW AND APPROVAL CRITERIA

An interim use may be approved only if the City Council determines that:

- (1) The use complies with all applicable zoning regulations;
- (2) The date or event that will terminate the use can be identified with certainty;
- (3) Permitting the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- (4) The applicant agrees to any conditions that the City Council deems appropriate for approval of the use.

102-13100 (f) TIME-FRAME FOR FINAL ACTION

In accordance with section 15.99 of the Minnesota Statutes, if the City Council does not take action on an interim use application within 60 days of receipt of a complete application, the application is deemed approved, unless:

- (1) The City notifies the applicant that the 60-day rule is being extended; or
- (2) The applicant agrees in writing to waive the 60-day rule.

102-13100 (g) CHANGE OF ZONING REGULATIONS

An interim use may be terminated by a change in zoning regulations.

102-13110 Planned Unit Developments

102-13110 (a) GENERAL

The procedures of this section establish the required review and approval process for establishment of Planned Unit Development (PUD) Overlay zones (see also [102-440](#)).

102-13110 (b) APPLICABILITY

These PUD procedures apply to small-scale PUDs (under 3 acres) and large-scale PUDs (3 acres or more).

102-13110 (c) PREAPPLICATION MEETING

Before submitting an application for a PUD overlay zone, the applicant must schedule and attend a preapplication meeting in accordance with [102-1320](#).

102-13110 (d) CONCEPT PLAN

Applicants may request a preliminary (pre-application) concept plan meeting with review and decision-making bodies to explore the general development concept and all other pertinent general information related to a PUD application (see [102-1330](#)).

102-13110 (e) PUD DEVELOPMENT PLANS

- (1) **Applicability.** PUD development plans are required for large-scale PUDs. They are optional for small-scale PUDs. If an applicant for small-scale PUD approval does not elect to submit a PUD development plan, the required PUD zoning map amendment must be processed concurrently with the required PUD site plan.
- (2) **Purpose.** PUD development plans serve to establish the overall zoning plan for the proposed PUD. While detailed engineering and technical specifications are not required as part of PUD development plans, such development plans must include information necessary to establish the basic regulatory parameters for future development of the subject property.
- (3) **Subdivision.** Approval of any required subdivision must occur separately, in accordance with the applicable subdivision procedures of this article.
- (4) **Application Contents.** An application for a PUD overlay zoning map amendment and PUD development plan must contain all items of information specified in the preapplication meeting.
- (5) **Application Filing.** Complete applications for PUD development plan approval must be filed with the zoning administrator concurrently with a PUD zoning map amendment application. If an applicant for small-scale PUD approval does not elect to submit a PUD development plan, the required PUD zoning map amendment must be processed concurrently with the

102-13110 Planned Unit Developments

required PUD site plan. The zoning map amendment procedures of [102-1360](#) apply to PUD zoning map amendments except as expressly modified by the PUD development plan approval procedures of this section.

(6) Commission Public Hearing. The Planning & Zoning Commission must hold a public hearing on the proposed PUD development plan. Following the close of the public hearing, the Planning & Zoning Commission must act to recommend that the proposed development plan and accompanying zoning map amendment be approved as proposed, approved with modifications or conditions, or denied and transmit its report and recommendations to the City Council. The Planning & Zoning Commission may also act to continue the matter for further consideration and deliberation. Motions to approve, approve with modifications or conditions, or deny PUD development plans may be approved by a simple majority vote. If the Planning & Zoning Commission arrives at a tie vote, the application must be forwarded to the City Council with a notation of the tie vote.

(7) City Council Action. Following receipt of the Planning & Zoning Commission's recommendation, the City Council must act to approve the proposed development plan and accompanying zoning map amendment, approve the proposed development plan and accompanying zoning map amendment with modifications, or disapprove the proposed development plan and accompanying zoning map amendment. The City Council is also authorized to continue the matter or remand the proposed development plan and accompanying zoning map amendment back to the Planning & Zoning Commission for further consideration. PUD development plans and accompanying zoning map amendments may be approved by a simple majority vote of the City Council except that development plans proposing commercial, mixed-use, or industrial uses where the underlying zoning is residential requires a two-thirds majority vote of all members of the City Council.

(8) Review and Approval Criteria. In making recommendations and decisions regarding approval of small-scale PUDs and large-scale PUDs, review and decision-making bodies must consider at least the following factors:

a. Whether the proposed PUD development plan and zoning map amendment is consistent with the comprehensive plan and any other adopted plans for the subject area;

b. Whether PUD development plan complies with the PUD overlay zone provisions of [102-440](#);

c. Whether the proposed development will result in public benefits that are greater than or at least equal to those that would have resulted from development under conventional zoning regulations; and

d. Whether appropriate terms and conditions have been imposed on the approval to protect the interests of surrounding property owners and residents, existing and future residents of the PUD and the general public.

(9) Time-Frame for Final Action. In accordance with section 15.99 of the Minnesota Statutes, if the City Council does not take action on a proposed PUD development plan and accompanying zoning map amendment application within 60 days of receipt of a complete application, the application is deemed approved, unless:

a. The City notifies the applicant that the 60-day rule is being extended; or

b. The applicant agrees in writing to waive the 60-day rule.

(10) Lapse of Approval

a. Unless a longer time period or a phasing plan is approved at the time of approval of a PUD development plan and any applicable development agreement, a complete application for PUD site plan approval must be filed within 2 years of the date of PUD development plan approval. If an application for PUD site plan approval is not filed within the required time period, no further PUD site plans may be approved for the project until the subject property owner has filed the original or amended PUD development plan for re-review and reconsideration by the Planning & Zoning Commission and City Council. Such re-review and reconsideration must follow the PUD development plan review procedures of this code. Following re-review and reconsideration, the Planning & Zoning Commission is authorized to recommend and the City Council is authorized to approve any of the following actions based on surrounding land use patterns and other relevant information presented at the time of reconsideration by the Planning & Zoning Commission and City Council:

1. An extension of time for filing a PUD site plan;

2. An amendment to the approved PUD development plan; or

3. Rezoning to another zone in accordance with the zoning map amendment procedures of [102-1320](#).

b. For projects to be developed in phases, phase limits must be shown on the PUD development plan and approved by the City Council. The City Council may impose conditions upon the phasing plan as deemed necessary to ensure orderly development, including requirements for financial guarantees ensuring construction of all required improvements.

c. The City Council is authorized to require that the applicant provide a financial guarantee of performance. The form and amount of any required guarantee and the specific elements of the development program that it is intended to guarantee, must be stipulated in the development agreement.

102-13110 (f) PUD SITE PLANS

(1) **Procedure.** PUD site plans are detailed plans for building and site design for the subject property. PUD site plans for properties included in an approved PUD development plan may cover all or part of the property included within an approved PUD development plan. PUD site plans for small-scale PUDs for which no development plan was approved must cover the entire property to be included in the PUD overlay zone. Unless otherwise expressly approved as part of a PUD development plan, such site plan review must follow the procedures for major site plan review in [102-13120 \(e\)](#).

(2) **Effect of Approval.** Approval of a PUD site plan must occur before any building permits are issued for the PUD. PUD site plan approval does not constitute effective dedication of rights-of-way or any other public improvements, nor will the filed plan be the equivalent of or an acceptable alternative for the final platting of land prior to the issuance of building permits in the PUD (if platting is required).

102-13110 (g) DEVELOPMENT AGREEMENTS

As a condition of approval of any (small-scale or large-scale) PUD, the City Council is authorized to require that the subject property owner enter into a development agreement with the City.

102-13110 (h) AMENDMENTS

Amendments to approved PUDs must be processed as new planned unit development applications, including all requirements for fees, notices and public hearings, provided that the zoning administrator is authorized to approve the following:

(1) Any structures or uses authorized to be approved by the zoning administrator at the time of PUD approval; and

(2) Other changes that the zoning administrator determines are insignificant and do not materially modify the PUD approved by City Council.

102-13110 (i) ABANDONMENT OF PUD

If a PUD development plan expires or is abandoned, development is allowed only in compliance with the base zone regulations that apply to the subject property.

102-13120 Site Plans

102-13120 (a) GENERAL

Site Plans are required in order to provide information that will allow a determination of whether proposed buildings, uses, and structures comply with this development code and with other applicable City regulations.

102-13120 (b) APPLICABILITY

Unless otherwise expressly exempted under provisions of this development code, site plan approval is required for all of the following:

- (1) Construction or enlargement a building;
- (2) Movement of a building to any lot;
- (3) Expansion or change in use of a building or lot;
- (4) Modification of a building, accessory structure or land feature in any manner which results in a greater intensity of use, including the construction of additional parking;
- (5) Reconstruction, replacement, or remodeling of material on 50% or more on any part of the exterior of an existing building; and
- (6) Any use or activity for site plan approval for which site plan approval is expressly required under this development code.

102-13120 (c) EXEMPTIONS

Notwithstanding the provisions of [102-13120 \(b\)](#), the following do not require site plan approval:

- (1) Changes in the leasable space on the interior of a multi-tenant building when the change does not intensify the use, require additional parking, or result in an inability to maintain compliance with applicable regulations of this development code; and
- (2) The construction, enlargement, or moving of residential buildings containing 4 or fewer dwelling units.

102-13120 (d) APPLICATION FILING

Site plan applications may be filed by an eligible applicant, as defined in [102-1310 \(d\)](#). Applications must be filed with the zoning administrator.

Article 13 Procedures

102-13120 Site Plans

102-13120 (e) PROCESS; DECISION-MAKING

Two types of site plan review are established under this development code—major site plan review and administrative site plan review.

(1) Major Site Plans. Major site plans require review and recommendation by the Planning & Zoning Commission and final review and decision-making by the City Council.

a. Applicability. The following are subject to the major site plan review process:

1. Site plans that accompany a conditional use permit application, which must be reviewed in accordance with the conditional use permit procedures of [102-1390](#);
2. Site plans that accompany a zoning variance application, which must be reviewed in accordance with the variance procedures of [102-13130](#);
3. Construction of a new building with more than 25,000 square feet of gross floor area and building enlargements resulting in the addition of more than 25,000 square feet of gross floor area.
4. Site plans that qualify as administrative site plans but which are referred by the zoning administrator for processing as a major site plan; and
5. Any other activities for which major site plan approval is expressly identified in this development code.

b. Process

1. **Submittal.** Applications for major site plan approval must be submitted to the zoning administrator.
2. **Public Hearing Notice.** Notice of the Planning & Zoning Commission's required public hearing on a major site plan must be mailed and posted in accordance with [102-1310 \(f\)](#).
3. **Public Hearing.** The Planning & Zoning Commission must conduct a public hearing on all requests for major site plan approval.
4. **Commission Recommendation.** Following the close of the public hearing, the Planning & Zoning Commission must act to recommend that the proposed major site plan be approved

as proposed, approved with modifications or conditions, or disapproved and transmit its report and recommendations to the City Council. The Planning & Zoning Commission may also act to continue the matter for further consideration and deliberation. Motions to approve, approve with modifications or conditions, or disapprove major site plans may be approved by a simple majority vote. If the Planning & Zoning Commission arrives at a tie vote, the application must be forwarded to the City Council with a notation of the tie vote.

5. City Council Action. Following receipt of the Planning & Zoning Commission's recommendation, the City Council must act to approve the major site plan, approve the major site plan with modifications or conditions, or disapprove the major site plan. The City Council is also authorized to continue the matter or remand the proposed major site plan application back to the Planning & Zoning Commission for further consideration. Major site plans may be approved by a simple majority vote of the City Council.

(2) Administrative Site Plans. The zoning administrator has final review and decision-making authority on all site plans except those classified as major site plans in [102-13120 \(e\)\(1\)](#). Following receipt of a complete application, the zoning administrator must review the administrative site plan application and act to approve the site plan, approve the site plan with modifications, or disapprove the site plan. The zoning administrator is also authorized to refer a site plan that is otherwise eligible for processing as an administrative site plan for processing as a major site plan in accordance with [102-13120 \(e\)\(1\)](#). Administrative site plans may be reviewed concurrently with certificates of occupancy (see [102-13140](#)).

(3) Criteria for Site Plan Approval. Final action to approve or disapprove a proposed major site plan or administrative site plan must be based on whether the site plan, as proposed, complies the regulations of this development code and all other applicable regulations.

102-13120 (f) TIME-FRAME FOR FINAL ACTION

In accordance with section 15.99 of the Minnesota Statutes, if the authorized decision-making body does not take action on a site plan application within 60 days of receipt of a complete application, the application is deemed approved, unless:

- (1) The City notifies the applicant that the 60-day rule is being extended; or

(2) The applicant agrees in writing to waive the 60-day rule.

102-13120 (g) EXPIRATION

(1) An approved site plan expires and is void one year after it is approved unless a building permit has been issued and the project has commenced and is diligently pursued to completion. If no building permit is required, the use, improvement or activity that is the subject of the site plan must be in place within the one-year period.

(2) The zoning administrator is authorized to extend the expiration period by up to one year at any time before expiration of the approval. All other requests for extensions must be processed in accordance with the applicable site plan procedures of this section.

102-13130 Zoning Variances

102-13130 (a) GENERAL

A zoning variance is a grant of relief to a property owner from strict compliance with the zoning regulations of this development code.

102-13130 (b) PROCESS

Under this development code, the City Council is the final decision-making authority on requests for zoning variances, following a public hearing and review by the board of appeals and adjustments. See Minnesota Statutes § 462.357, subd. 6 for regulations governing the processing and criteria for the granting of zoning variances.

102-13130 (c) REASONABLE ACCOMMODATION

The zoning variance procedures of this development code notwithstanding, requests for reasonable accommodation in the form of modifications to zoning or other development regulations that pose a barrier to fair housing opportunities for persons with disabilities must be processed in accordance with the Reasonable Accommodation procedures of Chapter 1, Section 1-21 of the City Code.

102-13130 (d) BUILDING PERMITS

No building or structure may be erected or structurally altered until a building permit has been issued for such building or structure. No building permit may be issued except in conformance with an approved conditional use permit or certificate of occupancy application, as applicable.

102-13140 Certificates of Occupancy

102-13140 (a) GENERAL

No building or structure erected, moved or structurally altered, and no portion of an existing building or structure erected or moved may be occupied or used for any purpose whatsoever until a certificate of occupancy has been issued.

102-13140 (b) APPLICATION

Applications for a certificate of occupancy must accompany building permit applications and may be issued when the zoning administrator has found the use and the conditions of the development comply with all applicable provision of this development code.

102-13150 Appeals of Staff Decisions

102-13150 (a) APPLICABILITY

The Board of Appeals and Adjustments is authorized to hear and decide appeals when it is alleged there has been an error in any order, requirement, decision or determination made by the zoning administrator or any other administrative official in the administration and interpretation of this development code.

102-13150 (b) RIGHT TO APPEAL

Except as otherwise expressly stated in this development code, appeals of administrative decisions may be filed by any person aggrieved by, or any department of the City affected by, the administrative official's decision or action.

102-13150 (c) FILING OF APPEAL

Appeals of administrative decisions must be filed with the zoning administrator within 10 days of actual or constructive notice of the decision being appealed.

102-13150 (d) EFFECT OF FILING

The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the zoning administrator or the administrative official who made the decision being appealed certifies to the Board of Appeals and Adjustments, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property, in which case the proceedings will not be stayed unless by a restraining order, which may be granted by the Board of Appeals and Adjustments or by a court of record based on due cause shown.

102-13150 (e) TRANSMITTAL TO BOARD

Upon receipt of a complete notice of appeal, the administrative official whose decision is being appealed must transmit to the Board of Appeals and Adjustments all papers constituting the record upon which the action appealed is taken.

102-13150 (f) NOTICE OF HEARING

Notice of the Board of Appeals and Adjustments required public hearing on the appeal must be published in accordance with [102-1310 \(f\)](#).

102-13150 Appeals of Staff Decisions

Figure 13-F. Zoning Variances



- (1) The City notifies the applicant that the 60-day rule is being extended; or
- (2) The applicant agrees in writing to waive the 60-day rule.

102-13150 (j) APPEALS TO CITY COUNCIL

Any person aggrieved by, or any department of the City affected by, any decision of the Board of Appeals and Adjustments on an appeal of an administrative decision pursuant to this section may appeal that decision to the City Council. The procedures governing appeals to City Council are same as those governing the Board of Appeals and Adjustments, including those pertaining to timing of appeals, public hearings, and reviews and final decisions (see [102-13150 \(c\)](#) through [102-13150 \(j\)](#)).

102-13150 (g) HEARING AND FINAL DECISION

- (1) The Board of Appeals and Adjustments must hold a hearing to consider the appeal.
- (2) Following the close of the hearing, the Board of Appeals and Adjustments must take action on the appeal unless they vote to continue the matter for further consideration and deliberation.
- (3) In exercising the appeal power, the Board of Appeals and Adjustments has all the powers of the administrative official from whom the appeal is taken. The Board of Appeals and Adjustments may affirm or reverse, wholly or in part, or modify the decision being appealed. A simple majority vote of the Board is necessary to reverse an administrative decision.
- (4) In acting on the appeal, the Board of Appeals and Adjustments must grant to the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

102-13150 (h) GENERAL REVIEW CRITERION

An administrative decision may be reversed only if the Board of Appeals and Adjustments finds that the zoning administrator or other administrative official erred.

102-13150 (i) TIME-FRAME FOR FINAL ACTION

In accordance with section 15.99 of the Minnesota Statutes, if the Board of Appeals and Adjustments does not take action on an appeal within 60 days of receipt of a complete filing, the decision being appealed is deemed reversed, unless:

ARTICLE 14 ADMINISTRATION

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102-1410 Review & Decision-Making Bodies

102-1410 Review & Decision-Making Bodies

102-1410 (a) PLANNING AND ZONING COMMISSION

[Sec. 2-68](#) of the City Code establishes basic regulations governing the Planning & Zoning Commission.

102-1410 (b) BOARD OF ADJUSTMENTS AND APPEALS

(1) Designated. The Planning & Zoning Commission serves as the Board of Adjustments and Appeals pursuant to and with the duties and powers set forth in sections 462.351 through 462.363 of the Minnesota Statutes.

(2) Procedure. At their May meeting, the Board of Adjustments and Appeals must elect from its membership a chair and vice-chair. The Board of Adjustments and Appeals is authorized to formulate and adopt rules of procedure. Meetings of the Board must be scheduled once each month at a time and place to be specified in the rules and procedures. Meetings are open to the public.

(3) Powers and Duties. The Board of Adjustments and Appeals has those powers and duties expressly stated in this development code.

(4) Filing. Copies of all resolutions, findings and orders including minutes showing action of the Board of Adjustments and Appeals must be filed with the city clerk and city manager who must notify all concerned parties of actions taken by the Board.

102-1410 (c) ZONING ADMINISTRATOR

The zoning administrator is appointed by the city manager and is responsible for administering and enforcing the provisions of this development code and carrying out those duties expressly identified in this development code, including:

- (1)** Conducting inspections of buildings and use of land to determine compliance with the terms of this development code and, to that end, is authorized and empowered to enter into or upon the premises for such purpose with or without the consent of the owner or occupant;
- (2)** Maintaining permanent and current records of this development code, including all maps, amendments, conditional uses, site plans, subdivision plats, variances, appeals, and certificates of occupancy;
- (3)** Receiving, filing and forwarding all applications for amendments, conditional use permits, subdivision plats, variances, and other matters to the appropriate review and decision-making body;

- (4)** Instituting in the name of the City any appropriate actions or proceedings against a violator as provided by law; and
- (5)** Establishing and enforcing necessary or desirable regulations, in writing, clarifying or explaining any provision of this development code.

102-1420 Violations, Penalties & Enforcement

102-1420 (a) RESPONSIBILITY FOR ENFORCEMENT

The zoning administrator is responsible for enforcing the regulations of this development code. All departments, officials, agencies, and employees vested with the authority to review, recommend or issue development approvals, permits, or licenses must act in accordance with the provisions of this development code.

102-1420 (b) VIOLATIONS

All of the following constitute violations of this development code and are subject to the remedies and penalties provided for in this development code.

- (1)** To use land, buildings, or other structures in any way that is not consistent with the requirements of this development code;
- (2)** To erect a building or other structure in any way not consistent with the requirements of this development code;
- (3)** To install or use a sign in any way not consistent with the requirements of this development code;
- (4)** To engage in the use of a building, structure, or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this development code, without obtaining such required permits or approvals;
- (5)** To engage in the use of a building, structure, or land, the use or installation of a sign, or any other activity for which a permit or approval has been granted under this development code or under previous zoning regulations of the City, that is in any way inconsistent with such permit or approval or any conditions imposed on the permit or approval;
- (6)** To violate the terms of any permit or approval granted under this development code, or under previous zoning regulations of the City, or any condition imposed on the permit or approval;
- (7)** To obscure, obstruct, or destroy any notice required to be posted under this development code;
- (8)** To violate any lawful order issued by any authorized public official; or

- (9) To continue any violation after receipt of notice of a violation.

102-1420 (c) CONTINUING VIOLATIONS

Each day that a violation remains uncorrected after receiving notice of the violation from the City constitutes a separate violation of this development code.

102-1420 (d) PERSONS SUBJECT TO PENALTIES

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, or agent, or other person who commits, participates in, assists in, or maintains a violation of this development code may each be found guilty of a separate offense and be subject to penalties, remedies, and enforcement actions under this development code.

102-1420 (e) REMEDIES AND ENFORCEMENT POWERS

The City has all remedies and enforcement powers allowed by law, including those set forth in Article VII, Chapter 2 of the City Code and the following administrative remedies:

(1) Withhold Permits

- a. The zoning administrator is authorized to deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements upon which there is an uncorrected violation of a provision of this development code, or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This enforcement provision may be used regardless of whether the current owner or applicant is responsible for the violation in question.
- b. The zoning administrator may deny or withhold all permits, certificates or other forms of authorization on any land where an uncorrected violation exists. The zoning administrator may also withhold all permits, certificates, or other forms of authorization on any other land owned land on which an uncorrected violation exists. This enforcement provision maybe used regardless of whether the property for which the permit or other approval is sought is the property in violation.
- c. Instead of withholding or denying a permit or other authorization, the zoning administrator may grant such authorization subject to the condition that the violation be corrected.

(2) Revoke Permits

- a. A permit, certificate, or other form of authorization required under this development code may be

revoked by the zoning administrator when the zoning administrator determines:

- 1. That there are unapproved, significant departures from approved plans or permits;
 - 2. That the development permit was procured by false representation or was issued by mistake; or
 - 3. That any of the provisions of this development code, or any approval previously granted by the City, are being violated.
- b. Written notice of revocation must be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued. If no persons can reasonably be served with notice, the notice must be posted in a prominent location.
- (3) Stop Work.** With or without revoking permits, the zoning administrator may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this development code, or of a permit or other form of authorization, issued under this or previous zoning regulations.
- (4) Forfeiture and Confiscation of Signs on Public Property.** Any sign installed or placed on public property, except in compliance with the regulations of this development code will be considered forfeited to the public and subject to confiscation. In addition to other remedies and penalties of this chapter, the City has the right to recover from the sign owner, or person who placed the sign, the full costs of sign removal and disposal.
- (5) Other Penalties, Remedies and Powers.** The City may seek such other penalties and remedies as are provided by law.
- (6) Continuation of Previous Enforcement Actions.** Nothing in this development code prohibits the continuation of previous enforcement actions, undertaken by the City pursuant to previous valid zoning regulations and laws.

102-1420 (f) REMEDIES CUMULATIVE

The remedies and enforcement powers established in this development code are cumulative, and the City may exercise them in any combination or order. Penalties may be imposed for each and every individual violation.

102-1420 Violations, Penalties & Enforcement

ARTICLE 15 NONCONFORMITIES

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102-1520	Nonconforming Lots	15-2
102-1530	Nonconforming Uses	15-2
102-1540	Nonconforming Structures	15-3
102-1550	Loss of Nonconforming Status	15-3
102-1560	Nonconforming Signs	15-3
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Article 15 Nonconformities
102-1510 General

102-1510 General

102-1510 (a) SCOPE

The regulations of this article govern nonconformities, which are lots, uses, buildings, and other structures and improvements that were lawfully established but—because of the adoption of new or amended zoning regulations—no longer comply with one or more provisions of this development code.

102-1510 (b) PURPOSE

Occasionally, lots, uses, buildings, and other structures and improvements that were lawfully established (i.e., in compliance with all zoning regulations in effect at the time of their establishment) are made nonconforming because of changes in the zoning regulations that apply to the subject property (e.g., through amendments to the zoning map or the text of applicable zoning regulations). The regulations of this article are intended to clarify the effect of this “nonconforming” status and avoid confusion with “illegal” uses and activities (i.e., those established in violation of applicable zoning regulations). The regulations of this article are also intended to:

- (1) Recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established;
- (2) Promote maintenance, reuse and rehabilitation of existing buildings; and
- (3) Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.

102-1510 (c) AUTHORITY TO CONTINUE

Any nonconformity that existed on the effective date specified in [102-110 \(b\)](#) or any situation that becomes nonconforming upon adoption of any amendment to this development code may be continued in accordance with the regulations of this article unless otherwise expressly stated.

102-1510 (d) DETERMINATION OF STATUS

- (1) The burden of proving that a situation has nonconforming status rests entirely with the subject landowner.
- (2) The zoning administrator is authorized to determine whether adequate proof of nonconforming status has been provided by the subject landowner.
- (3) Appeals of the zoning administrator’s decision on nonconforming status determinations may be appealed in accordance with the appeal procedures of [102-13150](#).

102-1510 (e) REPAIRS AND MAINTENANCE

- (1) Nonconformities must be maintained to be safe and in good repair.

- (2) Repairs and normal maintenance that do not increase the extent of nonconformity and that are necessary to keep a nonconformity in sound condition are permitted unless otherwise expressly prohibited by this development code.
- (3) Nothing in this article is intended to prohibit:
 - a. Modifications to nonconforming structures that are necessary to bring them into compliance with the Americans with Disabilities Act (ADA); or
 - b. Modifications to nonconforming structures necessary to ensure their structural integrity and safe condition, as directed in an order from a duly authorized town official.

102-1510 (f) CHANGE OF TENANCY OR OWNERSHIP

Nonconforming status runs with the land and is not affected merely by change of title or possession or by right of possession of property.

102-1520 Nonconforming Lots

102-1520 (a) DESCRIPTION

A nonconforming lot is a lawfully created lot that does not comply with currently applicable minimum lot area or minimum lot width regulations of the zone in which the lot is located.

102-1520 (b) USE OF NONCONFORMING LOTS

A nonconforming lot may be used in accordance with the use regulations of the subject zone, and buildings may be erected on such a nonconforming lot, subject to compliance with all other applicable regulations of this development code.

102-1530 Nonconforming Uses

102-1530 (a) DESCRIPTION

A nonconforming use is a land use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zone in which the use is now located. Lawfully established uses that do not comply with any applicable separation (or spacing) distance requirements (e.g., those that require one land use to be located a certain minimum distance from another zone or land use) are also deemed to be nonconforming uses.

102-1530 (b) CHANGE OF USE

A nonconforming use may be changed to another use only if the new (replacement) use is allowed in the subject zone.

102-1530 (c) EXPANSION OF USE

Nonconforming uses may not be expanded or extended

unless the expansion reduces or eliminates the nonconformity.

102-1530 (d) LOSS OF NONCONFORMING STATUS

A nonconforming use may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except as expressly stated in Minnesota Statutes, section 462.357, subd. 1e(a)(1) and (2).

102-1540 Nonconforming Structures

102-1540 (a) DESCRIPTION

A nonconforming structure is any building or structure, other than a sign, that was lawfully established but no longer complies with applicable building/structure siting and height regulations of the zone in which it is located.

102-1540 (b) USE

A nonconforming structure may be occupied by any use allowed in the zone in which the structure is located, including a lawfully established nonconforming use.

102-1540 (c) ALTERATIONS AND EXPANSIONS

Alterations, including enlargements and expansions, are prohibited unless the proposed alteration or expansion complies with all applicable building siting and height regulations, and does not increase the extent of the existing nonconformity. A building with a nonconforming side setback, for example, may be expanded to the rear as long as the expansion complies with applicable rear setbacks and all other building siting and height regulations. On the other hand, building additions on the side, may not increase or extend the side setback nonconformity.

102-1540 (d) MOVEMENT

A nonconforming structure may be moved to another location on the lot only if the movement or relocation eliminates or reduces the extent of nonconformity.

102-1550 Loss of Nonconforming Status

A nonconforming structure may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except as expressly stated in Minnesota Statutes, section 462.357, subd. 1e(a)(1) and (2).

102-1560 Nonconforming Signs

See [102-10230](#) for regulations governing nonconforming signs.

102-1570 Nonconforming Development Features

102-1570 (a) DESCRIPTION

A nonconforming development feature is any aspect of a development—other than a nonconforming lot, nonconforming use, nonconforming structure, or nonconforming sign—that was lawfully established, in accordance with zoning regulations in effect at the time of its establishment but that no longer complies with one or more regulations of this development code. A common example is a site that does not comply with current landscaping or screening requirements.

102-1570 (b) GENERAL

Nonconforming development features may remain, but the nature and extent of nonconforming site features may not be increased.

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ARTICLE 16 DEFINITIONS & MEASUREMENTS

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Definitions & Measurements
102-1610 Language and Interpretation

102-1610 Language and Interpretation

102-1610 (a) MEANINGS AND INTENT

- (1) All words and terms expressly defined in this development code have the specific meanings assigned unless the context indicates another meaning.
- (2) Words that are not expressly defined in this development code have the meaning assigned in Merriam-Webster’s Collegiate Dictionary.

102-1610 (b) CONJUNCTIONS

Unless the context otherwise expressly indicates, conjunctions have the following meanings:

- (1) “And” indicates that all connected items or provisions apply; and
- (2) “Or” indicates that the connected items or provisions may apply singularly or in combination.

102-1610 (c) COMPUTATION OF TIME

- (1) References to “days” are to calendar days unless otherwise expressly stated. References to “business days” are references to regular City government working days, excluding Saturdays, Sundays and holidays observed by City government.
- (2) The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by City government, that day is excluded.
- (3) A day concludes at the close of business and any materials received by the City after that time will be considered to have been received the following day.

102-1610 (d) TENSES AND USAGE

- (1) Words used in the singular include the plural. The reverse is also true.
- (2) Words used in the present tense include the future tense. The reverse is also true.
- (3) The words “shall,” “will,” and “must” are mandatory.
- (4) The phrase “may not” means that the subject act is prohibited

102-1610 (e) USE DEFINITIONS

See [Article 5](#) for an explanation of the use categorization system used in this development code and for use type definitions.

102-1610 (f) MEASUREMENT-RELATED TERMS

See [102-1620](#).

102-1610 (g) ABBREVIATIONS

Certain terms are sometimes abbreviated in this development code. Abbreviations have the meanings assigned in [Table 16-1](#).

Table 16-1. Abbreviations

ABBREVIATION	MEANING
DNR	Minnesota Department of Natural Resources
Ft.	Feet
In.	Inches
Max.	Maximum
Min.	Minimum
PUD	Planned Unit Development
R.o.w.	Right-of-way
Sq. Ft. or s.f.	Square Feet

102-1610 (h) VERSIONS AND CITATIONS

All references in this development code to other City, state or federal regulations are to be construed as referring to the most up-to-date version and citation for those regulations or successor regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other successor regulations, code requirements for compliance are no longer in effect.

102-1610 (i) LISTS AND EXAMPLES

Unless otherwise expressly indicated, lists of examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

102-1620 Measurements

The following explains the methods for measuring regulations in this code, specifically for building type regulations in Articles 2, 3, and 4.

102-1620 (a) FRACTIONS & ROUNDING GENERALLY

When calculations required under this code result in fractions, any fractional result of less than one-half of the unit of the regulation is rounded down to the whole number and any fractional result of one-half or more of the regulation unit is rounded up to the whole number. For example, if the maximum regulation is 2 feet, a measurement of 1.5 feet (or 1-foot, 6 inches) is rounded up to 2 feet and a measurement of 1.25 feet (or 1-foot, 3 inches) is rounded down to 1 foot. If the maximum regulation is in inches, fractions are rounded to the nearest inch.

102-1620 (b) GENERALLY PARALLEL & PERPENDICULAR

“Generally parallel,” when stated related to lot lines or building facades, means less than 45 degrees off the lot line or facade. “Generally perpendicular,” when stated related to lot lines or building facades, means more than 45 degrees off the lot line or facade in any direction.

102-1620 (c) LOT AREA

Lot area is measured as the total ground-level surface area contained within the lot lines of a lot.

102-1620 (d) LOT WIDTH

Lot width is the horizontal distance measured along the minimum front setback line between the side lot lines of a lot, measured along the minimum front setback line. If no minimum front setback is required, lot width is measured along the front lot line.

102-1620 (e) FRONT STREETWALL

(1) Definition. The minimum amount of building facade required along and generally parallel to a front street lot line.

(2) Measurement: Minimum Percentage of Streetwall. The minimum percentage of front streetwall must be equal to or greater than the width of the principal structures, as measured within the build-to zone along the frontage edge, divided by the length of the lot line parallel to the front street, minus side setbacks. See [Figure 16-A](#).

(3) Measurement: Maximum Streetwall. The maximum streetwall is the measurement along all front facades that are generally parallel and facing the lot line, measured from the edge of the facade horizontally to the opposite edge of the facade.

(4) Height. The streetwall or building facade being measured must meet the minimum height required for the building type.

(5) Courtyard and Other Allowances. Courtyards and other allowances may be listed in the supplemental regulations for the building type as exceptions. The length of opening may be deducted from lot line dimension for the minimum percentage of streetwall. Courtyard facades facing the front street do not count towards maximum streetwalls.

102-1620 (f) SETBACKS & BUILD-TO ZONES

The following applies to front and non-front street required setbacks and build-to zones.

(1) Measurement: Buildings. Required minimum setbacks and build-to zones (minimum and maximum setbacks) are generally parallel and measured from the applicable lot line, right-of-way line, or specific location referred to in the applicable regulation, to the nearest exterior building wall.

- a. Street (front and non-front) setbacks and build-to zones are measured from the actual right-of-way line of the street. (Alleys are not considered streets and typically abut side or rear lot lines.)

- b. Side or interior-side setbacks are measured from the nearest side lot line that does not abut a street.
- c. Rear setbacks are measured from the rear lot line.
- d. On through-lots, the required front or non-front setback must be provided for each street frontage, depending on whether the abutting street is a front or non-front street. (See [102-1680](#) for definitions.) Generally applicable regulations apply per [102-360\(e\)](#) and supplemental building regulations for the building type may have additional requirements.

(2) Minimum Pedestrian Area. See supplemental building regulations for each building type for regulations requiring a minimum pedestrian area. Where the minimum area does not exist, the build-to zone must be measured from the edge of the expanded minimum pedestrian area into the lot.

(3) Exceptions to Maximum Setbacks. Upper-story recessed balcony facades and courtyard facades are not required to meet the maximum setbacks.

$$\frac{\text{Width of Building within Build-to Zone}}{\text{Length Front Street Lot Line Minus Minimum Side Setbacks}} = \text{Front Streetwall \%}$$

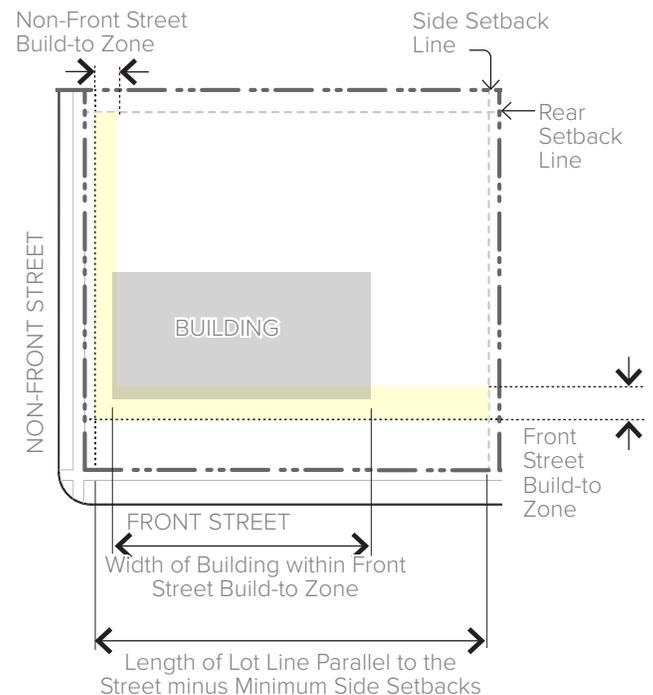


Figure 16-A. Measuring Front Streetwall

Definitions & Measurements
102-1620 Measurements

- (4) Allowed Encroachments.** Allowed encroachments into minimum setbacks are as follows, unless otherwise established in the building type regulations:
- a. Minor Building Projections in All Yards for All Building Types.** Roof overhangs, eaves, cornices, chimneys, bays, and other architectural features may encroach up to 2 ft. into any yard no closer than 1 foot from the lot line on the lot side.
 - b. Porches in Front Yards.** Porches, stoops, decks, awnings encroaching into setbacks or beyond maximum setbacks into street yards are regulated in the building siting and supplemental regulations section for each building type.
 - c. Steps and Ramps in Front Yards.** Steps and ramps in front yards may encroach fully into any street yard up to within 1 foot of any lot line.
 - d. Porches, Stoops, Decks in Rear and Side Yards.** Open (unenclosed) or screened porches, stoops, awnings, decks, ramps, and steps may encroach into the side or rear yard up to within 1 foot of any lot line.

- (5) Setbacks on Irregular Lots.** Setbacks are measured from lot lines towards the center of the lot as follows:
- a.** When lot lines are curvilinear, setbacks must be measured generally parallel to the curvilinear lot line.

- b.** When there are multiple rear lot lines, the rear setback must be measured from each of rear lot lines.
 - c.** When there is no rear lot line, the rear setback must be measured as a radial distance from the intersection of side lot lines at the rear of the lot.
- (6) Contextual Setbacks.** The average yard depth of existing abutting and adjacent buildings is used to determine the applicable prevailing setback for the subject lot.
- a. Measurement.** Street setbacks are determined by calculating the mean yard depth that exists on the nearest 2 lots on either side of the subject lot.
 - 1.** If one or more of the lots required to be included in the contextual setback calculation is vacant, the vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zone.
 - 2.** Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley are not used in computing the contextual setback.
 - 3.** When the subject lot is a corner lot, the mean street yard depth will be computed on the basis of the nearest 2 lots with frontage on the same street as the subject lot.
 - 4.** When the subject lot abuts a corner lot with frontage on the same street, the mean yard depth will be computed on the basis of the abutting corner lot and the nearest 2 lots with frontage on the same street as the subject lot.

- b. Administrative Exception.** If it is determined that the nearest yard depths do not apply, the Zoning administrator may approve an administrative exception to the prevailing setback requirement and the required minimum and/or maximum setback in the code applies.

- (7) Waterway or Trail Frontage.** A waterway or trail frontage setback is measured from the required easement or right-of-way into the lot perpendicular to the easement or lot line.

- (8) Measurement: Elements Other than Buildings.** Minimum setbacks that apply to elements other than buildings (e.g. parking areas, fences, storage areas) are measured from the lot line, right-of-way line, or specific location referred to in the applicable regulations, to the nearest point of the feature.

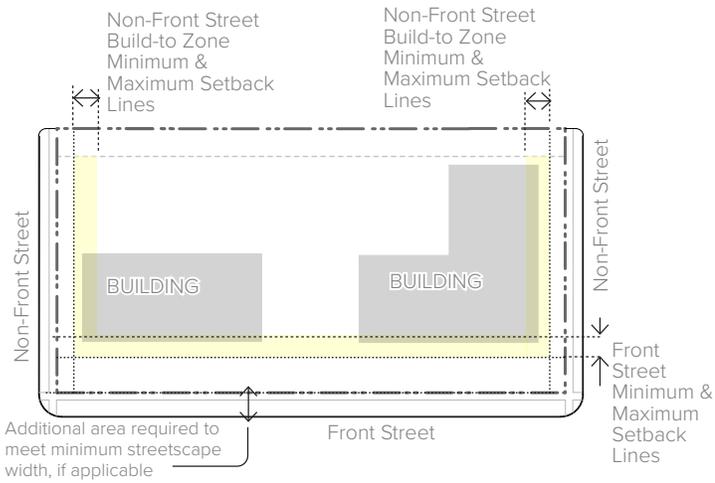


Figure 16-B. Minimum & Maximum Setbacks

102-1620 (g) SITE COVERAGE

Impervious site coverage is measured as the maximum percentage of a lot that may be covered by impervious surfaces. An additional percentage of the lot may also be covered by semi-pervious surfaces and green roofs.

- (1) Impervious Surfaces.** Any land or portion of a site covered by constructed features that prevent the direct percolation of surface water into the underlying earth. Examples include buildings, paved parking and streets, walls and terraces, swimming pools, sidewalks, hard surface playing courts, paved driveways.
- (2) Semi-Pervious Surfaces.** Semi-pervious materials are those that allow at least 40% absorption of water into the ground or plant material, such as semi-pervious pavers, semi-pervious asphalt, and semi-pervious concrete.
- (3) Green Roofs.** Green, or vegetated, roofs are covered with vegetation, a growing medium, and a waterproofing membrane. For the purposes of this code, green roofs must allow at least a 40% reduction in roof runoff, through methods such as filtration and evapotranspiration.

102-1620 (h) ATTACHED GARAGE AND DOOR LOCATION

- (1) Garage Setback Measurement.**
 - a. Dimensional Setback.** The attached garage setback is measured from the front facade of the building, located generally parallel and facing the front lot line. The setback is intended to promote the use of the area directly behind the front facade of any building for people and not the parking of vehicles.
 - b. No Closer to Lot Line Than the Principal Building or Facade.** The garage facade facing a front lot line must be located farther from the lot line than the front facade.
- (2) Garage Door Location.** Any garage door must be located on one of the designated facades of the building.

102-1620 (i) LIMITED SIDE YARD PARKING

Where allowed, limited side yard parking is located in the interior side yard and must be configured as one double- or single-loaded aisle of parking with the centerline of the aisle located perpendicular to the street.

102-1620 (j) BUILDING HEIGHT IN FEET

Where the height of a building is regulated in overall feet and not stories, the following applies:

- (1) Measurement.** The overall building height is measured from the average grade at the base of the building along all street facades to the top of the roof type, except to the midpoint of the highest gable on a pitched roof.
- (2) Minimum Height.** When a minimum height in feet is required, the entire building, including any exposed basement and roofs, must meet the minimum height.
- (3) Maximum Height.** The building, including any visible basement, roof, or tower, may not exceed the overall maximum height in feet.

102-1620 (k) BUILDING HEIGHT IN STORIES

See [Figure 16-C](#). The building height is measured in stories plus any visible basement, exposed basement, roof type, and tower.

- (1) Minimum Height.** Each building type requires a minimum number of stories.
 - a.** The building must meet the minimum required height along all front street facades and for a depth of at least 30 feet into the building.
 - b.** All building facades located within the build-to zone must meet the required minimum building height.
- (2) Maximum Height.** Maximum heights specified in number of stories applies to the entire building.
 - a.** The maximum number of stories may not be exceeded due to sloped sites without an administrative exception.
 - b.** Heights must step with the grade in order to not exceed the maximum allowable height. See [Figure 16-F](#).
- (3) Towers.** When expressly allowed in the building type tables as an allowed roof type, towers may exceed the overall maximum height of the subject building type (see [102-720 \(f\)](#)).
- (4) Roof Type.** Roof types per [102-720](#) are allowed by building type regulations (see [Article 2](#) and [Article 3](#)).
- (5) Half Stories.** Half stories are stories either located fully within the roof type or in a visible basement.
 - a. Roof.** Where occupied building space is allowed within the roof type (see [102-720](#)), any space within the roof and within the floor to floor height of the building type counts as a half story towards the overall allowable height.
 - b. Visible Basement.** See [Figure 16-D](#) for diagram and explanation of a visible basement.

Definitions & Measurements

102-1620 Measurements

- c. Two Half Stories.** If a building has both a half story within the roof and a half story that is a visible basement, the combined height of the 2 half stories is considered one full story.
- (6) Basements.** See [Figure 16-D](#) for illustration of basements. See [102-1640](#) for definitions of basements and visible basements.
- a.** Any building may have a basement, unless expressly prohibited in this code.
- b.** Visible basements count as a half story towards the minimum or maximum height of a building. Basements that are not visible basements do not count as a half story.
- c.** A basement may contain any use allowed within the building, including those allowed only in upper stories.
- (7) Story Height.** Each story is measured with a range of permitted floor-to-floor heights. See [Figure 16-C](#).
- a. Measurement.** All story heights are measured in feet between the floor of a story to the floor of the story above it. Minimum and maximum floor-to-floor heights are required along a minimum of 80% of each facade's horizontal length for each story.
- b. Ground Story.** When noted as a separate story height, the ground-story height must extend from the front street facade into the building a minimum of 20 feet. The remainder of the ground-story may meet either the front street frontage ground-story heights or the height range permitted for all stories.
- c. Single-Story Buildings and Top-Story Measurement.** For single-story buildings and the uppermost story of a multi-story building, the floor-to-floor height is measured from the floor of the story to the ceiling, unless a specific height is provided for a single-story building.
- d. Mezzanines.** Mezzanines may be included within the allowed floor-to-floor height of any story. Mezzanines occupying more than 30% of the floor area below and extending above the story's allowable floor-to-floor height must count as an additional story and must comply with minimum transparency requirements for the subject building type.
- e. Taller Spaces.** Spaces exceeding the allowable floor-to-floor heights of the building type are permitted for a maximum of 20% the length of street facades.

102-1620 (l) HEIGHT EXCEPTIONS

- (1)** The following may be up to one-half the height of the maximum actual height of the tallest portion of the building:
- a.** Antennas;
- b.** Cooling towers;
- c.** Flag poles;
- d.** Smoke stacks; and
- e.** Water towers.
- (2)** Heights in excess of these limits may be permitted only by approval of a conditional use permit.

102-1620 (m) TRANSPARENCY

- (1) Definition of Transparency.** For the purposes of this code, transparency is the measurement of the percentage of a facade that contains highly transparent, low-reflectance glass.
- a. Storefront.** When transparency is required separately for front street ground-story facades, glass must be a minimum of 60% transmittance factor and a reflectance factor of not greater than 0.25.
- b. All Other Windows.** Transparency for all window, door glass, and other storefront glass must be a minimum of 50% transmittance factor and a reflectance factor of not greater than 0.25.
- c. False Windows.** The use of false or faux windows, where the window is visible from the exterior with no opening from the interior, to meet the transparency requirement is not allowed.
- (2) Measurement.** Minimum facade transparency is measured from floor-to-floor of each story separately, except for required minimum ground-story transparency as defined below.
- a.** Transparency requirements must be met with windows or glass in doors that comply with applicable transmittance and reflectance factors.
- b.** The measurement may include the frame, mullions, and muntins, but may not include trim or casing.
- (3) Blank Wall Segments.** Where applicable per the building type regulations, blank wall segments on all facades must meet the following:
- a.** No rectangular areas greater than 30% of a story's facade, as measured floor to floor, may be blank wall, without transparency. See [Figure 16-H](#).

Definitions & Measurements

102-1620 Measurements

■ = Site Coverage
■ = Permeable Paving calculated at 75% of area

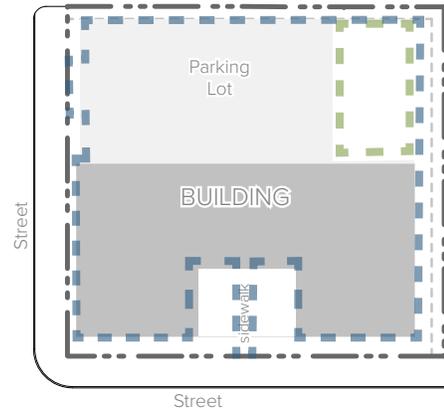


Figure 16-E. Site Coverage

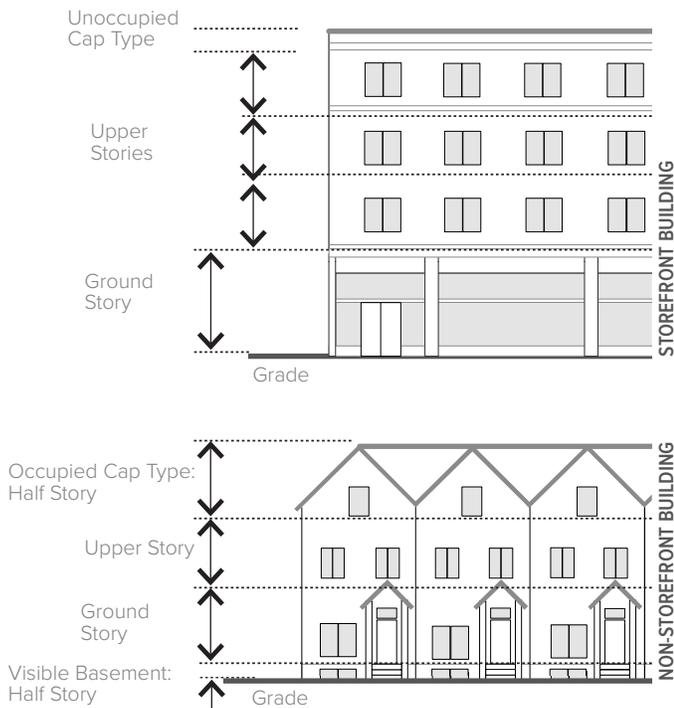


Figure 16-C. Measuring Building Height

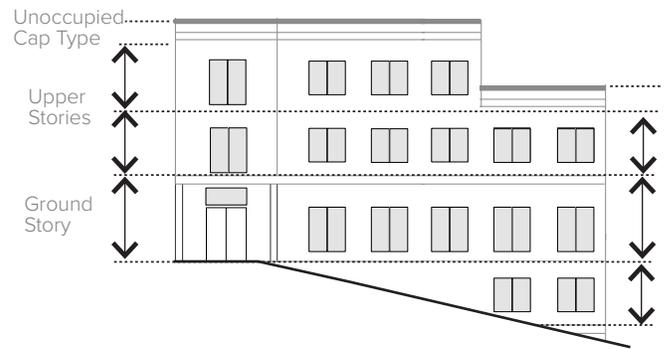


Figure 16-F. Measuring Height along a Sloped Street

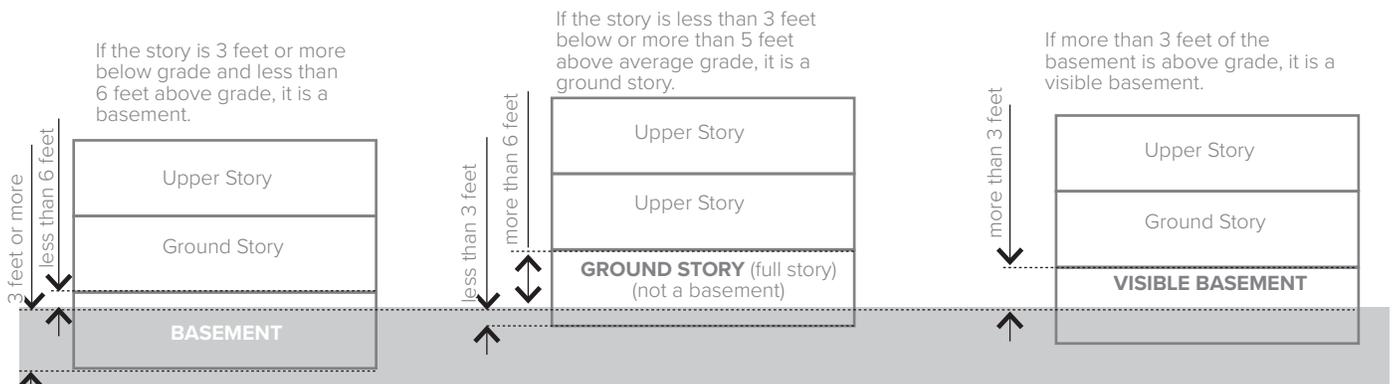


Figure 16-D. Basements & Visible Basements

102-1620 Measurements

- b.** No horizontal segments of a story's facade greater than 15 feet in width may be blank wall, without transparency. See [Figure 16-I](#).
- (4) Exception.** When the facade of any story is located less than 5 feet from another parallel building facade, no minimum transparency is required for that story.
- (5) Minimum Ground-Story Transparency.** When a separate minimum ground-story transparency is required per the building type regulations, ground-story transparency is measured between 2 feet and 10 feet from the average grade at the base of the facade.
- (6) Mezzanines.** Mezzanines are treated as a separate story and must include the required upper-story transparency amounts.
- (7) Tall Stories.** Stories that are 18 feet or taller in height must include additional transparency consistent with the following standards. See [Figure 16-J](#).
 - a. Separate Ground-Story Transparency Required.**

When a separate minimum ground-story transparency is required per the building type, the facade design must fulfill that requirement in addition to the minimum transparency for the remainder of the ground-story.
 - b. No Separate Ground-Story Transparency Required.**

Where no separate ground story transparency is required per building type, a tall story is treated as 2 separate stories, divided in half horizontally, with the minimum transparency applied to each half.
- (8) Half Stories.** All half story facades located within the roof structure and within visible basements must meet the minimum required transparency for the facade.

102-1620 (n) BUILDING ENTRANCES

Entrances must be provided consistent with the entrance location and number requirements established for the building type and consistent with [Figure 16-K](#).

Definitions & Measurements

102-1620 Measurements

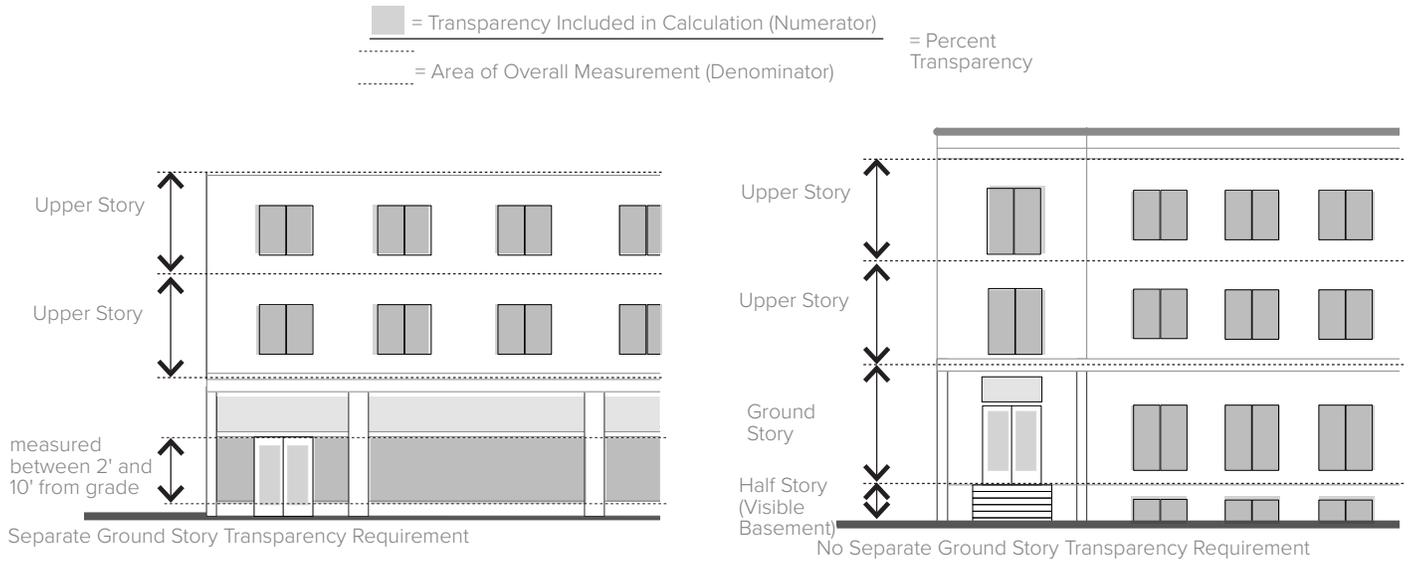


Figure 16-G. Measuring Transparency Floor-to-Floor

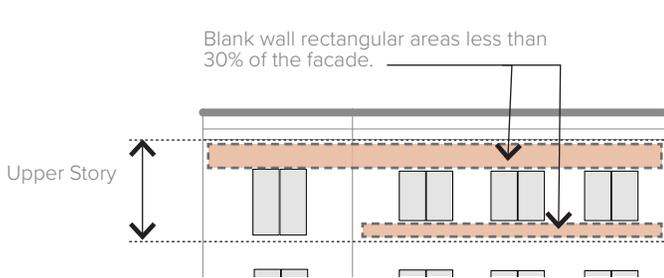


Figure 16-H. Blank Wall Segments (1)

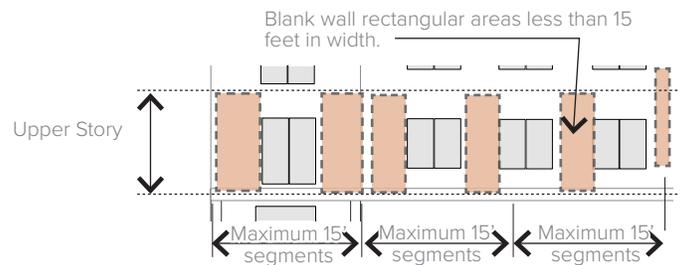


Figure 16-I. Blank Wall Segments (2)

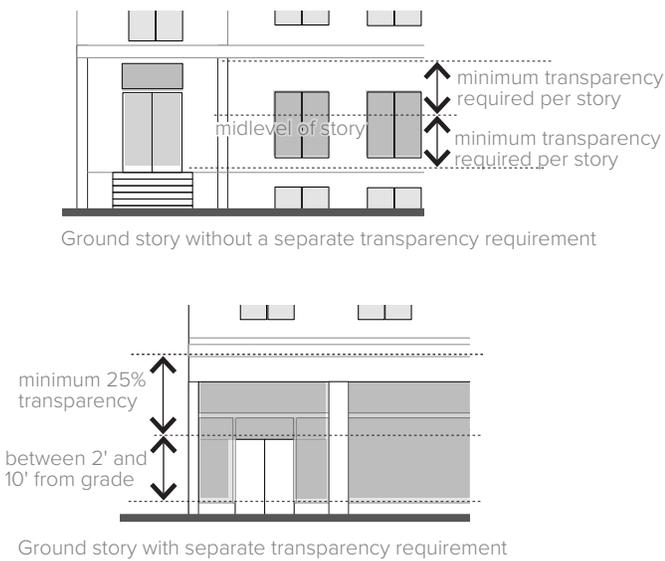


Figure 16-J. Measuring Transparency on Taller Stories

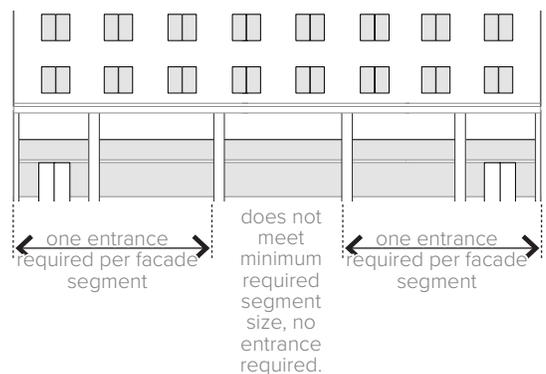


Figure 16-K. Entrances

102-1630 Terms Beginning with "A"

102-1630 Terms Beginning with "A"

ABUTTING. To touch or share a contiguous boundary or border.

ACCESSORY DWELLING UNIT (ADU). Dwelling units that are subordinate and ancillary to the principal residential use of the subject lot. Accessory dwelling units may come in the form of backyard cottages or secondary suites, subject to the regulations of [102-620](#) or [102-640](#), respectively.

ACCESSORY STRUCTURE. A subordinate structure detached from but located on the same lot or abutting lot owned by the same person who is the owner of the principal structure the use of which is incidental and accessory to that of the principal structure.

ACCESSORY OR ANCILLARY USE. A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

ADDITION. A physical enlargement of an existing structure.

ADJACENT. Lying near or in the immediate vicinity.

ALLEY. Public or private right-of-way that affords only secondary access to abutting properties, typically at the rear or sides.

ANIMAL. Any warm-blooded mammal, inclusive of, but not limited to, dogs and cats, as well as any reptiles or birds of prey. For the purposes of this chapter, when the specific animal type is not described, such as dog, the term "animal" applies to all forms of animals as described herein.

ANTENNA. A system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which system is external to or attached to the exterior of any structure. See also "wireless communications antenna."

APPLICANT. Any person who wishes to obtain a building permit, zoning, or subdivision approval.

102-1640 Terms Beginning with "B"

BASEMENT. That portion of a building having more than 3 feet of its floor-to-ceiling height below the average finished grade of the adjoining ground and with a floor-to-ceiling height of 7.5 feet or more. See [Figure 16-D](#). Basement, visible. A basement having more than 3 feet of its floor-to-ceiling height above the average finished grade of the adjoining ground. See [102-1620 \(k\)\(6\)](#) and [Figure 16-D](#).

BATTERY CHARGING STATION. An electrical component, assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

BATTERY ELECTRIC VEHICLE. Any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero tailpipe emissions or pollution when stationary or operating.

BLOCK. An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

BLOCK FACE. All lots abutting one side of a street between the two nearest intersecting streets.

BOULEVARD. That portion of any public or private right-of-way that has not been constructed or otherwise designated for traffic.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy; may be composed of multiple units.

BUILDING, ACCESSORY. A building, the use of which is incidental or complimentary to the principal use on a lot; an accessory building is:

- (1) Detached if it is located more than 6 feet from the nearest wall of the principal building; or
- (2) Attached if located 6 feet or less therefrom.

BUILDING(S), PRINCIPAL. A building or buildings in which the principal use of a subject lot is conducted.

BUFFER AREA. A landscaped or natural area intended to separate and partially obstruct the view of 2 adjacent land uses or properties from one another.

102-1650 Terms Beginning with "C"

CARPORT. See Garage.

CELLAR. See Basement, [102-1640](#). Channel. A natural or constructed depression with a bed and banks to confine and conduct, either continuously or periodically, the water in a creek or stream.

CHARGING LEVELS (ELECTRIC VEHICLE). The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and DC are the most common charging levels, and include the following specifications:

- (1) Level 1 is considered slow charging with 120v outlets.

- (2) Level 2 is considered medium charging with 240v outlets, charging head and cord hard-wired to the circuit.
- (3) DC is considered fast or rapid charging. Voltage is greater than 240.

CITY. The City of Hopkins, Minnesota.

COLLOCATION. The use of a wireless communications facility by more than one wireless telecommunications provider.

COMMERCIAL VEHICLES. Any of the following:

- (1) A dump truck, a step van, a tow truck, a semi-tractor or trailer, a tank truck, a tractor, a bus, a construction vehicle or equipment, an earth moving vehicle or equipment, van or pickup with a manufacturer's nominal rated carrying capacity of more than one ton;
- (2) Commercial equipment has been added to the vehicle such as winches or snow plows;
- (3) A pickup with a non-standard pickup box; or
- (4) A trailer loaded with another commercial vehicle or commercial equipment.

COMPREHENSIVE PLAN. That compilation of material, statements, goals, standards and maps adopted by the Planning & Zoning Commission and used by the Planning & Zoning Commission in making recommendations for guiding the orderly development of the private and public sectors of the City.

CONDITIONAL USE PERMIT. A permit specially and individually granted by the City Council after public hearing thereon by the Planning & Zoning Commission for the purposes specified in this development code.

CONTINUOUS SCROLLING. To move electronic text across a display screen.

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

COURTYARD. A courtyard is any open air, uncovered landscape, sidewalk, patio, terrace, or deck area, enclosed on at least 3 sides and with a maximum opening of 50% of any street facade.

102-1660 Terms Beginning with "D"

DRIVE-IN OR DRIVE-THROUGH. A facility, structure or use affording transactions of a business or service while occupying a vehicle.

DRIVEWAY. An improved access that connects an off-street parking space to the public right-of-way.

DUMPSTER. A container with a capacity of 1 cubic yard or more that is designed for receiving, transporting, and depositing waste materials produced by uses that are on the subject site. Dumpsters are typically designed to be hoisted and emptied into a garbage truck.

DWELLING UNIT. That part of a building intended to be occupied for residence purposes, but not including rooms in motels, hotels, nursing homes, boarding houses, trailers, cabins or mobile homes.

DWELLING UNIT, ACCESSORY (ADU). A dwelling unit that is subordinate and ancillary to the principal residential use on the subject lot. There are two types of accessory dwelling units: backyard cottages and secondary suites, both of which are subject to the applicable regulations of [Article 6](#).

102-1670 Terms Beginning with "E"

EASEMENT. A grant by a property owner of the use of a strip of land, for the purpose of constructing and maintaining, utilities, including, but not limited to, wetlands, ponding areas, sanitary sewers, water mains, electric line, telephone lines, storm sewer drainage way and gas lines.

ELECTRIC VEHICLE. A vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off-grid source, that is stored on board for motive purposes. "Electric vehicle" includes:

- (1) Battery electric vehicle; and
- (2) Plug-in hybrid electric vehicle.

ELECTRIC VEHICLE CHARGING STATION (EVCS). A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

ELECTRIC VEHICLE CHARGING STATION, ACCESSIBLE. An electric vehicle charging station in which the battery charging station is located within accessible reach of a barrier-free access aisle and a parked electric vehicle.

ELECTRIC VEHICLE CHARGING STATION, PRIVATE RESTRICTED USE. An electric vehicle charging station that is not accessible to the general public.

ELECTRIC VEHICLE CHARGING STATION, PUBLIC USE. An electric vehicle charging station that is accessible to the general public.

102-1680 Terms Beginning with "F"

ELECTRIC VEHICLE, PLUG-IN HYBRID. An electric vehicle that:

- (1) Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;
- (2) Charges its battery primarily by connecting to the grid or other off-board electrical source;
- (3) May additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and
- (4) Has the ability to travel powered by electricity.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). Any equipment or electrical component used in charging electric vehicles at a specific location. EVSE does not include equipment located on the electric vehicles themselves.

ELECTRIC VEHICLE INFRASTRUCTURE. Conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.

ELECTRIC VEHICLE PARKING SPACE. Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

ELECTRICAL CAPACITY. Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger or conduit from an electric panel to future EVCS locations.

EQUAL DEGREE OF ENCROACHMENT. A method determining the location of encroachment lines so that the hydraulic capacity of floodplain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to floodplain encroachment.

EQUIPMENT SHELTER OR CABINET/GROUND EQUIPMENT. An enclosed structure at the base of or near a tower or antennae within which are housed, among other things, batteries, wireless communications facilities or electrical equipment, which may be connected to the antenna or tower by cable.

102-1680 Terms Beginning with "F"

FACADE, SIDE STREET. A building facade generally parallel to and facing the right-of-way line along a non-front street.

FACADE, FRONT. A building facade generally parallel and facing the right-of-way line along a front street.

FACADE, REAR. Any facade of a building generally parallel to and facing the rear lot line.

FACADE, SIDE. Any facade of a building generally parallel to and facing a side or interior side lot line.

FACADE, STREET. Any facade of a building generally parallel to and facing any street right-of-way and including bays or minor walls perpendicular to the facade. The facade may be a front or non-front street facade, depending on whether it is facing a front or non-front street, respectively.

FACE BRICK. A masonry building block or clay baked in a kiln until hard.

FENCE. A structure serving as a barrier or boundary, usually made of posts or stakes joined together by board, wire, or rails.

FLOOD. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

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

FLOOD FRINGE. That portion of the floodplain outside of the floodway. The term "flood fringe" is synonymous with the term "floodway fringe" used in the flood insurance study for the City.

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

FLOODPROOFING. A combination of structural provisions, changes or an adjustment to properties and structure, subject to flooding, primarily for the reduction or elimination of flood damage.

FLOODWAY. The channel and those portions of the floodplain adjoining the channel that are reasonably required to carry and discharge the regional flood.

FLOOR AREA. That part of the gross floor area devoted to that portion of the structure designed and used for the business and services offered, available and accessible to the public and to those employees directly involved.

FRONTAGE, NON-FRONT STREET. The portion of a lot or building abutting or directly adjacent to a non-front street right-of-way.

FRONTAGE, FRONT STREET. The portion of a lot or building abutting or directly adjacent to a front street right-of-way.

FRONTAGE, STREET. The portion of a lot or building abutting or directly adjacent to a street right-of-way.

102-1690 Terms Beginning with "G"

GARAGE. A detached or attached accessory building or carport, used primarily for covered storage of passenger vehicles or one truck of a rate capacity not exceeding 9,000 pounds. Carports are considered garages within this definition.

GARAGE, ATTACHED. A garage, the roof of which is attached to the principal building.

GARAGE SALE. The irregular display and purveyance of goods, wares, and merchandise in or on any residential area.

GRADE, AVERAGE. The vertical locations of the ground surface of a site after completion of all site preparation work.

GRADE, SLOPE, OR GRADIENT. The vertical rise or drop from any fixed horizontal line or point.

GREEN ROOF. Vegetated roof covers, with growing media and plants taking the place of bare membrane, gravel ballast, shingles or tiles. The number of layers and the layer placement may vary from system to system and green roof type, but at a minimum all green roofs include a single to multi-ply waterproofing layer, drainage, growing media and the plants, covering the entire roof deck surface. There are 2 main types of green roofs, extensive or intensive, although a green roof is often designed with features of both and then referred to as either semi-extensive or semi-intensive.

102-16100 Terms Beginning with "H"

HARDSCAPE. Non-living materials, and their use and design, that constitute one component of landscaping. Hardscape includes paving, walls or fences, concrete, asphalt, stone, or other hard surface that may be used to construct retaining walls, paths, walkways, decks, terraces, accent features, and enclosures.

HOME OCCUPATION. An accessory use of a dwelling unit for business or commercial purposes. Home occupations are subject to the regulations of [102-650](#).

HOURS, DAYTIME. Daytime hours are those from 6:00 a.m. to 9:00 p.m.

HOURS, NIGHTTIME. From 9:00 p.m. to 6:00 a.m.

HOUSEHOLD. An individual or 2 or more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than 4 persons not so related maintaining a common household and using common cooking and sanitary facilities.

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

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

102-16110 Terms Beginning with "I"

IMPROVEMENTS. The construction or installation of public or private utilities, including, but not limited to, potable water, sanitary sewer system, storm sewer, roads and other thoroughfares, sidewalk, curb and gutter, paving, barricades, trees and other plantings, lighting, fuel or energy and the transmission thereof, power, transportation systems or facilities connected therewith, communication systems that are necessary, desirable or convenient in the maintenance of the health, safety and the general welfare.

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.

102-16120 Terms Beginning with "J"

JUNK VEHICLE. Any motor vehicle that is not in operable condition, partially dismantled, used for sale of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling, or salvage of any kind or that is not properly licensed for operation.

102-16130 Terms Beginning with "K"

RESERVED

102-16140 Terms Beginning with "L"

LAND DISTURBING OR DEVELOPMENT ACTIVITIES. Any change of the land surface including removing vegetative cover, excavation, filling grading, and the construction of any structure.

LANDSCAPE (OR LANDSCAPED) AREA. The area on a site that is landscaped with the installation and maintenance typically of a combination of trees, shrubs, and groundcover plants to improve the site's aesthetic quality. Does not include bare soil, uncultivated vegetation, impervious surfaces, and gravel.

LIVABLE SPACE. An area that is habitable for the entire year.

102-16150 Terms Beginning with "M"

LOADING BERTH (OR SPACE). An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials and merchandise.

LOT. A contiguous area of land as recorded in a deed, or on a recorded plan, as in a duly filed A-2 survey.

LOT. A designated parcel of land separately established and described by plat, subdivision, registered land survey or as otherwise permitted by law. The term "lot" also refers to any single parcel of land that is assigned an individual property identification number for real estate taxation purposes.

LOT AREA. See [102-1620 \(c\)](#).

LOT, CORNER. A lot situated at the junction of, and abutting on 2 or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

LOT, DEPTH. The mean horizontal distance between the front and the rear lot lines of a lot.

LOT, FLAG. Lots or parcels with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels that normally required street frontage.

LOT LINE. A property line of record bounding one lot from another lot or from a public or private street or any other public or private space, except that where any portion of the lot extends into any proposed or existing public right-of-way the right-of-way limit between the center and lot itself is the lot line.

LOT LINE, FRONT. The boundary of a lot that abuts an existing or proposed front street.

LOT LINE, REAR. The boundary line of a lot that is typically opposite the front lot line and abutting rear lot lines of other lots.

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

LOT LINE, SIDE STREET. Any boundary of a lot that abuts an existing or proposed side street.

STREET LOT LINE. A line dividing a lot from a public right-of-way.

LOT OF RECORD. A lot, the legal description of that was lawfully established prior to August 11, 1966, in the office of the county recorder or registrar of titles, and that has lot lines identical to those described as of August 11, 1966.

LOT, THROUGH. Also called a double frontage lot. A lot, not a corner lot, that has a pair of opposite lot lines that abut upon street other than alleys.

LOT WIDTH. See [102-1620 \(d\)](#).

102-16150 Terms Beginning with "M"

MANUFACTURED HOME. A structure, transportable in one or more sections, that in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, when erected on-site, is 320 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term "manufactured home" includes any structure that meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this chapter.

MANUFACTURED HOME LOT. A parcel of land for the placement of a single manufactured home and the exclusive use of its occupants.

MANUFACTURING. To bring something into being by forming, shaping, combining, or altering materials.

MASSAGE THERAPY OR THERAPEUTIC MASSAGE. A scientific health care or health maintenance technique or procedure carried out by a massage therapist involving the massaging, kneading, rubbing, stroking, tapping, pounding, vibrating, or stimulating of the human skin, muscles and tissues for no other purpose than physical fitness, health-care referral, healing, relaxation, or beautification.

MASSAGE THERAPIST. A person, other than a person licensed as a medical doctor; chiropractor; osteopath; podiatrist; licensed nurse; physical therapist; athletic director or trainer; or beautician or barber who confines his treatment to the scalp, face and neck; who for compensation practices and provides therapeutic massage; and who can prove completion of a minimum of 500 hours of class credits of course work from a recognized massage therapy school.

MEDICAL MARIJUANA. Any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins and is delivered in the form of a liquid, but not limited to, oil; pill; or vaporized delivery method with use of liquid or oil but that does not require the use of dried leaves or plant form that has been approved by the Planning & Zoning Commissioner of the State Department of Health under Minnesota Statutes section 152.25.

MOTOR VEHICLE. Every vehicle that is self-propelled. The term "motor vehicle" does not include lawn mowers or snow blowers.

102-16160 Terms Beginning with "N"

NONCONFORMING LOT. See [102-1520](#).

NONCONFORMING STRUCTURE. See [102-1540](#).

NONCONFORMING USE. See [102-1540](#).

NON-PASSENGER VEHICLE. A commercial, military, or recreational vehicle or trailer.

NOXIOUS MATTER OR MATERIAL. Material that is capable of causing detrimental effects to the physical or economic well-being of individuals, animals or other living organisms.

102-16170 Terms Beginning with "O"

OBSTRUCTION. A dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into the floodplain, water course, or regulatory flood hazard area that may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry same downstream to the damage of life or property. The term does not include trees in an upright and natural growing position located in the channel.

OCCASIONAL SALES. Sales of tangible property at retail occurring no more than 7 days per calendar month in an industrial zone.

OCCUPIED BUILDING SPACE. Interior building space occupiable by people, not including storage, mechanical, utility, or garage space.

OPEN SALES LOT. Land devoted to the display of goods for sale, rent, lease, advertising or trade where such goods are not enclosed within a building.

OUTDOOR STORAGE. Exterior depository, stockpiling, or safekeeping of all merchandise, materials, supplies, products (finished or unfinished), equipment, vehicles or trailers, or the like.

OUTLOT. A parcel of land, included in a plat, that is smaller than the minimum size permitted for lots and that is thereby declared unbuildable until combined through platting with additional land; or a parcel of land that is included in a plat and that is at least double the minimum size and that is

thereby subject to future platting prior to development; or a parcel of land that is included in a plat and that is designated for public or private open space, right-of-way, utilities or other similar purposes. An outlot is unbuildable and no permits to construct upon or improve an outlot may be issued.

102-16180 Terms Beginning with "P"

PARAPET. A low wall or railing at the edge of a platform, roof, or bridge.

PARKING AREAS. Those structures or parcels of land set aside, maintained and available for vehicle parking.

PARKING SPACE. An improved paved or gravel area on a lot or within a building intended for parking of a motor vehicle and that has access to a public street. This term is used interchangeably with parking stall and parking facility.

PARKS AND PLAYGROUNDS. Public lands and open spaces in the City dedicated for and usable for recreation purposes.

PASSENGER VEHICLE. An automobile, station wagon, van, sports utility vehicle, minivan, pickup truck, or motorcycle designed and primarily intended for on-street operation. Passenger vehicles do not include commercial vehicles, military, recreational vehicles, racing cars, limousines, or stock cars.

PEDESTRIAN AREA. The area behind the back of curb designed for pedestrian travel, including the sidewalk and streetscape area between the sidewalk and street for street planting and/or street furnishings.

PEDESTRIANWAY. A public or private right-of-way within a block to provide access for pedestrians and that may be used for utilities.

PERSON. Any individual, firm, corporation, partnership, franchisee, association, or governmental entity.

PORCH. See [102-730 \(d\)](#).

PORTABLE STORAGE UNIT. A self-contained unit that is used for temporary storage.

PRELIMINARY PLAT. The temporary map, drawing or chart indicating the proposed layout of the subdivision to be submitted hereunder in compliance with the City plan and these regulations including required supporting data.

PUBLIC IMPROVEMENT, REQUIRED. Those improvements in any proposed subdivision, including streets, concrete curb and gutter, water and sewer systems and stormwater

102-16190 Terms Beginning with "Q"

drainage systems, that are required in connection with the approval of any plat or other subdivision.

PUBLIC WATERS. A body of water capable of substantial beneficial public use; the term does not mean any body of water that has the potential to support any type of recreational pursuit or water supply purpose; a body of water created by a private user where there was no previous shore land for a designated private use authorized by the Planning & Zoning Commissioner is not included.

102-16190 Terms Beginning with "Q"

RESERVED

102-16200 Terms Beginning with "R"

RAILROAD RIGHT-OF-WAY. A strip of land with tracks and auxiliary facilities for track operations but not including depots, loading platforms, LCL tracks, train sheds or other support structures.

REACH. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between 2 consecutive bridge crossings would most typically constitute a reach.

RECREATIONAL VEHICLE. Any of the following:

- (1) Travel trailers, including those that telescope or fold down, chassis-mounted campers, house cars, motor homes, tent trailers, slip-in campers and converted vans that are motor homes as defined herein.
- (2) Vehicles that provide temporary living quarters. A vehicle provides temporary living quarters if it:
 - a. Is not used as the residence of the owner or occupant;
 - b. Is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities; and
 - c. Is self-propelled or capable of being towed on public roads.
- (3) Non-motorized trailers intended and generally used for transporting boats.
- (4) Snowmobiles, all-terrain vehicles, boats and any type of watercraft. When such vehicles that are placed on a utility trailer, the vehicle and the trailer combined are considered a single recreational vehicle.

REGIONAL FLOOD. A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur

on an average frequency in the magnitude of the 100 year recurrence interval. The term "regional flood" is synonymous with the term "base flood" used in the flood insurance study.

REGULATORY FLOOD PROTECTION ELEVATION. An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

RENEWABLE ENERGY EASEMENT, SOLAR 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, as defined in M.S.A. § 500.30, subd. 3 or most recent version

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.

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

RIGHT-OF-WAY. An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

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.

102-16210 Terms Beginning with "S"

SEDIMENT. Solid matter carried by water, sewage, or other liquids.

SETBACK. The minimum distance from any lot line that an improvement may be placed, measured perpendicularly from the lot line to the closest point of the improvement.

SETBACK LINE. A line that is the specified setback distance from and parallel to any lot line.

SHADOW LINE. An architectural feature consisting of a typically decorative, 3-dimensional, linear element, horizontal or vertical, protruding or indented at least 1.5 inch in depth from the exterior facade of a building, and creating a shadow on the facade with light overhead, and extending, with limited interruption, the length or height of the designated story. Examples may include cast stone cornices or lintels, pilasters, or stepped brick coursing.

SIGN. See the sign-related definitions in [102-1010 \(f\)](#).

SOLAR GARDEN, COMMUNITY (SOLAR GARDEN). A roof or ground mounted solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with M.S.A. § 216B.1641 or successor statute.

SOLAR ACCESS. Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

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 SYSTEM. A device or structure design feature, the 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 generation, or water heating.

SOLAR ENERGY SYSTEM, ACTIVE. A solar energy system whose primary purpose is to harvest energy by transferring solar energy into another form of energy or transferring heat from a solar collector to another medium using mechanical, electrical, or chemical means.

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

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

SOLAR ENERGY SYSTEM, GROUND MOUNTED. A freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

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

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

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

SOLAR ENERGY SYSTEM, ROOF MOUNTED. A solar energy system mounted on a rack that is fastened to or ballasted on the roof of a principal or accessory building.

SOLAR FARM. A ground mounted commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity.

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 AIR SYSTEM (ALSO REFERRED TO AS SOLAR AIR HEAT OR SOLAR FURNACE). A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

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. Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

SOLAR RESOURCE. A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the

102-16220 Terms Beginning with "T"

hours of 9:00 AM and 3:00 PM Standard time on all days of the year.

STEALTH DESIGN. A wireless communication facility that is designed to be screened or to blend in with its surroundings and appropriately models or mimics the size, shape and color of something in the immediately surrounding area that could be legally placed there at the time the application is submitted. Examples of stealth design include architecturally screened and roof-mounted antennas, facilities integrated into architectural elements, and facilities designed to blend with or be integrated into light poles, utility poles, trees, steeples, or flag poles.

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

STORY, GROUND. Also called ground floor. The story closest to the ground level that does not meet the definition of a basement.

STORY, HALF. See measuring of building height, [102-1620 \(k\)\(5\)](#).

STREET. Any category of a public right-of-way the width of which conforms to the standards set forth in the minimum subdivision design standards set forth in this section and includes the following classes:

- (1) **Collector street.** A street that carries traffic from minor streets to thoroughfares: the term includes the principal entrance streets of a residential development and streets for circulation within such a development;
- (2) **Cul-de-sac.** A street with only one outlet and having a turnaround;
- (3) **Minor street.** A street used primarily for access to the abutting properties;
- (4) **Service street, lane or road.** A street that is parallel and adjacent to a thoroughfare and that provides access to abutting properties and protection from through traffic;
- (5) **Thoroughfare.** A street primarily designed to carry large volumes of traffic: a thoroughfare has considerable continuity and is used primarily as a major traffic artery for travel between large areas.

STREET, FRONT. A primary street designated as a front street where principal building entrances and fronts of buildings face the street.

STREET, MAJOR. For the purposes of this code, a street with a right-of-way wider than 120 feet.

STREET, SIDE. A minor street designated as a side street that is not a front street or an alley.

STREETWALL. The portion of the building facade that is located generally parallel and facing the street right-of-way line.

STREET WIDTH. The shortest distance between the lines delineating the right-of-way of a street;

STRUCTURE. Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria.

SWIMMING POOL. Any permanent or temporary structure, basin, chamber, or tank containing water used for swimming, diving, or recreational bathing and having a depth of more than 2 feet at any point and a surface area exceeding 250 square feet, or a total volume in excess of 3,000 gallons.

SWIMMING POOL, PRIVATE. Any swimming pool permanent or temporary located on private property and under the control of the owner of a single-family dwelling or owner-occupant of a 2 dwelling unit and for the exclusive use by his family or invited guests.

SUBDIVIDER. A person having sufficient proprietary interest in land in order to subdivide the same under this development code.

SUBDIVISION. Any arrangement, revision, rearrangement, or other division of land by platting, registered land survey or conveyance, on the part of any subdivider, into 2 or more separate parcels, each of which has an area as defined and regulated in Minnesota Statutes §§ 462.351 through 462.365.

102-16220 Terms Beginning with "T"

TELECOMMUNICATIONS TOWER OR TOWER. A self-supported lattice, guyed or monopole structure constructed from grade that supports wireless communication facilities.

THOROUGHFARE, MAJOR. Those streets as shown on the City major thoroughfare plan.

TRAILER. Any vehicle designed for carrying property on its own structure and for being drawn by a motor vehicle.

TRANSIT STATIONS. Passenger stations for vehicular and rail mass transit systems.

102-16230 Terms Beginning with "U"

TRANSMISSION TOWER, COMMERCIAL. A structure situated on a nonresidential site on which transmitting and/or receiving antennas are located, excluding those use exclusively for public safety communications. An AM radio tower is its own transmitting antenna.

TRANSMISSION TOWER, HEIGHT. The height of a transmission tower is the total maximum to which it is capable of being raised and is measured from the highest point of the finished grade adjacent to the structure if ground-mounted or roof-mounted.

102-16230 Terms Beginning with "U"

UNBUNDLED PARKING. Off-street parking spaces that are provided for residential uses as an optional, fee-based amenity, rather than "bundling" the cost of such parking spaces into the rental or sales price of dwelling units.

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

USE, PERMITTED. A use that may be lawfully established in a particular zone, provided it conforms with all requirements, regulations and performance standards if any of the zone.

USE, PRINCIPAL. The main use of land or buildings as distinguished from subordinate or accessory uses; a principal use may be either permitted or conditional.

102-16240 Terms Beginning with "V"

RESERVED

102-16250 Terms Beginning with "W"

WETLANDS. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this definition, wetlands must have the following 3 attributes:

- (1) Have a predominance of hydric soils;
- (2) Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (3) Under normal circumstances support a prevalence of such vegetation.

102-16260 Terms Beginning with "X"

RESERVED

102-16270 Terms Beginning with "Y"

YARD. An actual (as opposed to required) open space on any lot that is unoccupied by a building or structure from its lowest ground level indefinitely upward; a yard is measured from the lot line to the vertical wall of the principal structure or structures.

YARD, FRONT. A street yard extending along the full width of the front lot line between side lot lines and lying between the principal building and the abutting front street right-of-way line.

YARD, INTERIOR. On lots with multiple buildings, a yard between any principal buildings that does not abut any lot line.

YARD, REAR. A yard extending along the full width of the lot between side lot lines, but not including any side street yard, and lying between the rear of the principal building and the rear lot line.

YARD, SIDE. A yard extending along the side lot line between the front and rear yards, and lying between the interior side of the principal building and the side lot line.

YARD, SIDE STREET. A street yard extending between the principal building and a non-front street right-of-way and lying between the front yard and the rear lot line.

YARD, STREET. Any yard between the principal building and a street right-of-way.

102-16280 Terms Beginning with "Z"

ZONING ADMINISTRATOR. The person appointed by the city manager as provided by this development code.

ZONE. An area or areas within the limits of the City for which the regulations and requirements governing use, lot and size of building and premises are uniform.

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